PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 343

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1999–2000

COMPRISING PERIOD
24 January—4 February 2000

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OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 343**

FIFTH VOLUME OF SESSION 1999–2000

House of Commons

Monday 24 January 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Bowman Tactical Communications System

1. **Sir Geoffrey Johnson Smith** (Wealden): When he expects the Bowman tactical communications system to be delivered to the armed services. [104533]

The Secretary of State for Defence (Mr. Geoffrey Hoon): We inherited not only a serious delay in the replacement for the Clansman radio, but an unsatisfactory mechanism for producing its replacement, the Bowman system.

We will therefore deliver Bowman incrementally, using smart procurement principles. As a result, initial deliveries of the personal role radio element of Bowman should now be possible from the end of 2001. We expect the main Bowman system to enter service in late 2003 or early 2004, subject to good performance by industry.

Sir Geoffrey Johnson Smith: The overall delay is a further slippage on top of what has happened in the past and has added to a long list of slippages on such things as the beyond-visual-range anti-aircraft missile—BVRAAM—the heavy lift, and ASTOR—the airborne stand-off radar. Can the right hon. Gentleman assure the House with confidence that these slippages have nothing to do with pressure from the Chancellor of the Exchequer?

Mr. Hoon: I can, because the right hon. Gentleman has been a Member of the House for much longer than I have, and he has watched the previous Government's performance. He mentioned slippage in relation to Bowman. I remind him that, on that project, the Government inherited slippage of 75 months—more than six years. I know that the right hon. Gentleman looks at defence matters very seriously, and I am sure that, if he had looked at the matter in the round, he would have recognised that the problems of slippage in relation to that programme did not result largely from financial concerns but, in particular, from the need to ensure that British forces had the best equipment available to them, bearing in mind the significant technological changes over the period.

Kosovo

2. **Mr. Gerald Howarth** (Aldershot): What is the additional cost to the Defence budget in 1999–2000 of British military operations in Kosovo; and if HM Treasury has agreed to increase the Defence vote to cover that cost. [104534]

The Secretary of State for Defence (Mr. Geoffrey Hoon): As at the end of October, the Ministry of Defence had incurred net additional expenditure of £125 million on Kosovo operations during this financial year. That figure is expected to rise to just below £400 million by the end of 1999–2000. The Government have agreed that these costs will be covered by the reserve. The details are currently being discussed and will be included in the Department's spring supplementary estimates.

Mr. Howarth: Given the catalogue of cuts that have been inflicted on our armed services by the present

Government, including the shortage of fuel for the Royal Navy, the lack of medical treatment for our service men and women, and the defective and unreliable weaponry with which our troops were sent into Kosovo, I think that the Secretary of State will agree that he owes it to the House to confirm to us today that the shortfall that has been incurred as a result of the Kosovan war will be made good by the Treasury in this financial year and to tell us that the stock of missiles and bombs that were expended during the Kosovan war will be replenished. If, however, he merely tells us that it is all the fault of the previous Conservative Government, what has he been doing about it for the past two and a half years?

Mr. Hoon: If the hon. Gentleman had listened more carefully to my answer, he would have found that I had already given the assurance that he asked for in relation to his supplementary question. It is important to remind the House, when the hon. Gentleman talks about the catalogue of cuts, that we are talking about a reduction in the defence budget of around 3 per cent. in real terms over three years. That compares unfavourably with the record of the Conservative party, which cut defence spending by a third from the 1980s onwards—cuts for which the hon. Gentleman enthusiastically voted.

Ms Rachel Squire (Dunfermline, West): May I very much welcome the assurances given by my right hon. Friend? They once again demonstrate that the present Government's and the previous Government's management of defence spending are like chalk and cheese. Will he once again agree that Conservative Members who were members of the Government who cut defence spending by nearly one third have no right to preach on defence spending? Will he further agree that this Labour Government, through their strategic defence review, demonstrated their clear commitment to equipping the armed forces to play a leading role in humanitarian and peacekeeping efforts in the years to come?

Mr. Hoon: I am grateful to my hon. Friend. Obviously, there is almost no limit to what could be spent under a defence budget heading, and it is the responsibility of any Government—including the previous Government—to maximise our defence capability within a reasonable share of public spending as a whole. Obviously, it was the aim of the strategic defence review to achieve that. The result is a balanced, better focused defence programme, which provides the defence capabilities required to meet this country's defence and security responsibilities now and into the future.

Mr. Menzies Campbell (North-East Fife): I hope the Secretary of State will forgive me, but there was a hint of complacency in that and his previous answer. The Army is short of tanks, the Royal Air Force is short of aircraft and the Navy is short of fuel and reliable medical services. All those shortages have a debilitating effect on morale and on capability. The root cause is inadequate resources, especially the so-called 3 per cent. annual efficiency saving that the Treasury exacted as its price for supporting the strategic defence review. In the light of those circumstances, how can we be confident that the Government will have the finance available to place the order for the necessary heavy-lift aircraft and the aircraft carriers that are central to the expeditionary strategy that underpins the strategic defence review?

Mr. Hoon: I am sorry that the right hon. and learned Gentleman has been rather carried away by some of the more lurid headlines that he has read recently in newspapers. He generally takes a very responsible attitude towards such matters, but, sadly, some of the headlines were stimulated by the right hon. and learned Gentleman himself. None of the shortages that he claims is true. In particular, the matter that he raised over the weekend about the availability of aircraft was the result of snapshot statistics that were supplied to him together with a clear explanation that aircraft can be made ready at very short notice. Most aircraft can be made ready within hours and that is not a sign that we are short of aircraft. Indeed, the Royal Air Force carried out all of its operations over Kosovo and continues to carry out operations over Iraq without the slightest difficulty.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): I am sure that my right hon. Friend is aware of reports and assessments that the police force that was envisaged for Kosovo has not been put in place. If that is so, will not many more armed forces be required for a longer period and will they not have to play a larger role? Has my right hon. Friend included that in the assessment that he has given to the House?

Mr. Hoon: Of course, that is strictly the responsibility of the United Nations and its administration in Kosovo. Certainly, the United Kingdom has made police officers available and will continue to do so subject to the international requirements.

Mr. Julian Brazier (Canterbury): In the light of his earlier answer, can the Secretary of State confirm that we are severely short of Army manpower, severely short of RAF air crew at a time when the airlines are not recruiting and that we have cancelled—some of them for financial reasons—most of our major exercises this year?

On Kosovo, will the Secretary of State tell us what will happen to the £110 million that has been spent on providing winter accommodation for our armed forces? In late January, much of that accommodation is still not ready, so will that money be funded by the Treasury and what will be done about the contractors who have failed to deliver on time?

Mr. Hoon: The hon. Gentleman asks a number of different questions. First, let me disagree with the use of the word "severely". At any time in any armed forces there are vacancies. Recruitment for our armed forces has been extremely successful lately, as the hon. Gentleman knows from his experience as a member of the Defence Committee. The specific problem that successive Governments have faced with the armed forces has been not recruitment, but retention. Urgent measures have been put in place to deal with that and the latest statistics suggest that things are improving, and improving quite quickly. There is no severe shortage along the lines that the hon. Gentleman suggests.

On accommodation in Kosovo, the hon. Gentleman, like me, will be disappointed that, as a result of, in particular, failures by the contractors and of some changes

in specifications, we have not been able to provide the winter accommodation as early as was originally planned. Great efforts are being made by the contractors and they have been put under a great deal of pressure by the Ministry of Defence to move as quickly as they can. The first accommodation will be made available before the end of this month, but other accommodation will be delayed beyond that which was originally envisaged as part of the contract. We shall look carefully at the contract to see what kind of compensation can be secured from the contractors for their late delivery.

Mr. Tam Dalyell (Linlithgow): What is the £400 million doing to protect the non-Albanians in Kosovo?

Mr. Hoon: A great deal of effort has been made to secure the basic objective of our forces being deployed in Kosovo, which is to protect minorities. We went in there for humanitarian reasons and were very successful in ensuring the end to the atrocities against the Albanian community. Equally, I recognise that it is incumbent on international forces to protect the Serbian minority. They are doing that each and every day, and, in particular, the British forces are doing that very successfully.

Mr. Richard Ottaway (Croydon, South): Does the Secretary of State recall the anecdote of the American admiral, who signalled the British fleet, "How's the world's second largest navy", to which our man replied, "Fine; how's the second best?" Does he accept that if the British fleet is stuck in port due to fuel shortages, it will never have the chance to prove that it is the best in the world? It is no good him telling us, just to save his face, that there are 25 ships at sea this afternoon. Will he guarantee that the Navy will have enough fuel to meet both its training and its operational requirements and that he will never again cut the Navy's fuel budget by 30 per cent. just to reinstate it by 25 per cent., as he did this year?

Mr. Hoon: I do not recognise the hon. Gentleman's description of the Royal Navy. He suggests by implication that, somehow, significant deployments can be organised in a matter of days, but, given half a minute's thought, he must know that deployments such as those of the past week take months and, sometimes, years to organise. If he gave a little thought to his observations, he would realise that much of what he has just said is nonsense.

The Navy has not been stuck in port in the way the hon. Gentleman describes. A significant number of ships was tied up over Christmas, as happens every Christmas, reflecting the understandable concern—I hope—of those responsible for the Navy to ensure that people in the service can spend as much time as possible with their families during the holidays. That happened during this holiday period, and during every previous one. There is nothing new for him to criticise.

Armed Forces (Women)

3. **Mrs. Eileen Gordon** (Romford): How many women joined the armed forces in 1999. [104535]

The Minister for the Armed Forces (Mr. John Spellar): Figures for the whole of 1999 are not yet available. In the 12 months up to 1 December 1999, 3,258 women were recruited into the armed forces from civilian life. That represents 13 per cent. of the total intake.

Mrs. Gordon: I thank the Minister for that reply and congratulate the armed forces on that achievement. As in Parliament, we women play a valuable role and make a valuable contribution—and we need more of them. Has the increase been sustained across the three services? Are there posts still not open to women? If so, will he review those restrictions? I think particularly of ones that prevail at present in the Army.

Mr. Spellar: I was out on an exercise on HMS Cornwall this week, where men and women were working together as a team very effectively. *[Interruption.]* Contrary to the slurs cast on them by Conservative Members, they were in extremely good heart and, as one would expect, very professional. Morale was extremely good. Their picture of the armed forces is totally different from Conservative Members' politically motivated slurs.

In 1998-99, 3,431 women were recruited—the highest ever percentage. On positions in the forces, the Army is looking at the question of the front line and also the teeth arms, and is due to report in April 2001.

Mr. Michael Fabricant (Lichfield): Does the Minister agree that women play an important role in the armed forces and that, despite what some people think, they play a valuable role too on board ship in close proximity to men? Does he believe that there is a lesson to be learned for those who took a particular view when the Secretary of State made his recent statement?

Mr. Spellar: I am pleased to reinforce what the hon. Gentleman says about the very good role played by women in the armed forces. I was also pleased by the balanced response from the services to the Secretary of State's statement, in which he announced our response to the legal judgment of the European Court of Human Rights.

Short-term Strategic Airlift Programme

4. **Mr. Tim Collins** (Westmorland and Lonsdale): If he will make an announcement on the preferred bidder for the short-term strategic airlift programme. [104538]

The Secretary of State for Defence (Mr. Geoffrey Hoon): We are assessing proposals from three companies: Boeing, Air Foyle Ltd. and HeavyLift Cargo Airlines Ltd. We shall make an announcement as soon as possible.

Mr. Collins: I thank the Secretary of State for that reply, but will he guarantee that the RAF will get the aircraft that it wants, not the aircraft that Downing street, for political reasons, decides is convenient? Will he guarantee that the timing will be determined according to strategic necessity, not Treasury pressure? If he is tempted to repeat his earlier allegations about the record of the previous Government,

he should recall that, during Labour's previous periods in office, his lot were all unilateralists who wanted to cut our defence budget in half.

Mr. Hoon: Obviously, when considering such important investments, it is necessary to look at all relevant factors, including performance, cost and industrial issues.

Mr. Barry Jones (Alyn and Deeside): Does my right hon. Friend agree that the matter has dragged on? He might recollect that, of the three delegations to Ministers that I have led, the first was to see Mr. Jonathan Aitken. The 4,000 airbus workers in my constituency hope that the A400M option is his Ministry's choice. If the C-17 were chosen, it would send to the British aerospace industry the wrong signal about its future. Will my right hon. Friend give the matter his careful consideration, in the knowledge that my constituents would build an extremely good wing for the A400M?

Mr. Hoon: We certainly appreciate the significance of the decision that has to be taken. We fully appreciate the importance of making progress, which is why we are urgently examining ways of enhancing aircraft capability in the short term, as well as in the long term, to which my right hon. Friend refers.

Mr. Keith Simpson (Mid-Norfolk): The Secretary of State has said that the decision is an important one. The RAF is looking forward to receiving the aircraft, but will the right hon. Gentleman confirm that the RAF equipment budget is overspent? If so, how is it to afford the aircraft?

Mr. Hoon: The RAF equipment budget is not overspent. In assessing carefully the way in which that budget will be allocated, the short-term and longer-term heavy lift requirement will be uppermost in the minds of Ministers.

European Defence and Security Co-operation

5. **Mr. Mike Gapes** (Ilford, South): If he will make a statement on Britain's contribution to European defence and security co–operation. [104539]

The Secretary of State for Defence (Mr. Geoffrey Hoon): The United Kingdom continues to play a leading role in shaping European policy on defence and security matters. The conclusions of the Helsinki European Council in December are fully in line with our European defence initiative, which my right hon. Friend the Prime Minister launched just over one year ago.

Mr. Gapes: Does my right hon. Friend agree that, at a time of growing international uncertainty and worrying signs of global unilateralism in the United States, it is ever more important that European countries co-operate in the cause of effective defence? Does he share my view that although it might be difficult for some countries to increase defence spending, we clearly do not currently obtain the capabilities we should obtain in return for the spending we make? Is there not a strong case for better, more effective use of resources and less duplication among European allies?

Mr. Hoon: I agree with my hon. Friend. NATO Ministers have recognised the need to improve investments in key capability areas. All European nations will need to spend their defence budgets more effectively. Indeed, many are looking to emulate Britain's success and experience with the strategic defence review.

Mr. Nicholas Soames (Mid-Sussex): Does the right hon. Gentleman accept that no one is not in favour of sensible European defence co-operation, or does not agree with the point made by the hon. Member for Ilford, South (Mr. Gapes) about not duplicating resources? However, is the right hon. Gentleman aware of the grave concern, in NATO and elsewhere, that the sort of moves recently proposed by the Prime Minister are likely to lead to some extremely difficult reactions from our NATO colleagues? Is it not far better that NATO arrangements should be left to stand as they are, under NATO command, and that alternative European defence arrangements should be drawn up that do not in any sense conflict with the NATO command structure?

Mr. Hoon: I have made it clear on several occasions on which the issues have been discussed in the House that there will not be any sort of duplication, nor any sort of conflict between proposals made within the European Union context and our obligations under NATO. For many years, NATO Ministers have endorsed that approach because they recognise that, by strengthening the European pillar of NATO, we strengthen NATO as a whole.

Mr. Ken Maginnis (Fermanagh and South Tyrone): The Secretary of State will not have failed to note that Shorts SMS, which was jointly owned by Bombardier and Thomson-CSF, is now fully owned by Thomson-CSF. That should satisfy the Europhiles, who it appears would turn their backs on our United States allies. Will the Minister take note that Shorts SMS has very good relationships with American companies such as Raytheon and that there has been a free transfer of technology to Shorts SMS from some of its American allies? Will he ensure that support for Shorts and the fine work that it is doing continues, despite the persuasion of others that only European relationships are of importance?

Mr. Hoon: I congratulate the hon. Gentleman on his ingenuity in raising what I take to be if not a specific constituency interest, a more general one on behalf of his constituents. We are greatly concerned to ensure that for British industry, whether it is subcontracting for ultimately American-owned companies or for European or British-owned companies, we take fully into account all the contributions that are made in relation to each and every project. I shall take his observations into account in relation to both the generality and any specific contract that he might have had in mind.

Mr. Denzil Davies (Llanelli): On the matter of European defence policy and co-operation, what role is it

envisaged that Britain's nuclear capability will play, and what discussions have Her Majesty's Government had with the French Government in that regard?

Mr. Hoon: The co-operation that we have with our European partners will not affect in any way the use and deployment of Britain's nuclear deterrent. However, there is a long-standing process of discussion and agreement involving the two nuclear nations in Europe. France and Britain have co-operated together. If my right hon. Friend had in mind a particular article that appeared recently in *The Spectator*, I can assure him that the great majority of it was based on fantasy.

Housing

6. **Mr. James Gray** (North Wiltshire): If he will make a statement on the refurbishment of service families' housing. [104540]

The Parliamentary Under-Secretary of State for Defence (Mr. Peter Kilfoyle): We are spending £470 million on a comprehensive programme to refurbish service families housing. Currently those families' quarters which have been upgraded total 7,958, or 14 per cent. A further 23,514, or 42 per cent., are close to this standard. The remaining families' quarters are at various stages of upgrade and it is planned that the programme will be complete by the end of 2005.

Mr. Gray: I thank the Minister for that answer, but does he admit that about £11 million has been cut from the budget this year for the much-needed refurbishment of service accommodation? About 30,000 service families are currently living in substandard housing. Is he not concerned about the many vacant houses? For example, at RAF Lyneham in my constituency, there are about 80 houses vacant on a relatively small site. In that context, will he take an early opportunity to have a word with Councillor Mrs. Elizabeth Hitchens, the Liberal Democrat housing chairman on the North Wiltshire district council, who by chance is also a Ministry of Defence employee and the manager of the said 80 empty houses at RAF Lyneham?

Mr. Kilfoyle: I try to avoid talking to Lib Dem housing spokesmen. We have one in the city which I represent in part. The Lib Dems are making a big enough mess there to compensate for everywhere else.

The hon. Gentleman will be well aware that the plans for RAF Lyneham, in which I know he takes a tremendous interest, will include upgrading the Slessor road, Melsome road and Preston lane estates. I am sure that he will be happy about that. There is no reduction in the money that has been allocated for these purposes. The hon. Gentleman should examine the record of the Conservative party when it was in government before he came into the House, and the debacle of Annington Homes, when properties were sold off in a so-called private finance initiative, which seemed to be balanced entirely in the interests of the Nomura bank rather than those of the families housed in those properties.

Dr. Doug Naysmith (Bristol, North-West): Does the Minister agree that the previous Government's actions, especially on the sale of married quarters, were totally botched and appalling value for money for the taxpayer?

Mr. Kilfoyle: I have to agree with my hon. Friend; the previous Government did a botched-up job. We—including the families who are forced to live in substandard accommodation—have had to pay the price for the deal that the previous Government did, which partly financed tax cuts that the country could not afford. The people who lived in those houses could not afford for money to be dissipated in that way.

Mr. Nick Hawkins (Surrey Heath): The Minister knows that there is a great deal of service accommodation in my constituency. He will recall that in various sessions of Defence questions last year, I raised grave anxieties with the Minister for the Armed Forces about the way in which discussions were conducted between Ministry of Defence officials, especially Defence Estates officials, and officers of my local borough council. They bypassed the interests of elected representatives.

The Minister will be as shocked as I was to hear that, in the past few weeks, Ministry of Defence officials attempted to talk in confidence to officers of the council, thus completely bypassing councillors of all three parties who have a democratic mandate. There is anxiety about married quarters accommodation, and the danger of sweetheart deals between Defence Estates officials and developers, who will ignore the interests of local people. Will the Minister and his colleagues give a further rocket to officials in Defence Estates and ensure that those of all three parties who are democratically elected are consulted first about issues that relate to Deepcut and the Royal Logistic Corps and other defence sites?

Mr. Kilfoyle: The hon. Gentleman will know that there is a long-standing and well-established procedure of confidentiality in such discussions. I am not sure whether he is clear about the difference between Defence Estates and the Defence Housing Executive. We are firmly committed to ensuring that those who live in substandard housing will live in housing of an appropriate quality by the end of the programme in 2005.

Many improvements are already under way. I cannot speak about specific housing in the hon. Gentleman's constituency, but the work that has been done on housing in, for example, Catterick, is of a standard that we want to achieve for all our service families.

Asset Sales

7. **Mr. David Ruffley** (Bury St. Edmunds): If his Department's targets for efficiency savings and receipts from asset sales have so far been achieved. [104541]

The Parliamentary Under-Secretary of State for Defence (Mr. Peter Kilfoyle): The Ministry of Defence's targets for efficiency improvements and the sale of surplus estate assets cover the period 1998 to 2002, as set out in the Department's public service agreement. The targets for 1998-99 were achieved, with efficiency savings of £594 million against a target of £505 million, and receipts from asset sales of £158 million against a target

of £150 million. The Department is on track to meet its targets in this financial year and over the remainder of the PSA period.

Mr. Ruffley: I draw the Minister's attention to the comments of Admiral Sir John Brigstocke. He said that £1.5 million, which had been earmarked for the Surgeon General's department, is being wiped out as efficiency savings. In other words, that represents £1.5 million of budget cuts. In the light of that, does the Minister understand the contempt of serving men and women in our armed forces for a Government who are happy to send them into battle zones but do not have the decency to fund the health care that they need when they fall sick?

Mr. Kilfoyle: That was a good try, but wholly misdirected. The claim is untrue. Such a cut has not been made. A letter from the admiral shows that our actions on resources and funding have been understood at the highest level. We are beginning a get well programme. As the hon. Gentleman knows, we are trying to rectify the cuts that we inherited. That takes time, and such action has to be balanced against other operational requirements.

Mr. Lindsay Hoyle (Chorley): The Minister has hinted at part of the problem: the Government inherited a disastrous medical service that had been cut not on the basis of need, but purely to make savings. Does he agree that we cannot run defence medical services in such a way and that, although it will take a long time, the Government are committed to replacing those services?

Mr. Kilfoyle: It was always anticipated that cuts would be made by the previous Government, but I fear that the real problem was their lack of both coherence and a comprehensive view of the country's defence needs. It is a constant refrain that they made ad hoc cuts in a variety of ways, which had consequences that they never imagined.

Mr. Iain Duncan Smith (Chingford and Woodford Green): Will the Minister make it absolutely clear from the outset that the Prime Minister's press spokesman is wrong and unfair to attack senior military staff for simply leaking documents ahead of budget discussions? That is outrageous. Is not the reality that there have been cuts in housing, fuel and health? The housing programme has slipped by at least three years, the Government cut the fuel budget by 30 per cent. and then had to raise it by 25 per cent., and there was definitely a cut of £1.5 million in the get well programme in their health budget. This morning, they panicked and talked about remedial action with fast-tracking in Portsmouth. Have they talked to Portsmouth health authority, and exactly what waiting list will they damage now?

Mr. Kilfoyle: No, I have not spoken to Portsmouth health authority; and no, I certainly would not question the probity of the Prime Minister's official spokesman—that would take a brave man on this side of the House. I also say no to the hon. Gentleman's assertions about where cuts have allegedly been made. Even if they had been made, I would ask him to say where he would find the money to make up those cuts, which are notional—he has invented them.

Defence Medical Services

8. **Mr. Peter Viggers** (Gosport): If he will make a statement on the reorganisation of defence medical services. [104542]

The Minister for the Armed Forces (Mr. John Spellar): The reorganisation of defence medical services following the strategic defence review is on track. We have established a close partnership with the Department of Health and with the national health service at local level to manage the transition to new arrangements in the Portsmouth area. As I announced on 13 December 1999, the University Hospital Birmingham NHS trust has been selected as the preferred host for the new centre for defence medicine and we are very excited by the prospects for that vital new development.

Mr. Viggers: Is the Minister aware that this is one problem that the Government cannot wriggle out of by trying to blame somebody else? He who dealt with a shortage of doctors and nurses by closing the one remaining military hospital—Haslar, in my constituency. What will be the cost of developing the new facilities at Birmingham and how do they compare with the cost of building up Haslar, as was planned in defence costs study 15 in 1994? He ought to have those numbers at his fingertips, but if he does not will he write to me in detail?

Mr. Spellar: I am surprised that the hon. Gentleman disagrees with his Front-Bench spokesman, who said on the radio this morning:

"You see it would be fair to blame us for cuts that happened as a result of that study".

He went on to say:

"Oh I think absolutely . . . beyond any doubt we recognise that those cuts in the Defence Medical Services had gone too far."

I therefore think it very appropriate to blame a Government who cut £55 million out of £400 million on defence costs study 15. That led to the situation that we inherited, with the rundown of defence medical services.

Unfortunately, the problem with the medical side is that it takes much longer to train individuals in the medical disciplines in order to repair those cuts. I have been down to our defence hospital unit at Derriford in Plymouth and talked to the staff. There was tremendous enthusiasm in the unit, which is of the same type that we shall have in Portsmouth, precisely because it is getting the sort of work, throughput and training that will enable the staff to undertake their tasks. That is the real experience, not the scare stories that the hon. Gentleman is putting about.

Mr. Ernie Ross (Dundee, West): The Minister will recall the report of the Select Committee on Defence in the previous Parliament, which highlighted the Conservative Government's appalling cuts in resources, manpower and equipment. What action have this Government taken and can he assure the House that those cuts will be reversed?

Mr. Spellar: We have already allocated £140 million over four years. It was that which was behind the letter from Admiral Sir John Brigstocke when he said that the situation into which defence medical services had been allowed by the previous Administration to slip had now

been recognised at the highest level and that a get well programme was beginning. In addition, there are the other measures to which I have just drawn attention.

Mr. Paul Keetch (Hereford): Given the Minister's sympathetic response, and accepting that the defence medical services' problems were inherited from the previous Government, as was amply demonstrated by the Select Committee's report, does he agree that the problems of the defence medical services, of overstretch and of procurement, and the other problems that the armed forces now face, simply demonstrate that the world has moved on from the strategic defence review? Is it not time to revisit that review and to match the Government's aspirations with our defence ability?

Mr. Spellar: It was as a result of the strategic defence review that we allocated the extra £140 million to defence medical services, moved towards a centre for defence medicine and, driven by the need for medical accreditation from the royal colleges, moved from Haslar into the arrangement with the Portsmouth Hospitals NHS trust. Those developments are starting to work their way through. One problem with the health service is that it takes much longer to train people and see the results of that compared with some other disciplines. That was the particular problem that resulted from the substantial cuts that were acknowledged by the hon. Member for Salisbury (Mr. Key) on the radio this morning.

Mr. Robert Key (Salisbury): May we now come to the nub of the matter? Can the Minister explain to the House how it was, when I asked him what had happened to the £1.5 million allocated for orthopaedic waiting lists, that he said in a written answer last Monday that there had been no cut because there had been no allocation—a point that he repeated to the Select Committee? We then discovered that, as long ago as last December, Admiral Sir John Brigstocke had written confirming that there had been an allocation and a cut of £1.5 million. I for one feel misled. Who is right—the admiral or the Minister?

Mr. Spellar: The hon. Gentleman is becoming very excited. It would have helped not only him but the listeners and hon. Members if he had read the full answer that I gave on 17 January. I said:

> "Funding to reduce orthopaedic waiting lists . . . was not removed as part of my Department's efficiency programme as no funds had been allocated . . . At the beginning of the financial year consideration was given to the possibility of identifying funding to reduce waiting lists, primarily but not exclusively, for orthopaedic treatment. However, this did not prove to be practical, although some additional physiotherapy, provided through a separate initiative, is likely to have affected the numbers on waiting lists overall. The possibility of pursuing action to reduce orthopaedic waiting lists in the next financial year is currently under consideration."—[*Official Report*, 17 January 2000; Vol. 342, c. 284W.]

That is absolutely true. I rather wish that the hon. Gentleman, along with some BBC reporters, would not be selective in quoting from such answers.

Royal Fleet Auxiliary

9. **Mr. David Heath** (Somerton and Frome): With what frequency the inventory of materials and equipment carried by Royal Fleet Auxiliary vessels is reassessed. [104543]

The Minister for the Armed Forces (Mr. John Spellar): The inventory of materials and equipment carried by Royal Fleet Auxiliary vessels is reassessed and tailored to each operational deployment. Key holdings are also reviewed during major maintenance periods.

Mr. Heath: I pay tribute to the work of the Royal Fleet Auxiliary, but is it not important that the basic inventory of equipment carried by the supply ships should be kept relevant to the operational requirements? If so, and given that warships are often now required to take on a humanitarian role, is it not important that kit and equipment that cannot be carried on a fighting ship are carried on Fort George or Fort Victoria and are available for immediate use?

Mr. Spellar: The hon. Gentleman is right. Inventory ranges carried by RAF vessels are tailored to each deployment. As a result of a number of deployments that we have recently undertaken, a detailed review of humanitarian relief stores is in hand and due for completion in April this year.

Kosovo

10. **Mr. Andrew Robathan** (Blaby): What inquiries he has made into the effectiveness of the operation of UK and NATO forces in Kosovo. [104544]

The Secretary of State for Defence (Mr. Geoffrey Hoon): I visited Kosovo shortly before Christmas, meeting and talking to British forces working in KFOR. They have done and continue to do an outstanding job.

My predecessor, Lord Robertson, initiated a comprehensive study of what we learned from the Kosovo campaign. This work is continuing, and our findings will be published later this year.

Mr. Robathan: Has the Secretary of State read the leaked and highly critical internal report produced by the commander of 5th Airborne Brigade, who suggested that, had KFOR met serious Serb opposition, it would have had big problems? Today, I have been told that Tornado aircraft have been grounded after many sorties in Kosovo and the Gulf because they have run out of spares for their engines. The leaked report says that disproportionate staff effort was expended on MOD spin-doctoring, including bringing out General Jackson to do a job that Ministers should have been doing. In the service of a better defence of this realm, and to cut through the spin-doctoring, will the Secretary of State instigate a full inquiry, so that the House and the country can work out what could have been done better and what changes need to be made?

Mr. Hoon: General Jackson can defend himself far better than I can. I recall some of his observations, which

the hon. Gentleman may find relevant. When describing the Kosovo campaign he said that

"to call it a close run thing, frankly, flies in the face of reality."

The hon. Gentleman may consider whether he, himself, is flying in the face of reality. On 4 January, General Jackson also said:

"I look back and just recall . . . the entry into Kosovo by KFOR and I think . . . the record speaks for itself. It was a considerable success."

The House must judge whether it is prepared to trust the knowledgable and impartial account of the campaign given by General Jackson, or the account given by the official Opposition and the hon. Gentleman.

Mrs. Alice Mahon (Halifax): Did the Secretary of State see the documentary by Jonathan Dimbleby "A Kosovo Journey"? Has he had a chance to read the report by the Organisation for Security and Co-operation in Europe entitled "Kosovo/Kosova As Seen, As Told"? If so, does he accept that, since the KFOR occupation, 200,000 non-Albanians have been ethnically cleansed? Those who remain are daily terrorised and killed by the Kosovo Liberation Army. Those are the facts. The Secretary of State's reply to my hon. Friend the Member for Linlithgow (Mr. Dalyell) was slightly complacent, given those facts. When will we have a debate on what is happening at the moment in Kosovo, and when will we have a debate on getting the refugees back to their homes?

Mr. Hoon: I saw the television programme, and we accept that there have been difficulties in encouraging Serbs in particular to return to their homes and their jobs. The international community intervened in Kosovo to provide a multinational opportunity for Kosovo to continue. We do not want a situation to occur in which people are ethnically cleansed, whether they are Albanians or Serbs. The reason why international forces are present on the ground today is largely to protect the Serbian population. As I said, I visited British troops in Pristina, who are there to protect individual Serbs and communities of Serbs. There is absolutely no doubt that the international community is committed to the preservation of a multi-ethnic future for Kosovo.

Mrs. Jacqui Lait (Beckenham): Will the right hon. Gentleman assure me that the inquiry will include details on the success and failure of some of the high-tech equipment that was used in the Kosovo campaign, and will make recommendations to ensure that such equipment does not fail in future?

Mr. Hoon: A comprehensive account will be given of both the successes and failures of that mission. No military campaign is ever conducted entirely successfully, and we will learn the lessons. We have made it clear that a full account will be made to the House and to the country.

Mr. David Winnick (Walsall, North): Is it not the case that, whereas previously the Serbians were, as we all know, ethnically cleansing and murdering, the film—which was hostile to what was undertaken to liberate Kosovo—showed British and allied forces doing their utmost to protect them, although of course we would like to see more being done? Is it not also the case that, during the war itself, whenever something went wrong, the Tories used it time and again to try to discredit what was being done? We should be proud of what we did to liberate Kosovo, and there is certainly no need to offer apologies of any kind.

Mr. Hoon: I was not offering an apology. My hon. Friend has put his case with considerable force and passion. British troops are there day in, day out, protecting members of minority communities. They are doing a superb job, and they are there at the behest of the international community to do the work that they are performing so successfully.

Mr. Iain Duncan Smith (Chingford and Woodford Green): As the Secretary of State will know, my colleagues and I believe that the armed forces are doing a fantastic job in Kosovo. They always deliver, as they are expected to do. That, however, is not the question. The question, surely, is whether the Government's drive for efficiency savings had a real impact on their ability to perform in Kosovo.

It is now being said that the armoured corps, when entering Kosovo, found itself in the terrible position of being short of spares for engines, gear boxes, oil and tracks. Its representatives say that that was simply because the equipment was released late and delivered late, with the result that vehicles were damaged. Will the Secretary of State confirm that?

Mr. Hoon: No, I will not. I remind the hon. Gentleman that British forces went into Kosovo as a peacekeeping operation. Various contingencies were planned for and prepared for, and, had it been necessary to meet armed resistance, British forces would have been equipped for such an eventuality. That, however, was not the case.

Instead of speculating on what might have been, the hon. Gentleman should bear in mind the words of General Jackson:

"if the matter had had to have gone to offensive ground operations it would have been a quite different force, very much larger, structured for war fighting not for peace implementation."

That answers all the hon. Gentleman's observations. He can speculate as much as he likes, but the Kosovo operation was extraordinarily successful, and was carried out with great professionalism by British and international forces.

Mr. Duncan Smith: Yet again, the Secretary of State avoids the answer. The question is not whether the British forces performed well, or would have been able to perform had they been asked to do something different. I have served, and those who have served know that they will do that anyway. The problem arises when a Government policy makes it more difficult for them to do so.

Is it not a fact that members of the armoured corps knew very well at the time that the reason they did not receive the correct spares on their way into Kosovo was what they believed to be a Ministry of Defence policy to make the MOD into something like a supermarket, getting equipment to them just in time? Our armed forces are now saying "Not enough, just in time." Is that not the truth?

Mr. Hoon: It is not the truth. I shall not repeat the various quotations that I have given about the operation in Kosovo, but the reality is that it was a considerable success.

However hard the hon. Gentleman tries to speculate and to dream up various contingencies, he cannot avoid the fact that the operation was completely successful. Had it been necessary to organise it differently, that would have been done.

European Strategic Defence Initiative

12. **Mr. Denis MacShane** (Rotherham): What progress he has made on the European strategic defence initiative; and if he will make a statement. [104546]

The Secretary of State for Defence (Mr. Geoffrey Hoon): We continue to make excellent progress on European defence.

At December's Helsinki European Council, European Union member states committed themselves to strengthening their military capabilities so that European nations will be better able to assemble, deploy rapidly and sustain effective forces for NATO or EU-led operations. EU member states also agreed to develop the military structures necessary for the EU to decide and, where NATO is not engaged, to act in response to crises. This work will be taken forward under the Portuguese presidency of the EU.

Mr. MacShane: Can the Secretary of State confirm that the European security and defence identity initiative was launched in Berlin and signed by the right hon. Member for Kensington and Chelsea (Mr. Portillo), a former Conservative Secretary of State for Defence? Is not the extent to which the Conservative party has moved hard to the right demonstrated by the fact that it is opposing an important initiative, which it launched, and which strengthens European and NATO identity and defence capability?

Will my right hon. Friend confirm that his opposite number, the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), travelled to the United States last year to attack Her Majesty's Government's settled policy on the armed forces in front of Congress? Is there another example in recent history of a shadow defence spokesman going to a foreign power to attack the settled defence policy of Her Majesty's Government and armed forces?

Mr. Hoon: I confirm the factual point about the results of the Berlin summit, where all NATO states signed up to the European security and defence initiative. As for my hon. Friend's further observations, it is a matter of regret that Opposition Front-Bench Members tend to resile from decisions that they previously accepted in government. It may be an indication of their growing anti-Europeanism. Indeed, the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) has a knee-jerk response to anything that contains the word "European."

Mr. Desmond Swayne (New Forest, West): Does not the Secretary of State's answer show the divorce between appearance and reality? The reality is that all the signatories, including the Government, are cutting defence expenditure, rather than increasing it to meet the grand objectives. Is not the whole scheme more about integration than any military objective?

Mr. Hoon: As I have said frequently—it is something that the hon. Gentleman needs to concentrate on—the policy is about improving European nations' ability to make an effective contribution to NATO, something to which his predecessors agreed and, indeed, signed up. Making the European contribution to NATO more effective will strengthen the ability not only of European nations but of NATO to conduct defence and security activities, of which he should be in favour.

Army Exercises

14. **Dr. Brian Iddon** (Bolton, South-East): What percentage of the Army *(a)* is deployed on, *(b)* is preparing for and *(c)* has returned in the last month from exercises away from their home base. [104548]

The Minister for the Armed Forces (Mr. John Spellar): Approximately 4 per cent. of the trained Army is deployed on major exercises away from the home base, or has returned in the last month. In addition, some 30 per cent. of the trained Army is currently committed to operations. That is down from a peak of 47 per cent. at the height of the Kosovo campaign. Once the agreed force reductions in Bosnia have been implemented in full, that figure should fall to 28 per cent., which would be below that inherited from the previous Administration.

Dr. Iddon: I thank my hon. Friend for that answer and congratulate him and his Department on the improved recruitment figures. However, the Secretary of State referred earlier to the continuing problem of retention. A £12 million package of allowances and bonuses was announced last year, but does my hon. Friend agree that it is important for the armed forces to develop better family friendly policies, bringing families together whenever possible and increasing leave if possible? May I also make a plea for better counselling services for members of the armed forces who have problems?

Mr. Spellar: I thank my hon. Friend for that question and for identifying the problems of those who are overstretched by operations. We recognise the pressures that it puts on the individuals involved. That is why, as he has rightly identified, we have increased bonuses and provided 28 days leave at the end of six months deployment. We also recognise the importance of contact between service men and women out in the field and their families back home. That is why we have introduced 20 minutes telephone time to home, a fourfold increase from the previous figure.

We recognise that, as my hon. Friend rightly identified, service families have additional problems. That is why, through the service families task force, we have worked with other Departments to increase access to NHS

dentistry, to doctors lists in localities when people move and to schooling. We have representation on local school admission boards. We are also examining the use of the jobseeker's allowance. Those are all real and important developments, which are both very much welcomed in the forces and are contributing to greater harmony.

Dr. Julian Lewis (New Forest, East): Does the Minister have any ideas to place before the House on how it might be possible to ensure that, once actions involving front-line military forces have been completed, those front-line forces are not retained on peacekeeping duties in which the United Kingdom's investment in their skills and training is under-utilised?

Mr. Spellar: We are very sensitive to problems of having to back-fill into various units, which is precisely why we have taken various actions both to increase recruitment and to improve retention, and to maintain the right balance. If the hon. Gentleman has a particular example in mind, I am sure that he could write to me on it. We should then be pleased to examine the matter.

Points of Order

3.31 pm

Mr. Robert Key (Salisbury): On a point of order, Madam Speaker. Earlier, I raised the issue of the reduction in orthopaedic waiting lists for service men and women, which affects more than 5,000 members of our forces who are now unavailable for operational use. That is a matter of record, and I regret to say that the Minister's answer provided no satisfaction. The record is—

Madam Speaker: Order. A point of order has to be something for me. It is not to be used as a method whereby an hon. Member tries to correct the record. What is the point of order to me?

Mr. Key: The point of order, Madam Speaker, is that matter of record should be put right by the Minister for the Armed Forces.

Madam Speaker: Order. I can understand the hon. Gentleman's frustration, but it seems that he is seeking to extend the exchange that he had at Question Time. Although there are methods of doing that on the Order Paper, and on other occasions, it cannot be done in a point of order to me now.

Mr. Tam Dalyell (Linlithgow): On a point of order—or, more candidly, on a point of grievance that is definitely for you, Madam Speaker. On Thursday, at 1.40 pm, about half a dozen hon. Members remained standing, attempting to take part in business questions. Business questions is rather a sacred part of the House's agenda, because it is the only occasion during the week when Back Benchers can raise points that are important to them. I make not the slightest complaint that I was down the queue, but it seemed rather hard to cut it short after 40 minutes when there were four hours of gas to come. The Braithwaite report was exempted business. I wondered whether you, Madam Speaker, had anything to say about protecting business questions.

Madam Speaker: I have a great deal to say about that in terms of fact. On Thursday, there was so much business—or whatever the hon. Gentleman wishes to describe it as—that the Seven o'clock rule had to be suspended, and many of us stayed here very much later.

I shall not give the hon. Gentleman the length of time that I intend to run business questions, as that is a matter of the feel of the House. However, on Thursday, for example, questions lasted for 40 minutes, which I happen to think is quite a good amount of time. At the end of that 40 minutes, 14 hon. Members were standing; I always notice how many hon. Members are standing at the end of the time.

Two hon. Members came in after the business statement had started, and one of them was the hon. Gentleman. I always note a time when hon. Members come in late. This morning, I wrote to him about the matter, as I did not wish to mention it on Thursday and embarrass him. I am sorry to have to do so now.

Mr. Dafydd Wigley (Caernarfon): On a point of order, Madam Speaker. In view of the controversy that has arisen in Wales this weekend, after the answer given by the Secretary of State for Wales—in *Hansard*, 20 January 2000, column 589W—stating that not a brass farthing in objective 1 money will be coming to Wales from Brussels, have you had any request to make a statement from the Secretary of State for Wales or from a Treasury Minister on that very controversial matter?

Madam Speaker: I regret to tell the right hon. Gentleman that I cannot assist him today, as I have not been told of such a statement being made in the House.

Mr. Dale Campbell-Savours (Workington): On a point of order, Madam Speaker. You will notice that some of us become agitated during Question Time when some questions asked by colleagues ramble on and, in my view—after 20 years in this place—destroy Question Time. I believe that Question Time is being ruined by greedy Members. In that light, will you ask your Office to carry out some research into the time that Members now take to ask their questions, compared with years ago when I was younger and when, in my view, questions were much briefer? Questions were far more effective then because Ministers had less time to consider their responses, which were far sharper. It is not altogether fair to criticise Ministers for long answers. If a Minister is asked four questions by one Member, the Minister will reply to all four, so the one follows the other. If we deal with the problem of the questioner, the problem of the answerer will disappear.

Madam Speaker: I am at one with the hon. Gentleman. I am sure that he and many other Members will have seen that I become agitated when questions ramble on. Only last week, I suggested that hon. Members might sit in the Tea Room at lunch time and work out their questions so that they would be more specific and more brisk. I cannot ask my Office to do as the hon. Gentleman suggests. I have a small Office, and that task would take up a great deal of resources. However, we have records of this matter for the past few years when I have been Speaker—and for before that—and there is a deterioration every few months. I have reported those records to the Leader of the House, the Chief Whip and the Opposition Chief Whip in the hope that there might be improvements. I am grateful for the hon. Gentleman's point of order today, as it allows me to reiterate my strong thoughts on this matter.

Mr. Douglas Hogg (Sleaford and North Hykeham): Further to that point of order, Madam Speaker. I entirely understand why your Office does not have the time to do the research. However, there was an interesting article on this matter—by, I think, Mr. Parris—in *The Times* three weeks ago. He had a lot of figures, which may be of interest to your office.

Madam Speaker: I think that Mr. Parris must have got his figures from my Office.

Mr. Hogg: I apologise.

Madam Speaker: Not at all. I have the records.

Mr. Barry Jones (Alyn and Deeside): Further to the point of order raised by the right hon. Member for

[Mr. Barry Jones]

Caernarfon (Mr. Wigley), Madam Speaker, could I persuade you that his point of order was simply parliamentary by-election balderdash?

Madam Speaker: There is no response to that.

Mr. Gerald Howarth (Aldershot): On a point of order, Madam Speaker. Having obeyed your strictures and worked out my question in advance—

Madam Speaker: Order. This is not a question—it is a point of order. I do not answer questions.

Mr. Howarth: My point is that I have followed your advice, and I hope, therefore, that you will hear this point of order. As you will appreciate, the only way in which Members of Parliament can find out what is going on and hold Departments to account is not by calling individuals before this House, but by calling Ministers to this House. It appears that there is a discrepancy between the information given by an admiral of the Royal Navy and that given by a Minister of the Crown. If the admiral is not lying, the Minister of the Crown is misleading the House. What are we to do about it?

Madam Speaker: I responded earlier to that point of order. The hon. Gentleman and the hon. Member for Salisbury (Mr. Key) have been here long enough to know that the Order Paper can be used—I have to spell it out—through parliamentary questions and other means, such as early-day motions, if Members feel that an incorrect answer has been given.

Mr. Campbell-Savours: On a point of order, Madam Speaker. Can I add to my earlier point by recommending a solution to you? It is that when Members ask more than one or two questions, you rise to intervene and make them sit down. If that were to happen repeatedly during one Question Time, I believe that the conduct of Members in this House would change dramatically, and very quickly.

Madam Speaker: I shall respond to that point, although I do not want this debate to go on. It is not just a question of the number of questions that are asked—it is the very long preambles and the points of view that are expressed. That is what takes up the time, not questions. Members always express an opinion before they get to their question. Can we proceed with today's business? From whom have I not heard a point of order?

Mr. Dalyell *rose—*

Madam Speaker: I am in a good mood today—carry on.

Mr. Dalyell: On a point of order, Madam Speaker. Earlier, you said that I was not in the Chamber for last week's business statement. You could be forgiven for saying that, but in fact I was here for the end of the debate on the millennium bug, having wafted up to my normal seat. However, I left when other hon. Members were called before me.

Madam Speaker: I saw the hon. Gentleman come into the Chamber when the Leader of the House was on her feet and two thirds of the way through the business statement.

Mr. William Ross (East Londonderry): On a point of order, Madam Speaker. Do you agree that questions that are more than about two sentences long give the person responding too much scope? Would not it be better if questions were restricted to a couple of sentences? We would get through business much more quickly.

Madam Speaker: I entirely agree with the hon. Gentleman.

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker. The hon. Member for Workington (Mr. Campbell-Savours) made a sound point, but if it is appropriate for erring Back Benchers to be scolded by you and subject to your strictures, should it not be so for Ministers too? Although Back Benchers can be guilty of indulging in lengthy questions and preambles, Ministers often do not have even the square root of an answer to a Back Bencher's question. However, they succeed in taking two or three minutes to demonstrate that important fact.

Madam Speaker: What Ministers say in response to questions is not a matter for me.

Mr. Ken Maginnis (Fermanagh and South Tyrone): On a point of order, Madam Speaker. Last Wednesday, the Secretary of State for Northern Ireland said that he was surprised that I chose

"to say something different in public from what he has said to me in private."—[*Official Report*, 19 January 2000; Vol. 342, c. 853.]

As I have never discussed the Royal Ulster Constabulary in private with the Secretary of State, am I to assume that his statement could be deemed to be misleading the House? I did meet him in the company of the Prime Minister and the leader of my party, my right hon. Friend the Member for Upper Bann (Mr. Trimble). Is that deemed to have been a private meeting? If my approach at that meeting and when I spoke in the House last week remained consistent, is the Secretary of State to be deemed to have misled the House?

Madam Speaker: I cannot determine or interpret what takes place at meetings involving hon. Members and Ministers. I think that the hon. Gentleman has made his point.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): On a point of order, Madam Speaker. Our rules may be straightforward, but would you remind the House that Ministers should reply only on those subjects for which they have responsibility, and that, on the whole, hon. Members should not read their speeches?

Madam Speaker: That is a good rule to follow.

Orders of the Day

Disqualifications Bill

Order for Second Reading read.

3.43 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I beg to move, That the Bill be now read a Second time.

This Bill, inter alia, changes the anomaly created by section 36(5) of the Northern Ireland Act 1998, which permits a member of the Irish Senate to be a member of the Northern Ireland Assembly, but not of any other United Kingdom legislature. It replaces that provision with measures that will bring about a broader and closer relationship between the United Kingdom as a whole and the Irish Republic, by treating Northern Ireland as any other part of the United Kingdom.

The Bill ends the prohibition against members of the Irish legislature—that is, of both the Dail and the Senate—being a member of any legislature in the United Kingdom. They will therefore be permitted to be Members of this House, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. The Bill will place the Irish Republic in a position broadly similar to that of Commonwealth countries, whose legislators have been able to join legislatures here. It is a small step towards creating a closer relationship between the United Kingdom as a whole and the Irish Republic.

Mr. Gerald Howarth (Aldershot): The Minister seeks to draw a parallel between the Republic of Ireland and Commonwealth countries, but Commonwealth countries have Her Majesty the Queen as their head of state.

Mr. Andrew Mackinlay (Thurrock): No, that is wrong. Two thirds of them do not.

Mr. Howarth: Most of them do. In any case, an hon. Member in this House is required to take the Oath of Allegiance. The Bill covers people who, being representatives of foreign countries, cannot take the Oath of Allegiance to the Queen. Moreover, the south of Ireland is a republic. Is not the Bill therefore creating a huge anomaly?

Mr. O'Brien: I will deal shortly with the issue of European and Commonwealth countries, but primarily as this applies to the latter. It is true that some Commonwealth countries are republics.

Mr. Mackinlay: The majority.

Mr. John Bercow (Buckingham): Will the hon. Gentleman give way?

Mr. O'Brien: I will, once more.

Mr. Bercow: Before the Bill's publication, how many representations in its support did the hon. Gentleman receive, when, and from whom?

Mr. O'Brien: There have been discussions on this, but we shall be listening closely to what is said in this debate and as the Bill proceeds through the House. There have been discussions with various representatives—[HON. MEMBERS: "Who?"]. I refer to the Government, the Irish Government and others. I hope that the Bill will command a great deal of support in the House.

Mr. Eric Forth (Bromley and Chislehurst): No.

Mr. O'Brien: I nevertheless hope that we can convince Opposition Members that this is a worthwhile Bill.

This country has a number of special relationships with other countries—with the United States, for example, on security, with the Commonwealth, of course, with other members of the European Union, and also with the Irish Republic, with which we are working to secure peace in Northern Ireland.

Our relationships with the Irish Republic are special in geographical terms, given the sheer proximity of the two countries, as islands off the European mainland. We have historic links, for better or worse. Our economic links are strong. We have cultural links—millions of British people were born in the Republic, or their parents were born there, or their ancestry is Irish, whether from the north or south.

For its own political reasons, the Republic left the Commonwealth. That did not end its special relationship, but it made it more difficult to facilitate the recognition of certain links. If the Republic had not left the Commonwealth, some of the changes in the Bill might not be necessary.

Mr. Ken Maginnis (Fermanagh and South Tyrone): Will the Minister give way?

Mr. O'Brien: May I just say before I give way to the hon. Gentleman that this will be the third occasion on which I have done given way? I propose to make some progress after the hon. Gentleman has made his point, because I hope that this will not be too long a debate.

Mr. Maginnis: I am grateful to the Minister for giving way. As he predicates his argument on the relationship between the Irish Government and this Government, I wonder whether he has had any representations from the Fianna Fail party, Fine Gael, the Irish Labour party or the Democratic Left, expressing an ambition to have a dual mandate? Or is this measure purely a concession to be enamelled on the side of the Good Friday agreement and to facilitate only and exclusively Sinn Fein-IRA?

Mr. O'Brien: I propose to discuss some of these issues as we progress. However, let me make it clear that we have had some discussions with the Irish Government, which I hope reflect some of the views of various parties in the Republic.

The Bill is not part of the Good Friday agreement. It is not directly linked to it, but is a separate measure. The Bill, recognises, however, that there is a special relationship between the United Kingdom as a whole—

[Mr. O'Brien]

I emphasise that phrase—and the Republic. It puts members of the Irish legislature in a position similar to those of Commonwealth legislatures.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will the Minister give way?

Mr. O'Brien: This will be the fourth occasion on which I have done so, and it will, I hope, be the last.

Mrs. Dunwoody: I am extremely grateful to my hon. Friend for giving way. This is quite a sensitive matter, and I want to be clear in my mind. My hon. Friend says that unlike certain other countries, Ireland is not a Commonwealth member and chose not to be a one—it was not driven out. Is he saying that a special category will be created for non-Commonwealth countries enabling them to have dual mandates?

Mr. O'Brien: I am spelling out for my hon. Friend and for the rest of the House the view that, due to various reasons that I have set out, there is a special relationship not only with the United States, the Commonwealth and other members of the EU, but with the Republic of Ireland. We need not labour that point too much; it is clear that we have geographical, economic, cultural relationships—indeed all sorts of relationship—on which we must ensure that we build. That point is fairly straightforward.

All the measure does is put members of the Irish legislature in a position similar to that of members of Commonwealth legislatures. There is little real change in principle. Members of legislatures of the Republic of Bangladesh, the Kingdom of Brunei, the Republic of Uganda, Canada, Australia or Tonga can be members of legislatures in this country. However, at present legislators from the Irish Republic are in a different position.

Members of the Irish Senate can be Members of the Northern Ireland Assembly, but there are restrictions on their membership of other legislatures in the United Kingdom. The Bill would end that anomaly. In future, the same rules as apply to Northern Ireland would apply to all the United Kingdom.

For many years, Irish citizens have shared with Commonwealth citizens the right to vote in British elections. They have been able both to stand for and to vote in elections to the House of Commons, but there is one significant difference in their treatment. Under current law, members of Commonwealth legislatures—unlike members of foreign legislatures—can become Members of this House, but Members of both Houses of the Irish Parliament cannot, even though all other Irish citizens can do so.

Section 36(5) of the 1998 Act was the unique exception; that provision can now be repealed by clause 3. The Bill does not single out Northern Ireland for special treatment; Northern Ireland is treated in the same way as the rest of the United Kingdom. As part of the process—

Mr. Michael Mates (East Hampshire): Will the hon. Gentleman give way?

Mr. Douglas Hogg (Sleaford and North Hykeham): Will the hon. Gentleman give way?

Mr. O'Brien: I shall not give way at the moment.

As part of the process of building on the special relationship, the restrictions on Members of the Dail—the lower Irish House—will be ended. In regularising relationships, it is difficult to argue that the Senate should be treated differently from the Dail. The measure will merely put members of the Irish legislature on the same footing as members of Commonwealth legislatures. It rightly reflects the strength of the relationship between the United Kingdom as a whole and the Irish Republic.

The importance of keeping electoral law in good order was illustrated in 1982. The hon. Member for Newry and Armagh (Mr. Mallon), before he was elected to the House, was disqualified from the then Northern Ireland Assembly because he had been appointed to the Irish Senate by the Taoiseach. That outcome was controversial at the time. It would now be out of step with the transformed political landscape in Northern Ireland and with relationships between the two countries.

Mr. Mates: Will the hon. Gentleman give way?

Mr. O'Brien: I will give way to the hon. Gentleman towards the end of my speech. I have given way on many occasions and I want to make some progress. I want to make several points.

Mr. Hogg: Would the hon. Gentleman care to give way?

Mr. O'Brien: In particular, the establishment of the new institutions provided for in the Good Friday agreement makes the measure timely. The agreement gave a new shape to all these relationships, and created a new architecture of institutional links throughout these islands. Those links respect the position of Northern Ireland in the United Kingdom, but provide a framework for practical co-operation between the United Kingdom, the devolved bodies and Ireland.

When devolution and the new institutions came into force on 2 December last year, the Irish Government repealed the longstanding territorial claim over Northern Ireland in articles 2 and 3 of the Irish constitution. That makes it clear that a united Ireland can be achieved only with the consent of a majority in Northern Ireland. With the principle of consent at the heart of the new constitutional settlement, there is a solid basis for a closer relationship between our two countries.

Mr. Hogg: Will the hon. Gentleman give way?

Mr. O'Brien: The Bill is just one example of that closer relationship. However, it is built on the firm foundation of the principle of consent that is central to the Good Friday agreement, and which was enshrined in law through the Northern Ireland Act 1998 and reinforced by international treaty. It cannot be undermined. There is no question of the Bill being the means to achieving Irish unification by the back door; that is not its objective, nor will it be its consequence.

The Bill is not part of the Good Friday agreement, but it is consistent with it. Separate development of direct interparliamentary links between the various legislatures was envisaged at the time of the Good Friday agreement.

As a further positive—if relatively minor—measure which can help to improve relationships between our two countries, I welcome the Bill, and hope that hon. Members will feel that they can do so too.

I shall now give way to the hon. Member for East Hampshire (Mr. Mates). Then I shall give way to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), who has been asking me to give way, and then I shall give way to my hon. Friend the Member for Thurrock (Mr. Mackinlay). Then I shall make progress.

Mr. Mates: I am grateful to the hon. Gentleman for giving way. I have to take him back a bit, because I wanted to question him on a specific point that he made. He said that he was putting the Northern Ireland Assembly on the same basis as all the other institutions of the United Kingdom, but that is fundamentally to miss a point. There are only two sovereign institutions in these islands—the Parliament here and the Parliament in Dublin. The others are subordinate to one of those sovereign Parliaments. By changing that rule, the hon. Gentleman is allowing people to join two different sovereign Parliaments with two different aims in mind, so there is a major conflict of loyalty.

Mr. O'Brien: One of the issues that I proposed to discuss in due course was the issue of conflict of loyalties, but the hon. Gentleman will be aware that at the moment it is possible for a person who is a member of a legislature in Brunei or Bangladesh to be a member of this legislature, so it is already, in a sense, within our law; but perhaps I may discuss that in due course.

Mr. Hogg: The hon. Gentleman has given us an account of the precedents and legal background, and the House is grateful for that, but he has not told us the motive behind the Bill. I believe that hon. Members would like to know why we are being asked to address this matter now. Where does the pressure come from? Why are we being asked to do it?

Mr. O'Brien: With respect to the right hon. and learned Gentleman, I think that I have indicated that we have now, as a result of the changes that have taken place and the relationship that has developed over recent years, been able to put behind us, to some extent, some of the difficulties that had arisen between the Irish Republic and the United Kingdom. It is time to build a sounder basis to our institutional relationships and to provide a basis on which we can proceed, as two islands just off the mainland of Europe, with many common links, historical and otherwise, between the United Kingdom and the Irish Republic—a basis for ensuring that those closer links are given some institutional background. I believe that that explains this fairly modest Bill, and I hope that hon. Members will find it satisfactory.

Mr. Michael Howard (Folkestone and Hythe): Will the Minister give way?

Mr. O'Brien: I will not give way to the right hon. and learned Gentleman. I promised to give way next to my hon. Friend the Member for Thurrock.

Mr. Mackinlay: I do not know whether the Minister's notes encompass this point, but is he mindful of the fact that, between the founding of the Irish Free State in 1922 and the passage by the Attlee Government of legislation consequent upon the Costello Government's declaring the Irish Republic in the late 1940s, it was wholly possible for people to sit in two legislatures? Indeed, Eamon de Valera was elected to the Northern Irish House of Commons after the establishment of the Irish Free State; that was perfectly acceptable then.

Surely the Minister should rely on the argument that the 1949 legislation created a new inconsistency, in that it extended and continued the right of Irish Republic citizens to vote in our elections and to stand for election to Westminster, but drew a distinction between Ireland and most citizens of the emerging Commonwealth. Coincidentally, as Ireland left the Commonwealth, India came in as its first republic. We should bear it in mind that the majority of states in the Commonwealth are now republics, so the arguments used by the hon. Member for Aldershot (Mr. Howarth) are wholly bogus.

Mr. O'Brien: Most of my hon. Friend's points are quite right. There are a number of historical reasons why we created what is, in effect, an anomaly. The anomaly is that we have a special and unique institutional arrangement whereby Members of the Irish Senate can become Members of the Northern Ireland Assembly. We are best placed to ensure that we regularise the relationship between the Irish Republic and the United Kingdom by providing that members of the Irish legislature can be members of any legislature in the United Kingdom. That is the view that the Government have taken, but those Members who wish to take a different view can do so.

Mr. Maginnis *rose—*

Mr. Howard *rose—*

Mr. O'Brien: I shall give way to the right hon. and learned Member for Folkestone and Hythe (Mr. Howard).

Mr. Howard: The Minister told the House that, although the Bill was not part of the Good Friday agreement, it was envisaged at the time of the agreement that it would be introduced. Can he point to any on-the-record statement to support that view? Was anything ever said at the time of the Good Friday agreement to the effect that this measure would be taken?

Mr. O'Brien: The right hon. and learned Gentleman obviously misheard me. I did not say that the Bill's introduction was envisaged at the time of the Good Friday agreement—I did not say that at all. Let me make it clear that the Bill arose after the Good Friday agreement. It is not directly linked to the agreement except in the sense that, following a number of changes that took place both before and after the agreement, relations between the Irish Republic and the United Kingdom as a whole developed and got stronger, closer and better. We now need to ensure that we deal with anomalies in our legislation. The Bill happens to relate to one of them and we are proceeding to deal with it.

Mr. Maginnis: Will the Minister give way?

Mr. O'Brien: I have already given way to the hon. Gentleman, so this is the last time I propose to do so.

Mr. Maginnis: I am grateful to the Minister but—if I dare—may I try to persuade him not to cease to give way? He may learn from those of us who are slightly closer to the coalface than he is.

[Mr. Maginnis]

Will the Minister clarify one point? He says that he wants to remove anomalies. Will a Member of the Irish Dail be able to be a Member of the two other subordinate Assemblies—those in Scotland and in Wales? That point is not yet clear.

Mr. O'Brien: The hon. Gentleman will forgive me, but I said at the start of my speech—I have the note in front of me so I can quote it—that the Bill would cover the House, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. I know that the hon. Gentleman has—to use his own phrase—been close to the coalface for a long time and that he has dealt with many difficult issues. I always listen to him with great care, but it is important to create a situation in which, as far as possible, we consider the United Kingdom as a whole—which we are doing—and remove the unique position in respect of the north alone.

We should also deal with another anomaly whereby the Senate has been treated differently from the Dail. Once we recognise that they are anomalies and deal with them, we will be better placed. Much as I respect the hon. Gentleman's views on many of these issues, I hope that we shall be able to convince him not only that the proposal is the right thing to do, but that this is the right time to do it.

Some would argue, for example, that the Bill's timing is wrong and that it should perhaps be linked to decommissioning. May I deal with that argument? We are at one on the importance of decommissioning. All parties are now agreed that decommissioning is an essential part of the process, that it should begin as soon as possible and that it is for the de Chastelain commission to deal with precisely how and when. The commission has said that it will issue a report in January. That will be of great importance. The future of the Good Friday agreement is obviously linked to its performance, which includes issues of decommissioning. However, the Bill is not part of the Good Friday agreement and should be seen and treated separately. We agree on the objective of decommissioning, but frankly, I do not think that the Bill provides the means for advancing it.

I recognise, for example, that Sinn Fein should not benefit politically if the IRA defaults on decommissioning, but the benefit conferred by this Bill falls to all Members of the Dail. As a result of the Bill, any member could also stand for election to this House. There are 130 Members of the Dail, of whom just one is a Sinn Fein TD. We should not assume that Sinn Fein members are the only ones with an interest in pursuing politics both north and south of the border.

In the past, a number of individuals from the broad nationalist tradition have pursued such an interest. For example, Austin Currie, a founding member of the Social Democratic and Labour party, is now a Fine Gael TD, and John Cushnahan, a former member of the Alliance party of Northern Ireland, is also now a Fine Gael TD. As we know, the hon. Member for Newry and Armagh, before being elected to this House, was a member of the Irish Senate, and Conor Cruise O'Brien, a distinguished former Irish Minister, chose to stand in 1996 in Northern Ireland as a member of the party of the hon. and learned Member for North Down (Mr. McCartney)—the United Kingdom Unionist party.

I quote those examples to demonstrate that the pool of individuals who might have an interest in benefiting from the Bill goes far wider than Sinn Fein, and we must be clear about that. We must also remember that Sinn Fein is the minority nationalist party in the north and that, in the south, at the last general election, it secured just 1 per cent. of the vote. To suggest, therefore, that the wide pool of potential beneficiaries should be denied the sensible treatment that is already available to members of Commonwealth legislatures, simply because Sinn Fein members would be such beneficiaries, is unfair and out of proportion.

If the issue is to be linked with something else, the right and better link is with the resolution of the overall constitutional issues between our countries. Until those were resolved, there was always, understandably, a question mark over whether it was truly possible to have the closest of relationships with the Irish Republic, as symbolised by this type of measure.

That issue has, to some extent, been resolved by the Good Friday agreement—negotiated between all parties and the two Governments—and the referendum that followed, in which the people of the Irish Republic overwhelmingly endorsed changes to the Irish constitution to place consent at the heart of their aspiration for a united Ireland. Most importantly, on 2 December, those constitutional changes, along with corresponding changes in British constitutional law, were brought into effect, in parallel with the devolution of power and the establishment of the Good Friday institutions.

With the agreement on consent now in force and new articles 2 and 3 of the Irish constitution in effect and capable of being changed again only by another referendum, regardless of developments under the rest of the Good Friday agreement, the Government believe that the way is clear for this Bill. Over many years, we have developed close working relationships with the Irish Government, but with agreement now in force between us on constitutional issues, the way is clear for the formalisation of that relationship. To some extent, the Bill provides some basis for that.

Several hon. Members *rose—*

Mr. O'Brien: I shall give way first to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) and then to my hon. Friend the Member for Walsall, North (Mr. Winnick).

Mr. Simon Hughes (Southwark, North and Bermondsey): The Minister has been full in his explanation, but will he deal with two matters that have not been dealt with? First, is it right to conclude that the Bill has a purely Irish genesis and is not part of any wider review of whether there should be a dual mandate between other legislatures and ours, or of whether one should have to be qualified by residence to stand for a legislature? Secondly, if the Bill does have only an Irish background in recent history, when did the matter first come to Ministers' attention as a proposal for legislative consideration?

Mr. O'Brien: The relationship between the Irish Republic and the United Kingdom is in many ways special. I think that I have outlined the reasons for that, so I shall not rehearse those points.

Mr. Maginnis: Go on, give us the reasons again.

Mr. O'Brien: I thought that I had already described them. If the hon. Gentleman wants me to go through my

whole speech again, I suppose that, notwithstanding the time and the nature of the debate, I could oblige him—although I do not think it necessary.

The issue arose after the Good Friday agreement was made, during further discussions between the two Governments. It was one of the issues on which we felt helpful progress could be made. I shall, as agreed, give way to my hon. Friend the Member for Walsall, North and then deal with the other point raised by the hon. Member for Southwark, North and Bermondsey.

Mr. David Winnick (Walsall, North): Does my hon. Friend accept that one of the most encouraging features of the past 15 years has been the better relationship at ministerial and parliamentary level between Britain and the Republic of Ireland—in spite of the opposition of a few, although not the majority of, Opposition Members? Does not the Bill strengthen that relationship and remove one or two anomalies, and is it not therefore to be warmly welcomed?

Mr. O'Brien: I am grateful for my hon. Friend's support. I agree that the Bill will remove some of the anomalies and that it is to be welcomed.

I did not respond to one point raised by the hon. Member for Southwark, North and Bermondsey: whether the Bill is part of a wider process. It is part of the development of a special relationship between the United Kingdom as a whole and the Republic of Ireland. We do not therefore envisage extending its provisions to other countries that are not members of the Commonwealth. The Bill signals a recognition that, on certain issues, we have particular relationships with other countries and international organisations, including the United States, the European Union, the Commonwealth and the Republic of Ireland. It is right that we should ensure that we properly recognise such relationships.

Dr. Nick Palmer (Broxtowe): Will my hon. Friend give way?

Mr. O'Brien: No—I must conclude my speech.

I recognise that there are concerns about conflicts of interest, but the holding of dual mandates does not, in itself, represent a conflict of interest or make it impossible for such elected representatives to carry out their duties effectively. Several hon. Members here today are also members of devolved legislatures in the United Kingdom.

The position of Ministers who take Executive decisions differs from that of Back Benchers who participate and press points in two different legislatures. Ministers must be in a position to take into account the best interests of people in the jurisdiction they govern. That might not be possible if a Minister is also a Minister in another sovereign country. Conflicts of interest might arise, or be thought to arise. That is why clause 2 prohibits Ministers of the Irish Government from taking up ministerial positions in the Northern Ireland Assembly. In addition, the clause states that a junior Minister, First Minister or Deputy First Minister of the Assembly would have to resign his or her position in the Assembly Executive before becoming a Minister in the Irish Government.

Mr. William Ross (East Londonderry): Will the Minister give way?

Mr. O'Brien: Yes, because the hon. Gentleman has not yet intervened. However, it will be the last time I give way.

Mr. Ross: The Minister said earlier that Members of Parliament could also be elected to the Scottish Parliament and the Welsh Assembly. However, the Bill does not bar them from becoming Ministers in those devolved Administrations. Why not?

Mr. O'Brien: That is one of the issues that can be discussed in Committee. Following representations of which the hon. Gentleman is, no doubt, aware, it was argued that, because it might give rise to concern in Northern Ireland, that issue should be specifically addressed in legislation. It has been addressed in clause 2. I hope that the hon. Gentleman is satisfied that we are listening to representations from all parties.

Mr. Peter Viggers (Gosport): Will the Minister give way?

Mr. O'Brien: The Bill is modest, but worth while. It makes no dramatic changes, but simply extends to the Irish legislature existing provisions that permit members of Commonwealth legislatures to become Members of Parliament. That is in line with a wide range of special provisions in electoral law covering Ireland and Commonwealth countries. The Bill builds on the existing provision allowing Members of the Irish Senate to sit in the Northern Ireland Assembly, and extends it to other UK legislatures and to Members of the Irish Dail.

The Bill provides a further example of the development of mutually beneficial relationships between our two countries and throughout these islands—relationships that are now based firmly on the principle of consent. I commend it to the House.

Mr. Viggers: On a point of order, Madam Speaker. I apologise for raising the matter in this way, but I think that I am justified in so doing because the Minister failed to give way to me. Have you received any representations from the Government to suggest that they are contemplating a change in the Oath that is taken by hon. Members?

Madam Speaker: No, I have received no such indication from the Government at any time.

4.15 pm

Miss Ann Widdecombe (Maidstone and The Weald): As we recognise that the aim of the Bill is to build on what has already been achieved in Northern Ireland, we will not oppose its Second Reading. However, there are issues that the Opposition hope the Minister will help to resolve, either today or during succeeding stages of the Bill's consideration. We are in no doubt that the Bill has serious implications. That is why we have tabled an

[Miss Ann Widdecombe]

amendment for the Committee stage, which my right hon. Friend the Member for Bracknell (Mr. MacKay) will move. We shall also support two amendments in the name of the right hon. Member for Upper Bann (Mr. Trimble).

Before turning to our reservations, I want to join the Minister in welcoming the progress that has been made in Northern Ireland over the past few years. It represents a real step forward in its sadly troubled history. After all the horrors of the past 30 years of the troubles, marked as they have been by truly wicked and vile atrocities, we all hope that, at long last, Northern Ireland is looking forward to a new era of peace and stability. It should be one in which political differences are resolved by dialogue rather than by violence, and in which everybody accepts that the future of Northern Ireland must be determined by democracy and consent, not by gun and bomb.

No one on either side of the House should underestimate the leadership, courage and vision that has been shown by many politicians from Northern Ireland, including the right hon. Member for Upper Bann and the hon. Members for Foyle (Mr. Hume) and for Newry and Armagh (Mr. Mallon), in negotiating the Good Friday agreement and in bringing us to the current position. I pay particular tribute to my right hon. Friend the Member for Huntingdon (Mr. Major) and to Lord Mayhew of Twysden for their contributions.

As the Minister said, we accept that there is a seeming discrepancy: although both Irish and Commonwealth citizens may vote in United Kingdom elections, provided that they fulfil the relevant residency requirements, members of Commonwealth legislatures may sit in the House but members of the Irish legislature may not. However, we must be careful that in resolving that seeming anomaly we do not create others.

Although members of Commonwealth legislatures are entitled to sit in the House, there are obvious difficulties for members with an allegiance to one country sitting in a Parliament where they are required to declare an allegiance to another country. Our safeguard is the Oath, which has always applied. Every Member of the House, regardless of origin, must take the Oath. No Member taking the Oath should put the interests of another country first.

Mr. Hogg: My right hon. Friend is relying on the precedent created in favour of members of Commonwealth legislatures. Does she understand and agree that many of us, if we were considering this matter afresh, would not wish to give those members a right to sit in this place because of the conflict of interest?

Miss Widdecombe: I recognise that. My right hon. and learned Friend makes an important point. However, we cannot rewrite history; we must start from where we are. I am trying to address the issue in the context of where we are.

Mr. Mackinlay: I invite the House, including the right hon. Lady, to pause for a moment. I have no difficulty with the Oath, but others clearly do. It appears that we forget that mandates come from the people. I have always thought it odd that we should decide who should be eligible to represent people. Surely it is a fundamental point of democracy that people are entitled to choose the good, the bad, the indifferent, the republican or the monarchist—it is a matter for the people. If someone receives a mandate from the electorate, in my view he is entitled to serve in this legislature or any other to which his mandate sends him.

Miss Widdecombe: I do not agree with the hon. Gentleman. When hon. Members participate in running a country or in scrutinising its running, they must, first and foremost, have allegiance to that country. The Oath has solved the problem of serving two masters and the attendant conflict of interest.

Mr. Mike O'Brien: The Bill does not affect the Oath and the Government have no plans to change it.

Miss Widdecombe: I recognise the phrase "have no plans"; I know it of old. I ask the Minister to go a little further. Will he give a cast iron, on-the-record guarantee that the Government will never, under any circumstances, propose or support a move to abandon or amend the Oath of Allegiance to Her Majesty the Queen?

Mr. O'Brien: The right hon. Lady knows perfectly well that no Parliament can bind another. That is constitutional basics.

Miss Widdecombe: I shall be happy to accept an assurance that merely binds the current Government.

Mr. O'Brien: The right hon. Lady will have to accept the assurance that has been given. I have clearly indicated the Government's view. The right hon. Lady may use phrases such as "have no plans" in a disingenuous or misleading way, but the Government do not.

Miss Widdecombe: The Minister has given a wonderful hostage to fortune, which we have all heard. I take it that he is not prepared to give a cast iron, on-the-record guarantee that the Government will never, under any circumstances, propose or support a move to abandon or amend the Oath of Allegiance to Her Majesty the Queen. Hon. Members should note that carefully in the context of this measure and, perhaps, in others that we may consider.

Mr. Desmond Swayne (New Forest, West): I have noted the Minister's reluctance to give such a guarantee. However, given the stress that my right hon. Friend placed on the importance of the Oath as a guarantee, is she not developing a powerful case for voting against the measure on Second Reading?

Miss Widdecombe: No. My hon. Friend has been here long enough to know that Second Reading is a means of moving to further, detailed discussions of the Bill, including probing matters further and debating amendments. It would be odd to rule out further stages of the Bill.

Mr. Simon Hughes *rose—*

Mr. Forth *rose—*

Miss Widdecombe: I shall give way first to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) and then to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth).

Mr. Hughes: The right hon. Lady's comments imply that the Conservative party believes that the rewording of the Oath should never be considered. A Member of Parliament who is not from Northern Ireland said to me the other day that the current Oath does not accommodate hon. Members who have been properly elected, but have republican views or sympathies. Does the right hon. Lady claim that those who are properly elected should be prevented from taking their places because they did not agree to, or stand on a platform of allegiance to a monarch? Such people respect monarchs, but believe that their allegiance is not to them, but to the people who elected them, and to the Parliament of the country where they were elected.

Miss Widdecombe: When we talk about "Her Majesty's Government" and "Her Majesty's Opposition", we do not use the terms lightly. They have a clear constitutional implication. I hope that all Opposition Members would oppose any suggestion of watering down the Oath of Allegiance.

Mr. Forth: Will my right hon. Friend reconsider the extraordinary parliamentary philosophy that she outlined a moment ago? Apparently, we no longer oppose Bills on Second Reading because we want to consider them later in detail. Surely it is possible—and in the case of this measure, proper—to oppose a Bill in principle when it would affect so significantly the relationship between this legislature and others.

Miss Widdecombe: I was not setting out a general principle that Second Readings should never be opposed. If a principle is overriding, Second Readings will be opposed. I am anxious to build on the developments in Northern Ireland, although not at any price—I shall discuss that in a moment—and therefore we shall not oppose Second Reading. Perhaps I can make progress with the reservations that we have about the Bill.

The Minister will be aware of the deep unease in Northern Ireland and elsewhere, which Conservative Members share, that despite moves that have been made—not least the early release of more than 300 terrorist prisoners—there has as yet been no decommissioning of illegally held arms and explosives by those paramilitary organisations that signed up to the Good Friday agreement. Our view, therefore, is that the Bill should not take effect unless there has been substantial and verifiable decommissioning. Our amendment—which, if selected, we shall press to a vote in Committee tomorrow—reflects that.

As part of the Mitchell review, General de Chastelain must report on progress by the end of this month. Of course, we hope and pray that he will be able to report that decommissioning by the paramilitaries has begun, but if not, and if that process is stalled, nobody should be in any doubt as to where the responsibility lies—not with the right hon. Member for Upper Bann or other constitutional politicians, who have done everything that has been asked of them, but with the paramilitaries and their political representatives, who have not.

Without a start to credible decommissioning, the Bill will be seen as yet another example of all take and no give by the paramilitaries. That is why my right hon. Friend the Leader of the Opposition has tabled an amendment that would ensure that the Bill, if enacted, would not come into force until there was substantial progress on decommissioning, verified by the de Chastelain commission.

Although the Republic of Ireland has not been a member of the Commonwealth since 1949, we accept that that does not detract from the fact that it has a unique historical relationship with the United Kingdom, which has been set out across the years and is explicitly recognised in legislation. Section 2(1) of the Ireland Act 1949, which was passed when the then Irish Free State declared itself a republic outside the Commonwealth, clearly says that

"notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country".

That has been manifested in many different ways over the years, not least the co-operation between the British and Irish Governments on Northern Ireland in recent years.

Many of the old antagonisms that used to cloud British-Irish relations have given way to a more constructive partnership. A great advantage of the Good Friday agreement is the opportunity it creates to build on that, especially now that the offensive territorial claim over Northern Ireland in the Irish constitution has at long last gone. The British-Irish agreement, which came into force last month, introduced new and closer ties throughout these islands through the British-Irish Council. Like the right hon. Member for Upper Bann, we view it as a significant development that should facilitate closer co-operation on a range of issues, without in any way undermining sovereignty.

The Northern Ireland Act 1998 enabled Members of the Irish Senate to sit in the Northern Ireland Assembly, as the Minister pointed out. That dealt effectively with the situation that occurred in 1982 when the current Deputy First Minister of Northern Ireland was disqualified from the then Assembly because he was serving in the Senate. That Act did not include Members of the Dail. Clause 2 of the Bill rectifies that and removes the prohibition on sitting in the Assembly that applies to members of one half of the Irish legislature. The Opposition do not oppose that, but we recognise that it is important that there is a prohibition on the appointment of Ministers in the Northern Ireland Executive who are also Ministers in the Government of the Irish Republic, as there clearly could be conflict of interest in the exercise of Executive power. I am grateful that the Government recognise that, too.

We believe that the Bill should go further, however, and also state that a Member of the Irish Parliament, should he be appointed a Minister, should at that point be disqualified from the Assembly and from Westminster. Therefore, we shall support the amendment to that effect in the name of the right hon. Member for Upper Bann.

The Opposition are committed to the establishment of a lasting peace in Northern Ireland. The Good Friday agreement and the devolution of power to the

[Miss Widdecombe]

Northern Ireland Assembly and Executive have provided a real basis for such a lasting peace. Therefore, we shall not divide the House on Second Reading. However, I urge the Minister and his colleagues in the Government to take into account the progress made on decommissioning before bringing the Bill into force, to guarantee the continuation of the Oath in its present form and to accept that Ministers of other Governments should not sit in this House.

We strongly support the Good Friday agreement, but that agreement must be implemented in full—in all its parts and by everyone. It is our strong view that all parties must fulfil all their obligations. Only when that happens can we really start to believe that the paramilitaries are truly committed to democratic and peaceful means and that a lasting peace can be established.

We shall therefore give the Bill a fair passage to its next stages, but I hope that, between now and tomorrow, when those stages commence in the House, the Minister will carefully consider what I have asked for and will respond positively.

4.31 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): I am somewhat bemused. I had hoped that, in the discussion of the reasons for Her Majesty's Government proposing what is a constitutional change, there would be a clear explanation of the situation, not only as it exists, but as it will exist after the passing of the law. I regret to say that I am more confused now than I was when I entered the Chamber.

I do not intend to detain the House for long, but I would say this to my hon. Friend the Under-Secretary: constitutional change needs to be carefully thought out, and its implications carefully examined. I understand the desire to normalise relationships with Ireland, particularly in the light of the advances that are being made and the desire to have stability and change in Northern Ireland. However, to deal with one anomaly by creating a dozen others does not seem altogether an admirable solution. I would have been happier had my hon. Friend, whom I know to be not only a sterling member of the Front Bench, but an honest and straightforward one, been able to assure me that various qualifications would have been automatically written in at this point—not later, but at this point.

Will it be necessary to have the same qualifications of residency? Are the same responsibilities to be put upon the people who are involved and who could benefit from the legislation? Will the constraints that we have in relation to this Chamber be the same after the Bill has been passed?

Because of the historical accident that Irish citizens can not only vote but take part in local government and in our system of elections, I understand why it is felt that Ireland has a different relationship. But the reality is that it is outwith the Commonwealth; it is not on a par with Commonwealth countries. I must ask my hon. Friend whether this will not be used as a precedent for other non-Commonwealth countries in the future. I could understand if, in seeking to tidy up legislation, one came here and said that it was no longer sensible for other Commonwealth representatives to have the right to sit here, but that does not seem to be the case. What we are doing today seems, if well intentioned, ill-researched. It may even be somewhat wider in its context and somewhat more immediate in its results than Her Majesty's Government may have considered.

These days, I suppose that I could be said to represent the forces of conservatism, although I discover that my position within the Labour party seems to sway from side to side—not because of anything that I do, but because others take a different view of where I stand. However, I am really rather discomfited by the suggestions that have been made today, and even more discomfited by the fact that I see no one on the Government Benches questioning them. We may discuss constitutional change, but I believe that the right to sit in the sovereign Parliament of the United Kingdom is one of the most important rights of a citizen. It carries with it responsibilities and duties. The Oath of Allegiance is not to a particular person: it is to our head of state. We must never lose sight of that fact, whatever people may think about our system.

I have difficulty with the measure; we have not been given a full explanation of the need for it. Its implications are much more wide ranging than my hon. Friend suggested, and I could not support it in the Lobby.

4.35 pm

Mr. Michael Howard (Folkestone and Hythe): It is a pleasure to follow the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), especially as, on this occasion, I agree with much of what she said. I seek the indulgence of the House for my absence during the wind-up speeches, depending on when they take place. I have a long-standing speaking engagement in Cambridge this evening, which I am honour bound to keep.

Mr. Mackinlay: The right hon. and learned Gentleman will be back to vote, I hope.

Mr. Howard: I hope so, but it depends on when the vote takes place.

I believe that the Bill is wrong in principle. Underlying the Disqualification Act 1975, which this Bill amends, and all previous disqualification legislation is the principle that an hon. Member should be free from possible conflicts of interest that might distract his behaviour as an independent member of the legislature and his freedom to represent the best interests of his constituents. As the Library note puts it, this House-based objective has been historically the basis of the great majority of disqualifications. It is a principle previously accepted as self-evident.

Dr. Palmer: Does the right hon. and learned Gentleman agree that, in that case, it would be necessary to abolish the right of members of one European Union state to stand for the European Parliament in another, as Lord Steel did a few years ago when he stood in Italy as a candidate for the European Parliament?

Mr. Howard: It is possible to have more than one view on that, but I do not think that that follows from what I have argued because the European Parliament is not a sovereign Parliament. The essence of my argument has to do with the sovereignty of this Parliament and that of the Republic of Ireland.

The principle to which I have referred is reinforced by the Oath of Allegiance. I, for one, do not understand how it is possible to be loyal to that Oath and to serve loyally in another sovereign Parliament. No one should expect that to be possible. We are not concerned with a problem of terminological inconvenience. At the very core of the responsibility of a Member of Parliament is his duty to promote the interests of the country of whose Parliament he is a Member. No two countries have interests that are always identical. Whenever those interests diverge, a member of the legislature in both countries is faced with precisely the type of conflict of interest that it is the purpose of the Disqualification Act 1975 to prevent.

Mr. Hogg: Although, unlike my right hon. and learned Friend, I should like the Oath to be changed, it none the less focuses on the nature of the duty owed. The duty owed by any hon. Member in this House is a duty to the interests of this country.

Mr. Howard: My right hon. and learned Friend is entirely correct. That is precisely the point.

The divergence of interests between the United Kingdom and the Republic of Ireland has been and remains conspicuous. In this country's hour of greatest peril 60 years ago, the Irish state stood apart. To this day, the Republic of Ireland continues to stand apart from the military alliance that has done so much to preserve peace over the past 50 years. It is not a member of NATO; it is neutral.

The Irish Republic is part of European economic and monetary union. No one can seriously doubt that the interests of a country that is a member of that union and those of a country that is not cannot be identical. To state those differences is merely to set out a series of facts. They are indisputable.

We have before us legislation that is wrong in principle. Indeed, the error of that principle seems to be recognised in the legislation itself. Clause 2 provides that no one should be a Minister in the Northern Ireland Executive

"if he is a Minister of the Government of Ireland."

That can be only because the Government themselves recognise that to hold ministerial office in both Administrations would be to fall foul of the very conflict of interests to which I have referred.

Ministers nod, but this was the thinnest part of the justification advanced by the Under-Secretary of State. The responsibilities and loyalties of a Minister to the country that he serves are in every material respect identical to those of a member of the legislature. The fact that in one case the responsibility is Executive, while in the other it is legislative, is utterly immaterial in relation to the principle that is involved

Mr. Hogg: The Oath is precisely the same.

Mr. Howard: Indeed it is.

The only argument that has been advanced in support of the Bill, either explicitly or implicitly, is that it would further the peace process; but it has been acknowledged that nothing in the Good Friday agreement requires this step to be taken. Indeed, it has been forcefully argued that pressing on with the measure in the absence of a consensus for it is itself a breach of the Good Friday agreement. In any event, it can hardly be argued that those who are most likely to benefit from the legislation—I agree that they are not the only ones—have been so punctilious in their observance of the provisions of the agreement as to justify these further concessions.

Finally, I want to deal briefly with the claim that all that the legislation achieves is the putting of the Republic of Ireland on the same footing as member states of the Commonwealth. I do not regard that as a convincing argument. It is easy to see why in 1957, just a dozen years after the end of the second world war, special provision was made in the House of Commons Disqualification Act of that year for Commonwealth member states. At that time, there was indeed a greater identity of interest between those countries and the United Kingdom than existed between the United Kingdom and almost every other country, or than exists now between the United Kingdom and other countries of the Commonwealth.

I personally greatly value our Commonwealth links and want them to be strengthened, but I believe that, for the reasons of principle that I have given, the Commonwealth exemption from the provisions of the 1957 Act can no longer be justified. It is that exemption that is the anomaly. Far from being extended, as the legislation would provide, it should be removed.

Mr. Mike O'Brien: Let me see if I have understood the right hon. and learned Gentleman's argument. He does not believe that the Commonwealth should have the rights that it had throughout 18 years of Conservative Government, including the period during which he was responsible for these constitutional issues as Home Secretary and did nothing about them. He believes that this is a fundamental matter of principle, but he cannot be bothered to be here this evening to vote against it.

Mr. Howard: The Minister may yet be disappointed in his expectation—it rather depends when the vote takes place. Perhaps he should not take too much comfort from what I said.

Rev. Martin Smyth (Belfast, South): I appreciate the right hon. and learned Gentleman's argument. I also believe that no one can serve two masters. Is it possible to be elected to this Parliament from any part of the United Kingdom, or from anywhere else, without being on the electoral register within the UK?

Mr. Howard: That question raises different points and considerations. I hope that the hon. Gentleman will forgive me if I do not follow him down that path.

If we in the House are careless of principle, we will forfeit our right to the confidence of our constituents. The Bill is wrong in principle, it is not justified by any worthwhile practical consideration and it should be rejected by the House.

4.45 pm

Mr. Andrew Mackinlay (Thurrock): Most of us can unite on one thing: it is bewildering that people could even contemplate having two mandates, but there are plenty of precedents for that. I notice that no one has advanced the view that, as a general principle, the right to two mandates should not exist. Indeed, two hon. Members whom I greatly respect—they are almost universally

[Mr. Andrew Mackinlay]

respected in the House—the hon. Members for Foyle (Mr. Hume) and for North Antrim (Rev. Ian Paisley), have three mandates each. They are supermen. They have seats in the Northern Ireland Assembly, the House of Commons and the European Parliament.

Why do I refer to that? It comes back to my intervention. It is for the electorate to decide whether having more than one mandate is appropriate; it is not a matter for us.

Mr. Hogg *rose—*

Mr. Mates *rose—*

Mr. Mackinlay: I give way to Grantham and then Hampshire.

Mr. Hogg: It is Sleaford and North Hykeham, but no matter.

On disqualification, there are two points. One is time: whether a person has the time to be in two or three places. I agree that that depends on the constituency in question. The other is conflict of interest, which is a matter not for the association or constituency, but for the House.

Mr. Mackinlay: I promise to come to that point because it is important. I am just into my speech and I do not want to detain the House, but I will come to that.

Mr. Mates: I defer to the hon. Gentleman when he says that it is all right for a Member to serve in any number of Assemblies so long as it is all right with the constituents, provided that national conflict of interest does not arise. That is the point that the Minister did not deal with. To be a Member of the House of Commons and the Northern Ireland Assembly is fine as it is part of the UK. To be a Member also of the European Parliament is fine, too: that is just a supranational assembly. It is when we come to this sovereign Parliament and the one in Dublin that a conflict arises. That is what the Bill allows for, which is wrong in principle.

Mr. Mackinlay: It might surprise the two Members who have intervened on me, but I listen to colleagues' speeches. That was precisely the point that was raised by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). I intend to come to that, if they could be patient for a moment. I am speaking without notes, which I know many hon. Members do, as I want to develop a certain thought process.

Having made the point that it is for the people to decide who their Members of Parliament, MEPs, Deputies and Members of the Northern Ireland Assembly should be, I want to move to another point—

Mr. Forth: Will the hon. Gentleman give way?

Mr. Mackinlay: I will for the last time.

Mr. Forth: Will the hon. Gentleman cast his mind back to when his Government, his party and, I guess, he himself supported the closed-list approach to the European elections? In what sense does he think the electorate had a choice in who represented them in those elections?

Mr. Mackinlay: I am surprised by the right hon. Gentleman. I should have thought that he would have known that, as a democrat, I very much opposed the closed-list system.

Mr. Forth: How did the hon. Gentleman vote?

Mr. Mackinlay: I will have to look it up in *Hansard*, but, for the record, I think that the system is wrong. It is a big digression from the Bill, but I say unashamedly that the electoral system chosen for the European Parliament was perverse. It was not democratic in the way that I would have liked it to have been when it reached the statute book. I hope that we shall revisit the issue before the next European elections.

The second point that I want to make has not been touched on yet in the debate, but is an underlying theme. It is time that the Irish Republic came back into the Commonwealth. If one paused to think about it, one would realise that, in 1948-49, one reason why the Costello Government left the Commonwealth was that the Commonwealth had not yet accepted, as a general principle, the idea of accepting republics as members.

The irony was that, as the Irish Republic formally left the Commonwealth, almost simultaneously, the first departure from the principle that the United Kingdom monarch should automatically be the head of state of a Commonwealth country occurred with the entry of India, as a republic, to the Commonwealth. As I have already said, an overwhelming majority of Commonwealth countries are republics. Had that been the case in the 1940s, I am sure that the Irish Republic would not have left the Commonwealth.

Legislation in the late 1940s was intended to recognise that there was something very special about Ireland—our close cultural bonds with it, the fact that many citizens of the Irish Republic fought on behalf of the United Kingdom in the second world war and that, in the first world war, many gave gallant service on the western front. In the late 1940s, people were very much alive to those issues, and Parliament's intention was demonstrably to recognise our special historical, cultural and geographical ties with the Republic. Consequently, special provisions were made to give citizens of the Republic voting rights and the right to stand for the United Kingdom Parliament.

I think and hope that, at some stage, the Republic will think about rejoining the Commonwealth. Although I appreciate that it is probably not best for this place to prompt it, I hope that countries such as South Africa, Canada and New Zealand will take the initiative of inviting the Irish Republic back into the Commonwealth. We should also bear in mind—I hope that our debate might be read elsewhere—that it is no longer the British Commonwealth, but the Commonwealth. It is a mutual and shared organisation.

The Irish Republic has a very great tradition and proud record of peacekeeping and humanitarian work, and it would be a natural leading member of the Commonwealth. I hope that, in the coming months, the issue of rejoining will be considered by the Dail and the Government of the Irish Republic.

In earlier interventions, hon. Members raised the issue of members of a legislature who are not loyal to the state in which the legislature of which they are members is located. I ask them to pause and think about the troubled parts of Europe and the representatives of national minorities and communities who are not happy about serving in the geographical jurisdiction of the country in which they are located, but who are none the less prepared to serve in those countries' legislatures. They are not terrorists. Those representatives will also have to accept the terms of their legislatures' oath of office, although it is unlikely that such an oath would be offensive to them.

Surely all hon. Members would encourage those representatives to serve in those legislatures. It is odd that we do not encourage people to serve in our legislatures, even if those people might find unpalatable the constitutional arrangements in which the legislatures operate. If the arguments propounded by the right hon. and learned Members for Folkestone and Hythe and for Sleaford and North Hykeham (Mr. Hogg) and by the right hon. Member for Bromley and Chislehurst (Mr. Forth) were adopted elsewhere in Europe, it would intensify the unhappy situation in so many European countries.

Mr. Hogg: I am following the hon. Gentleman's argument, and there is some substance to it. However, does he agree that, in many of the countries of Europe, the difficulty of concentrating on loyalty has been recognised and that, very often, the result is much greater devolution and federal constitutions that are designed to deal with the concept of divided loyalty?

Mr. Mackinlay: Yes. However, the situation in the United Kingdom is dynamic, and—although the British isles are not a federation—there have been many recent developments. We should not consider the provisions in isolation. We now have, for example, the Council of the Isles.

In many parts of Europe, there are not adequate federal arrangements. In their speeches, the right hon. and learned Members for Sleaford and North Hykeham and for Folkestone and Hythe and the right hon. Member for Bromley and Chislehurst made the point that people might serve in a legislature although all their beliefs run counter to the principle of doing so. I regret that the people who wrote the Minister's brief were not astute on Irish history. Otherwise, Eamon de Valera would have been mentioned, as he was elected to the House of Commons in Northern Ireland after the constitution of the Irish Free State, and was also elected to the Dail. He could have been elected to the British House of Commons until the Costello Government declared the Republic in the late 1940s.

When the Irish Free State was set up in 1922, the Irish Senate had Members of the British Parliament sitting in it. They were Unionists who did not like the creation of the Irish Free State. Admittedly, they were not elected Members of the House of Commons, but they were Members of the House of Lords. They carried on their mandate to sit in the House of Lords in the British Parliament until they died. The Irish peerage carried on until they expired, so there was a dual mandate in reverse. Those people were there because they had resisted the creation of the Irish Free State and because, quite rightly, it was a way of representing Unionist interests in the 26 counties. They did that very well.

Rev. Martin Smyth: I appreciate that the hon. Gentleman is refreshing our memory of history, and I recognise his point about South Down. However, how long were those people kept in the Irish Senate thereafter? The hon. Gentleman referred to them as dying here. Am I right that the understanding that there would be Unionist representatives in Dail Eireann was not maintained?

Mr. Mackinlay: In those days, it was possible for a Unionist to get elected to Dail Eireann because there was not separate citizenship. I stress that those concerned did serve in the Senate. I regret the impact of the constitutional amendments in the 1930s, which abolished the Irish Senate as set up under legislation in the 1920s. However, the principle was there.

I draw the House's attention to that point in response to the right hon. and learned Members for Folkestone and Hythe and for Sleaford and North Hykeham, and the right hon. Member for Bromley and Chislehurst. In fairness, they were unaware that this Parliament had provided for that matter in those circumstances.

A colleague told me not to dwell on the Oath. The Oath does not present difficulties to me personally. However, we should facilitate people in taking their place within a legislature. If they are disbarred solely on a formulation of words that is very important to those who consider the Oath important but not to those who do not, that will contravene the European convention on human rights.

In looking at the tragedy of Ireland and the missed opportunities, one must look at the Oath, which kept the Republican party out of the Dail for 10 to 12 years after the creation of the Free State. That was a great tragedy. How did they overcome it? Those who value the Oath must think that the formulation whereby the problem was overcome was the worst possible scenario. De Valera led his deputies into Dail Eireann after they had been disbarred having consistently refused to take the Oath. Eventually he said, "This is a formula", and signed the register. That was seen as the way round the problem. I happen to know that some hon. Members here have mentally poached that formula when they have signed after our general elections. Openly, some people elected to the Scottish Parliament used the same formulation.

That debases the Oath. An oath should be something with which everyone is comfortable. Perhaps we all do not even need to take the same oath—there could be a degree of choice. For the right hon. Member for Maidstone and The Weald (Miss Widdecombe) to challenge the Minister to say that he will never contemplate a change in the wording of the Oath seems to reinforce some of the great mistakes that were made in the previous century in relation to Ireland. There must be fresh thinking: members of one United Kingdom legislature should not be disbarred from serving because of a formulation of words.

Only exceptional people will want to take advantage of this Bill when it is enacted. However, its presence on the statute book could benefit the United Kingdom and all its people. After all, Margaret Thatcher, when she was Prime Minister, appointed Dame Lydia Dunn, a member of the Hong Kong legislature, to the House of Lords. That appointment was a recognition of the lady's work, but it was also expeditious for the United Kingdom to send a signal to the people of Hong Kong that they had not been forgotten. The appointment was therefore an important shibboleth and was expedient at the time.

Mrs. Dunwoody: I have the greatest admiration for my hon. Friend, but does he accept that the Hong Kong

[Mrs. Dunwoody]

Executive could not in any way be said to be the sovereign Government of the people of the Republic of China? Although it might have been possible to argue that Hong Kong, as the only democracy in the state of China, could and should have been that sovereign Government, it was not.

Mr. Mackinlay: No, but my point is that it was expedient for the United Kingdom to have that facility on the statute book.

Mrs. Dunwoody: That is not comparable with the Bill.

Mr. Mackinlay: My hon. and very good Friend and I will have to disagree. I believe that the two sets of circumstances are parallel. There are good reasons why the same facility should exist for the electorates of Northern Ireland—to whom the Bill primarily relates—and for those of the rest of the United Kingdom and of the Republic of Ireland.

5.2 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): When I take constituents on tours of the House, I am often asked about the early days of women's suffrage. One of the bits of history that I tell them as a matter of interest is that the first woman to be elected to this Parliament was a Sinn Fein representative from the St. Patrick's area in Dublin. She never took her seat in the United Kingdom Parliament, but the story disabuses people of the conventional, history-book belief that Lady Astor was the first woman to be elected to this place.

Although this Bill is small in size, it opens a set of big related issues. The Liberal Democrat party is a United Kingdom party, but more in practice a Great Britain party, so it is especially sensitive to the needs of people in Northern Ireland, to whom the Bill has most relevance.

Mr. Maginnis: No.

Mr. Hughes: If the hon. Gentleman will bear with me, he may go quite a long way towards agreeing with what I say.

The Bill is about the rights of the people of Ireland—particularly the rights of a small group of those people—in the United Kingdom and its Parliament. Essentially, it is about the rights of representation, in the United Kingdom Parliament and other UK Assemblies, of representatives elected to the Parliament of Ireland. This is something of a paradox.

Mr. Swayne: Will the hon. Gentleman give way on that point?

Mr. Hughes: I shall give way in a moment.

Mr. Swayne: What the hon. Gentleman says applies the other way around, too.

Mr. Hughes: I shall come to that in a second.

The question of reciprocity arises from the basic proposition.

Mr. Forth: Yes, that is a big issue.

Mr. Hughes: The Bill rests on two narrow proposals. Liberal Democrat Members support the Bill's Second Reading, as do the Conservatives, but we are worried about how the Government have introduced it to Parliament. The approach adopted by the Government does not seem to be the most appropriate.

The relationship that the United Kingdom has with Ireland is different from any other that it has. It is not the same as our relationship with Commonwealth countries, any other European Union country or any other country—*[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman, but there are far too many sedentary comments in the House this afternoon, and they do not assist the debate.

Mr. Hughes: It is noteworthy that, in our legislation, Ireland is not categorised as an alien country. That is because of our strong historical connections. As we see whenever we are in Central Lobby, Ireland is one country within the United Kingdom until the independence of Ireland; it then became a Republic after the war, at the end of the 1940s. The relationship between the United Kingdom and Ireland is unique, and legislation that affects it will, and should, be considered separately from legislation in relation to every other country.

Sir Patrick Cormack (South Staffordshire): The hon. Gentleman said that Ireland's position is to do with our long historic relationship. In a sense, that is right, but it is also a result of Acts of this Parliament. That is the point.

Mr. Hughes: The hon. Gentleman is right: the historical relationship has resulted in particular Acts of Parliament that have governed our relationship.

The Government have chosen—that is why I asked the Minister the question—to come to the House with a proposal that is specific to the United Kingdom-Irish relationship. I want to make a few comments on that, although I shall shortly be discussing the fact that we have missed an opportunity. There is a wider set of issues to do not just with disqualification from being elected to Parliament, but with the links between Members of Parliament and other Assemblies—the hon. Member for East Hampshire (Mr. Mates) rightly called them subordinate Assemblies—including the European Parliament, which is not a full sovereign Parliament in that sense of the word. In addition, dual mandates and conflicts of interest have not been addressed. It is also a pity to have this debate before having the even wider debate, which is particularly topical given last week's report by the Wakeham commission on the House of Lords, and the opportunities that that presents.

Let me deal first with the Bill and the two narrow points that it contains. Let me say to the right hon. Member for Maidstone and The Weald (Miss Widdecombe), who is no longer in her place, that if we accept that the Bill presents to our Parliament an issue on the rights of the Irish people and people elected to the Irish Parliament—the Senate and

the Dail—it is wrong to tie the Bill to issues of decommissioning, however much we share the view expressed most frequently by Members on the Ulster Unionist and the other Northern Ireland Benches that we desperately want decommissioning to take place and to be seen to be taking place. I advanced that case in a question to the Secretary of State for Northern Ireland only last week. The rights of citizens should not depend on other processes that will be arbitrated on by an independent body. It muddies the water to link those issues.

Although the Minister did not say it directly, the obvious conclusion is that the Bill arises from discussions after the Good Friday agreement. The point must have been raised—perhaps someone in the Government said it to someone in the Irish Government, or vice versa, or perhaps it came from the Northern Ireland Office—about correcting this one constitutional anomaly, and the Government must have decided to legislate.

It would have taken some of the heat out of the issue if the Bill had awaited the conclusion of the commission in Ireland, which is inquiring into the composition of the Irish Parliament. I gather, from prior knowledge and from the Library's briefing note, that it is due to report early this year.

It would have been logical, and would have been good as cement for relations in the UK-Irish axis, for there to have been simultaneous consideration—as simultaneous as it can ever be—in this Parliament and the Irish Parliament of proposals that might have ensured that there were no anomalies. We should have preferred that and we regret that it has not happened.

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Hughes: I will on this occasion, but I do not want to do so too often. I have not forgotten my promise to give way to the hon. Member for New Forest, West (Mr. Swayne).

Mr. Bercow: I am grateful to the hon. Gentleman for giving way; he made a highly pertinent point. Does he agree that, despite the Government's disavowal of a linkage between the Bill and the process of decommissioning, it is not outwith the bounds of possibility that they are fervently hoping that the passage of the Bill—to which some Members object—will itself facilitate the decommissioning for which we all hope?

Mr. Hughes: I am sure that there is a hope that the Bill will act as a bit of an encouragement to—let us be direct—Sinn Fein to be more co-operative. That is a perfectly reasonable interpretation. However, we should not legislate to change constitutional arrangements by considering only the foreground, without thinking about the hinterland. The Bill has a hinterland—of Irish and United Kingdom constitutional change and of UK constitutional reform—and our criticism is that both should have been considered before we reached this stage.

I have no inside information, but I take it as read that the Bill would not have been presented, had the Irish Parliament not changed the Irish constitution to remove Ireland's claim to the six counties.

Mr. Mackinlay: That was in the 1948 legislation.

Mr. Hughes: Indeed. The legislation dated from the 1940s. The Government would not have been able to sustain the proposition in the measure if the right remained for people in the Irish Senate and the Dail to make a claim for the six counties. I assume that that change was a precondition. The matter shows the link between the constitutional settlements in each country, which is why we think that the wider issues should have been considered.

I have some further constitutional points to make. The first is that the measure raises an issue that is relevant to all constitutional debate, and was referred to by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). Whatever we think about the dual mandate—a live issue on which we should hold a debate, because although electors can choose, we may want to reconsider the matter in the light of the number of opportunities that there are to do so—the Bill raises a separate issue, which has rightly been described as the conflict of interests.

For example, if a citizen of Ireland represents Northern Ireland in the Northern Ireland Assembly or, more important, in the UK Parliament, but also represents in the Irish Parliament another place in Ireland from which he or she comes, there may be times when there is a conflict of interest. The two parties, the groupings or the two legislatures to which that person would belong would be institutions of different sovereign countries and they could take different positions. That cannot be avoided. To say that there will not be a conflict of interests seems to be a naive denial of reality. Of course, people would have views on which they stood for election and would take those views into each Parliament, but there is bound to be—between each forum—some conflict of interest.

In the light of that point, it is right that the Bill includes a provision that one cannot serve as a Minister in both Irish and Northern Ireland Governments—that goes at least half way. The logic is that people would probably realise that they also should not serve as any sort of Minister in either country's national Government—in any of its Assemblies or Parliaments—but that point should also be provided for in the measure.

The second issue is whether—

Mr. William Ross: The hon. Gentleman makes an interesting point, which has not escaped the notice of Ulster Unionist Members. During the Falklands war, there were very different opinions in the House and the Dail. What would happen to a Member who was sitting in both places in such circumstances?

Mr. Hughes: The hon. Gentleman is right to raise the question. Logically, the same person would express the same view in both places—

Mr. Bercow: Not if he is a Liberal.

Mr. Hughes: The hon. Gentleman is sometimes astute, but that remark is neither astute nor helpful in a debate such as this. I am always willing to defend the Liberal Democrats, but this is a debate about serious matters, and party political sniping is not appropriate.

[Mr. Hughes]

Logically, the same person would adopt the same position in both legislatures, but it is true that a person cannot possibly serve in two Administrations with differing views where, by definition, that person will be one among many.

Mr. Mates: The logic of that is that the Bill should be amended now, so that, if one takes office in either sovereign Parliament, one is disqualified even from membership of the other one.

Mr. Hughes: I would go along with the hon. Gentleman that far: we should have been given a proposition that holding office in government, in either Ireland or the United Kingdom, disqualifies a person from holding office in the other Government at the same time. We could debate whether it is proper to be in both legislatures and a member of the Administration in one. I believe that it could be justified, because the conflict of interests is less. I have just flagged that up. I have gone a long way with the hon. Gentleman. By definition, different interests are served by the Parliament of Ireland and the Parliament of the United Kingdom. Let us not be dishonest when we legislate in this way.

That leads me to my last constitutional points. It would have been better if we had approached the issue by considering whether, in 1999, when the Bill was introduced, or 2000, when it is being debated by Parliament, it is still sensible to argue that someone who is a member of one sovereign country's legislature should be allowed to be a member of another sovereign country's legislature. I am the most ardent fan of the Commonwealth, but it seems to me that it is perfectly proper for Commonwealth heads of government to hold a debate at their conference on whether it is reasonable for people to be entitled to be in two legislatures at once. I do not believe that it is. It is no longer logical, even if it was; I know that it dates back several decades.

Another question that cries out for ministerial consideration—which is why I raised the question with the Minister—is whether it is logical for there to be no residence requirements to stand for election to a legislature, even though there are such requirements to vote. Under the Bill, as under existing law, a Commonwealth legislative member and a Member of the Senate of Ireland can stand for election, in the first case to the United Kingdom Parliament and in the second case to the Northern Ireland Assembly, without having a residential qualification in the United Kingdom. We should address that question. I believe that most of us, and most of the electorate, would say that, whatever one's citizenship and nationality, residency should be a precondition for standing for the Parliament of a sovereign country.

Mr. Mike O'Brien: When we consider the issue of people representing electorates in different sovereign countries, presumably the key question is, would there be a conflict of loyalty between supporting the rights of one set of electors and supporting those of another set of electors? To take an example, although not on all fours with this, a former right hon. Member of the House, Sir David Steel, sought to represent a French constituency—*[Interruption.]*—an Italian constituency, in a different sovereign country, representing electors in that country, yet also sought to represent persons in Scotland. How does the hon. Gentleman resolve that issue?

Mr. Hughes: I shall give the Minister the answer, but it raises another constitutional question. Elections to the European Parliament are fought by parties that operate across the European Union. I remember the debates, and Lord Steel wanted to show that he was standing not for an Italian party, but for a European-wide party that represented the Liberal view across Europe. The Minister may or may not agree with the decision, but that was the reason. The question of whether and in what circumstances citizens of one country should be able to stand for the sovereign legislature of another should be considered. I exempt the European Parliament from that consideration, because it is not a sovereign legislature in the same sense as the Dail or the United Kingdom Parliament.

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Hughes: No, because the hon. Gentleman has been rude. Therefore, he does not deserve an intervention.

It is right for the Bill to correct the anomaly of the Northern Ireland Act 1998, which gave Members of the Irish Senate, but not Members of the Dail, the right to sit in the Northern Ireland Assembly. Although I know that each group is elected differently and has a different role and composition, it is proper for the Bill to remove that anomaly.

Whatever the merit of its two individual proposals, the Bill is sadly the latest example of the Government not thinking constitutional reform through wholesale, but coming at it piecemeal. They legislated for a Scottish Parliament and we welcomed that. However, that was done separately from the Welsh Assembly and the Northern Ireland Assembly. The Government then legislated for London government, and they may or may not legislate for regional government in England. They think about electoral reform for the House of Commons, but they do not think at the same time about what they will do for the Lords, and when they think about what to do with the Lords, they do not consider how it relates to the House of Commons. The whole thing is a muddle. Although people sometimes criticise Liberal Democrats for having an over-excessive interest in constitutional reform, we can never be criticised for not having at least thought through a coherent package.

Sir Patrick Cormack: They are generally wrong.

Mr. Hughes: Whatever colleagues think about our conclusions, we at least have a coherent view of the whole. For example, we have long argued that the existence of a Scottish Parliament means that there should be fewer Members from Scotland in the House. That view is taken by my Scottish colleagues, as well as by the others. However, the Government have not thought things through and that is why they are in difficulty today.

The Oath was mentioned. Although this Bill is not about the Oath, it is wrong to think that an oath issue does not exist. However, the right hon. Member for Maidstone and The Weald should recognise that some Members of the House, who are not from Northern Ireland, take the

view—it is not a party view—that reform of the constitution should involve a reconsideration of the Oath. For example, we might change the Oath so that it is one of allegiance to the country, the constitution and the rights of our citizens and not to the person of the monarch, however much we respect her or her successors.

Mr. Mackinlay: The Bradlaugh point.

Mr. Hughes: This is, indeed, the Bradlaugh point. No matter what part of the United Kingdom they come from, republicans may stand for and be elected to Parliament. If the electors want them here, they should be able to attend and should not be precluded from taking their places because they cannot take an oath.

We shall vote for the Bill's Second Reading because it is clearly right to correct the anomalies on two narrow points. We must resolve the discrepancy between Members of the Senate and the Dail and properly consider the issue of the United Kingdom's special relationship with Ireland. We have reciprocal voting rights and, by tradition, Members from Ireland and the Commonwealth have had certain rights in some of our legislatures. This correction must be taken forward. However, we regret that the Bill was not introduced more in parallel with the proposals of the Government of Ireland and with greater constitutional thought about disqualification, the arrangements for the United Kingdom Parliament and its subsidiary Parliaments and Assemblies and the better governance of all the Parliaments in the United Kingdom and in Ireland.

5.25 pm

Mr. William Ross (East Londonderry): I listened carefully to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), for he made a very interesting speech. Indeed, he made a number of interesting points last week on the Representation of the People Bill. However, if he gets round to writing anything into the Oath about the constitution, he will find that not only Irish nationalists but Scottish and Welsh nationalists will not sign up to it. He better get that through his head before he goes down that dangerous road.

The Minister was asked to whom the Government talked, but we did not get many sensible words out of him or any hard information in reply. He cannot rely on the matter being forgotten on Report. Given what has been said so far on both sides of the House, it is foolish and quite wrong to go ahead with the Bill's remaining stages tomorrow. Comments have already shown how much is hidden in this tiny Bill. People need more time to consider it, what has been said and what amendments should be tabled. The more that folk in this House look at the Bill, the more questions will be actively raised in their heads.

The Minister said that, as a result of the Bill, persons could be elected to the Scottish Parliament and the Welsh Assembly. Be that as it may, there is nothing, so far as I can see—he was not able to answer the point when I put it to him—that will bar persons from the Irish Republic who are elected to the Scottish Parliament and the Welsh Assembly from assuming ministerial posts in such bodies. I do not think that the Scots and the Welsh would be very happy about that. Perhaps he has made a mistake and it is not possible for such people to stand for those institutions. I have no doubt that that issue will be explored tomorrow.

It has become perfectly clear to me as the debate has developed that the Bill is not the product of long and careful thought. It is nothing more than a hasty cobbling together—a product more or less out of the blue. We are therefore entitled to ask serious questions about why it has been introduced at this stage and in such a form. Its implications have not been thought through.

The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) made an excellent speech, raising the sort of questions that the late Enoch Powell used to raise. We shall hear much more of that because such questions underlie an awful lot of what this nation is and how we perceive ourselves and our place in the world.

The hon. Member for Thurrock (Mr. Mackinlay), who has left the Chamber, talked about the interim arrangements that were made for Unionist representation in the Dail Eireann. He did not seem to be aware that it was possible at that time for a Unionist to get elected in a number of areas in the border counties, and even in Dublin—not under the Unionist name, although everybody in the Irish Republic knew who such candidates were. Through border changes and the redrawing of boundaries, Unionists or anyone of that political complexion were very soon prevented from being elected. I think that the last place to fall was Donegal. In fact, the last Protestant councillor in Donegal had his electorate cut in half by the last boundary change. So, if the hon. Gentleman expects good will just because of pious hopes expressed in this House, he had better think again.

The hon. Gentleman also drew attention to the fact that people could be elected to the Dail, yet that is plainly an empty symbol. There are enough people of nationalist Irish descent, or who were born in the Irish Republic but live on this side of the Irish sea, to elect a member of Dail Eireann to this House, the Scottish Parliament, the Welsh Assembly or the Northern Ireland Assembly. However, there is not a snowball's chance of any Member of Parliament, other than a well-known Irish nationalist or Irish republican, ever being elected to the Dail.

Mr. Hogg: Is there not a legal impediment as well? My understanding is that it is a condition of being elected to the Dail that the person in question is an Irish citizen.

Mr. Ross: There is that legal impediment, but one need only look at its football team to see how widely the definition of a citizen of the Republic of Ireland can be spread.

Mr. Hogg: Does that not include me?

Mr. Ross: No, it would not include the right hon. and learned Gentleman. He is a generation—

Mr. Deputy Speaker: Order. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) must not make his arguments from a sedentary position.

Mr. Ross: I repent in sackcloth and ashes, Mr. Deputy Speaker, for having been carried away by an interesting side issue.

In many ways, this House of representatives of the people of the United Kingdom is the very heart and soul of the nation. As such, its duty is to preserve the national interest and to provide for the welfare of all its citizens.

[Mr. Ross]

That welfare is not merely economic; it extends both to the freedoms that all want to enjoy and to the responsibilities that many do not want to acknowledge but that we as citizens accept and enjoy. All nations have a unique perception of themselves and of the values that are commonly accepted by the citizens of the state as underpinning our entire attitude to life.

Although we can understand the desires and hopes of the people of other nations, we in this House are in no way bound to accept or promote their vision of the world, especially when it impinges on our economic and constitutional interests. In other words, our objective must be to ensure that the Queen's writ runs, that the Queen's law is observed and that the Queen's peace is kept throughout the United Kingdom. That is a large part of what it means to be a citizen of the United Kingdom.

That means that, at the end of the day, Members of Parliament have to decide whether they serve the people and interests of the United Kingdom or whether they have another vision that serves the people and interests of another state. Attempting to serve both will result in the exclusion of at least some constituents, not in all being served comprehensively and wholeheartedly.

Mr. Simon Hughes: In the spirit of inquiry, may I ask whether I am right in assuming that one who enters the Dail has to take an oath—that there is some declaration or requirement that means that election in Ireland carries certain obligations, just as the Oath taken by representatives in this country entails some obligation?

Mr. Ross: I shall address that point later in another context. However, I can tell the hon. Gentleman that any Minister in the Dail and the President of the Republic of Ireland must take an oath to uphold the constitution of that state. That is their first duty. If a person who had taken that oath were to be asked to serve in another legislature, there would be an immediate and deep conflict of interest. As my hon. Friend the Member for Belfast, South (Rev. Martin Smyth) said, it is not possible for a man to serve two masters, for, as the good book puts it, either he will hate the one and love the other, or he will cleave to the one and despise the other. That was true 2000 years ago, when the words were first uttered, and it is true today in terms of national loyalties.

We have recognised that some nations and their nationals have, as it were, a family relationship with us in a shared history and a shared view of some or all of our constitutional standards and of our legal framework, which we gave to countries that were outwith the old British or Anglo-European context. That relationship still subsists via the Commonwealth, so Commonwealth citizens can be elected to this place. That privilege has been extended to citizens of the Irish Republic despite the fact that it decided of its own volition to part from this nation and follow another course.

It is clear beyond any doubt that when committed Irish nationalists decided to take their place in a United Kingdom legislature, they did not do so on the same basis as I did. One of them, whose name has already been mentioned, has reached a position of some prominence in the Irish Republic. When asked about taking the Oath when he was a member of the Stormont Parliament, he replied that he had taken the Oath with a mental reservation. That reservation was not spelled out but his response could mean only that he had uttered the words of the Oath without the slightest intention of abiding by their plain meaning. He was prepared to work to a different agenda from that implied by the commitment that the Oath contained.

Hitherto, the Sinn Fein-IRA organisation has flatly refused even to follow that course of action in regard to United Kingdom institutions, with the exception of the Northern Ireland Assembly. Its members will not take the Oath or make the affirmation in this place. They stand outside but still claim, perhaps for financial reasons or to rub the House's nose in it, the benefits that flow from being elected here, without accepting any of the responsibilities that attach to the position that they occupy.

These people have entered the Northern Ireland Assembly. They have said that they can abide by the wording of that Oath and that they can justify their position. I believe that they do that as a means to an end. Hence their insistence that the Belfast agreement is not the final settlement but only a means to their final objective. I assume that they are even more comfortable with the undertaking that is required in the Dail, given that they now sit in that legislature as well.

It is against that background that the Bill must be viewed. In it, we are opening the way to those who sit in the governing legislature of an avowedly foreign and different state also to sit in our legislature and to legislate for the people of the United Kingdom. The Minister's position is very different. However, what applies to the Minister applies to the newest Back-Bench Member as well. Back Benchers also legislate by their support for or opposition to a legislature. Therefore, the conflict of interest, which is real and deep, remains. It cannot be avoided.

Until recently, the Irish Republic claimed the territory of Northern Ireland, a part of this kingdom. Its High Court said that that objective was a constitutional imperative. I am referring to the outcome of the McGimpsey case. I cannot say what the recent changes have done to that court's ruling in that instance. However, it is plain to me that the territorial claim has been superseded by a claim to rule over people.

As I have already said, in addition the Bill will allow Members of the Dail, if elected, to rule over the citizens of Northern Ireland. Does anyone think that in such circumstances they will do anything other than pursue their objective of a united Ireland? One of the parties whose members will be able to take advantage of a dual mandate will be Sinn Fein-IRA. It is plain that these people have not the slightest intention of becoming a normal political party. They cling to their weapons and to their military wing like a clam to a rock. There is no display of good faith. The Government are introducing the Bill because they see it as another inducement to the IRA to become democrats and abandon violence. That is the real reason for it. Anything else that has been said amounts to a thin smokescreen.

The idea of changing the rules relating to the facilities of the House for the two Sinn Fein persons elected falls into the same category. The change in regard to the Irish Senate and Members of it was made purely and simply for the benefit of the hon. Member for Newry and Armagh (Mr. Mallon).

I am not clear about whether a candidate for the House of Commons has to be on the electoral register here. We are told that one can sit in the legislature of Australia, New Zealand, Canada and heaven knows where and be a Member of Parliament here. However, when we find how far a legislator from one of those countries would have to travel home for the weekend, the physical obstacles render it impossible.

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. George Howarth): The hon. Gentleman expressed anxiety in both an intervention and his speech about a residential qualification for standing for the House. There is no residential qualification, but hon. Members must be United Kingdom, Commonwealth or Irish citizens, or have been born here.

Mr. Ross: Members do not even have to be electors here. That point was made earlier. I am not sure whether their sponsors have to be electors—

Mr. Howarth *indicated assent.*

Mr. Ross: The Minister indicates that the sponsors have to be electors, but not the candidates, who can come from anywhere. That is somewhat daft.

A litany of similar great and small concessions have been made to the IRA in recent weeks, to try to persuade it to divest itself of its weaponry and become a normal political party. Such actions are to no avail, because the IRA's overriding imperative is to dismember the United Kingdom.

Mr. Maginnis: The Government provide a disincentive.

Mr. Ross: My hon. Friend is right. The Government's actions convince us that no matter what the IRA says or does, its demands will be met and it will have to pay nothing in return.

The Belfast agreement was supposed to bury old arguments about the constitutional position of Northern Ireland. I never believed that that would happen. However, those who believed that will find that the Bill will reignite the flames. No Government have been behind in their willingness to listen to and act upon the opinions of the IRA and its fellow travellers, but the current Government, more than most, have been willing to listen to those whose views are congenial to them. I have been a Member of Parliament since February 1974, and have witnessed a consistent refusal to listen to voices that proclaim a different message. Given that the consequences have so often proved those voices correct, why do the Government refuse to learn?

When hard questions were asked last week—including one by the hon. and learned Member for North Down (Mr. McCartney), who is not a member of my party—they were not answered. Instead of a reasoned reply, he received an attempt at abuse. That is not good enough. What will happen when the current raft of concessions to Sinn Fein-IRA have been pocketed? What will be the next step? It will not be giving up weapons or acceptance of United Kingdom institutions, but further demands, which will be backed by the unspoken threat of violence. Having paid danegeld for so many years, and having strengthened the IRA's power and influence by their previous actions, the Government are perceived as the softest of soft touches. One cannot get rid of violence by encouraging it. It is time that not only the Government but all parties in the House learned that.

The Bill is a foolish little measure, from which evil consequences will flow. It should be rejected, and I shall vote against it this evening.

5.44 pm

Mr. Michael Mates (East Hampshire): My remarks will be much shorter than intended because, in a thoughtful contribution, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), made many of the points that I wanted to make, as did my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard). I shall not repeat them, or dance any longer on the head of the constitutional pin around which we have been revolving. However, when I intervened in the Minister's speech, he did not answer my question about acknowledging the difference between a sovereign and a subordinate Parliament.

I have no difficulty with the concept that one can sit in the Irish Senate and the Northern Ireland Assembly. If one can do that, one should also be allowed to sit in the Dail and the Northern Ireland Assembly. The inability to do so is an obvious anomaly, which should be put right. That is a different proposition from having a seat in a sovereign Parliament with one set of allegiances, one set of priorities and one constitution and having a seat in another that has demonstrably different ones. That is the point.

The Minister said that all the United Kingdom Parliaments and Assemblies were to be treated the same. With respect, they are not the same. There is one sovereign Parliament in the United Kingdom, and it is not in Edinburgh, Cardiff or Belfast—it is here. That is a fundamental difference and a fundamental change that the Government are seeking to make in the Bill. In a Second Reading debate one has to ask oneself, "Why this Bill now?" Have there been demands for it from the House? None that I have heard. Have there been demands from Dublin? Not that I have heard. Have there been demands from our Unionist friends? Not that we have heard. The demands have come from one source, and one source only: Sinn Fein. It has asked that that change be made and been granted the concession. It was not in the Good Friday agreement and not offered, but asked for.

Why has Sinn Fein done this? It has had all the concessions that were in the Good Friday agreement. We have already acted not only to the letter of that agreement, but in the spirit of it. We have given way again and again and again, but still Sinn Fein asks for more because it has a card that it steadfastly refuses to play—the decommissioning card. I would not want the Bill to be linked to decommissioning because that would not make any sense. It is either right or not right to make the change. My view is that it is not right and that it should not be a condition, but that is another matter and no doubt I shall find myself in a minority. The concession should not have been offered until Sinn Fein had shown itself ready to sit in either Parliament, never mind both. That is what has gone wrong.

I acknowledge that current Home Office and Northern Ireland Office Ministers were not in their jobs when the process started; they leapt on to a moving train. Two years

[Mr. Michael Mates]

ago the view was, "Let's get on with it. Let's give them everything they want so that if it goes wrong we cannot be held to blame." I can understand that, although I do not agree with it, but there should have come a time at which someone said, "Hang on. We have taken part in what they call demilitarisation and we call reduction, taken three battalions of troops out of the place and cut patrolling by two thirds, all within the letter and the spirit of the Good Friday agreement. We have done more. We have closed down Castlereagh and demolished the security institutions, but not one response has come from them—just more demands." Surely we in the House, above all places, have learned that meeting demands from such people simply feeds their desire to increase those demands.

Mr. Mike O'Brien: The hon. Gentleman's argument is based on the premise that those who will benefit from the change are exclusively members of Sinn Fein. I made it clear in my opening speech that others—perhaps some in the nationalist community and others, and I identified some—who are not members of Sinn Fein have already said that they might want to have a standing in the Irish Republic and perhaps also in Northern Ireland. He has not dealt with that point.

Mr. Mates: I thought that I had dealt with that at the beginning of my speech by saying that I have no objection whatever to any interrelationship between the Northern Ireland Assembly and any part of the Irish Government—be it the Oireachtas, local government or anything else—but I have a principled objection to a person sitting in two sovereign Parliaments.

Mr. William Thompson (West Tyrone): If the hon. Gentleman is prepared to allow people from the Irish Republic to sit in the Northern Ireland Assembly, is he equally prepared to allow them to sit in the Scottish Parliament and the Welsh Assembly?

Mr. Mates: That is an interesting point, which involves the lesson about legislating in haste. I imagine that the Home Office is beavering away hard to try to put that right before tomorrow, when the Bill is in Committee. It appears that that is not allowed. If so, that goes against what the Under-Secretary says. However, I do not want to follow that point.

The point that I want to make, which is why it is offensive for the Government to have brought forward the Bill at this time, regardless of its principles, is that it is there at the demand of two individuals who have been elected to the House—the hon. Members for Mid-Ulster (Mr. McGuinness) and for Belfast, West (Mr. Adams)—but who clearly have no allegiance to this place or its institutions, the sovereign Parliament of the United Kingdom, or Her Majesty the Queen to whom they refuse to swear an Oath. They have said all along, so I am not libelling them by saying this, that they wanted this part of the United Kingdom destroyed; they wanted themselves taken out of it—aspirations, yes, but aspirations backed by force, no. They are the people who still decline to remove the one obstacle to a proper democratic process—the decommissioning of arms. They are now trying to wash their hands of it. They say that they do not belong to the IRA. What I want to know is when they left. They never told us that. I have tried to persuade journalists to ask them the question, but they seem reluctant to do so because they want to obtain more interviews.

We are talking about two leaders of a political party in Northern Ireland who have been elected to the House who owe loyalty to neither the House nor the country, and who now want to retain their membership of the House and to have membership of another sovereign Parliament to which they would owe some form of allegiance, although I imagine that the Irish Government are not entirely happy about having Sinn Fein infiltration from wherever it comes. The Government are doing this, and this is the perverse part, not because a majority of the people in Northern Ireland want this to happen, not even because the minority want it to happen—Sinn Fein represents a minority of the minority community, 15 per cent., yet all their demands are being met—so that the killing stops.

When the Minister replies will he say why—I ask with tongue slightly in cheek—he has not put 1p on income tax and devoted that to education? That is what a minority of 15 per cent. in Britain voted for at the last election. The Liberal Democrat's policy was to put 1p on tax for education. Have the Government done that? Of course not. A minority asked for it and that is not the way in which one governs in a democracy. But everything that this minority has asked for has been given to it on the basis that perhaps it will stop the killing, and it has it in its power to do so. I would only say, as I have said to the Government before, that the more they appease these people the greater will be their demands. At some stage the Government will have to stop the appeasement.

5.53 pm

Mr. Douglas Hogg (Sleaford and North Hykeham): If the House be divided, I shall vote against the Bill because it is wrong in principle. The hon. Member for Crewe and Nantwich (Mrs. Dunwoody), my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and others have identified the inevitability of there being a conflict of interest. The Bill entrenches that dilemma in legislation and is flawed on that basis alone.

When hon. Members come to this House they take an Oath. I, unlike my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), would be willing to see the Oath changed because it does not accurately express our duties. The duties of a Member of Parliament include a duty to one's conscience, to God if one be Christian, and to one's country. It may be that to focus on the person of the monarch is a way of expressing that to some hon. Members, and I am content with that. But I recognise that for many hon. Members the Oath does not accurately reflect their sense of obligation, and that strains the language. If one has an Oath which inevitably strains the language, one tends to deprive it of its meaning. I should therefore like to see the Oath changed.

Whatever the form of the Oath, the substance is the same—namely, that our obligation is to our country, our conscience, God and our constituents. The plain fact is that if one represents a constituency in another country as well as a constituency in this country, one has a divided loyalty and cannot properly fulfil one's obligations to both. That is a conclusive argument.

I am well aware—the Minister made the point fairly—that there is a precedent: the legislatures of the Commonwealth. I suspect that the reasons for that exemption are entirely historical. Were we to start again, we would not give such an exemption. In truth, those countries frequently have interests which are diverse from our own. One merely has to think of the agriculture of Australia and New Zealand to see that, or their differing defence concepts, or, in the case of the Caribbean countries, trade, debt and aid. If one wants to be more precise, one thinks in terms of the Indian subcontinent and Kashmir, where there is a clear difference between, for example, the attitudes of the peoples of India and our own. So it is difficult, even within the Commonwealth, for people to serve two masters if they are members of a legislature.

That can be tested in another way. What if we were to propose that members of the EU legislatures were to be Members of the House. I would not be described as a Europhobe, but it would be bizarre if a member of the French, German or Spanish Parliaments was also a member of this Parliament. In the case of Spain, there is the disagreement over Gibraltar. In the case of Germany and France there are serious differences of opinion on agriculture, enlargement, monetary union and the concept of the EU. In the case of Italy, there is the difference of opinion on structural funds. It would be impossible for a member of one of those Parliaments faithfully and properly to discharge his or her obligations to the domestic legislature and to this one.

Mr. Mackinlay: I have listened carefully to the right hon. and learned Gentleman, but the difference between members of EU parliamentary legislatures being elected to this House and members of Dail Eireann also being Members of the House if Commons is that the first scenario just will not happen because it is inconceivable that anyone could be so elected, while the second is highly probable. The right hon. and learned Gentleman has been very fair and he has said some sensible things about the Oath, but if constituents desire to sit in both places, which the right hon. and learned Gentleman might consider perverse, that is nevertheless their desire, and that should be paramount.

Mr. Hogg: I agree in part with the hon. Gentleman, but not entirely. A number of objections can be raised in the context of a conflict of interest, which are properly left to the constituency or to the association—for example, whether an individual Member of Parliament will have sufficient time fully to perform the functions of a Member in this House and somewhere else as well. But a different point arises when one comes to matters of principle, because that is something on which this House should decide.

The hon. Gentleman made the perfectly fair point that, while it may be likely that persons from Ireland would wish to be Members of this House, it is unlikely that people from countries far away would wish to be so, for practical reasons—

Mr. Mackinlay: Or to be elected.

Mr. Hogg: Or to be elected. But we run the risk of creating a precedent. In the course of this debate we have referred to precedent. The Minister will forgive me, but the only argument that he has really advanced is one of precedent—the Commonwealth countries. But if we pass the Bill, we shall create a new precedent, and it is one that EU countries will be able to assert against us. If we say of Irish citizens that they are entitled to be a Member of both Houses, how can we in conscience deny that to members of the French Parliament, or wherever? There is no distinction of principle. We are creating a precedent that is capable of further extension.

Mr. Bercow: Does my right hon. and learned Friend think that there is any difference in principle between representing two constituencies in different Parliaments and representing two constituencies in the same Parliament?

Mr. Hogg: That thought had not occurred to me: my hon. Friend is ingenious. It is difficult to draw a distinction, but I should like to reflect on the point further before being asked to give a conclusive view.

Mr. Simon Hughes: The right hon. and learned Gentleman was asked by his hon. Friend the Member for Buckingham (Mr. Bercow) about someone representing two constituencies. The practical and most immediate issue is someone standing in the same place for the legislatures of two countries, so as to represent a part of Northern Ireland in this Parliament and in the Irish Parliament. Will the right hon. and learned Gentleman give his views on that, because it is the central issue addressed by the Bill?

Mr. Hogg: I shall decline that invitation, but I will go back to my hon. Friend's question. There is a difference between the scenarios that he outlined. It would be offensive for a Member of Parliament to represent two constituencies in one country.

Sir Patrick Cormack: That is not allowed.

Mr. Hogg: I know that it is not allowed, but it would be offensive. We are talking about principle, not law. It would be difficult to do, but I wonder how offensive it would be, because there would not be a conflict of loyalty to the state. There would be a conflict of loyalty as between constituents, but the obligation to the state would be the same. If that MP represented two constituencies in different countries, he would have a conflict of loyalty as between the states.

With Ireland—as with every other country, whether in the Commonwealth, the European Union or elsewhere—we have major differences of policy objective. As my right hon. and learned Friend the Member for Folkestone and Hythe reminded us, serious constitutional and defence issues have separated us and Ireland in the past. Let us hope that they do not occur again in the future, but we cannot exclude that possibility. However, there are still differences: Ireland has special interests on agriculture and fishery policy, and it is committed to the single currency.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The right hon. and learned Gentleman should not turn away from the Chair.

Mr. Hogg: I am sorry, Mr. Deputy Speaker.

[Mr. Hogg]

All those differences of interest are on matters of some importance. There is a difference of attitude between the Government, the Parliament and the people of Ireland and ourselves, and we should keep that in mind.

I listened carefully to the Minister's speech. I asked myself—and, indeed, him—what the motive behind the Bill was, and I could not identify it. I am sure that it has to do with the wishes of Sinn Fein. I suspect that it has to do with the wishes of Sinn Fein to build up a representation both in the Dail and in Westminster.

Like my hon. Friend the Member for East Hampshire (Mr. Mates), I do not think the time is right—it may never be right—for us to accommodate the wishes of Sinn Fein. If it were fully involved in decommissioning, and if we could be certain of a settled peace in Northern Ireland, one might be willing to consider the matter further, but now is not the time. I have heard no arguments from the Minister as to why we should consider this matter today and urgently again tomorrow.

In the end, we are dealing with a matter of principle, and I think the principle is conclusive. I hope that the House will divide on this matter, and I shall vote against the Bill.

6.4 pm

Mr. Eric Forth (Bromley and Chislehurst): I am more than usually pleased to follow my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) because, as in so many areas, I agree with him completely. I shall join him in the Lobby if I have the opportunity to vote against the Bill.

The Bill has already been described as offensive and dangerous. I agree with both descriptions. I want to follow the argument of my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), but in a slightly different way, and expand it.

To my mind, the Bill is, as much as anything, about the concept of nationhood, which many people feel is old-fashioned and even redundant, and to which the Government pay increasingly scant regard. However, the Bill, small and limited in scope though it may be, makes an important statement about nationhood and its irrelevance, and we would be irresponsible to ignore that.

In a democratic political system, surely the legislature, the process of election to that legislature and the people who have the honour to serve in it are as much a statement of nationhood, national identity and loyalty as anything else. Hon. Members need not believe me about that: they merely have to ask the Irish. The Irish have the good sense to have written into their law the requirement that to be a Member of their legislature one has to be an Irish citizen. That strikes me as admirable, sensible, correct and reasonable.

We are saying—it has been said many times in the debate and is partly a result of history—that membership of this national legislature should be open to different people, many of whom have no loyalty to or identity with this country of ours. That is a serious decision for us to make, and it is one of the decisions that we are being asked to make in the Bill. That is why I oppose it.

I agree with the Irish. They are right and entitled to say that, as a matter of national identity, only their citizens should serve in their legislature. I believe that the same should apply to our legislature, because I value our national identity and nationhood and believe that it is of great importance. We are talking here about no less than an absolute principle.

Then we have the matter of the conflict of loyalty. Many right hon. and hon. Members have raised the issue of whether it is likely or possible that someone could serve at one and the same time in the legislatures of two separate sovereign nations, such as the United Kingdom and the Republic of Ireland. That is a matter of belief, experience and observation. I want to say a few words about my own observations.

I am in the slightly unusual position of having had the honour to serve in the European Parliament, when I had the opportunity to work alongside Irish MEPs. I was also for many years a member of the Council of Ministers of the European Union, when I was able to observe members of the Irish Government and their attitude to matters European and to the United Kingdom. I was also able to observe at fairly close quarters—closer than I would have liked—Irish Commissioners discharging their duties in the European Union, particularly with regard to the United Kingdom. I rarely saw much identity of interest or loyalty on the part of Irish citizens—be they MEPs, members of the Council of Ministers, or Irish Commissioners—with regard to the United Kingdom. I venture to say that I consistently saw the opposite.

I have no complaint about that. Irish politicians, be they elected to the European Parliament, Ministers in the Council of Ministers or Commissioners for the time being, have the right to represent the loyalties that are important to them.

Mr. Hogg: And the duty.

Mr. Forth: And the duty, as my right hon. and learned Friend says. I admire and respect that, but let no one tell me that there would not be serious conflicts of loyalty and interest were those Irish politicians ever to be allowed to come to this legislature. It is in the nature of things that different countries and nations have, from time to time, different interests that give rise to conflicting loyalties. That is the way the world has developed.

Mrs. Dunwoody: I hope that the right hon. Gentleman will be careful when drawing distinctions such as this. I had an honoured father-in-law who served in the British Army in the first world war, who was trained by British citizens as a doctor, and who lived in London throughout his career as an Irish citizen. There was no doubt about his loyalty to the people whom he served, or about the idea that he would give up any understanding of his Irish status. There is a strong distinction to be drawn; however, it should be drawn not between Irish citizenship and the commitment of Irish citizens to the places where they live and work, but between Irish citizenship and being elected to this place.

Mr. Forth: The hon. Lady is of course right.

I speak as I find, and I deliberately said at the outset that these were the results of my own experience, over the past 20 years or so, of working in close proximity with Irish politicians in very different political contexts. My experience leads me to conclude that it is extremely unlikely that such people would find it difficult to

reconcile their natural and, in many ways, admirable loyalty to their Irish connections with any connections that they might have in the United Kingdom, were the Bill—wrongly, in my view—to be become law.

Let me add in passing that the same might well be said to apply to many, if not most, Commonwealth countries. When I had the honour to visit Australia recently, I was able to hear some of its debate about the possibility of a republic there. It is obvious, and very natural, that Commonwealth countries, in their maturity, see the world in a very different way from how they might have seen it when the Commonwealth was at its strongest, 50 or more years ago.

The other matter that has been mentioned—although not as often as might have been expected in a debate such as this—is reciprocity. As I have said, I oppose the Bill in principle, but it could just possibly be argued that the case might be advanced if various nations—sovereign states—agreed that there should be a reciprocal arrangement whereby people elected to one Parliament could simultaneously be elected to another. Some people might well accept that, although I would not. Yet again, however—as has emerged during the debate—our Irish friends have had the good sense not to offer reciprocity.

This is a one-way process. What we are expected to do—expected by the Government to do—is agree to make an enormous concession, in allowing the possibility that people from another country, with very different interests, will be able to serve in our legislature, while no reciprocal arrangement exists for us to serve in the Irish legislature. I think that on this occasion the Irish have got it right, and the Government have got it completely wrong. We find ourselves in a bizarre position: it appears that another Government—the Government of another country—see this legislature much more clearly than do our own Government. I consider that unacceptable.

Mr. Bercow: Would it not have been considerate and, arguably, helpful to our deliberations if the Government had given some indication this afternoon that they had vigorously and consistently, over a period, pressed the Irish Government to offer reciprocity? Should we not take it that, as the Government have given no such indication, there has been no such pressure?

Mr. Forth: I think that the murkiest aspect of today's debate has been the Government's motivation. Time and again, Members have pressed Ministers on why they have presented the Bill to us now; but, having sat through the entire debate, I have heard no satisfactory answer. It is most peculiar that a Government should present such a controversial measure—a measure that will alter our constitutional arrangements—and fail to offer not just a convincing argument, but any argument at all.

Mr. Hogg: My right hon. Friend's argument is reinforced by the fact that we are debating Second Reading today and will complete the Committee stage tomorrow. The Government are trekking through the Bill with remarkable speed.

Mr. Forth: I deprecate that, and I think that it leads us to feel yet more suspicion about what on earth is going on. I suspect, sadly, that this is part of the recent development in which we as a nation, and the Government, are being taken for a ride and being made to look like mugs.

Mr. Christopher Gill (Ludlow): I apologise for arriving late.

Given the history of the Irish question, is it not perverse that Parliament should now be invited to enable politicians from the Irish Republic to regain the opportunity to take seats here? Irish republicans fought hard to break away from Great Britain, thus severing their relationship with it in this context, and depriving themselves of that opportunity and that right. It could be said, of course, that at that time many parliamentarians were quite pleased that Irish representation had ended.

Mr. Forth: It has been pointed out today that it was the Irish who opted no longer to be members of the Commonwealth. It could be said that, if the Irish decided to reapply for membership of the Commonwealth, they would automatically be given this privilege as long as we continued to extend it to Commonwealth members. I have my doubts about that, but at the very least, such a gesture on the part of the Irish would be important. I suspect, however, that it will not be forthcoming.

Rev. Martin Smyth: I proposed a return to the United Kingdom in Dublin in the early 1970s, because I believed that there was a federation and a relationship. The right hon. Gentleman, however, may be unfair to Ministers in saying that they have not said what lies behind the Bill. Last week, there was an exchange between Lord Mayhew and Lord Molyneaux in the other place. We talk of mountain climbers; it seems that some folk have been negotiating behind the Government's back.

Mr. Forth: That is always a distinct possibility. In normal circumstances, we are told about transparency, accountability and open government, but it appears that the opposite phenomenon is operating in this case. We are being told nothing of what is going on, which, regrettably, means that we shall become even more suspicious about the motivation.

As has been said, so far we have seen the release of a large number of extraordinarily unpleasant and violent prisoners into the community, all in the name of the peace process. We have seen supporters of terrorism being invited into our institutions of government in part of the United Kingdom. We have seen no moves whatever towards decommissioning. It would appear that now, as part of the further process, we are being asked to see a subversion of our legislature. I wonder where this process will end.

Mr. Andrew Hunter (Basingstoke): Is not the Bill just the latest obscene landmark in a process that ostensibly began as a peace process, but long ago became, in reality, a sordid, shabby process of appeasement that should therefore be rejected?

Mr. Forth: My hon. Friend gives his own powerful description of the process. I am saying that, to date, it appears that all the concessions have been made on one side. As far as I am aware, the terrorists and their friends have done nothing to reciprocate.

[Mr. Forth]

This is another example of something that is not being held back—something that could not be used as a bargaining counter, if that is the nature of the process—but is being given freely, unless we are told otherwise by the Government. Perhaps the Minister will put our minds at rest. Perhaps, in the interests of open government, he will be able to reassure us that none of this is the case. However, I can only speak as I have been able to find so far.

Having sat through the debate and listened carefully to every word, I have not yet heard why the Government are trying to push through a controversial Bill with such indecent haste—trying to push it through the House of Commons in two days—despite the many flaws that have been identified today. Most Members would normally consider that unacceptable, but on this occasion it seems to be happening with very little protest.

At every level, therefore, the Bill is unacceptable. It is unacceptable in principle. Its provisions are unacceptable and the way it is being pushed through the House of Commons is unacceptable. I hope that, when we come to the end of the debate, we will have a chance to vote on it because I am keen to be able to express my vote in the Lobby.

6.20 pm

Mr. Ken Maginnis (Fermanagh and South Tyrone): I hope that the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) will not think me patronising if I say that her contribution should be read by every Member before deciding how to vote on Second Reading and throughout the Bill's passage through the House. Having heard the sound argument that has been advanced again and again against the Bill, with all its flaws, I cannot for the life of me understand why everyone who feels like that is not prepared to vote on Second Reading to halt what is an obscenity. It has been helpful that hon. Members have spoken out, because, when I share their views, it will not be seen as xenophobia on the part of Ulster Unionists.

I have spent my political life seeking reconciliation and accommodation between the major traditions in Northern Ireland and hoping against hope that we could have the sort of respect between the two political entities on the island of Ireland—Northern Ireland and the Irish Republic—that would allow us to co-operate at every level: social, economic and political. However, it is utter and complete nonsense to create difficulty and conflict by expecting people to have primary loyalty to two separate sovereign Parliaments

Even after listening to the Minister, we do not know what the Bill is about. Everything that he has stated has been in generic terms. We have been told nothing specific that will help us to decide what the Government are getting at. Therefore, it is right that we should put our own interpretation on the Bill. We had no answers from the Minister; I certainly had no answer when I asked him about the discussions that he mentioned, when they took place, and who they involved. One might have thought that as the Bill deals with the relationship between the devolved Parliament in Stormont and the sovereign Parliament in Dublin my party would have been consulted and alerted to the Government's thinking, yet no mention was made of it until the decision was complete, the water was over the dam and the Bill was ready for debate.

In fact, it is worse than that. For years, there has been a feeling that the major parties in Great Britain—the Labour party, for example—should consider organising and fighting elections in Northern Ireland. The opportunity has been there all that time, but what has the Labour party done? It has eschewed the concept of being a party of the United Kingdom, putting responsibility—directly, in Northern Ireland's case—into the hands of a republican party, the Social Democratic and Labour party. Having eschewed the right to stand in Northern Ireland, where is the logic in the Labour party seeking, through its huge majority in this place, to impose a situation in which republican parties can sit in our devolved Assembly at Stormont?

Of course, we have to ask—again, without much hope of a response—whether there has been any indication that Fianna Fail, the largest party in the republic, Fine Gael, the Democratic Left or the Irish Labour party want to field candidates in Northern Ireland or here? I have no doubt about the matter. On Thursday and Friday last week, I was in Dublin and I discussed the Bill with journalists, with business and professional people of considerable repute, with senior Back-Bench politicians—including those who have the task of looking at constitutional issues—and with the most senior members of political parties there. Not one of them was familiar with the implications of what is being visited on us today. There was surprise.

I put my case to those people. Right hon. and hon. Members know that I am not a Member of the Northern Ireland Assembly, but I said to those people, "If I were a Member of the Northern Ireland Assembly and the Minister for Economic Development, but also the Teachda Dala for, say, County Meath and sat in the Dail, and an overseas company was coming to Ireland with 500 high-tech jobs, as Minister I would obviously have a responsibility to seek to site that development in a Northern Ireland constituency—but as TD for County Meath, would I not have a responsibility to ensure that the development was sited in that constituency, if that was the alternative site looked at by the investors?"

Each and every one of the people to whom I put that scenario agreed that it was nonsense and that there was a huge conflict of interest that should be considered not only in constitutional terms—constitutional issues are important—but in practical terms. They agreed that there were issues that could not be reconciled within the Bill.

It appears that the vast majority of hon. Members have no stomach for the Bill. It also appears from my 48 hours in Dublin last week that people there have neither interest in nor stomach for it—so why are the Government introducing it? That has been defined clearly tonight—it is being done, and in haste, because the Government do not properly recognise the view of those who came to an agreement more than a year ago and who had that agreement endorsed north and south, or the attitude of those who voted for our view.

Two people in particular—members of a minority party, Messrs Adams and McGuinness—are holding the Government and the Northern Ireland Office to ransom. The task that is being undertaken in this place is to find a way to placate them within a time scale that will not allow anyone to say, "The poor Secretary of State for Northern Ireland is responsible for the fact that guns and bombs have not been decommissioned." That is the terror that is being visited upon the Secretary of State. Am I

right to fear that the Prime Minister has not only created this Bill, but visited on us other aberrations that have no basis in common sense or national interest?

Mr. Forth: Does my colleague the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) believe that if this dreadful Bill were passed—which, with the Government's majority, it may well be—there would be any stomach in Ireland for offering a reciprocal arrangement so that hon. Members could offer themselves for election to its legislature?

Mr. Maginnis: The right hon. Gentleman knows that—although it is not, and will not be my choice—as a British citizen living in Northern Ireland I am eligible to sit in the Dail.

Mr. Forth: I am not.

Mr. Maginnis: Certainly, the right hon. Gentleman is not so entitled. Also, there certainly would be no stomach for permitting him to sit in the Dail. He misses my point if he does not recognise that, even if the opportunity to stand for election to the Irish legislature were available, there would be no possibility of him or me being elected to it. The Irish know one thing—and I admire them for it—and that is national interest.

The House of Commons is considering the Terrorism Bill in Committee. I shall not digress and deal with that Bill, except to say that it is a hotch-potch. The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) knows all about that Bill. It has been designed not in the national interest, but to serve as a catch-all. It does not define "terrorist" in terms of our constitution and government, as it should do. That Bill is all over the place, which is exactly what is happening in the Disqualifications Bill. Someone has examined the situation in Northern Ireland and noticed that Sinn Fein is still dissatisfied with and reluctant to accept the accommodation and opportunity that many hon. Members—who are subject to great criticism from some their supporters—have provided for its members, which would allow them to move from violence to a democratic mode. Dublin knows very little or nothing about the Disqualifications Bill. It is surprised by it. As I said, Ministers cannot tell me whom they consulted on the Bill.

I am pleased that some hon. Members, other than Ulster Unionists, are alert to the problem that may arise with the Oath. They are wise to be alert to the issue—not that the Oath seems to matter a great deal. The Oath, which is supposed to be taken by every elected Member, was not taken by two Members who represent Sinn Fein. What did the Government decide to do about that? They decided to turn tradition on its head. Rather than saying, "If you take the Oath and become Members of Parliament, you will be entitled to the privileges of the House", Ministers accepted the Sinn Fein argument that one has a mandate if one is elected to the House.

On being elected to the House, most hon. Members do not say that they have a mandate. After our election to this place, we say that we have not a mandate, but a massive responsibility, which we meet from the moment we enter the House by taking the Oath or affirming. Thereafter, the privileges of this place are accorded to us. It was quite scandalous that the Government considered usurping the traditional right of Madam Speaker to protect the interests of all hon. Members, and using their 170 majority to do so. I am only pleased that the weight of private opinion reverberating through this place caused the Government to delay a decision on whether to table such a motion.

Today, the House again has the opportunity to make the Government realise that the interests of those whom we represent must dominate—not the interests of those who have no time for, loyalty to, or sense of responsibility towards whatever part of the United Kingdom they represent.

6.37 pm

Sir Patrick Cormack (South Staffordshire): We have had a very interesting, serious and thoughtful debate. I hope that the Minister will have taken very firmly on board the remarks of the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) on the Oath and the granting of facilities to those who have not taken the Oath. I make it absolutely plain, beyond any equivocation or doubt, that the Opposition could not support such a move unless and until the peace process had been totally honoured—and I mean that totally honoured—by those who are rather holding us to ransom.

I tell the Under-Secretary of State—who, like me, has heard every speech in the debate—that it is a pity—and this is meant in no critical sense of the two Ministers—that today's debate on the Disqualifications Bill was not introduced by the Home Secretary and defended in reply by the Secretary of State for Northern Ireland. The Bill proposes taking extremely serious action. Although, as my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) made clear, our intention is not to vote against the Government in the Lobby today, it is certainly our intention to seek to have the Bill suitably amended before it is enacted.

I also hope that the Minister—who has heard not a single enthusiastic speech in favour of the Bill from either side of the House—

Mr. Mike O'Brien: What about the speech of my hon. Friend the Member for Thurrock (Mr. Mackinlay)?

Sir Patrick Cormack: That speech was tempered by the statement of the hon. Member for Thurrock (Mr. Mackinlay) that he thought that Ireland should again become a member of the Commonwealth. His speech was not an unthinking endorsement of the Government's Bill; indeed, there has been no such speech by any hon. Member on either side of the House.

Even at this late stage, I hope that the Minister will think carefully about coming back to the House tomorrow with this Bill. It would be better if we had a little longer to reflect, to table amendments and to deal with the remaining stages a few days later than tomorrow. The Minister may say that agreements have been entered into, but the debate has been listened to by Opposition Members who have made extremely thoughtful and serious speeches.

Mr. Simon Hughes: I want to endorse the hon. Gentleman's view. Others, as well as his colleagues, have made representations that, given the controversial nature of the Bill, it would be quite wrong to have its Second Reading on one day, followed by the remaining stages the next day. We associate ourselves strongly with that view.

Sir Patrick Cormack: I am grateful to the hon. Gentleman, who made a thoughtful and constructive

[Sir Patrick Cormack]

speech. What has come out of the debate, from all speakers, is that this is not the easy issue that the Minister claimed it to be when he opened the debate.

We accept that there are anomalies within any constitution. We accept, for instance, that in the British Nationality Act 1981 we specifically reiterated the right of members of Commonwealth legislatures to sit here as well. All of my hon. Friends who have spoken and were in the House at the time will have done as I am certain I did, and voted in support of that Act. Today's debate has shown the deep unease—voiced briefly, but most eloquently, by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody)—about conflicting loyalties and how one can be a member of two Assemblies.

The other message that has come across clearly and forcefully has been that if we are to move as proposed, reciprocity ought to be a requirement. If we have a little longer before the remaining stages, amendments could be tabled to underline that point, so that our friends in the Republic of Ireland—and they are our friends—would understand that that is the feeling of the House. The hon. Member for Thurrock (Mr. Mackinlay) said that constitutional amendments might be needed, and perhaps that should be seriously contemplated.

The other point that has come out of almost every speech is why now? The Bill is premature. Although the Minister will doubtless repudiate what I am about to say, many Opposition Members feel that there is a great deal in what was said by my hon. Friend the Member for East Hampshire (Mr. Mates) and the hon. Member for Fermanagh and South Tyrone. They said that it would appear that this place is acting at the behest of two people who have been elected to it, but have never been prepared to act responsibly as Members of Parliament. They have never been prepared to take the Oath or to affirm. They have never urged their friends, allies and colleagues in the IRA to begin the decommissioning process.

It perturbs many Opposition Members to see people being released from jail who are guilty of the most heinous crimes. It made me feel a little uneasy—to put it extremely mildly—to see Mr. Adams delivering the eulogy and carrying the coffin at an IRA funeral this weekend. All of those things are very much taken to heart by Opposition Members—and, I am sure, by the Minister and many Labour Members.

We are not happy that to move the Bill quickly towards the statute book before decommissioning has begun and before we have had the first report from General de Chastelain to tell us that it is properly under way. However, the Opposition are so committed to the peace process and to the work done by the right hon. Member for Upper Bann (Mr. Trimble), by my right hon. Friend the Member for Huntingdon (Mr. Major), by my noble Friend Lord Mayhew and by the Prime Minister and other Labour Ministers, that we will not oppose Second Reading.

It would be in the interests of everyone who truly wants a peaceful Northern Ireland and proper constitutional arrangements to be developed between the Republic of Ireland and this country if the Bill were to be put on the back burner for a little while. There is no reason why that should not happen. There is no reason why we should not have more time to table amendments. There is no reason why there should not be some detailed consultation.

I was somewhat concerned to learn from the speeches of Ulster Unionist Members that there had not been a great deal of consultation with them before the Bill was introduced. There should have been. There has not been the cross-party accord that should lie behind the Bill if it is to have the cross-party support that the Government, understandably, want it to have and which we really want to give it because of our commitment to a peace process that has been developed on an all-party basis.

I know that the Under-Secretary is anxious to answer all the questions raised in the debate. I promised to cut short my remarks so that he would have longer to reply. I hope that he will deal with every question and that he will face them all fairly and squarely. Above all, I hope that he will give two undertakings to this House. The first was given equivocally by the Minister—that is, that we believe in the paramount importance of the Oath and we are not prepared to connive at any arrangement that would circumvent it. The other is that Ministers will go away, talk to the Government's business managers and consider putting off the remaining stages beyond tomorrow.

6.46 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. George Howarth): This has been a good debate, in which strongly held views have been put strongly and any doubts that people may have have been covered.

The hon. Member for South Staffordshire (Sir P. Cormack) should not labour under the delusion that the Bill is the product of some arrangement between Ministers and Sinn Fein. Representations were made by the Irish Government—whether they communicated with the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) is another matter. *[Interruption.]* I can assure the hon. Member for Fermanagh and South Tyrone that I will refer to him later. Certainly there were discussions between this Government and the Irish Government.

Another point is that there was consultation about the Bill. I do not know how far down the chain of command of the Ulster Unionist party that consultation went, but it is precisely as a result of that consultation that clause 2 is now in the Bill. Clause 2 would not have figured in the Bill as originally envisaged.

Rev. Martin Smyth: I appreciate the point that the Minister has just made, and I understand that there might have been consultations a fortnight ago. However, a fortnight ago in this place, I asked why we were rushing the Committee the day after the Second Reading of this important Bill. I regret that minority rights have not always been defended, even in this House.

Mr. Howarth: It was precisely because there was consultation that we felt it not unreasonable to have a tight timetable. Although individual members of different parties have expressed strong reservations, there has been an agreement that Second Reading would be uncontested by the Opposition. Normally, that gives reason to believe that it is reasonable to have a fairly short time scale.

On the question of whether the Bill is being hurried, it was published before Christmas. Anyone with concerns or reservations has had plenty of time to consider the Bill in detail and table appropriate amendments.

I shall cover first the points raised by my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). One reason for that is that, as many hon. Members noted, she set the tone of the debate. However, a second reason is that I hold my hon. Friend in very high regard indeed, for reasons that are known only to her and to me. Had it not been for her, I should not have become a Member of the House.

My hon. Friend the Member for Crewe and Nantwich asked a prescient question when she asked why the Bill was being introduced. As she rightly noted, the circumstances are not precisely the same as those involving the Commonwealth. However, a variety of arrangements exist between the Republic of Ireland, the United Kingdom and Northern Ireland as a result of the Good Friday agreement. Those arrangements include the implementation bodies covering issues such as inland waterways, food safety, trade and business developments, special European Union programmes, the Irish language and Ulster Scots, and aquaculture.

Mr. Maginnis: The Under-Secretary of State was at pains to tell us that the proposal had nothing to do with the Anglo-Irish Agreement. Is the Minister now agreeing with my earlier suggestion that the Bill has been enamelled on to the agreement?

Mr. Howarth: I shall come to that precise point, if the hon. Gentleman will bear with me. Not for one moment am I saying that the Bill arises out of the Good Friday agreement. It does not, but as my hon. Friend the Under-Secretary explained, the arrangements between Northern Ireland, the Republic of Ireland and this House—and the Government—are unique and different. Our response to the agreement must reflect that. The argument is about context rather than precise linkage.

My hon. Friend the Member for Thurrock (Mr. Mackinlay) raised the issue of whether the Republic of Ireland should be invited to join the Commonwealth. It would be foolhardy of me to get involved in that debate today. In the long term, it is a matter for the Irish people and Government to decide. However, I am sure that the House will agree with my hon. Friend that, regardless of the links between southern Ireland and Northern Ireland, very strong ties of kinship exist between people from Ireland in general. I speak for my own family in that regard: our ties to Ireland go back a long way, but they exist none the less. That makes a difference to the relationship between our countries.

The right hon. Member for Maidstone and The Weald (Miss Widdecombe) is no longer in the Chamber. That is unfortunate, as I wanted to address her directly. She made a helpful and responsible speech, and raised a couple of issues that should be answered. First, she spoke about the need to consider the link between the Bill and decommissioning. The hon. Member for East Hampshire (Mr. Mates) said that that linkage should not be made, and I strongly agree. It would be inappropriate to make that link, as I hope the right hon. Member for Maidstone and The Weald and her supporters will understand. Decommissioning is an important element in the Good Friday agreement, but the agreement must stand as a separate issue.

The Good Friday agreement makes the link, and the matter should be viewed in that context. My right hon. Friend the Secretary of State for Northern Ireland has stated that any default on decommissioning reported by General de Chastelain would have serious consequences. It is important to keep that uppermost in our minds when we consider the various linkages with the Good Friday agreement.

I shall deal with the second point made by the right hon. Member for Maidstone and The Weald in my response to the hon. Member for Fermanagh and South Tyrone. He and others—including the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), the right hon. Member for Maidstone and The Weald and the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg)—asked about the conflicts of interest that would be incurred by a person who sat in two legislatures and who was a Minister in the Government attached to one of those legislatures. That is an important point and I listened to the argument very carefully.

I have not had the opportunity of studying the amendment on that subject tabled by the right hon. Member for Upper Bann (Mr. Trimble). However, my hon. Friend the Under-Secretary and I will study it overnight with my right hon. Friends the Home Secretary and the Secretary of State for Northern Ireland. I cannot give a firm commitment on the amendment, especially as I have not seen it, but we shall reflect carefully on the issues raised in this debate.

Sir Patrick Cormack: Will the Minister give way?

Mr. Howarth: No, as I have still to respond to some participants in the debate.

The hon. Member for Fermanagh and South Tyrone also asked about the Oath. That is an important matter, and one that has been raised repeatedly. The Bill does not change the Oath of Allegiance. The Government do not intend to change it; we are not talking to anyone or consulting with anyone about the possibility of changing it.

The right hon. Member for Maidstone and The Weald asked for a absolute commitment on the issue. She served with some distinction in the previous Government, and she knows that no Government can give cast-iron guarantees of that kind. However, it would be wrong for anyone to think that a change in the Oath is in prospect. It is not around the corner, nor around any corner that I can foresee.

The hon. Member for Fermanagh and South Tyrone knows that I hold him in high regard, as do many of my colleagues. We should not forget that matters of identity, allegiance and loyalty have been at the heart of divisions in Northern Ireland for a long time. I know that the hon. Gentleman will agree with that. That history has been discussed many times in this debate already, so I shall not rehearse it. However, I merely observe that, in Northern Ireland, there is no such thing as a yes-no, black-and-white issue. We are dealing with complex matters that have to be discussed.

Many people in Northern Ireland think of themselves as British, as they are, but many also think of themselves as Irish. By reason of their birth in Northern Ireland, they are entitled to Irish citizenship. Asked—in relation to sports, culture or politics, for instance—whether they

[Mr. Howarth]

think of themselves as Irish or British, people will give many different answers. I am pleased at the arrival in the Chamber of the right hon. Member for Upper Bann, as he will know exactly what I mean.

The Government take such matters very seriously, and I have given a clear undertaking that we will reflect overnight on the amendment tabled by the right hon. Member for Upper Bann.

Question put, That the Bill be now read a Second time:—

The House divided: Ayes 300, Noes 17.

Division No. 34] **[6.59 pm**

AYES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Ashton, Joe
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Breed, Colin
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Hepburn, Stephen
Heppell, John
Hill, Keith
Hinchliffe, David
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kirkwood, Archy
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter

Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Stevenson, George
Stewart, David *(Inverness E)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stoate, Dr Howard
Straw, Rt Hon Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Wills, Michael
Winnick, David
Wise, Audrey
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mrs. Anne McGuire and
Mr. David Jamieson.

NOES

Cash, William
Donaldson, Jeffrey
Emery, Rt Hon Sir Peter
Gill, Christopher
Gorman, Mrs Teresa
Hogg, Rt Hon Douglas
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Maginnis, Ken
Mates, Michael
Ross, William *(E Londy)*
Swayne, Desmond
Thompson, William
Trimble, Rt Hon David
Viggers, Peter
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*

Tellers for the Noes:
Rev. Martin Smyth and
Mr. Eric Forth.

Question accordingly agreed to.

Bill read a Second time.

Motion made, and Question put forthwith, pursuant to Standing Order No. 63 (Committal of Bills),

That the Bill be committed to a Committee of the whole House.—[*Mr. George Howarth.*]

Question agreed to.

Committee tomorrow.

Mr. Simon Hughes: On a point of order, Mr. Deputy Speaker. As you will have heard during the debate, concerns were expressed that the Committee will sit tomorrow when Second Reading was only today. Can you advise us whether there are procedures whereby we might adjourn the Committee stage beyond tomorrow, so that colleagues inside and outside the Chamber have a chance to read the Second Reading debate?

Mr. Deputy Speaker (Mr. Michael J. Martin): In the House, we take one day at a time. Perhaps the hon. Gentleman could consider that matter tomorrow. The Bill is committed to Committee tomorrow.

City of London (Ward Elections) Bill

As amended, considered.

7.16 pm

Mr. John McDonnell (Hayes and Harlington): On a point of order, Mr. Deputy Speaker. As you are aware, I gave notice of several points of order that I want to raise before we proceed.

On at least two—possibly three—previous occasions, I have raised the application of the Human Rights Act 1998 to the process of the Bill. Under section 19 of that Act, when a Bill is introduced by the Government, with a Minister in charge, there must be a declaration that it complies with the European convention on human rights.

When I raised that issue with Madam Speaker, she advised me that that was not the case for private Bills, but suggested that there might be a way in which the matter could be remedied. The Chairman of Ways and Means, or others, might, informally, by a change in Standing Orders allow that provision also to be applied to private legislation. I would welcome your advice, Mr. Deputy Speaker, as to whether any procedure has been invoked to enable that to occur. I strongly hold the view that the House should be advised independently by its Officers as to whether such measures comply with the ECHR. It is a dereliction of our duty if we do not secure that compliance for all legislation, whether public or private.

Mr. Deputy Speaker (Mr. Michael J. Martin): The hon. Gentleman was courteous enough to write to Madam Speaker to inform her that he wanted to raise points of order. On the point that he raised, the Chairman of Ways and Means has ruled on the matter on previous occasions; there is no change. A new clause on the subject has been selected for debate, so the hon. Gentleman will have an opportunity to make his points.

Mr. McDonnell: On a further point of order, Mr. Deputy Speaker. I want to raise the issue of our ability to amend the titles and preambles of Bills. I have tabled several such amendments to the Bill. At present, the title is the City of London (Ward Elections) Bill. As you are aware, the Bill does not allow for elections but for appointments. I want to amend its title to "City of London (Ward Elections and the Appointment of Voters) Bill", because some of the electors are appointed by businesses.

Secondly, the preamble states:

"It is expedient to alter the qualification for which that Act provides better to reflect the present nature of commercial occupation of premises in the city of London".

It continues:

"It is expedient that the other connected matters dealt with in this Act should be enacted."

The matter is not expedient—it is open to debate; that is what these proceedings are all about. However, we do not have the opportunity to amend the preamble or the title. We are passing over a major element of the measure without proper debate and with no allocation of time to amend it. I would welcome your views—and, possibly, your further consideration—Mr. Deputy Speaker, of the right of Members to amend titles and preambles of Bills, if not on this occasion, in the future.

Mr. Deputy Speaker: It is not the practice of the Chair to give reasons for the selection of amendments. Page 922

[Mr. Deputy Speaker]

of "Erskine May" sets out some of the limitations on amendments at this stage in the passage of a private Bill. The hon. Gentleman can always go to the Officers of the House—the Clerks—for advice when he is drawing up amendments.

Mr. McDonnell: I would not want it to appear that I had not approached the Officers of the House. I did approach them, and they very kindly quoted me the relevant section of the Standing Orders that dealt with this matter, but I did not understand the rationale for not allowing the title or the preamble of a Bill to be amended.

Mr. Harry Cohen (Leyton and Wanstead): Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. The hon. Member for Hayes and Harlington (Mr. McDonnell) has given notice of four points of order. If I may deal with them, I will take the hon. Gentleman's point of order afterwards. We do not want to commence with a debate on points of order.

Mr. McDonnell: I have five points of order. I apologise for the lack of notification of the fifth.

You have partially dealt with my third point of order, Mr. Deputy Speaker, which is about the selection of amendments. I am advised by the Officers of the House—and you have so advised me tonight—that there is no debate about the selection of amendments. There is no publication of the rationale for selection, so there is, in my view, a breakdown of accountability with regard to the processes of the House: the accountability of decision making by Officers of the House and others to the House. I would welcome the opportunity to discuss with the Speaker, yourself and the Chairman of Ways and Means what mechanism there is to ensure that there is a debate in the Chamber on the selection of amendments in each case. This is not to delay matters, but to ensure accountability of the Officers of the House in the procedures of the House.

Mr. Deputy Speaker: The hon. Gentleman will know that the Chair is aided by the Standing Orders of the House. The selection is made by Madam Speaker, and it is not a debatable matter.

Mr. McDonnell: In that case, Mr. Deputy Speaker, I would welcome your advice at a later date about how to go about amending the Standing Orders of the House to allow future debate on these matters. I do so with the utmost courtesy and respect for the procedures of the House.

Fourthly, when the Bill was brought before the House on the carry-over, we were advised by the City of London Corporation and the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Streatham (Mr. Hill), the Minister responsible for the Bill—although I will not use the words "in charge of the Bill" because, as we all know, this is an unwhipped Bill—that a wider package of reforms that was proposed to the House by the City corporation would be implemented. That wider package of reforms influenced the debate on the Bill. There has been no report back from the City corporation to the House on the implementation of those reforms, and to my knowledge none of them has yet been implemented. In that case, I believe that we debated the Bill on the basis of information provided to us by the promoters of the Bill that was inaccurate and deceptive, and I believe that at some stage a statement should be required of the promoters on the issue of the implementation of the wider package before we proceed with the Bill.

Mr. Deputy Speaker: I understand that a statement on the wider implementation of the package appears in paragraph 9 of a statement on behalf of the promoters, which is available from the Vote Office. Those matters do not form part of the Bill and are not formally before the House tonight. To the extent that those changes are relevant to the amendments before the House, they may be alluded to in the debate; otherwise, it may be possible for them to be referred to in the debate on Third Reading.

Mr. McDonnell: Thank you, Mr. Deputy Speaker. The final point of order, for which I apologise for not having giving notice, is that I and my colleagues, my hon. Friends the Members for Islington, North (Mr. Corbyn) and for Leyton and Wanstead (Mr. Cohen) and others, placed a motion before the House that the Bill should not be considered until "this day six months". That motion has never been debated, and yet the Bill has been brought forward for debate. I would welcome the opportunity to debate that motion and would ask for a time to be set aside to enable us to debate a motion that has been properly laid before the House.

Mr. Deputy Speaker: That was an amendment that was not selected, and therefore it is not for debate at the moment.

Mr. McDonnell: Further to that point of order, Mr. Deputy Speaker. In my view, that reinforces the argument that there must be a debate on the selection of amendments in this House if the decisions of the Speaker are to be held accountable to the House. I say that with all courtesy.

Mr. Deputy Speaker: But it is not a matter that should be taking up the time of the House at the moment. There are procedures that the hon. Gentleman can pursue.

Mr. Cohen: Further to my hon. Friend's point of order about being unable to amend the title of the Bill, Mr. Deputy Speaker. I have served on Committees that considered public Bills. Amendments have been tabled to their titles and changes made. I hear what you say about its perhaps being in "Erskine May", but it is pretty unusual that Members do not get the opportunity to alter or consider the title of a Bill just because it is a private Bill. I would ask that that aspect of the procedure at least be referred to the Procedure Committee. However, that is not the main point of order that I wish to raise.

Mr. Deputy Speaker: The hon. Gentleman must understand that the Deputy Speaker cannot grasp all the points that he is putting because he is getting us involved in a debate, but what I told him and his colleague is that

the selection of amendments is not a matter for debate. The Procedure Committee does not deal with private business.

Mr. Cohen: I hear what you are saying. *[Interruption.]* I hear from a sedentary position—

Mr. Deputy Speaker: Order. Perhaps the hon. Gentleman has heard what I am saying, but I cannot spend the time taking points of order. Some of the points—

Mr. Cohen *rose—*

Mr. Deputy Speaker: Order. Some of the points are really matters for debate.

Mr. Cohen *rose—*

Mr. Deputy Speaker: Does Mr. Cohen have another point of order?

Mr. Cohen: Yes, I do—a specific point of order, Mr. Deputy Speaker. I apologise for not giving you prior notice, as my colleague did. It was remiss of me, but it was a simple point of order. Clause 1 says:

"This Act may be cited as the City of London (Ward Elections) Act 1999."

It might have escaped the promoters' recollection, but we are actually in the year 2000. I submitted an amendment, altering 1999 to 2000, which I thought was helpful and sensible. Obviously, there was a carry-over period and it—

Mr. Deputy Speaker: Order. The hon. Gentleman is debating an amendment that was not selected. If the Bill goes for Royal Assent, that matter will be dealt with at that stage, but that is not a matter for debate now. I must proceed with the business before us.

New Clause 1

STATEMENT OF COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

'( ).—(1) Section 3 of the Act shall not have force until the Secretary of State has made a statement to the effect that in his view the provisions of the Act are compatible with the Convention rights.'.—*[Mr. Mackinlay.]*

Brought up, and read the First time.

Mr. Andrew Mackinlay (Thurrock): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss amendment No. 22, in clause 2, page 2, line 24, at end insert—

'"the Convention rights" has the same meaning as in the Human Rights Act 1998.'.

Mr. Mackinlay: I am pleased to be the opening bat in the debate. I am pleased that my new clause has been selected for debate, in view of the ingenuity and diligence of my hon. Friend the Member for Hayes and Harlington (Mr. McDonnell) and his twin, my hon. Friend the Member for Leyton and Wanstead (Mr. Cohen), whose many amendments appear on the amendment paper. I am grateful to whoever makes the selections. Nevertheless, I take the opportunity to pay tribute to the diligence of my hon. Friend the Member for Hayes and Harlington for his assiduous, unrelenting opposition to a rather grubby Bill.

New clause 1, with consequential amendment No. 22, would in essence meet one of the points that were raised on a point of order by my hon. Friend the Member for Hayes and Harlington—that the Bill is, in our view, deficient because it does not carry a certificate. It does not have an endorsement that it complies with our obligations under the European convention on human rights. I believe that we have stumbled across a flaw in our law-making process in this place. Private Bills do not have such an endorsement automatically, and it has not been volunteered by the Bill's promoters at the outset.

7.30 pm

I remind the House that, when we passed the Human Rights Act 1998, it was made explicit under section 19(1)(a) that Government and public Bills had to have an endorsement on the green paper of the Bill itself that the Secretary of State in charge of it confirmed that, in his or her view, it met the provisions of the European convention. For some reason that I have been unable to ascertain, that provision was not made to cover private legislation. Whatever hon. Members' views of the merits of this Bill, it is surely perverse that our legislative process has a rule that requires one, but not another, category of Bill to receive certification that it is compatible with the European convention.

That is perverse and foolhardy. If this or another private Bill reaches the statute book and is challenged in the courts of the United Kingdom or even in Strasbourg, the Attorney-General, not the Bill's promoters, will be required to defend its provisions. He would have to defend something to which he was not originally a party and to defend it at enormous public expense. That would be at the expense not of the taxpayers of the City of London, but of the public purse as a whole.

The House should accept new clause 1 on the basis of prudence and good housekeeping. Until such time as the House revisits the Human Rights Act 1998 and it becomes a requirement for a private Bill to have the same endorsement as public Bills, it would be prudent for the House or another place to adopt the wording in the new clause for every private Bill that comes before them.

Mr. McDonnell: My hon. Friend said that his new clause addresses our earlier concerns, but I do not think that it does. However, I shall come to that point if I catch your eye later, Mr. Deputy Speaker.

My hon. Friend suggested that the Bill's promoters would not be liable under the Human Rights Act if anyone sought a future remedy. He said that the Attorney-General would be the defendant. In my view, we are all responsible for the Bill; the localised immunity that we think we have as Members of Parliament does not exist. That has been adequately demonstrated in other cases recently and I shall elaborate—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This an extremely long intervention. The hon. Gentleman may have an opportunity to participate later in the debate if he catches my eye.

Mr. Mackinlay: I follow my hon. Friend's drift, but I look forward to his amplifying his point a little later.

[Mr. Mackinlay]

I want to emphasise the point that the obligation to defend the United Kingdom statute book in the courts would lie with the Attorney-General. So far as I am aware, he has not even been asked about this matter. When a Secretary of State presents a public Bill, he does not say glibly that the Bill of which he is the architect complies with the European convention. A memorandum is exchanged between him and the Law Officers, and the Law Officers, not as politicians but as lawyers, express a view. In a sense, the Secretary of State who is piloting the Bill acts as conduit of that information and he reports back to the House. He says that he has consulted the Law Officers, who confirm that a Bill meets the requirements of the convention.

This is not a Government Bill. However, I hope that the Minister will—this evening or subsequently—write to the Attorney-General asking him formally whether the Bill meets the requirements of the convention. He should do that because, if for no other reason, he has an obligation to the public purse. I also presume that he does not want the United Kingdom to be embarrassed in the courts when our legislation is scrutinised. I therefore hope that, when the Minister winds up, he will take account of that point and will, whatever happens, undertake to ask the Attorney-General explicitly for his view on the matter.

May I through you, Mr. Deputy Speaker, address the right hon. Member for Cities of London and Westminster (Mr. Brooke)? Quite naturally and rightly, he is the principal steward of the Bill for one of the local authorities in his constituency. The right hon. Gentleman could and should stand up tonight on behalf of the promoters and say, "I accept this new clause." If he does not or is unable to, that suggests that the promoters think the Bill is flawed and deficient in this regard. Why otherwise would they not accept this prudent new clause? When the right hon. Gentleman addresses the House, I hope that he will suggest that he will accept the new clause or commend it to the Bill's promoters so that the Bill could be tidied up.

I have already said the Human Rights Act explicitly requires that a Government Bill be consistent with the European convention. However, the Act is silent about private legislation, and that reflects a failure by the House. We do not make good law because scrutiny is inadequate. However, the Act does not say that such an undertaking cannot be given for private Bills. In a written answer, the Home Secretary pointed out the obligation for a public Bill to have such certification, and also referred to private Bills. He said:

"Where the Bill is directly assisted by the Government"—

I stress those words—

"... the Minister responsible for the policy should, as a matter of practice, express the Government's views on compatibility with convention rights during the Second Reading debate."—[*Official Report*, 5 May 1999; Vol. 330, c. 377W.]

While we have given this Bill a Second Reading, I read into that reply that the Home Secretary was getting the message that the Government could not ignore the fact that the courts in this country or the European Court in Strasbourg may consider it a flaw if the Government do not counsel Parliament on the obligations under the convention.

Mr. Tony Benn (Chesterfield): The term "private Bill" refers to the procedure for passing it. However, when it is passed, it becomes an Act of Parliament. Indeed, in that respect there is no distinction between a private Member's Bill and a Government Bill. Once enacted, it changes the law of Britain either in the City of London or elsewhere. The Minister should give the assurance that Bills that are likely to become Acts will be clear with regard to the convention, and automatically so. Does my hon. Friend agree that the Minister cannot use the excuse that the matter has nothing to do with him because it is a private Bill? He is assisting it and it will end up as an Act of Parliament passed by the House.

Mr. Mackinlay: Absolutely. That is why I return to the point that, if the proposed Act were ever the subject of scrutiny in the courts, the Attorney-General would have to defend the veracity of an Act of Parliament in United Kingdom statute. We surely have a vested interest in avoiding such embarrassment.

The Government cannot say in this debate or subsequently—I am sure that the point will be picked up in another place if the Government continue to ignore it—that they do not have a moral obligation, or one of prudence, to ask the Attorney-General to consider the matter and to report formally to the House on it. The Home Secretary was obviously getting wind of that in his written answer, which created a new category of Bill—one directly assisted by the Government.

When I first became interested in this Bill—on Second Reading, I think—I was amazed that the Government were not only acquiescing in its provisions but directly assisting it. It seems that the Home Secretary's criteria are being met. I see my hon. Friend the Minister looking at me as if butter would not melt in his mouth, yet Government Whips pressurised us not to resist the Bill. Indeed, I remember that they carefully arranged debate on part of it between two pieces of public business. On that occasion, I was told by a Whip that I was a wretched person for keeping other hon. Members in the House late by debating the Bill at some length.

You might like tomorrow, Mr. Deputy Speaker, to scrutinise the *Official Report*. You would find that no payroll Member had exercised their discretion to join myself, my hon. Friend the Member for Hayes and Harlington and others in the Ayes Lobby. That is because the payroll vote is whipped and hon. Members on it are directly assisting the passage of the Bill. I do not want to labour the point; suffice it to say that such behaviour meets the Home Secretary's criteria.

Mr. Martin Bell (Tatton): Does the hon. Gentleman agree that it is strange that the Government are not only acquiescing in but encouraging a piece of legislation that is profoundly undemocratic, anti-democratic and belongs not to the 21st century but to the 18th?

Mr. Mackinlay: Indeed; I was truly amazed by that. There might not be many common denominators among members of the parliamentary Labour party, but I thought that one was a belief in universal adult suffrage. Even if we cannot always persuade our party managers of that for the purposes of our own discussions, I thought that constitutionally we believed in one person, one vote.

That brings me to an important point, which I was going to save for later. I was trying to concentrate on the legal and professional issues, but the intervention of

my hon. Friend the Member for Tatton (Mr. Bell) has reminded me of it. If the Bill is passed without certification of compliance with the human rights convention—I, like many others, do not think that it will receive such certification because it does not so comply—what signals will be sent around the world from what we pride as the mother of Parliaments?

I remember debates in the 1960s and 1970s when the Prime Minister of South Africa used to pray in aid comparisons with the Northern Ireland special powers legislation to legitimise some of his statutes. People who argue that this Bill, as it stands, complies with article 3 of the European convention could therefore also have argued that the constitution of Ian Smith's Rhodesia met such criteria—save for the fact that the country was not in Europe. The criteria would have matched.

I raise that because people around the world look for excuses for legitimising undemocratic legislation. Despots and people with very shady legislative practices will of course say that their legislation mirrors that passed in 2000 in the mother of Parliaments. I wanted to advance that argument in explaining why the Bill does not comply with European convention obligations.

7.45 pm

Mr. John Cryer (Hornchurch): The relevant article of the European convention is article 3 of the 1952 protocol, which specifies:

"The High Contracting Parties undertake to hold free elections . . . under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature".

If this Bill becomes law, it seems that it will contravene article 3. Will my hon. Friend comment on that?

Mr. Mackinlay: The Bill does contravene the convention. If my hon. Friend had read those words to Ian Smith, he would have said that his electoral law complied with it. Although he might have asserted that, those in this place and elsewhere would almost unanimously have known differently.

We must look into the words of the article to find out what it means. It clearly and inexorably leads one to conclude—I am sure that there is plenty of case law on the matter—that for compliance there must be universal adult suffrage, unimpeded or unadulterated by any special electoral rolls, such as those which are features both of this Bill and of legislation in the unilateral declaration of independence legislature in Southern Rhodesia in the 1960s. It is clearly perverse to think that the Bill would ever meet our obligations under the convention.

I am trying to persuade the House and the promoters, that from a law-making point of view, there is an overwhelming case for accepting new clause 1. If they believe that I am wrong, we shall soon discover who is right, because the Secretary of State will be obliged to have a word with the Attorney-General. I am sure that the promoters would not wish to pass legislation that is inconsistent with the European convention. All I argue is that there should be this test. What is wrong with that? What have the promoters to hide?

Very able staff in the Library drew my attention to a legal opinion which, with the permission of the House, I shall summarise. It expresses the view that the fact that we decline to consider whether a piece of legislation complies with the European convention could make it ultra vires. The opinion states:

"the requirement for a written statement under s 19"—

of the Human Rights Act—

"might have important effects on rules governing judicial recognition of Acts of Parliament. The making and publication of the statement might be regarded as conditions precedent to the legal power of either House of Parliament to proceed to consider, a fortiori, to approve, the Bill. If so, it will give rise to an innovation in United Kingdom constitutional law, in that it will open up the possibility that judges might hold legislation purportedly passed without a s 19 statement having been made to be invalidated by procedural ultra vires in the form of a failure to comply with a condition precedent to the exercise of the power to legislate . . . it would perhaps be possible for a court to treat s 19 as introducing a new requirement to the rule of recognition applicable to statutes, breach of which would invalidate a measure purporting to be a statute."

To a layman like me, that means that the fact that the provisions of section 19 have not been fulfilled in respect of the Bill or any other private Bill might make such Bills ultra vires.

Mr. Cohen: I trust that I am not making a frivolous intervention on a good argument, but the opinion my hon. Friend has just quoted contains a word that I do not understand—fortiori. It sounds Italian—

Mr. Andrew Dismore (Hendon): It is Latin.

Mr. Cohen: As a layman, I do not know whether that word is relevant to the argument. Will my hon. Friend explain the meaning of the word and its relevance, if any, to his argument?

Mr. Mackinlay: I am not sure whether I am grateful to my hon. Friend for that intervention. However, I have had the opportunity to read the legal opinion in its entirety. It is manifest that the United Kingdom Parliament is in danger of the acute embarrassment of having a statute scrutinised in the courts—either the UK courts or the Strasbourg court testing it against the European convention on human rights—and its being held to be ultra vires and hence invalid. If that happened, it would be a bad day for Parliament.

Although the A-level textbooks on the British constitution state that it is not possible for the courts to look at the *Official Report* during a court case, my understanding is that the matter is not that simple. It would be drawn to the court's attention that, this evening, I—and, no doubt, others—drew to the attention of Her Majesty's Government their obligations under the Human Rights Act. If the Minister is not prepared to concede tonight that there is at least a point that requires further examination, the court will note the flagrant disregard and arrogance displayed by the Government when they were cautioned about their duties and obligations.

The Minister points to the right hon. Member for Cities of London and Westminster, who is the sponsor of the Bill. I could give the Minister a bowl of water, so that, like Pontius Pilate, he could pretend that the Bill was nothing to do with him. However, it is directly to do with him. The right hon. Gentleman could use his good offices to counsel the Bill's supporters to accept new clause 1. However, the Minister's body language appears to

[Mr. Mackinlay]

indicate that he has failed to grasp that he, as a member of the Government, has an obligation to get the legislation right. The judges will look at our debate tonight and, when they see the Government's arrogant disregard for the advice they were given, they are far more likely to find in favour of the person who has made the complaint against a perverse and grubby piece of legislation.

Mr. Dismore: My hon. Friend focuses on the Human Rights Act 1998, but our obligations extend beyond that Act to the European convention on human rights itself. Does my hon. Friend agree that, if it is found that the Bill breaches that convention—there are strong arguments to be made that it does—the UK could, irrespective of section 17 of the 1998 Act, find itself before the European Court of Human Rights in Strasbourg, which could find the Bill to be in breach of the convention? Irrespective of the 1998 Act, the Bill may be in breach of the convention.

Mr. Mackinlay: My hon. Friend is absolutely correct. I sometimes despair: I should have expected an intervention by now, either from the Minister or from the right hon. Member for Cities of London and Westminster. We are told that he and the Bill's supporters want the legislation to be passed. Its progress has taken and will continue to take a long time, unless the right hon. Gentleman rises and tells us that he will commend the new clause to the Bill's supporters, whom he could consult during the debate.

If the right hon. Gentleman does not do as I suggest, I hope that it will be noted by those outside the House that both the Bill's promoter and the Government were counselled on the matter. When the Bill reaches another place, I hope that their Lordships—whatever their views on and affection for the quaint and arcane arrangements for the City of London—will understand that an important legal principle is at stake and must be taken into account. I hope that, either here or in another place, new clause 1 will be incorporated in the Bill, before it is enacted.

Mr. David Heath (Somerton and Frome): The hon. Member for Thurrock (Mr. Mackinlay) has done the House a signal service by tabling the new clause, not only because of its relevance to the Bill, but because of its relevant to the procedures of the House in a wider sense. I should say that my purpose is not to delay the Bill's progress—I believe not in using procedural methods to delay Bills with which I do not agree, but in defeating them in the appropriate manner, that is, in the Lobby. I hasten to add that the City of London is of limited relevance to my Somerset constituency, even though, when I am in London, I live only 50 yards from its boundary.

In broad terms, my reason for participating in the debate is that there is at stake an important principle, both in terms of the way in which we in this country conduct our democracy and in terms of the way in which we in the House adopt procedures to comply with the commitments that we have given, either through treaty, as in our original adoption of the European convention on human rights, or through legislation, as in the Human Rights Act 1998. Certain of the Bill's contents give rise to, at least, concern about its compatibility with the Human Rights Act.

The hon. Gentleman and I have, for two and a half years, served together on the Select Committee on Foreign Affairs. He will recall the careful work that that Committee carried out in respect of electoral proceedings in Hong Kong, as part of an overall study of human rights. We were highly critical of the proposals adopted by the Chinese Government, with the support of the Hong Kong authorities, because they appeared to be at variance with our understanding of human rights and proper electoral processes.

The Bill creates an arrangement which, if not precisely identical, bears more than a passing resemblance to the Hong Kong arrangements. Therefore, it is right that the House should satisfy itself as to whether there is a breach of human rights legislation. If it were to be found that the Bill is in breach of that legislation, that begs the question whether the current arrangements for the City of London are even more in breach. However, that is a separate matter that is not encompassed by today's debate.

8 pm

The issue is important for the House because the hon. Member for Thurrock has put his finger on a deficiency within our present arrangements. The right hon. Member for Chesterfield (Mr. Benn) is right when he says that there is no differential, when we pass a Bill to become an Act, when it comes to the route by which it reached the statute book. That is merely a matter of procedure within the House. At the end of the day, the measure is an Act of Parliament.

If I part company with the hon. Member for Thurrock, it is when he says that there is a responsibility on the Government to ensure that legislation that is presented to the House is in accordance with the provisions of the Human Rights Act 1998. There is a responsibility on us all, as legislators, to satisfy ourselves that the legislation that we are prepared to put forward is in line with the 1998 Act. Have we yet satisfied ourselves that we have fulfilled that implied duty on us? My answer is, "No, we are not." We would be satisfied, perhaps, by an assertion from the Treasury Bench, but only if that were backed up by appropriate legal advice, which means the intervention of the Attorney-General. We have had no such assurances. Therefore, that which is proposed in the new clause seems adequate to fill the lacuna in our present procedures and would prevent the implementation of the Bill until we have received satisfaction.

Those on the Treasury Bench should consider the problem carefully. I do not think that at present there is an appropriate procedure. I cannot accept that there is a distinction between Government-sponsored legislation and that which comes from Back-Bench Members, and there must be some defence against us acting effectively unconstitutionally, and certainly in breach of our commitments. I do not think that the hon. Member for Thurrock is right when he suggests that we can act ultra vires in these circumstances. That is not a term that would apply to the House. However, there is scope at some later stage for a court to certify that the legislation that has been passed in these circumstances is not in accordance with either our own domestic legislation—for example, the Human Rights Act—or our treaty obligations. That would require the Government to introduce further legislation. It was a deficiency in the Human Rights Act

that we did not incorporate the ability to strike down law that was held to be in breach of the human rights convention, but that is a different matter.

I shall listen carefully to the Minister's reply to this short debate. If there is a Division on the new clause, I intend at present to support the hon. Member for Thurrock. I say that as an individual Member and not as a party spokesman. I think that my hon. Friend the Member for Kingston and Surbiton (Mr. Davey), who speaks for the Liberal Democrats on these matters, has some sympathy with the view of the hon. Gentleman. He is nodding, so I take it that he is assenting.

Those who support the Bill should explain how we shall otherwise discover whether the legislation that we are being asked to consider, support and enact is in accord with existing legislation and with the treaty obligations into which we freely entered. I do not believe that the mechanism currently exists. Irrespective of whether the clause is passed this evening, the debate has raised an issue that needs to be considered on another occasion to ensure that all the legislation that we consider is in accordance with our clear intentions as demonstrated by the Human Rights Act.

Mr. Tony Benn (Chesterfield): I have listened to the debate with great interest, and especially to the hon. Member for Somerton and Frome (Mr. Heath). We are discussing not only how the City of London should arrange its elections, but much wider matters. The right hon. Member for Cities of London and Westminster (Mr. Brooke) should tell the House whether the promoters considered its implications under the European convention on human rights. The Government, however, are providing massive assistance—they are distancing themselves from the Bill politically while supporting it. The promoters, however, have a responsibility for ensuring that their legislation, which will be part of the legislation of the United Kingdom, accords with the European convention. The Government must deal with the issue if it arises later.

I put the second question personally to the right hon. Gentleman, who is an experienced Member. Having previously been Home Secretary and the Secretary of State for Northern Ireland, with responsibility for human rights, does he believe that a resident in the City of London, who could be outvoted by people or companies who have bought their votes, would be able to take a case to the European Court of Justice? Those of us who vote in general elections go to polling stations, where there are masses of huge notices warning us about bribery and corrupt practice, for example. Yet the Bill legalises the very corrupt practices that would, we are warned, get us unseated by an election court. I have twice been before an election court, and it is a terrifying body.

Could it really be the case that a resident in the City of London, who discovered that his claim to vote in a ward election was overwhelmed by people or companies who had bought their votes and nominated the elected, would not have a reasonable chance of going to the European court and saying, "This is corrupt"? If the Bill is enacted, the election court would have to interpret the measure that is before us. It would say, "I am sorry, it may be corrupt generally but it is not corrupt in London because Parliament has passed legislation that allows this type of corruption." However, that will not apply if someone goes to the European court. That court would have the right to consider the legislation as well as the practice and relate the two to the convention.

I have used strong language, and I believe that we are considering a corrupt proposal. I do not mean that individuals will benefit, but I believe that we are being asked to legalise the buying of votes for political purposes. As Members of Parliament, we have a responsibility, quite apart from my right hon. and learned Friend the Attorney-General and my right hon. Friend the Home Secretary, to consider whether we want to see the great City of London having its local government bought by companies under legislation that we enact. The House is almost empty, but I know that if there is a Division the Lobbies will fill with Members who have been told by the Whips that they have a duty to support the Bill. That is what happened last time.

Mr. Robert Syms (Poole): In 1969, Lord Callaghan reformed the business vote in much of Britain except for that in the City of London. The right hon. Gentleman was a member of that Labour Cabinet. If he felt so strongly about the matter, why did he not resign?

Mr. Benn: The thought that someone should resign if he is a minority in the Cabinet is an interesting one. If that were the position, the Cabinet would lose half its membership every week. I have never accepted that approach. I do not recall the then Cabinet ever discussing the matter because not every little piece of legislation comes before Cabinet. I say without any discourtesy that not everything that Lord Callaghan did is automatically inscribed in the article of faith. The present Government would describe Lord Callaghan as old Labour to his fingertips. As a loyal supporter of the Government, do not ask me to endorse such old Labour corruption, as identified in the hon. Gentleman's intervention.

Of course, there has been the buying of votes in the past. Indeed, the practice was legal. If we go back far enough, we find that ordinary people did not have the vote. In 1832, only 2 per cent. of the population had the vote: they were all rich white men. It may seem that 1832 is a long time ago, but it was only 18 years before my grandfather was born. Democracy is quite new. Women got the vote at the same age as men only in my lifetime. That was 1928. Only a year or two before I was elected to this place, we got rid of the business vote and the university vote. We are now reintroducing the corporation vote. Although this goes beyond the terms of the debate, London should be brought under the new mayor, so when my hon. Friend the Member for Brent, East (Mr. Livingstone) takes responsibility for London he will be able to deal with the problems of the electoral system in the City as well as other matters. However, that is a wider issue that I must not go into.

Democracy should be central to the views of all hon. Members. It should not divide us politically, and it certainly should not incorporate the Government Front Bench along with the City of London, whose acquaintance with democracy is a narrow one. It is an offshore island moored in the Thames, with a freedom that many other offshore islands would be glad to have. I hope that the right hon. Member for Cities of London and Westminster will address himself to my question: did he and the promoters seek advice? Secondly, does he think that under

[Mr. Benn]

normal election law an elector would have a claim against a winning candidate, who would use the mechanisms that we are being invited to endorse?

Mr. Peter Brooke (Cities of London and Westminster): I welcome the right hon. Member for Chesterfield (Mr. Benn) back to the deliberations. We enjoyed his contribution on Second Reading. Some of the remarks in the admirable contribution that he has just made had the flavour of a re-run of some of his observations on Second Reading. I shall return later to the question that he asked me.

The hon. Member for Thurrock (Mr. Mackinlay) tabled new clause 1. Shortly after he became a Member of Parliament, he asked me an oral question when I was still a member of the Cabinet. He prefaced his question with the sentiment that although I was a very nice chap, I was a rotten Minister. I think that the hon. Gentleman is a very nice chap and I am sorry that his capacity as a Minister has not yet been tested. The skill with which he remained in order for a speech that lasted approximately half an hour was testimony to his ability as a parliamentarian. I cannot divine the Patronage Secretary's view, but I thought that the hon. Gentleman was extremely skilful. I shall respond to his questions later.

The hon. Member for Somerton and Frome (Mr. Heath) said that the City had little to do with Somerset. A friend went to live near Cambridge recently. After he had lived there for approximately 18 months, he met a military-looking man at a party who said, "I haven't seen you before; where are you from?" My friend replied, "We've been living here for 18 months, but before that we lived in Somerset for several centuries." "Ah, royalists, eh? You'll find we're mainly Cromwellians around here", responded the gentleman from Cambridge. The City of London was firmly on the parliamentary side in the civil war, therefore it is not surprising that the hon. Member for Somerton and Frome did not detect much connection between Somerset and the City.

Mr. David Heath: Some of my ancestors were executed in 1685 for taking up the parliamentary cause later than the rest of the country.

Mr. Brooke: I recall the events of 40 years later, but you would rule me out of order, Mr. Deputy Speaker, if I pursued them.

The right hon. Member for Chesterfield will have been a Member of Parliament for 50 years later this year. Understandably after 50 years, his memory is playing him marginally false. My father was Home Secretary during the right hon. Gentleman's first 25 years in the House; I have not been Home Secretary during his second 25 years in the House. It is remarkable that I am the third longest sitting Member for the City of London in 717 years. It was represented by four Members of Parliament for most of that time. I have never been Home Secretary, therefore I cannot respond to the aspect of the right hon. Gentleman's speech that referred to that.

My hon. Friend the Member for Poole (Mr. Syms) responded to the heart of the speech of the right hon. Member for Chesterfield and the point about a challenge by a resident in the City. The corporation is anxious to preserve the ability of wards under the current arrangements—which were endorsed by the Government of which the right hon. Gentleman was a member in 1969—to elect residents. The Bill provides for that. What the right hon. Gentleman describes as a corrupt practice is simply the current position in terms of legislation that has prevailed between 1969 and now.

New clause 1 would provide that clause 3 should not take effect until the Secretary of State had made a statement that the Bill was compatible with convention rights, which are defined in amendment No. 22 as having the same meaning as in the Human Rights Act 1998. The hon. Member for Hayes and Harlington (Mr. McDonnell) has raised the human rights convention on several previous occasions. Every time that has been done, the Chair has made the technical position clear. In drafting the Bill, the promoters followed that position. Nevertheless, I shall explain it.

8.15 pm

Section 19(1) of the Human Rights Act states:

"A Minister of the Crown in charge of a Bill in either House of Parliament must, before Second Reading of the Bill—

(a) make a statement to the effect that in his view the provisions of the Bill are compatible with the Convention rights"—

the Act calls that a "statement of compatibility"—

"or

(b) make a statement to the effect that although he is unable to make a statement of compatibility the government nevertheless wishes the House to proceed with the Bill."

The section goes on to say that the statement should be in writing and published in a manner that the Minister who makes it considers appropriate. We are now familiar with the practice of including the ministerial statement on the front page of Government Bills.

The scope of the section 19 is clear. It applies to public Bills—I readily acknowledge that the hon. Member for Thurrock made that clear—but it does not apply to private Members' Bills, private Bills or secondary legislation. The hon. Gentleman is entitled to take the view that the requirement of section 19 should be extended. The point was recently debated in another place in relation to secondary legislation.

Mr. John Cryer: I have followed the right hon. Gentleman's argument carefully, but does he argue that the convention should not apply to private Bills? As my right hon. Friend the Member for Chesterfield (Mr. Benn) pointed out, when Bills become legislation, there is no difference between a private and a public Bill.

Mr. Brooke: I understand the hon. Gentleman's point, which he makes fairly. However, that is a general policy issue on which I am not expressing an opinion.

In response to the question of the right hon. Member for Chesterfield, I shall state what the City of London Corporation has already done and determined in relation to the Bill and the convention within the current parameters of the law.

Mr. McDonnell: I want briefly to clarify one of the right hon. Gentleman's points. In one of the points of order that I made, I said that the Bill could be defined as

having a Minister in charge of it. It would therefore be in the remit of section 19 of the 1998 Act, which states:

"A Minister of the Crown in charge of a Bill . . . must".

Successive Ministers have so vehemently promoted the Bill that it could be construed that they were in charge of it. They should therefore make a statement.

Mr. Brooke: I am grateful for that intervention. I am not envious of those on the Treasury Bench, but under the conventions of the House, I am in charge of the Bill and, therefore, the hon. Member who has to make appropriate concessions or statements on behalf of the promoters.

The point that the hon. Member for Hornchurch (Mr. Cryer) made is a general policy issue, not a matter for the promoters. I hope that Labour Members agree that it is inappropriate for a private Bill to extend the scope of section 19 of the 1998 Act. New clause 1 would have that effect.

The hon. Member for Thurrock raised a series of contingencies about the Attorney-General. Standing Orders on private business require the deposit of the Bill with the Attorney-General. The Bill was so deposited and the Attorney-General is not ignorant of it. He is entitled to submit a report—such reports are submitted at Committee stage—on any private Bill. The Attorney-General's office has submitted no report on the Bill. Having given the explanation about section 19, I make it clear that the promoters of the Bill and their lawyers have examined the human rights convention more than once. That examination has failed to reveal a contravention.

I appreciate that new clause 1 seeks an opinion from the Secretary of State, and I hope that it will be for the convenience of the House if I put on the record, as for a Government Bill, the opinion of the promoters that no contravention of the convention rights arises from the Bill's provisions. That answers the question of the right hon. Member for Chesterfield.

Mr. Tony Benn: On that point—

Mr. Deputy Speaker: Order. I think that the right hon. Member for Cities of London and Westminster (Mr. Brooke) has completed his remarks, unless he says otherwise.

Mr. Brooke: I was seeking to make those the final remarks in my speech.

Mr. Deputy Speaker: I call Mr. McDonnell.

Mr. John McDonnell (Hayes and Harlington): I am pleased that my hon. Friend the Member for Thurrock (Mr. Mackinlay) has tabled the new clause and congratulate him on doing so. I have raised compliance with the human rights convention on three occasions, including today. The previous occasion was the carry-over debate in November. Despite the fact that the matter has been taken seriously by the House and by the Speaker and the Chairman of Ways and Means in the discussions, unfortunately, it has been dismissed somewhat lightly by the Government. I need to clarify that the Bill is Government promoted. In every debate, a Minister has taken responsibility for ensuring that it proceeds. Although we are informed that the vote is unwhipped, on many occasions we have been told that the Government want to see the business through and an informal Whip has been applied. I find that disgraceful.

I simply say to the hon. Member for Somerton and Frome (Mr. Heath) that none of our debates on this important issue have been delaying mechanisms. I agree that we should defeat the Bill in the Lobby and believe that, had there been a genuinely free vote, this piece of detritus would have been thrown out long ago. The human rights new clause is critical, though dismissed by the Government. I shall sit down at any stage to allow my hon. Friend the Minister to intervene from the Front Bench so that we can hear the Government's views on whether the Bill complies with the human rights convention.

The hon. Member for Wantage (Mr. Jackson) chaired the Committee that examined the Bill at length, and a number of my colleagues were also involved in that scrutiny. When I raised compliance with the human rights convention in a point of order during our debate on 14 July, he said:

"Further to that point of order, Mr. Deputy Speaker. It might be relevant to report to the House that, as Chairman of the Select Committee that considered the Bill—we spent several days on it and heard petitioners—I can confirm that that issue was not raised by any of the petitioners and did not come before the Committee at any stage."

I regret that that statement was made, because it is wrong. I would seek an adjournment of the House, if necessary, to ask the hon. Gentleman, who is not in his usual place, to comment on those remarks. I should have informed him that I would raise this matter, and I apologise to him and the House for not doing so, but I genuinely thought that the Chairman of the Committee would have been present, as he has been for previous debates.

Mr. Syms: As I understand it, my hon. Friend the Member for Wantage (Mr. Jackson), as Committee Chairman, pointed out on 14 July that that issue was not taken up by either of the petitioners in Committee, although it formed part of the evidence—the original petition—lodged by Mr. Malcolm Matson.

Mr. McDonnell: With the greatest respect, if the hon. Gentleman wants me to read the quote from the hon. Member for Wantage again, I shall do so. He did not say that. He said that

"I can confirm that that issue was not raised by any of the petitioners and did not come before the Committee at any stage."—[*Official Report*, 14 July 1999; Vol. 335, c. 464.]

I do not like to contradict him when he is not in his place, but he was the Chairman of the Committee. I should be happy to seek an adjournment to enable him to come forward and say why he made that statement. I understand the difficulties of chairing a Committee of that sort, but a central element of Mr. Matson's petition concerned human rights. It drew attention to the fact that the Bill contravened his human rights, which is why I welcome the debate.

The petition by Malcolm John Matson said:

"Your Petitioner is a resident and Freeman of the City of London and although entitled to a vote in City elections, he is effectively disenfranchised (together with all other residents) because of the continuation of an unfair property qualification whereby control of his local authority and of all the normal functions of local government (e.g health, education, planning etc.) rests with individuals who do not live in the City of London.

Your Petitioner and his rights and interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others hereinafter appearing."

Paragraphs 6, 7 and 8 of the petition draw attention to the breaches of the earlier charter establishing the corporation, which was granted by Edward III in 1341, and paragraph 8 states:

"The Bill, if enacted, will be incompatible with the Human Rights Act 1998 and in particular, Article 3 of Protocol 1 of the European Convention on Human Rights."

That was drawn to the attention of the Committee in the petition, but the Chairman informed the House that at no time was it brought before the Committee and at no time debated.

I am happy to ask your advice, Mr. Deputy Speaker, or that of the House on how we can redress the misleading of the House. The premise of all our debates has been that the human rights contravention was discussed in Committee. Only as a result of the tabling of the new clause tonight and the various points of order that I have raised have we identified the fact that the House was misled, no matter how innocently. I know the hon. Member for Wantage to be a conscientious Member and Committee Chairman, but no matter how innocently the House was misled it is not enough to say that the Bill's contravention of human rights was not discussed by the Committee. He and other members of the Committee failed to draw that matter from the petition and seek advice.

Perhaps the Committee sought to discuss the matter in secret session, but was advised by Officers of the House that it did not come before the Committee as a relevant matter. That is not what we have been informed. We have been advised tonight by the right hon. Member for Cities of London and Westminster (Mr. Brooke) that at no stage did the Attorney-General intervene to advise the members of the Committee or the House that the Bill contravened the 1998 Act. I believe that, when a matter is before a Committee and a petitioner has drawn attention to a specific issue, it is for the Committee to seek such advice. The Chairman of the Committee, therefore, has a specific responsibility. When a petitioner has placed such an important matter before the Committee, he should seek the advice of Officers of the House and, when dealing with specific legislation such as the Bill, he should seek the advice of the Attorney-General.

Mr. Mackinlay: On whether the Bill was somehow canvassed with the Attorney-General and whether it swept across his desk, every Bill is considered by the Law Officers. Although they considered Bills before we passed the 1998 Act, that legislation specifically says that they have to consider human rights. The fact that the Bill might have crossed the Attorney-General's desk is immaterial—he was not charged, nor asked for his opinion on that specific point.

Mr. McDonnell: That emphasises the point that I want to draw out. My view is that procedure on the Bill has been such that, without points of order being raised and without the new clause being tabled, we would have been remiss in our duty and certainly liable under the European convention on human rights. We may still be so if the Bill proceeds unamended.

The new clause is vital because it protects hon. Members and Officers of the House from prosecution under the European convention on human rights, a matter which I raised in an intervention on a speech by my hon. Friend the Member for Thurrock. Hon. Members may feel that the usual protections of the House are sufficient to protect them under the convention, but I do not agree. Such overarching supra-national and international treaties into which we have entered, with their global rights, duties and legal responsibilities, are rapidly undermining national protections and immunities. The best example of that is the recent case of General Pinochet. An individual country may seek to give immunity to one of its elected members—in the case of General Pinochet, a non-elected senatorial member—but international rights established in law exist and will, therefore, hopefully be enforced.

8.30 pm

I am not trying to suggest, Mr. Deputy Speaker, that if the Bill is passed you will be arrested on your next trip to France or Spain, or wherever you and your family take your next holiday. I am trying to make the point that localised immunities are not sufficient. They are no longer enforceable. Therefore, we must be sure beyond doubt that, at every stage in our deliberations, legislation is compatible with the European convention on human rights. On this occasion we have not even examined that matter, let alone been convinced.

Mr. Gerald Bermingham (St. Helens, South): I apologise for not being present for the earlier part of the debate, but I was here for the beginning of my hon. Friend's speech, and I have been listening with considerable interest. Does my hon. Friend agree that, under article 33 on inter-state cases, any party or person could take the City of London Corporation to the European Court if it was found to be in breach of article 3 of the protocol, which is the right to free elections? What has been built in here, which does not seem to have been considered, is, literally, a gain in terms of litigation, which will give rise to a number of cases in future. Should not that be avoided at all costs?

Mr. McDonnell: I shall deal with that later. I repeat that it behoves us as individual Members and as a corporate body—a Chamber—to ensure that all legislation complies with the European convention on human rights. That is why we enacted the legislation in November 1998.

We have not had the advice of Officers of the House or members of the Government to enable us to come to a view, on Second Reading, in Committee or on Report, on whether the legislation complies with that convention. The new clause could provide us with some protection, but I doubt that it will. It is a long-stop. It is a post-action protection. Although supportable tonight, it would have been better had the Bill been withdrawn and properly drafted.

I want to dwell for a moment on the general question of private Bill legislation.

Mr. Deputy Speaker: Order. The hon. Gentleman must focus his remarks. We are debating a specific new clause. To go outside that and have a general discussion

on the European convention on human rights or the private Bill procedure of the House would be out of order, and so I shall rule.

Mr. McDonnell: With great respect, Mr. Deputy Speaker, that is what I seek to avoid.

Mr. Cohen: The new clause and amendment No. 22 are grouped under the heading "Compatibility with the European Convention on Human Rights". My hon. Friend developed an argument about possible liability under the convention. My hon. Friend the Member for Thurrock (Mr. Mackinlay) said that the Minister might be liable. In the past, when local authorities were in breach of the law, they were subject to district audit, surcharge and punishment, but often when Ministers have been found in British courts to be in breach of the law, they have not been subject to a penalty. Now it will not be the British courts that make a decision, but the European Court. Is my hon. Friend saying that a Minister, or this Parliament as a corporate body, or an unincorporate body, could be subject—

Mr. Deputy Speaker: Order. That intervention is far too long.

Mr. McDonnell: The point that I was trying to make, perhaps not clearly enough, is that I no longer believe—the Pinochet case shows this—that localised immunities allocated by individual Parliaments or states can provide adequate protection when human rights have been contravened. Individual Ministers and all hon. Members are liable for their own action. On that basis, the new clause may provide us with limited protection. The new clause seeks to ensure that the Bill does not become an Act until we have a clear statement from the Attorney-General or another Law Officer on behalf of the Government that the Bill does not contravene the human rights convention.

I can tell the right hon. Member for Cities of London and Westminster that I appreciate the City of London Corporation giving its legal opinion. I would welcome a copy of that opinion and the name of the counsel who provided it. However, it is somewhat discourteous not to circulate that opinion in advance, given that this matter has been raised on three separate occasions in the past 12 months.

The point of section 19 of the Human Rights Act 1998 is to ensure that all of us—officers of the House, Members of Parliament and Ministers—are given independent advice in which we can have confidence. Had we had a statement from the Attorney-General, or had the matter at least been referred to him during the Committee stage, we would have had some response that we could have taken into account in the debates.

Mr. Bermingham: Would it surprise my hon. Friend to learn that the courts throughout the land are being advised by the Lord Chancellor's Department to implement article 6 of the European convention before 1 October in decisions that they are currently making? After 1 October, there will be no problems. Would it not be logical for Ministers to examine the convention and implement it in their legislation?

Mr. McDonnell: With the greatest respect to my hon. Friend, who is experienced in these matters and in the law, section 19 of the Human Rights Act 1998 provided that, in advance of the formal implementation of the European convention on human rights in British legislation later this year, Ministers could show compliance on the front of a Bill. That is pertinent to this new clause. We were hoping that acceptance of the new clause would enable that provision to be incorporated not in private legislation generally—I accept that—but in this specific legislation, because of the concerns that have been expressed about it on both sides of the House.

In our debates, it has been noticeable that few, if any, Members of Parliament have defended the existing system. Few, if any, have defended the reforms. Some Ministers have said that this may be a staging post on the road to further reform, but have not defended the current proposals in their own right.

The rationale for the new clause is that the 1998 Act does not apply to private Bills. Section 19 on statements of compatibility does not apply to private Bills. We have had rulings on that from the Speaker, and we accept that. Therefore, we must propose an amendment, such as the new clause, to each private Bill to see whether it is compatible with the European convention on human rights.

Section 19 of the Act is specific. It states:

"A Minister of the Crown in charge of a Bill in either House of Parliament must, before Second Reading of the Bill—

. . . make a statement to the effect that in his view the provisions of the Bill are compatible with the Convention rights".

We raised this matter on Second Reading, and the Committee discussed it to see whether the Bill is in contravention of the convention. Section 19 continues:

"or . . . make a statement to the effect that although he is unable to make a statement of compatibility the government nevertheless wishes the House to proceed with the Bill."

We had a statement from the Minister that the Government wished the House to proceed with the Bill, but that was not in relation to compliance with the convention.

Mr. Deputy Speaker: Order. The hon. Gentleman is repeating arguments. He must direct his remarks to whether or not the new clause should be accepted by the House. It relates specifically to the Bill and the proposed action by the Secretary of State. I do not want to hear the arguments that I have heard already more than once this evening being repeated yet again—otherwise I shall have to invoke Standing Order No. 42.

Mr. McDonnell: I am not entirely sure what Standing Order No. 42 is, Mr. Deputy Speaker.

Mr. Deputy Speaker: The hon. Gentleman will find out if he persists in straying from the subject of the new clause.

Mr. McDonnell: I think that that is what they call an object lesson, Mr. Deputy Speaker.

It is crucial for us to know whether the Bill contravenes article 3 of the first protocol before it is enacted, for several reasons. For one thing, if we do not know that, we shall become liable. As was made clear in our debate on the European convention, article 3 has crucial implications. It requires Governments who signed the

[Mr. McDonnell]

convention to support and promote free and fair elections. In our view—no Minister can contend that the selling and purchasing of votes—

Mr. Deputy Speaker: Order. The hon. Gentleman is now beginning to deal with the substance of the Bill, and with arguments that we have already heard. The new clause is specifically directed at action demanded by the Secretary of State to deal with a specific situation, and the reasons underlying why that might be necessary have been rehearsed many times.

Mr. McDonnell: With the greatest respect, Mr. Deputy Speaker, it is difficult to debate the new clause without exploring all the ramifications of the Bill in the context of the convention. If only to protect ourselves in the future, we should all say why we consider the new clause to be so critical, because saying whether the Bill contravenes the convention will be important in ensuring that none of us are liable in the future.

I want to be assured that any record of today's debate makes plain my sincere belief that the Bill does contravene the convention. On that basis, if the new clause is not accepted, I want it to be clear when the legislation is tested—if it is passed—in any action against individual Members or Officers that I am not liable. I want it to be clear that I did not support the Bill at any stage, but supported the new clause to try to ensure that it would not be enacted before a statement had been made about whether it contravened the convention.

Mr. Bermingham: My hon. Friend makes a valid point, which is often overlooked by Parliament. In December 1998, the court made a decision in Pepper *v.* someone or other—I cannot remember the name—[HON. MEMBERS: "Hart."] Thank you. The decision was that the courts would now look not only to the intention of Ministers, but to what lay behind a Bill, and to the intention that Parliament then had. If the intention of Parliament is to flout legislation that is about to be enacted, surely no court will uphold the contents of—in the present instance—this Bill.

Mr. McDonnell: That, too, is a valid point. I believe that, if the House rejects the new clause tonight and a change is made later, tonight's discussions can be prayed in aid with regard to our joint responsibility for promoting legislation in this way. My point, however, is that we are jointly, severally and individually liable for our actions. I believe that, unless the new clause is passed tonight, we as a Chamber will be liable for contravention of the convention. I want to make it plain that I was not party to the decision, and I support the new clause in order to prevent any future contravention in the legislation. As my right hon. Friend the Member for Chesterfield (Mr. Benn) said, the selling and purchasing of votes is not just corrupt, but contravenes the European convention on human rights.

8.45 pm

The demand for the new clause to go through goes beyond the protection of individual residents of the City of London Corporation. If the Bill goes through, it will enable a breach of the human rights not just of corporation residents, but of my constituents.

Under the Greater London Authority legislation, the City of London Corporation is treated as any other London borough in consultation and development of policies by the new structure for London government: the London mayor and Greater London Authority. Under a range of policy areas, the mayor is required in law to consult the corporation on the development of those policies. Therefore, the introduction of further selling of the business vote undermines the human rights not just of corporation residents, but of my constituents. In that corrupt way, the corporation will be elected and will influence London wide policy.

The ramifications for the human rights of the whole of London's population should be not only debated, discussed and examined by the House, but, under the new clause, considered by the Attorney-General. The new clause would enable the Attorney-General to consider the matter before the Bill's enactment. I hope that it would allow a report to be brought before the House—I believe that that is what was understood by my hon. Friend the Member for Thurrock—and a thorough debate to take place. The thorough debate would revolve around whether the Bill complied with the provisions in the European convention on human rights on the free expression of the opinion of the people.

Mr. Mackinlay: My new clause does not provide for a report to come back, but that would be ideal. Ideally, both the promoters and the Minister would get the mood of the House and suggest that we abandon tonight's proceedings, or adjourn, and ask for a report. However, failing that, my new clause would mean that the Act could not be triggered until such time as the matter had been brought back.

Mr. McDonnell: I understand what my hon. Friend says, but if a report is not brought back under the new clause, the House will not be able to discuss the validity of the Attorney-General's views. At least under section 19 of the Human Rights Act a statement is made. I was hoping that the new clause would enable at least some report to the House. If it does not, it may need further discussion and amendment later. I would welcome the right hon. Member for Cities of London and Westminster to rise to his feet to withdraw the Bill for redrafting, but I have gone beyond that hopeful stage. I can see that you, too, Mr. Deputy Speaker, are beyond that stage.

There are implications not just for City of London Corporation residents, but for all the constituents of Greater London. That is why I as an individual Member of Parliament for a London constituency think that the issue is critical.

I appreciate that, under the Human Rights Act, there is an opportunity for a get-out clause. It has not been referred to, but I will draw that out briefly. Section 10(2) of the Act provides for remedial orders, which, in layman's terms, give the Government an opportunity to come back. If the Government have got legislation wrong and are found by the European Court to be in contravention of the European convention on human rights, they will be able to issue a remedial order. That order gets individual Ministers off the hook, not that I am particularly bothered about that at this stage. It enables us all, I suppose, to express a view with regard to liability. However, the new clause would obviate the necessity for such remedial orders. I believe that if the Bill were passed, a remedial order would clearly be required.

Consequently, I urge my hon. Friend the Member for Thurrock to consider the new clause's potential and the Government's ability eventually to promote a remedial order. My hon. Friend may want to enter discussions with Ministers on the drafting of relevant remedial orders, should the new clause be passed.

Mr. Deputy Speaker: Order. The hon. Gentleman is ahead of himself. The substance of new clause 1 is to call upon the Secretary of State to make a statement to the effect that, in his view,

"the provisions of the Act are compatible with the Convention rights."

That is the limit of new clause 1. Even if the new clause were approved by the House, it would not debar someone later from challenging a statement of the Secretary of State. Therefore, we should be considering not remedial orders, but, right now, whether a statement will even be made.

Mr. McDonnell: With the greatest respect, Mr. Deputy Speaker, there will be no opportunity to challenge any statement made under the new clause. As my hon. Friend the Member for Thurrock has just clarified, the statement would not be a report to the House. The problem with the new clause is that, even if it were passed, it would provide no procedure for a report or statement to be made to the House. As my hon. Friend has advised me, however, although the new clause is not intended to provide such a procedure, the use of such a procedure should be considered.

If a statement is not made to the House for debate, and if the Government are subsequently found to be remiss and in contravention of the convention, remedial orders will be required and all hon. Members will be complicit in contravening the human rights legislation. That is the logic that I am following in the debate.

I should be quite happy to engage in a dialogue or discussion with the right hon. Member for Cities of London and Westminster and my hon. Friend the Member for Thurrock on how the matter might best be dealt with. Today, however, I urge the House to proceed no further with the new clause. None the less, if we divide on it, I shall vote for it, as it would at least provide a fall-back position.

Section 6 of the Human Rights Act 1998 is very specific on what is lawful and what is unlawful. I am therefore at a loss to understand why the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Streatham (Mr. Hill), has not yet intervened to say whether the Government have considered the issues and the Bill, so that a statement might be made in accordance with the new clause.

As I have made very clear, I believe that we could act differently by throwing out the Bill and starting again with a more democratic Bill—

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman again. However, not only is he repeating himself within the space of a very few minutes, but he is again ignoring my advice that he cannot revert to how the Bill is being dealt with. We are dealing with one simple matter: new clause 1.

Mr. McDonnell: I was going to finish my sentence by saying, "because of its offence against the human rights legislation", and that I support new clause 1.

I also pray in aid some of the work that we have been doing on human rights legislation in relation to local government around the world. Recently, a conference of the Commonwealth Parliamentary Association permitted us to examine and debate the human rights role and responsibilities of individual member states of the European Union and of the Commonwealth. New clause 1 is intended to ensure that the Government address the human rights issue by including in the Bill a requirement for them to make a statement, and it accords with some of the work being done by the Commonwealth Parliamentary Association.

At the conference, Richard Bourne, chairman of the Commonwealth human rights—

Mr. Deputy Speaker: Order. I would accept an allusion, but we will not have a full discussion of that conference, which is quite outside the scope of the amendment.

Mr. McDonnell: Mr. Deputy Speaker, I have respected your views throughout the debate, and you have been kind to me in every debate into which I have entered. However, with the greatest respect, you are not to judge whether I was about to make an allusion or a full statement on the matter, because I had not made it.

Mr. Deputy Speaker: Order. The hon. Gentleman must have a care about challenging the rulings of the Chair. He was about to launch into further references to the conference. I think that he had made a sufficient allusion to it in support of his general argument, which was therefore in order. However, I have had to remind the hon. Gentleman on a number of occasions of the specific matter that we are discussing. He has repeated himself several times, using the same words over and over again. That is causing me to repeat myself in calling him to order. The hon. Gentleman should respect the rulings that I have given from the Chair, and ensure that the remainder of his remarks is strictly within the terms of the new clause. Otherwise, I shall have to invoke Standing Order No. 42.

Mr. McDonnell: The discussion at the Commonwealth human rights conference was clear about the huge role that Governments had to play in the protection of citizens' human rights and the promotion of local tenets of democracy. The new clause would enable the Government to make a statement, before we proceed further with the Bill, that they value local democracy, value and uphold democratic rights and, on that basis, believe that we are not in contravention of the European convention on human rights. In my view, we are. In my view, we tread a dangerous path. It is my contention that all legislation should comply with the European convention, and private Bills should not be exempt. On that basis, I support the new clause.

Mr. Andrew Dismore (Hendon): The right hon. Member for Cities of London and Westminster (Mr. Brooke) gave the House an assurance that the promoters of the Bill had found no contravention of convention rights, but he has been challenged by hon. Members to say where that advice came from. That is a very important issue, for this reason.

[Mr. Andrew Dismore]

I do not wish to construe article 3—the right to free elections—bearing in mind your earlier constraints, Mr. Deputy Speaker. However, it could be said in relation to article 3 that if the lawyers who advised the promoters of the Bill on this point had offices in the City of London, they could have had a vested interest in giving their opinion. If, for example, those lawyers have huge, swish offices in one of the more upmarket parts of the City, the rateable value of their property may be several millions of pounds.

Mr. Peter Bradley (The Wrekin): And several votes.

Mr. Dismore: Several hundred votes, I say to my hon. Friend. Under schedule 1, each million pounds works out at 100 votes.

It may be that those lawyers thought that this Bill could be a good Bill for lawyers. The City of London sometimes has policies concerning what the legal profession should be up to in the City, and I have expressed criticisms of City lawyers in other debates. Those lawyers may well come to the view that the City should be doing more to promote the interests of lawyers and, by packing the vote with several hundred of their nominated electors could influence the outcome of City of London policy through the election procedures that we are being asked to approve tonight. Those who may have been asked to advise on the Bill may have had a vested interest in saying that it does not contravene the European convention on human rights.

Mr. McDonnell: On that basis, does my hon. Friend agree that it behoves the right hon. Member for Cities of London and Westminster to publish that opinion this evening—even if it is only laid around the House—and the name of the counsel who gave that opinion?

Mr. Dismore: I am grateful to my hon. Friend for that intervention, as it is essential that we know who gave that advice and whether the lawyers involved, for example, already have representatives on the corporation of London. There may already be common councillors or City aldermen from that law firm. There may be a close connection between the lawyers advising the City and the City itself. If we could see the opinion, we could determine whether the views on articles 2 and 3 were correct. We could also check whether it was obtained fairly, and properly given.

My hon. Friend the Member for Hayes and Harlington (Mr. McDonnell) noted that, besides the firm of solicitors to which I referred, leading counsel may also be involved.

9 pm

Mr. Bermingham: Is not the date of the advice relevant also? Opinion in respect of validity and compliance has changed rapidly over the past 18 months. An opinion that is two or three years old may be worthless.

Mr. Dismore: One of the problems of the Human Rights Act 1998 is that it contains no definitions to help construe the terms of the articles of the European convention. My hon. Friend makes an important point. There has been an awful lot of case law recently, and the interpretation of the convention has developed alongside it. I am sorry to say that, once or twice, British Governments have been found to be in contravention when they had considered that to be unlikely.

Mr. Peter Bradley: My hon. Friend is a distinguished lawyer, and will know that one gets the advice that one pays for. Would it not be useful to see the instructions on which the advice that we are discussing was based?

Mr. Dismore: Yes. My hon. Friend and I used be members of Westminster city council. We were often shown legal opinions, and then we got wise to asking to see the instructions on which they were based. That was illuminating, as we discovered that one gets the answers to the questions that one poses.

I should like to know whether the lawyers were asked to advise on the definition of "free" in article 3. The word could mean fair, or that something does not have to be paid for. As my right hon. Friend the Member for Chesterfield (Mr. Benn) noted earlier, the Bill would make people pay for votes. For example, a person at odds with the City of London's policy on joining the euro might rent or buy some buildings to get a few votes in elections in the City, in the hope that he would be able to influence City policy. Several millionaires with a firm view on that matter may decide to spend their money on mounting such an attempt.

I should also like to know whether the lawyers were instructed to construe the phrase "free expression", which appears in article 3.

Mr. Bermingham: If I were a multi-millionaire—and I am not, being a practising lawyer—and bought property in the City worth millions of pounds, I could vote there and I would also have all my property votes. Why should my property votes, which would have been purchased, be worth more than my human votes, which I would have earned by residence?

Mr. Dismore: My hon. Friend makes a valid intervention. I hope that the right hon. Member for Cities of London and Westminster will reveal the contents of the lawyers' opinion, and the instructions that they were given.

Before my hon. Friend intervened, I referred to the term "free expression" in article 3. I think that that term should mean that people can put their crosses wherever they choose on the ballot paper. However, the people who will be asked to exercise their "free expression" will be nominated by a qualifying body—in other words, their employers. I can envisage that people will mark their ballot papers in a way that they know will please their employers.

That practice harks back to the old days of the rotten boroughs, when people were required to vote in the way preferred by their squire. The City is run by the third millennium's squirearchy, and the Bill would enable them to tell their underlings how to vote. I should like to know whether the lawyers who advise the City were asked to construe the definition of "free expression" in that context.

Mr. Bermingham: Does my hon. Friend agree that this is an example of the perfect political Whip, effectively saying, "If you don't vote the right way, you're out."?

Mr. Dismore: This goes beyond what my hon. Friend says; in this House, if one votes against the Whip—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Gentleman is straying from the subject. He must keep within the terms of the new clause before us.

Mr. Dismore: I am grateful to you, Mr. Deputy Speaker. I was perhaps getting a little carried away in responding to my hon. Friend's intervention, because I thought that he made a valid point.

My point follows the earlier intervention of my hon. Friend the Member for The Wrekin (Mr. Bradley). It goes back to the main defence against the new clause proposed by the right hon. Member for Cities of London and Westminster: that a legal opinion was obtained saying that this piece of legislation complied with the European convention.

Mr. Deputy Speaker: Order. The new clause that I am referring to was moved by the hon. Member for Thurrock (Mr. Mackinlay). Is that the new clause that the hon. Member for Hendon (Mr. Dismore) is discussing?

Mr. Dismore: It is, Mr. Deputy Speaker, and I am grateful to you. You were not in the Chamber earlier, but you are quite right in that my hon. Friend the Member for Thurrock (Mr. Mackinlay) made the point in support of his new clause. However, in responding on behalf of the promoters of the Bill, the right hon. Member for Cities of London and Westminster made the point that the new clause was not necessary because a legal opinion had been obtained by the City that it complied with the European convention, and that we did not have to worry.

I am questioning whether that legal opinion has any validity for the purposes of our debate, bearing in mind that we have yet to see it, as well as seeing the instructions. The instructions to the City lawyers may simply have said, "Let us know whether this complies with the European convention" without drawing attention to the specific points that I have raised.

Mr. Tony Benn: Could my hon. Friend advise me? Let us suppose that the Bill is taken to the European court under the convention. The first question to the Attorney-General will be, "Did you consider the Bill?" We are told by the promoter of the Bill that the Attorney-General did not; we are told that he has not responded. The Attorney-General will be unable to say that he has never thought of it because all these debates have highlighted that point, and still we have a silent Attorney. That must make Britain much more vulnerable if, as is almost certain, the Act—as it will be—is taken to a court for consideration.

Mr. Dismore: I am grateful to my right hon. Friend for that intervention. The phrase "silent Attorney" is probably a contradiction in terms, but I get the drift of his remarks. If the Bill were challenged in the European courts, Her Majesty's Government, especially the Attorney-General, would be on the receiving end, not the City of London. If the Attorney-General and the Government have not considered that, and without the new clause being incorporated and any view being reported back to the House for debate, the Government could be buying a pig in a poke.

Mr. David Heath: Is not the most extraordinary thing about the debate the fact that no duty is placed on the Bill's promoter or, indeed, on the corporation of the City of London? The duty is placed on the Secretary of State. The Minister could have curtailed this entire discussion by simply accepting the implied duty that would have been placed on him by legislation promoted by the Government.

Mr. Dismore: The hon. Gentleman is absolutely correct. When we vote on Third Reading, we must be sure that the Bill complies with the convention. If not, as my hon. Friend the Member for Hayes and Harlington said, we could accidentally be in breach of the European convention, simply because we had accepted the word of the right hon. Member for Cities of London and Westminster. I know that the right hon. Gentleman is a very decent chap; I am sure that he is very well versed in these matters. He may well have seen the legal opinion, although I do not know whether he has.

Today, the right hon. Gentleman told us that the City of London Corporation had obtained an opinion that the measure does not breach the European convention. Will he tell us whether he has read that legal opinion and the instructions that gave rise to it? I should be happy to give way to him. Before I gave way to a series of interventions, the main thrust of my argument concerned whether those instructions directed the lawyers properly to the questions that they should consider in construing article 3 and other provisions in relation to the European convention.

Mr. McDonnell: My hon. Friend the Member for Thurrock (Mr. Mackinlay) mentioned—I think in error—that there would be an opportunity to discuss the matter on Third Reading if such a statement were made. The new clause would not enable the Third Reading to take into account a statement by the Attorney-General; it would apply merely before the provisions of the Act come into force. As I tried to point out, despite being interrupted several times, we will not have an opportunity to debate any statement because it will not be made until after the House has dealt with the Bill. Based on that, we are jointly and severally liable for whatever happens in due course.

Mr. Dismore: I am grateful to my hon. Friend for making that point. Perhaps that is why when the Bill reaches Third Reading—irrespective of whether the new clause is accepted—we should vote against it anyway. There is a strong argument that the Bill is an extremely bad one.

Mr. Cohen: As my hon. Friend the Member for The Wrekin (Mr. Bradley) has pointed out, our hon. Friend the Member for Hendon (Mr. Dismore) is a distinguished lawyer, whose expertise is most valuable to the House.

Mr. McDonnell: It is free.

Mr. Cohen: Will my hon. Friend the Member for Hendon tell us whether, in these circumstances, it is usual

[Mr. Cohen]

for a body such as the City of London to consult counsel on one specific point? Would that show that the body was worried about that particular point? In my hon. Friend's opinion, by not publishing the advice and by insisting on secrecy, does that not show there might be something fishy—

Mr. Deputy Speaker: Order. The hon. Gentleman is pushing his luck.

Mr. Dismore: I am grateful to my hon. Friend the Member for Leyton and Wanstead (Mr. Cohen), because he has made an interesting intervention. It goes back to the point made by my hon. Friend the Member for The Wrekin as to the importance of the instructions. Those instructions might well reveal the motivation behind obtaining the opinion. They might reveal that the City was not only worried, but may also have had its own view on the matter, which the lawyers were asked to consider.

If we are to vote against the new clause, not only do we need the assurances of the right hon. Member for Cities of London and Westminster that the City has found that particular opinion, but the right hon. Gentleman should put his money where his mouth is, or rather the City—for whom he speaks—should do so: we should see the legal opinion and the instructions on which it is based. We should see that before we proceed much further with the debate.

The right hon. Gentleman has had ample opportunity to intervene on me and on other hon. Members to say, on behalf of the City, that the legal advice and instructions would be made public. He could have said, "We have nothing to hide. We are happy that we obtained the legal opinion in good faith". He could have told us that the City had instructed the lawyers at great length to address the points that I made in relation to article 3 and other provisions that could be contravened by the Bill. We would all be happy about that. Indeed, if we had that opinion, some of us might be prepared to show a copy to the Attorney-General in the Lobby—although of course we cannot do so because he is in another place.

Mr. McDonnell: On a point of order, Mr. Deputy Speaker. We have had an extensive debate on the legal opinion that the City of London Corporation has sought and obtained. We know that it exists because of the statement by the right hon. Member for Cities of London and Westminster (Mr. Brooke). What procedure may we now take so as to adjourn the House to enable the right hon. Gentleman to circulate that legal opinion before the debate continues?

9.15 pm

Mr. Deputy Speaker: Order. These are matters for debate, and we cannot adjourn the House on the basis of what has been debated. We must allow the debate to continue.

Mr. Dismore: Thank you, Mr. Deputy Speaker.

Mr. Gordon Prentice (Pendle): Further to that point of order, Mr. Deputy Speaker. That raises the interesting possibility that there may be a multiplicity of legal opinions, and that the promoters are being coy because the City favours only one of those opinions.

Mr. Deputy Speaker: Order. The hon. Gentleman should not concern himself too much with what legal opinion the promoters took, because the main matter before us is the new clause that has been tabled by the hon. Member for Thurrock (Mr. Mackinlay). That is all that we should concern ourselves with.

Mr. Dismore: Thank you, Mr. Deputy Speaker. The reason why we have been considering the issue of the opinion obtained by the City is that my hon. Friend the Member for Thurrock, in moving that the new clause be read a Second time, argued very strongly that we had no legal advice before us.

Mr. Bermingham: On a point of order, Mr. Deputy Speaker. Please do not think me unkind. If the Chair has just ruled that we must think only about the new clause and not about the opinion, is that not a bit like a look-out on the Titanic being told that he is sailing the Atlantic and to ignore the icebergs?

Mr. Deputy Speaker: Order. Although I used to work in a shipyard, I do not know a great deal about the Titanic, but I would tell the hon. Gentleman that, while it is allowable to refer to the opinion that was sought by the City of London, hon. Members' harping on about it at great length concerns me. That is why I am telling the hon. Gentleman that we can move on now. The point has been made that the City of London has sought legal advice in this matter. I think that we all seek legal advice from time to time, but that point has been made, so perhaps we can move on.

Mr. Dismore: I am grateful to you, Mr. Deputy Speaker.

We understand that, if the new clause were incorporated into the Bill, the Secretary of State, in making a statement, would seek the Attorney-General's opinion. The problem that we have in the House is that we cannot seek the Attorney-General's opinion because he is not a Member of this House. The Attorney-General does not attend Attorney-General's questions; the Solicitor-General attends in his place. I certainly would not say that the Solicitor-General is not a distinguished lawyer, but he is not the Attorney-General.

The answer given to my hon. Friend the Member for Thurrock by the right hon. Member for Cities of London and Westminster was that that did not matter, because the City had obtained its legal opinion. I would simply say that if we had that opinion, we could judge for ourselves.

Mr. Deputy Speaker: Order. I would say that there is such a thing as tedious repetition, and I would say that the hon. Gentleman is straying on that because he has mentioned that point. Before I entered the Chamber, the point was also mentioned by one of his hon. Friends, so we cannot belabour it. We have the new clause before us. If the hon. Gentleman is running out of things to say, it may be time to conclude his remarks.

Mr. Mackinlay: On a point of order, Mr. Deputy Speaker. During those exchanges, I was able to take a

look at "Erskine May". May I draw your attention to page 388? I am sure that you are very familiar with that particular page. There are no pictures in it, but it does relate to this point. I raise it on a point of order, addressing it through you to the right hon. Member for Cities of London and Westminster (Mr. Brooke). It says:

"There is no rule to prevent Members not connected with the Government from citing documents in their possession, both public and private, which are not before the House, even though the House will not be able to form a correct judgment from partial extracts."

However, footnote 9 says:

"A private Member's action in handing a document to a Minister in support of arguments was ruled to be 'very irregular'".

Although that footnote related to the handing of documents by a Back Bencher to a Minister, it would be reasonable to assume that, similarly, it was highly irregular for the right hon. Member for Cities of London and Westminster to hand over documents and not bring them to the attention of the whole House.

Mr. Deputy Speaker: The hon. Gentleman has just read out a very interesting quotation from "Erskine May".

Mr. Cohen: On a point of order, Mr. Deputy Speaker. You will know that Select Committees and the House have the power to insist that both people and papers are brought before them when that is relevant. I submit that it is relevant to receive counsel's advice before the debate is concluded. May I put it—

Mr. Deputy Speaker: Order. That is not a point of order. The question of bringing people or documents before the House is not a matter for debate. We are now debating the new clause tabled by the hon. Member for Thurrock.

Mr. McDonnell: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: I hope that it is a point of order. I get the feeling that some hon. Members are seeking to prolong the debate. *[Interruption.]* Order. I have dealt with points of order and not one of them was a proper point of order. Some hon. Members are testing the patience of the Chair.

Mr. McDonnell: Of course, I would not do that, Mr. Deputy Speaker. However, may I give notice, on a point of order, that we shall table a substantive motion in the House requiring the production of the document?

Mr. Deputy Speaker: That is not a point of order; the hon. Gentleman can do whatever he wants. I call the hon. Member for Hendon to resume his speech, but if he has nothing to say other than to repeat the case that he has already made, he must sit down.

Mr. Dismore: Thank you, Mr. Deputy Speaker. I have quite a few other points to make about the new clause.

First, if we had the Attorney-General's opinion, it would provide a much stronger basis on which we could proceed with the Bill.

Mr. John Cryer: Let us leave aside the legal opinion for a minute. If this Act were challenged in the courts, does my hon. Friend think it conceivable that the courts would not consider the House's deliberations this evening?

Mr. Dismore: If such matters came before the courts—the High Court, the House of Lords or, beyond that, the European Court of Human Rights—it is inevitable that, under the provisions of Pepper *v.* Hart, to which my hon. Friend the Member for St. Helens, South (Mr. Bermingham) referred, the courts would consider what was said in the House. If the Government did not provide the certificate sought by the new clause and appeared before the court—the Government and not the City would defend the legal action—they would be in great difficulty given the points made in the debate.

Because of earlier rulings, we are not able to draw the House's attention to the detailed breaches that were alleged in relation to the Bill, but we can at least make it absolutely clear that, in the absence of a certificate from the Secretary of State, many of us have reservations. If my right hon. Friend the Secretary of State were to give a certificate, that would go a long way towards satisfying me. I would know that the opinion would be based on the opinion of the Attorney-General, for whom I have great regard.

Mr. Bermingham: If a certificate were given, not only would my hon. Friend be satisfied, but so would I. However, bearing in mind the rulings that already exist under articles 34 and 33 and protocols 3 and 7 of the convention, we need to know on what basis the certificate would be given.

Mr. Dismore: The matter goes beyond that. The new clause would not prevent a legal challenge being made even if a certificate were given. The purpose of a certificate is not to provide one with a cast-iron defence in the courts or a public immunity defence. It would simply reassure the House that the Bill complied with the European convention. It is not a defence to go to court and say, "Well, we've got a certificate so you can't sue us," but the certificate would reassure us.

Mr. Bermingham: Does my hon. Friend further agree that, if the certificate and the reasons behind it were given, we could see whether or not the Government had concluded that a certificate could be given and, therefore, whether or not they thought the Bill was a bad Bill—which is what we have been saying for the past two and a half hours?

Mr. Dismore: My hon. Friend makes a valid point. If such a point were read into the proceedings of the House, it could also be raised during a legal challenge under the precedent set by Pepper *v.* Hart. If the issue were to appear before the courts, not the City but the Government would be in the dock.

This point is particularly important when one considers the convention. For illustrative purposes, we have all focused on article 3—the right to free elections—but other articles, such as article 2 on the right to education, are even more important. I shall certainly not go through the construction of that article, because there is a risk that it could be contravened by the Bill. Suffice it to say that there are reservations in the context of the Human Rights Act.

[Mr. Dismore]

I can see the most bizarre position developing whereby no certificate has been given; somebody challenges whether proper education is being provided in the City of London; the Government end up in the dock and there is some reservation—without any great thought about whether article 2 is contravened by the Bill. We would suddenly find ourselves in the most horrendous legal mess in trying to interpret the position.

New clause 1 is very much needed. It would give the House great reassurance that the Bill complies with the convention—or, to adopt the point of view of my hon. Friend the Member for St. Helens, South, that it does not do so. When we are asked to give the Bill a Third Reading, that should be very much to the forefront of our minds.

Mr. McDonnell: Legal advice is being bandied across the Chamber—unpublished or not—but will my hon. Friend clarify that his main thrust is that it is essential that we achieve protection in some form? What would be the consequences of not having such protection under the new clause?

Mr. Dismore: The most obvious consequence will be that the House will have passed legislation that does not comply with the European convention on human rights or with our own Human Rights Act. That in itself would have other consequences—in addition to the Government's perhaps looking rather foolish because they would have been found in contravention of the legislation in the European Court.

I mentioned earlier that our Government have been caught out by the European Court on only a couple of occasions in three years—which is not bad when compared with the previous Government's record. I certainly hope that our Government continue to maintain their very good record on the convention.

Mr. Bermingham: Would not the consequences of being caught out be having to agree under the terms of settlement to compensate and to rectify? The cost of rectification in this case would be enormous.

Mr. Dismore: My hon. Friend is correct. One problem is that the City is very much a law unto itself—that is why trying to reform it is difficult. We may end up with huge legal bills and having to pay compensation bills for infringing people's rights. We may have to try to unstitch decisions in the City and hold new elections there, having first passed better legislation that incorporates one person, one vote, rather than one building, one vote. I very much hope that the Government will take on board the fact that the consequences could be horrendous, and will either ensure that new clause 1 is agreed to so that we have an opinion, or prevail on the City to release the opinion, so that we can at least check whether we agree with it.

Mr. Peter Bradley: I am worried about the implications of my hon. Friend's comments about legal advice. Can he construe any circumstances in which such advice may be given to justify, for example, the constitution of the upper Chamber on the basis of property ownership rather than democratic franchise?

Mr. Dismore: I am very tempted—

Mr. Deputy Speaker: Order. We could not stray into those matters under this narrow new clause.

Mr. McDonnell *rose*—

Mr. Dismore: I give way to my hon. Friend the Member for Hayes and Harlington.

Mr. McDonnell: The issue of consequences has been raised and I can understand that the residents of the City of London—or, as a result of the Greater London Authority Act 1999, the residents of Greater London—would be the offended party, but who would bear the cost? It would not be the City of London Corporation any more because the Bill would become a public Act, and because the Government have not intervened—

9.30 pm

Mr. Deputy Speaker: Order. I have already heard the hon. Gentleman make that point. He cannot go over it again.

Mr. Dismore: I am grateful to you, Mr. Deputy Speaker. In conclusion—

Mr. Cohen: Will my hon. Friend give way on one brief point? The whole thrust of my hon. Friend's argument is that the House needs the statement from the Secretary of State; otherwise the whole matter could be taken to the European Court. He knows that there is to be a mayor elected for the rest of London. Does he think that the mayor might—

Mr. Deputy Speaker: Order.

Mr. Dismore: I am grateful to my hon. Friend for his point. The problem with legal challenges is that, if the Bill is not in compliance with human rights legislation, such a challenge could come from any quarter and be made in any court. However, I think that my hon. Friend slightly misunderstands my earlier point, which is that legal challenge is possible, whether or not there is a certificate of compliance. All such a certificate does is reassure the House that the chance of such a challenge being made is small.

A challenge could come from the mayor or the Greater London Authority, from a resident of the City or a business in the City, or from any aggrieved person with a remote interest in the City. That is why new clause 1 is so important. Even if there were a broad consensus in support of the Bill, some mischievous individual might attempt to unpick it by pursuing lengthy legal proceedings through the courts. We all know how long it can take a case to go though the lower courts, the High Court and the Court of Appeal, before getting to the European Court. The Bill could be the source of litigation lasting 10 or 15 years. In the end, the only beneficiaries would be

lawyers, and it is not the purpose of the House to provide lawyers with a living—even though I should declare an interest in that I am a solicitor.

The new clause is extremely important. The House requires the assurance that it would provide and I hope that it finds favour with hon. Members.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Keith Hill): I start by thanking the right hon. Member for Cities of London and Westminster (Mr. Brooke) for giving the House the necessary assurances on the compatibility of the Bill with convention rights.

Mr. McDonnell: Will the Minister give way?

Mr. Bermingham: Will the Minister give way?

Mr. Hill: For heaven's sake, give me a chance. Well, even though I have heard my hon. Friend the Member for Hayes and Harlington (Mr. McDonnell) more than once today, I shall give way to him—although I warn him that it will be the only time that I do so.

Mr. McDonnell: Does the Minister's remark mean that he has seen the legal opinion? If so, why has it not been brought to the House and copied to hon. Members?

Mr. Hill: I have not seen the legal opinion. However, the right hon. Member for Cities of London and Westminster is an honourable Member. It is his duty as the sponsor of the Bill to give the necessary assurances, and he has done so. I have no intention of impugning his honour or his integrity.

Mr. Peter Bradley: On a point of order, Mr. Deputy Speaker. Once before, I made the mistake of referring to a Member specifically as the "honourable" Gentleman. I was reprimanded on the basis that all Members are honourable Members, therefore the expression is meaningless.

Mr. Deputy Speaker: That is not a point of order. The Minister can express himself any way he pleases, as long as he observes the rules of the House.

Mr. Hill: I am grateful to you, Mr. Deputy Speaker.

Let me deal with the concerns expressed by various hon. Members about the Secretary of State's involvement, which is the subject of the new clause. We have been debating the new clause for the past two and a half hours, so it does not seem unreasonable that I should make an observation regarding it. The law is entirely clear: the Human Rights Act 1998 requires that, for public Bills, the Minister in charge must make a statement of compatibility with convention rights, or state that he is unable to do so. There is no equivalent requirement for private Bills or private Members' Bills.

Mr. Bermingham: I speak from practical profession experience, going back more than 30 years. Does the Minister accept that the European Court might not care to think about whether legislation is public or private, but that it will think about the rights of the citizen and ask itself one simple question: have the citizen's rights been infringed? Whether it is a public Bill or a private Bill matters not a tinker's cuss. The European Court will enforce the rights of the convention.

Mr. Hill: I hope to come on to that point in due course. I am saying that in various incarnations—

Mr. Dismore: Will my hon. Friend give way?

Mr. Hill: Just a minute.

In various incarnations I have heard my hon. Friend the Member for Hayes and Harlington raise the question of compliance in relation to the Bill. He has done so on several occasions on points of order preceding the Bill's consideration. You will recall, Mr. Deputy Speaker, that during each of the preceding two occasions when the Bill has been discussed the occupant of the Chair has made it clear that there is no provision in legislation or in the rules of the House for making statements of compatibility with convention rights in relation to a private member's Bill or private Bills.

The view has been taken that the issue is one for debate and not for the Chair. The rules of the House are therefore entirely clear on this matter. The guidance from the Chair is also entirely clear, and we are complying with that guidance and with the law.

I take up the issue that was raised initially by my hon. Friend the Member for Thurrock (Mr. Mackinlay). It was picked up and danced with by many other hon. Members. The specific issue was the possible future role of my right hon. and learned Friend the Attorney-General. Should a court wish to declare an Act incompatible, the Crown is given an opportunity to argue against it. It is our understanding that that is a right and not a requirement. The central point is that under existing legislation it is the sponsor who is required to state his view on compatibility. Parliament can then take a view and amend accordingly if it wishes to do so. A further statement from the Government, either on a private Bill or a private Member's Bill, will not change whether the Bill complies with the Human Rights Act 1998. It is Parliament that needs to get the Bill right, not the Minister, not the Government and not the Attorney-General.

Mr. Mackinlay: Are the Government neutral on the new clause? Will there be a free vote for all right hon. and hon. Members, including those who are on the payroll? Can my hon. Friend give an assurance that there will be no Whips outside the Lobby picketing to ensure that Labour Members turn down the new clause? Can he give us an unequivocal assurance on that?

Mr. Hill: As the Minister speaking from the Dispatch Box, I cannot be responsible for events that occur outside the Chamber. I feel very much responsible for what occurs when I am at the Dispatch Box. My hon. Friend has undoubtedly received the Whip during the past few days. My recollection, as I am sure it is his, is that the vote was clearly and unequivocally described as a free vote. If that was on the Whip, I am sure that that will satisfy my hon. Friend and other hon. Friends in the Chamber that it is a free vote.

Mr. Cohen: I am grateful to my hon. Friend for giving way. Indeed, he is truly honourable.

[Mr. Cohen]

Before the intervention of my hon. Friend the Member for Thurrock (Mr. Mackinlay), was he saying that it would be Parliament and Members of Parliament who would be liable if the Bill became an Act and is in breach of the European convention? I can understand that Ministers should not be liable and I sympathise with that point. However, the Bill comes from the City of London. Should not responsibility fall on the City and not on my hon. Friend the Minister or Parliament?

Mr. Hill: Strictly speaking, we are not debating liability in this context. Instead, we are debating where liability lies for a declaration about the compatibility of the Bill with the convention. The fact is that it lies with the sponsor, who has discharged that duty. It would therefore be wholly inappropriate—

Mr. Dismore *rose—*

Mr. Peter Bradley *rose—*

Mr. Hill: No, I shall not give way. It would be wholly inappropriate for the Secretary of State to be asked to make a statement on a Bill for which he has no responsibility. That is a matter for the Bill's promoters. The right hon. Member for Cities of London and Westminster has placed a statement on record on their behalf. That is the proper approach. I hope that his statement is sufficient to satisfy hon. Members, and that my hon. Friend the Member for Thurrock will withdraw the amendment.

Mr. Brooke *rose in his place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House divided: Ayes 137, Noes 68.

Division No. 35] **[9.40 pm**

AYES

Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Amess, David
Anderson, Janet *(Rossendale)*
Arbuthnot, Rt Hon James
Armstrong, Rt Hon Ms Hilary
Bayley, Hugh
Beard, Nigel
Betts, Clive
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Bradshaw, Ben
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell–Savours, Dale
Caplin, Ivor
Casale, Roger
Chapman, Ben *(Wirral S)*
Clifton–Brown, Geoffrey
Coaker, Vernon
Collins, Tim
Colman, Tony
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Crausby, David
Cunningham, Jim *(Cov'try S)*
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dowd, Jim
Duncan, Alan
Eagle, Angela *(Wallasey)*
Ennis, Jeff
Evans, Nigel
Fisher, Mark
Fitzpatrick, Jim
Flight, Howard
Flint, Caroline
Foster, Michael Jabez *(Hastings)*
Foulkes, George
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gill, Christopher
Gorman, Mrs Teresa
Green, Damian
Griffiths, Nigel *(Edinburgh S)*
Hamilton, Rt Hon Sir Archie
Heald, Oliver
Healey, John
Heppell, John
Hill, Keith
Hodge, Ms Margaret
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Jack, Rt Hon Michael
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Keeble, Ms Sally
Key, Robert
King, Andy *(Rugby & Kenilworth)*
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lidington, David
Lilley, Rt Hon Peter
Lock, David
Loughton, Tim
McCartney, Rt Hon Ian *(Makerfield)*
MacGregor, Rt Hon John
McLoughlin, Patrick
McNulty, Tony
Mactaggart, Fiona
Mates, Michael
Meale, Alan
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mullin, Chris
Murphy, Jim *(Eastwood)*
O'Brien, Stephen *(Eddisbury)*
Pearson, Ian
Perham, Ms Linda
Plaskitt, James
Pond, Chris
Pope, Greg
Portillo, Rt Hon Michael
Prentice, Ms Bridget *(Lewisham E)*
Quinn, Lawrie
Randall, John
Rendel, David
Robathan, Andrew
Roche, Mrs Barbara
Ross, William *(E Lond'y)*
Roy, Frank
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Spelman, Mrs Caroline
Squire, Ms Rachel
Starkey, Dr Phyllis
Steate, Dr Howard
Stuart, Ms Gisela
Syms, Robert
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Wicks, Malcolm
Widdecombe, Rt Hon Miss Ann
Wills, Michael
Winterton, Nicholas *(Macclesfield)*

Tellers for the Ayes:
Mr. Desmond Swayne and Sir Peter Emery.

NOES

Ashton, Joe
Barnes, Harry
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony *(Chesterfield)*
Bermingham, Gerald
Berry, Roger
Best, Harold
Butler, Mrs Christine
Cann, Jamie
Cawsey, Ian
Clapham, Michael
Clarke, Tony *(Northampton S)*
Collins, Tim
Connarty, Michael
Corbyn, Jeremy
Cousins, Jim
Cryer, John *(Hornchurch)*
Dalyell, Tam
Davidson, Ian
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Efford, Clive
Gibson, Dr Ian
Golding, Mrs Llin
Gordon, Mrs Eileen
Heath, David *(Somerton & Frome)*
Hinchliffe, David
Hood, Jimmy
Hopkins, Kelvin
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Jones, Mrs Fiona *(Newark)*
Jones, Dr Lynne *(Selly Oak)*
Keen, Alan *(Feltham & Heston)*
Ladyman, Dr Stephen
Linton, Martin
Lloyd, Tony *(Manchester C)*
McDonnell, John
Mackinlay, Andrew
McWalter, Tony
Mahon, Mrs Alice
Marshall–Andrews, Robert
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Morgan, Alasdair *(Galloway)*
Naysmith, Dr Doug
Oliner, Bill
Pickthall, Colin
Pike, Peter L
Prentice, Gordon *(Pendle)*
Rammell, Bill
Savidge, Malcolm
Sawford, Phil
Simpson, Alan *(Nottingham S)*

Skinner, Dennis
Smith, Angela *(Basildon)*
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stunell, Andrew
Taylor, David *(NW Leics)*
Tynan, Bill
Wareing, Robert N
Willis, Phil
Wise, Audrey
Wood, Mike
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Harry Cohen and
Mr. Peter Bradley.

Question accordingly agreed to.

Question put accordingly, That the clause be read a Second time:—

The House divided: Ayes 81, Noes 120.

Division No. 36] **[9.52 pm**

AYES

Barnes, Harry
Bell, Martin *(Tatton)*
Benn, Rt Hon Tony *(Chesterfield)*
Bermingham, Gerald
Best, Harold
Bradshaw, Ben
Butler, Mrs Christine
Campbell, Rt Hon Menzies *(NE Fife)*
Cann, Jamie
Cawsey, Ian
Clapham, Michael
Clarke, Tony *(Northampton S)*
Connarty, Michael
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, John *(Hornchurch)*
Dalyell, Tam
Davey, Edward *(Kingston)*
Davidson, Ian
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Efford, Clive
George, Andrew *(St Ives)*
Gibson, Dr Ian
Golding, Mrs Llin
Gordon, Mrs Eileen
Heath, David *(Somerton & Frome)*
Hinchliffe, David
Hood, Jimmy
Hopkins, Kelvin
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Jones, Mrs Fiona *(Newark)*
Jones, Dr Lynne *(Selly Oak)*
Keen, Alan *(Feltham & Heston)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lepper, David
Linton, Martin
McDonnell, John
Mackinlay, Andrew
McWalter, Tony
Mahon, Mrs Alice
Marshall–Andrews, Robert
Michie, Bill *(Sheffld Heeley)*
Miller, Andrew
Morgan, Alasdair *(Galloway)*
Naysmith, Dr Doug
Olner, Bill
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pond, Chris
Prentice, Gordon *(Pendle)*
Rammell, Bill
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sawford, Phil
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Starkey, Dr Phyllis
Stewart, Ian *(Eccles)*
Stinchcombe, Paul
Stunell, Andrew
Taylor, David *(NW Leics)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Tynan, Bill
Wareing, Robert N
Whitehead, Dr Alan
Willis, Phil
Wise, Audrey
Wood, Mike
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mr. Peter Bradley and
Mr. Harry Cohen.

NOES

Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Amess, David
Anderson, Janet *(Rossendale)*
Arbuthnot, Rt Hon James
Armstrong, Rt Hon Ms Hilary
Bayley, Hugh
Beard, Nigel
Betts, Clive
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brazier, Julian
Brinton, Mrs Helen
Brooke, Rt Hon Peter
Browning, Mrs Angela
Campbell–Savours, Dale
Casale, Roger
Chapman, Ben *(Wirral S)*
Chidgey, David
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clifton–Brown, Geoffrey
Clwyd, Ann
Coaker, Vernon
Collins, Tim
Colman, Tony
Cooper, Yvette
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dowd, Jim
Duncan, Alan
Eagle, Angela *(Wallasey)*
Ennis, Jeff
Evans, Nigel
Fitzpatrick, Jim
Flight, Howard
Flint, Caroline
Foster, Michael Jabez *(Hastings)*
Foulkes, George
Fox, Dr Liam
Gill, Christopher
Gilroy, Mrs Linda
Gorman, Mrs Teresa
Green, Damian
Griffiths, Nigel *(Edinburgh S)*
Hamilton, Rt Hon Sir Archie
Heald, Oliver
Healey, John
Heppell, John
Hill, Keith
Hodge, Ms Margaret
Hogg, Rt Hon Douglas
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Jack, Rt Hon Michael
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Keeble, Ms Sally
Kemp, Fraser
Key, Robert
King, Andy *(Rugby & Kenilworth)*
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lidington, David
Lock, David
Loughton, Tim
MacGregor, Rt Hon John
McLoughlin, Patrick
McNulty, Tony
Marsden, Paul *(Shrewsbury)*
Mates, Michael
Meale, Alan
Merron, Gillian
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mullin, Chris
Murphy, Jim *(Eastwood)*
O'Brien, Stephen *(Eddisbury)*
Pearson, Ian
Pope, Greg
Portillo, Rt Hon Michael
Prentice, Ms Bridget *(Lewisham E)*
Primarolo, Dawn
Quinn, Lawrie
Randall, John
Reed, Andrew *(Loughborough)*
Robathan, Andrew
Roche, Mrs Barbara
Ross, William *(E Lond'y)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Smith, Jacqui *(Redditch)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Spelman, Mrs Caroline
Squire, Ms Rachel
Stanley, Rt Hon Sir John
Stoate, Dr Howard
Stuart, Ms Gisela
Syms, Robert
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Thomas, Gareth R *(Harrow W)*
Twigg, Derek *(Halton)*
Wicks, Malcolm
Widdecombe, Rt Hon Miss Ann
Wills, Michael
Winterton, Nicholas *(Macclesfield)*

Tellers for the Noes:
Mr. Desmond Swayne and
Sir Peter Emery.

Question accordingly negatived.

It being after Ten o'clock, further consideration stood adjourned.

Bill to be further considered on Wednesday 2 February.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Mr. Michael J. Martin): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Contracting Out

That the draft Contracting Out (Functions in Relation to Petroleum Royalty Payments) Order 2000, which was laid before this House on 16th December, be approved.

EMPLOYMENT AND TRAINING

That the draft Industrial Training Levy (Construction Board) Order 2000, which was laid before this House on 16th December, be approved.

EMPLOYMENT AND TRAINING

That the draft Industrial Training Levy (Engineering Construction Board) Order 2000, which was laid before this House on 16th December, be approved.—*[Mr. Betts.]*

Question agreed to.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith, pursuant to Standing Order No. 25 (Periodic Adjournments),

That this House, at its rising on Tuesday 22nd February, do adjourn till Monday 28th February 2000.—*[Mr. Betts.]*

NORTHERN IRELAND

Ordered,

That Mr. Stephen Hesford be discharged from the Northern Ireland Affairs Committee and Mr. Tony Clarke be added to the Committee.—*[Mr. Betts.]*

Just-in-time Distribution

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

10.3 pm

Dr. Alan Whitehead (Southampton, Test): I was delighted to be selected to initiate this debate.

During the two and three quarter years I have been a Member, I have observed that Adjournment debates come in all shapes and sizes. Some deal with large issues involving a national or international sweep, and others with very local issues, often pertinent to the constituency of the Members initiating them. My chosen subject does both. On the one hand, it is a large issue that goes to the heart of the well-being of United Kingdom manufacturing and retailing and the competitiveness of the UK economy; on the other, it affects everyone's lives in a detailed and local way. In Southampton, every time I visit Safeway, just down the road from me, I am relying on the just in time system. At Ford, just up the road, every time a production worker turns round to look for a component from the box to fit the shell of a Transit van, he or she relies on just in time.

Perhaps it is because the factor is all-pervasive that no one notices it. I did a trawl of the number of times that just in time has been mentioned in the House since 1994, and there is virtually no trace; yet the importance of the system is incalculable, and to date has been a source of some pride to the United Kingdom. Indeed the White Paper on sustainable distribution states:

"the evidence suggests that the UK is now amongst the world leaders in efficient management of the supply chain, representing an important competitive advantage for UK companies."

How does just in time work? It works on the basis that goods arrive to serve their purpose—display for sale, or entry into the production line—literally just in time, by means of planning the transit of goods from internal source or entry port, via national or regional distribution centre to destination, so that warehousing is eliminated and minimal time is lost in storage.

Recently, that has worked to the UK's advantage. Between 1986 and the present, the ratio of stock to turnover in the UK has reduced from about 15:1 to just over 10:1. The UK now holds the lowest number of weeks stock of all the major European Union countries. However, as maximum efficiency requires for just in time the integration of each stage of distribution, the system is centralised. Distribution is based on the UK motorway spine. It relies on the transit of goods to depots on the spine and redistribution to their destinations back along motorways.

That means that goods are transported substantial distances overwhelmingly by road. There is a downside. The system's profligacy with vehicle miles means that just in time will become an increasingly potent source of carbon dioxide emissions. More than 80 per cent. of UK freight goes by road, a far higher proportion than in other EU countries and a significantly higher proportion than the 60 per cent. carried by road in France and Germany.

There is a further complicating factor. As a nation, Britain trades externally to a greater extent than many of its competitors. Some 30 per cent. of goods entering the just in time system come from abroad and 95 per cent. of those arrive at UK ports.

Although goods come in a variety of forms and will require differing methods of handling at ports and subsequent distribution, a significant proportion arrive in containers and are then transported to national or regional distribution centres, mainly by road. The containers arrive at port on ships that are rapidly increasing in size rapidly. Currently, vessels transporting 6,000 to 7,000 boxes are operating and vessels able to take up to 10,000 boxes are under construction.

The draught of those ships and their port handling requirements mean that, increasingly, port facilities for containers will be concentrated in three places: Felixstowe, Thamesport and Southampton. That will inevitably add to the problems of just in time as the logistics of getting boxes to distribution centres are compounded by the need to navigate the M25, in the case of Felixstowe and Thamesport, and the A34 and M40 in the case of Southampton.

The system relies for its efficacy on specifying the arrival time as a starting point for the consideration of logistics. That works only as well as it is possible to identify reliable delivery methods. If those methods become suspect, logically, the whole system will fall down.

That is exactly what is happening in the UK; it is a little noticed side effect in the debate on road congestion. We know that car traffic is predicted to increase by one third over the next 20 years. Freight transport is predicted to expand even faster. Estimates for 20 years' time suggest that miles driven by articulated trucks will almost double.

As congestion worsens, each distribution company vies for ways to maintain its supply routes, often employing computer modelling to evade congestion delays. That produces a classic "tragedy of the commons", in that it is overwhelmingly in the interest of each company to invest in ways of avoiding congestion to keep its business afloat, but in no one's joint interest to investigate ways of reorganising the overall system so that it continues to work. Collectively, therefore, the companies involved in just in time are entering a cul-de-sac, with no logical way out. What was a competitive advantage for the UK then becomes a competitive disadvantage.

We are therefore faced with three challenges to just in time. Congestion will change it from just in time to just too late. The concentration of imports to a few ports will exacerbate that effect. To maintain the system, reliance on road transport will radically increase vehicle miles and carbon dioxide emissions.

As just in time is predicated on arrival time, transport managers will resort to planning earlier start times to distributional journeys. That will inevitably run up against the legal limits of drivers' time. The companies will then either press drivers to flout the regulations, or they will have to introduce of modern version of the old stagecoach system. That would entail stationing fresh drivers in motorway service areas or the doubling of cab crews for longer journeys. In either event, over time such measures would introduce to the system a step change in costs, cancelling out many of the cost advantages of the system's initial introduction.

As a consequence of the combined pressure of just in time and the development of container vessels, additional capacity in the three receiving ports that I mentioned is likely to be needed. At the same time, the future for the United Kingdom's approximately 200 other commercial ports will become uncertain. Although some of them will continue to trade successfully in the import and export of bulk or specialist cargoes, many others will effectively close down and be converted to leisure uses. Already, most of the medium and smaller United Kingdom ports are under-used, and together, they represent a huge amount of long-term investment which is in danger of being lost as an element of the United Kingdom's distribution system.

As transport managers resort to avoidance stratagems to maintain the flow of goods, overall journey distances will increase. Even if they do not increase, fuel expended in traffic jams will cause the same effect. Advances in fuel efficiency, engine design and co-operation between distributors will certainly offset some of that outcome, but overall, it is unlikely that the result will be to reduce emissions of carbon dioxide from the transport sector, as is required under the targets in the Government's strategy on climate change. The eventual trajectory, as just in time becomes less effective, is for such emissions to be increased substantially.

At this point, the weary Minister will undoubtedly be saying to himself, "That's the problem defined, but what about the solutions?" Although we are not short of solutions, the problem is that many of them do not really help—or, if they do help, they mitigate the problem, not solve it.

We could, for example, build more roads. Simply increasing the capacity of the United Kingdom's roads to deal with maintenance of just in time would be a straightforward policy. The policy might also be accompanied by freight-only lanes on major roads, to provide greater time reliability for haulage. However, the environmental consequences of such increased road building would be devastating, and the emissions produced by the greater use of roads that would follow such a policy would make it a politically and environmentally unacceptable route to follow.

We could put more goods on to rail. Initially, that is a very attractive option, and, in the medium-term, it is a very important policy imperative. However, use of the current rail system is not favoured by hauliers, as they believe that the system is not reliable and that transit by rail would involve complex and expensive switching of modes. Certainly, the railways have dealt with the short-term problem of reliability in freight transport. Modal split remains a problem, but could be dealt with by more efficient transfer facilities. However, a structural long-term problem remains if we are considering a road-to-rail policy.

Even if all the targets of the two rail freight companies now operating were met, only about 10 per cent. of road haulage would be diverted. That would flatten out road haulage growth in the short term, but would only alleviate the long-term problem, rather than solve it. To go further than that would require fundamental change to the rail network. Although freight slots could be given priority over passenger slots, that would impinge on the Government's plans for increased passenger traffic, as slow freight trains run in front of faster passenger trains.

Alternatively, new track to accommodate freight could be built, but the environmental impact of such new infrastructure could well be as difficult to justify as a programme of new motorway construction.

[Dr. Alan Whitehead]

We could distribute goods by sea. Such a suggestion has historically been regarded as somewhat cranky, but is now becoming increasingly realistic. Distribution by sea would rely on trans-shipment, perhaps from the hub ports that I have mentioned, such as Felixstowe and Southampton. In principle, that is eminently possible, because of the network of available receiving ports along the length of Britain's coastline and the relatively short distances inland that would be required to distribute goods to their destination.

Advances in the design of roll on/roll off and fast-goods vessels ensure that the journey times and the unpredictability of sea routing could be considerably reduced.

Environmentally, sea distribution would be the almost perfect solution, combining very low energy use per kilometre hauled and the capacity to remove a far greater percentage of road haulage than could be done by transferring to rail. Transport managers object that sea freight also suffers from modal exchange problems, is unreliable and—as distribution routes largely do not exist—is effectively unusable. Moreover, the existence of distribution centres on the motorway spine ensures that the whole distribution system would need to be reorganised.

Currently, port charges and ancillary dues mean that 60 per cent. of the costs of many short sea journeys will be taken up by payments due before the shipment leaves port. This compares very unfavourably with the ease of access to road, and the still relatively low cost of entering a truck into the haulage business. These problems are real and serious, but are all in principle resolvable.

We could deconstruct the present assumptions behind the just in time system itself. Considerable scope exists to question the structure that has developed around just in time. Are there methods of sourcing goods which do not entail such profligate movement of materials around the country? These might relate to an examination of the arrangements employed at present of hauling goods to one central point in the UK to redistribute them; changing the way in which containers come into the UK; or encouraging the adoption of more local sourcing by attaching the true costs of the travel of goods to the eventual cost to the consumer.

My preferred policy approach starts with what I hope is an important understanding—that just in time, as a method of securing efficient distribution of goods, must not be seen as the enemy. The assumptions slotted in behind just in time, which have created an almost total reliance on road distribution, are the problem. If we are to attempt to analyse the requirements of a genuinely sustainable distribution system that breaks out of the logical cul-de-sac of present practice, we need to address a simple policy question—can we retain just in time without its pitfalls?

In reality, this is a difficult target, but just in time—or something like it—is not negotiable unless we are to contemplate the dismantling of much of the pattern of food and consumer goods shopping that our society now regards as a given; and, of course, unless we contemplate adding substantial stock-holding costs to our manufacturing industries.

Policy imperatives therefore stand out. We should not look for a magic bullet, because there is none. Instead, we should look at a combination of modes—importantly, bringing the sea into full use around our coasts—which match, crucially, the mode to the transportation need. That is the opposite of the current practice of just in time.

We need to recognise that the market will not—and, logically, cannot—solve its own dilemma. Integrated Government policy initiatives which provide incentives for change, protection from short-term adverse consequences and regulatory penalties for recalcitrant distributors are necessary.

We need to develop distribution routes based on the trans-shipment of goods arriving at the main UK ports to the dozens of regional ports that can serve as new distribution centres. The technology of short sea shipping already exists in a way that can establish fast routes. The political issue is to examine the economics of port handling, so that the front-loaded costs which make short sea shipping disproportionately expensive are reduced.

We must combat the perceived unreliability of short sea routes by extending establishment and support grants to the long-term development of effective routes. We can overcome the perceived time delay on sea routes by priming just in time shuttles—that is, ensuring that a continuous conveyor belt of goods to arrive just in time is established. Ford already operates such a system between Zeebrugge and Dagenham.

Priming essentially consists of underwriting the initial day or arranging that goods will be in transit when they are switched to a slower mode. Once the shuttle is established, no further underwriting is then needed, assuming that the overall costs of the new system are equivalent to its predecessor's.

We should examine with the distribution industry the economics of breaking down the logistics of long-term trunking to national and regional distribution centres. This could consist of a variety of mutually supportive measures, such as co-operation in distribution between companies; developing source-packed containers, so that they travel as close as possible to their eventual destination before being opened and redistributed; and the encouragement, through financial incentives or penalties, of the local sourcing of goods to minimise haulage wherever possible.

This is, unashamedly, a discussion of a big issue. However, I sometimes think that the pursuit of how we get through next week often blinds us to the work that we should be doing next week to get us through the next 50 years. The problem with this subject is that no one will notice that it is a real policy problem until the system has actually broken down.

Professor Charles Handy, in his book "The Age of Unreason", cited the alleged scientific fact that the central nervous system of a frog is insufficiently developed to impel it to jump out of a saucepan of water provided it is heated gently. The gradualness of the change at no stage triggers a reaction in the frog, and it eventually boils to death. I do not know how Professor Handy knows this, and it is an experiment that I would strongly advise against trying at home. However, it serves as a metaphor for our current position.

I was encouraged by the publication of the White Paper on sustainable transport, which put forward many wise ideas. I am not sure, however, that it contains sufficient

saucepan-jumping techniques. I trust that my hon. Friend the Minister will address the need for such skills in his reply tonight.

10.20 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Keith Hill): As is conventional, I begin by congratulating my hon. Friend the Member for Southampton, Test (Dr. Whitehead) on obtaining this debate on the future of just in time. Indeed, I read with interest his Adjournment debate of 23 April 1998. Some of the issues that he raised then are of relevance today.

The Government recognise the importance of a healthy distribution system. The introduction of just in time has had huge consequences for the competitiveness of United Kingdom industry and the economy of the country as a whole. The use of the just in time philosophy has led to a radical reshaping of our major manufacturing and retail industries, reducing wastage and costs and improving the quality of production. The reductions in working capital that industry has been able to achieve over the past 10 years have released nearly £30 billion of resources at manufacturing and retail levels for productive investment. That has helped to maintain our competitiveness in a challenging global market place.

Furthermore, the UK is rightly recognised as a world beater in efficient supply chain management—of which just in time forms the philosophical basis. We can boast that logistics as a proportion of gross domestic product in the UK is the second lowest in the world at 10.62 per cent., beaten only by the United States at 10.49 per cent. Europe averages 11.79 per cent., and the global average is 11.74 per cent. The Government are committed to maintaining the UK's position at the competitive edge.

My hon. Friend is right to point out that we need a distribution system that is sustainable and that will serve our economy in the decades to come. That is why we stated in our freight policy paper "Sustainable Distribution: A Strategy":

> "We need an integrated transport infrastructure in which road, rail, inland waterways, coastal shipping, ports and airports all play their part in delivering the goods."

This is a multi-pronged strategy, which makes better use of our roads as well as our rail and water networks. Clearly, the freight transport industry has a strong role to play in improving the efficiency of its services and developing the new logistics and supply chain opportunities that keep British business on track.

The Government recognise that short sea shipping is a generally safe, environmentally friendly and sustainable mode of transport. We actively support its further development. The shipping sector can make an important contribution, either in its own right or as part of an intermodal system, to the economy of this country. As set out in our shipping policy paper, "British Shipping: Charting a New Course", the Government want to encourage short sea shipping and are keen for the industry to look at ways in which shipping might overcome some of its disadvantages. Measures might include logistical and technical innovation, research and development programmes to investigate the potential contribution of new shipping designs and technologies, better intermodal freight connections and innovation in equipment and design to reduce handling.

With the development and deployment of faster ships, there is the increasing potential for short sea shipping to be able to meet the just in time requirements of modern industry and to break into new markets. It can reach some outlying parts of the European Community that other transport modes cannot reach. At the same time, we recognise that better marketing and promotion of short sea shipping and better communication between the various service providers could encourage more shippers and forwarding agents to consider sea freight as a real option. The Government will liaise with the industry regarding possible initiatives to encourage the short sea and coastal shipping sectors that help us to meet our environment and transport goals.

The use of just in time shuttles is an interesting idea. I note that Ford already operates such a system, and clearly finds it a viable option. However, it would be for industry itself to establish whether, given the time constraints associated with road congestion and the consequential costs associated with that, the continuous conveyor belt of goods that can be achieved by short sea shipping would be a better option.

The Government are committed to extending the freight facilities grant scheme to include coastal and short sea shipping to encourage the transfer of freight from roads to this more environmentally friendly mode of transport. We will be consulting on the details, including the costs that would be eligible for grant, and the criteria to be used in assessing applications.

The United Kingdom will also continue to be involved in European initiatives to support short sea shipping. We warmly welcomed the European Commission's second progress report on this subject, and were pleased to support the adoption of the Transport Council resolution on the promotion of this mode of shipping last month. A number of the recommendations in the report are already in place in the United Kingdom. We are examining the others to determine whether they can be taken forward by Government initiative. Some are clearly for industry action, but we will be keeping in close touch with the shipping industry to discuss the Government's role in creating a climate favourable to the development of short sea shipping.

The efficiency of our ports is vital to our industry and our distribution networks, as my hon. Friend pointed out. Increases in port traffic bring pressures on ports themselves, and on the road and rail links to ports as part of wider transport networks. Ports are distribution centres not only for primary products moved in bulk, but increasingly for higher value manufactured goods moved in boxed cargoes—both deep sea container traffic and ro-ro trailers and containers on shorter sea routes. Increases in ship sizes and the growth in boxed cargoes are increasingly associated with gateway ports, including those mentioned by my hon. Friend.

Ports must play their full part in taking active measures to improve the efficiency of operating berths and moving cargoes to customers, eliminating hold-ups and improving delivery times and reliability. The Government will also play their part, as we said in our White Paper "A New Deal for Transport: Better for Everyone". We aim to encourage provision of multimodal access to markets, make best use of existing port infrastructure and promote best environmental standards in the design and operation of ports. We are also aiming to address the issues raised by changes in trading patterns and their effects on

[Mr. Keith Hill]

demands for port capacity. We recognise that some ports may need to increase capacity to meet future demand. We aim to say more about our strategic approach in this area in a ports policy paper on which we are currently working.

As my hon. Friend has said in the House before, congestion threatens our economy. Even if we were to divert freight via coastal shipping to its nearest port, roads would still be needed to transfer the goods to and between our factories and shops. That is why a competitive, thriving road transport sector will still form a linchpin in our economy; that is why this Government will be spending £1.4 billion over the next seven years on major trunk road schemes; and that is why we increased spending on roads maintenance by 10 per cent. this year. That compares with the record of the previous Government who cut spending by 9 per cent. over a four-year period.

We are also improving choice for the commuter. The Transport Bill will enable local authorities outside London to introduce road user charging which can help to tackle the problems of traffic congestion that cost the economy billions of pounds every year. Then there is the £750 million that we have allocated to local authorities so that they can put their local transport plans into action. That is all part of a £2.4 billion cash injection for local transport over three years. But that is not all: on 13 December 1999, my right hon. Friend the Deputy Prime Minister launched his 10-year investment plan to transform Britain's transport systems, and which will tackle congestion on our roads, improve journey times and make life easier for British industry.

Through our promotion of the use of key performance indicators, we have been able to demonstrate the importance of transport provider-customer relations in reducing delivery delays and improving efficiency. However, there is much room for improvement, especially in the reduction of carbon dioxide emissions from freight distribution. That is why the Government are working with industry to improve the efficiency of distribution and to reduce its energy consumption. Through the energy efficiency best practice programme, we have been promoting best practice in road haulage and logistics. The new sub-group of the Road Haulage Forum, established by my noble Friend Lord Macdonald of Tradeston, will tackle the environmental and business challenges associated with improving business performance.

Industry has not been a complacent partner in these matters. I offer the House some examples of best practice, where efficient supply chain management has reduced transport demand, while retaining the basic philosophy of just in time. Tesco has integrated its primary and secondary distribution activities. By sharing both types of activities with its suppliers, the company has been able to reduce empty running and, more important, the total mileage of the vehicle fleet. Together with new packaging technologies, those measures have combined to improve the efficiency of vehicle utilisation, saving about 3 million miles per year—equating to 4,600 tonnes of carbon dioxide emissions.

Excel Logistics, a third-party logistics provider, operates a consolidated just-in-time supplier collection system for Rover Group. Vehicles are shared by the factory and the suppliers, visiting each supplier in turn, before returning to the factory to de-stuff and then repeat the cycle. That has resulted in a saving of 3.9 million miles—equivalent to 5,400 tonnes of carbon dioxide emissions.

The automotive industry is recognised as being at the forefront of just in time in the UK; we are seeing the development of supplier parks, whereby suppliers of volume components are encouraged to set up manufacturing operations on sites that are literally next door to the assembly plant. That is resulting in huge savings in transport costs and has removed any concerns regarding road congestion on the timing of deliveries.

By these examples, I hope that I have been able to show my hon. Friend that just in time does not mean a profligacy of vehicle miles. Companies that have adopted that approach consider transport as part of the whole supply chain and do their best to ensure that that part of the chain operates as efficiently as possible—maximising vehicle utilisation and minimising vehicle mileage.

In conclusion, I reiterate that we are committed to ensuring that we do not lose the competitive edge that we have gained through the use of just in time. As my right hon. Friend the Deputy Prime Minister has pointed out, good transport is key to our economic ambitions. With our new transport package delivering the policies for an integrated transport system, as set out in our transport White Paper, we intend to develop the framework within which British businesses can thrive.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes to Eleven o'clock.

House of Commons

Tuesday 25 January 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF NEWCASTLE UPON TYNE BILL *[Lords]*

Read a Second time, and committed.

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Fuel Bills (Pensioners)

1. **Mr. James Wray** (Glasgow, Baillieston): What steps are being taken to assist Scottish pensioners with their winter fuel bills; and if a helpline has been set up for them. [104927]

The Minister of State, Scotland Office (Mr. Brian Wilson): This winter about £70 million has been paid in winter fuel payments to more than 900,000 Scottish pensioners. As in previous years, a national helpline has been set up to deal with inquiries about the winter fuel payments scheme.

Mr. Wray: Does my hon. Friend agree that Scottish pensioners will be grateful not only for the £100 payment, but for the reduction in VAT—which was imposed by the previous Tory Government—from 17.5 to 5 per cent? Does he also agree that fuel payments are not only necessary, but that 169,000 pensioners in Scotland are entitled to income support? I know that his Department has set up a hotline, but will he speak to our right hon. Friend the Secretary of State for Social Security and tell him to set up a hotline to help the 63,000 pensioners who do not claim the income support to which they are entitled?

Mr. Wilson: My hon. Friend makes an excellent point. Step by step, the Government are delivering on their manifesto commitments to pensioners. That is a matter of right and also of respect to the senior members of our community. Step by step, we shall continue to do that until all our commitments are met.

My hon. Friend makes an important point about helplines. Many pensioners do not claim their full entitlement and we must do more to ensure that they do. I have recently discussed the matter with my right hon. Friend the Secretary of State for Social Security and we shall certainly be out there making sure that every pensioner who is eligible for the minimum income guarantee will know of its availability and will be helped to claim what is theirs—not as a privilege from the Government, but as a 100 per cent. right for senior members of the community.

Mr. Archy Kirkwood (Roxburgh and Berwickshire): The Minister is absolutely right and so is the hon. Member for Glasgow, Baillieston (Mr. Wray): the winter fuel payment is good because everyone receives it. The Minister was also right to say that Ministers need to do much more work to get take-up properly promoted. The Government have said for some time that pilot schemes—one is in the west coast of Scotland—are trying to find out why men over 65 and women over 60 do not claim the benefits to which they are entitled. What will be done about that, and when will we start to see some results?

Mr. Wilson: The hon. Gentleman has an honourable record on these matters and he knows the problem of uptake. There is a complex pattern of reasons for that. Sometimes, older people simply do not want to claim everything that is due to them. I would strongly discourage that attitude. People who have given their life's work and commitment to this society are entitled to every penny that the law allows them to take.

Perhaps I can use this medium to encourage people who think that they might be entitled to benefits that they do not receive to find out about them. They can go to their local Member of Parliament, a citizens advice bureau or Help the Aged to obtain the information that they require. There is no cost in getting that advice. If people, particularly at this time of year, do not receive everything to which they are entitled, we want to know about it and we want to assist. I have spoken recently to my right hon. Friend the Secretary of State for Social Security—there is an intention to promote uptake and we shall continue to do that.

Mr. Calum Macdonald (Western Isles): Does my hon. Friend agree that one of the problems facing pensioners in the highlands and islands, in particular, is the high fuel prices that they have to pay for domestic heating? Will he therefore undertake to talk to the Office of Fair Trading to make sure that its current inquiry into petrol prices also considers the important problem of high fuel prices for domestic heating?

Mr. Wilson: My hon. Friend makes his point powerfully. I am aware that, in some places, the cost of domestic heating oil has doubled. I do not think that that is justifiable in terms of the market in oil, and I shall certainly pass my hon. Friend's comments to the Office of Fair Trading. We are doing many things to attack the general problem of exceptionally high fuel prices in the remoter areas of the country.

Rev. Martin Smyth (Belfast, South): I welcome what has been done to help pensioners. However, has the Minister been assured that staff in pensions offices and in post offices are aware of the situation? What steps have been taken to deal with men of over-60, who are on pensions but who are not pensioners in the state sense, so that they can receive their entitlement? How far have we

gone down the road to rectifying that problem and protecting those who were in respite care on about 20 September and who have been disqualified from the winter fuel allowance at a time when they need it?

Mr. Wilson: On the hon. Gentleman's latter point, I am sure that he knows of the legal action that was raised. As a result of that, 190,000 pensioners in Scotland will be eligible for backdated payments and 150,000 will be eligible for future payments. As he will recognise, the Government have quickly accepted that judgment.

On all fronts, we are doing our best to make sure that pensioners get what they are entitled to. I shall draw the hon. Gentleman's comments about men over the age of 60 to the attention of colleagues at the Department of Social Security.

Working Families Tax Credit

2. **Mr. Bill Tynan** (Hamilton, South): What steps the Government are taking to publicise the working families tax credit in Scotland. [104928]

The Secretary of State for Scotland (Dr. John Reid): We have launched a major press and media campaign to inform those who will benefit from the working families tax credit of their right to assistance. As a result, the helpline has received more than 45,000 inquiries in Scotland alone.

Mr. Tynan: I thank my right hon. Friend for that reply, and on behalf of 2,089 families in my constituency I want to express gratitude for the introduction of the working families tax credit—which will make those families, on average, £1,250 better-off this year than last. Will my right hon. Friend give the House a commitment that the Government will continue to do all they can to publicise the working families tax credit, so as to ensure maximum take-up?

Dr. Reid: Yes, I can assure my hon. Friend of that. We are proud of the fact that this Labour Government are the first ever to have committed themselves to the abolition of poverty. The working families tax credit plays a major part in that effort, as do the minimum wage and our assistance to pensioners. It is significant that, every time the great issue of tackling poverty is raised in the House, there is a complete lack of response from Opposition Members. Today, not one Conservative or Scottish National party Member has attempted to participate in discussion of poverty or the working families tax credit.

Mr. Ian Davidson (Glasgow, Pollok): Does my right hon. Friend accept that the best thing—

Madam Speaker: Order. I am calling question 3.

National Minimum Wage

3. **Mr. Davidson:** How many people in Scotland have benefited from the introduction of the national minimum wage. [104929]

I apologise for not having asked the question at the proper time, Madam Speaker.

Madam Speaker: Thank you. I like the House to make progress, but not quite that speedily.

The Secretary of State for Scotland (Dr. John Reid): I agree with both what my hon. Friend tried to say and what he is about to say. We anticipate that as many as 145,000 employees in Scotland might benefit from the introduction of the national minimum wage.

Mr. Davidson: Does my right hon. Friend recall all those siren voices that told us that, if the national minimum wage were introduced, economic disaster would result and jobs would be lost in Scotland and throughout the United Kingdom? Is he aware that since the general election, unemployment in my constituency has been cut by 30 per cent.? That is something of which the Government should be proud. Does he agree that, if a national minimum wage of £3.60 is good, a national minimum wage of even more in the current year would be even better?

Dr. Reid: On the first part of his second statement, I entirely agree with my hon. Friend. The scare stories put around about the detrimental effects of introducing a national minimum wage have been proved false. For example, far from falling, staff levels in small firms have risen by 11 per cent. in the past year. As my hon. Friend will be aware, unemployment in Scotland is at its lowest level for almost a quarter of a century, and many jobs have been created. It is important to set the minimum wage at a level that assists hundreds of thousands of people, but is not so high that it affects employment. We have succeeded in doing that.

Again, I note that, as we work through those difficult issues, hon. Members representing the Scottish National party and the Conservative party show no interest in measures designed to help people in Scotland out of poverty.

Student Finance

4. **Mrs. Eleanor Laing** (Epping Forest): What discussions he has had with the Chancellor regarding the implications for the block grant of the Scottish independent inquiry into student finance. [104930]

The Secretary of State for Scotland (Dr. John Reid): I have regular discussions with the Chancellor of the Exchequer on a wide range of issues.

Mrs. Laing: I thank the right hon. Gentleman for that not entirely informative reply. Tonight is Burns night and, like Scots around the world, the Secretary of State and his Ministers will be praising Robert Burns for his poetic eloquence and adherence to the cause of equality. However, as usual, the Government say one thing and do another. Their shabby deal with the Liberal Democrats to share power in the Scottish Executive has meant that they have taken steps on tuition fees in Scotland that shatter

completely any idea of equality of opportunity in education throughout the United Kingdom. I appreciate that the Secretary of State—

Madam Speaker: Order. The hon. Lady is losing the ear of the House; she is almost losing my ear, too. I must have a question from her. She has made enough statements.

Mrs. Laing: Thank you, Madam Speaker.

I wonder whether the Secretary of State, in his discussions with the Chancellor of the Exchequer, has asked him whether he can justify the fact that my constituents will have to pay fees if they attend Scottish universities whereas the Chancellor's constituents in Dunfermline, East will not? Where is the equality in that?

Dr. Reid: I thank the hon. Lady for her informative question. I was not aware that Burns had spoken of any deal apart from the one that went away with the excise man in his literature. However, I bow to her greater knowledge on this subject.

The hon. Lady is commenting on press speculation. I understand that there may be an announcement this afternoon. After that, I think that it will be legitimate to comment on its text. It is rather difficult to comment on the detail before that has been announced. I would say—*[Interruption.]* As it happens, there will also be an announcement by my right hon. Friend the Secretary of State for Education and Employment. Both that announcement and that of the First Minister in Scotland will be made today. These announcements are designed to promote access by less well-off and disadvantaged students to further and higher education. That is of interest to those on the Government Benches and, I hope, to those who occupy some of the Opposition Benches—but obviously not the Conservative Benches.

The Scottish Executive must find its own way to implement the objective. That is its right, and along with that goes the responsibility both to explain its decision and to say from where the finance to fund the changes will come. Tough decisions will have to be made by the Scottish Executive and by the House.

Mrs. Irene Adams (Paisley, North): Does my right hon. Friend agree that the bard, on this Burns day, may have given the hon. Member for Epping Forest (Mrs. Laing) a simpler answer? He wrote:

"O wad some Pow'r the giftie gie us

To see oursels as others see us."

Dr. Reid: Yes.

Sir Robert Smith (West Aberdeenshire and Kincardine): I am reluctant to get drawn into any more analogies with Burns. I thank the Secretary of State for recognising that spending decisions by the Scottish Parliament are a matter for that Parliament. Therefore, does he welcome the fact that any decision by the Scottish Executive to abolish tuition fees will be a decision of the Executive to recognise the wishes of the Scottish electorate as implemented through the Scottish Parliament?

Dr. Reid: It is in the nature of devolution that the power and the right to make these decisions goes to the Scottish Parliament and the Scottish Executive. It is therefore inherent that they must say and explain where the money is coming from and to remove that money from some other area of spending within the block grant. That will mean tough decisions for the Scottish Executive and the Scottish Parliament.

The prerogative of demanding power without responsibility lies historically, I think, with organisations such as the Scottish National party, which does not want to take responsibility for making tough decisions and which will approach these matters with only a critical mind. As I have said, there are tough decisions to be made, and the First Minister will make them. When that is done, and when the Government make announcements, the objective will be to see whether we can promote access by the less better off—those from a less well-off family background—to further and higher education.

It is long overdue that we promoted that through the Government and the Scottish Executive. The previous Conservative Government and Conservative Members were never remotely interested in such access, and they are not remotely interested in it now.

Mr. Ben Bradshaw (Exeter): Does my right hon. Friend agree that it would be unacceptable to expect constituents in Exeter—indeed, in England, Wales and Northern Ireland—to pay for a system for which they have not voted and from which they cannot benefit? Will he give the House a categorical assurance that the costs of the new student finance arrangements for Scotland will be met by Scottish taxpayers, through the council tax if necessary?

Dr. Reid: There will be no extra costs above the block grant. My hon. Friend may not understand that, so I shall explain it. Money that is allocated to any new scheme for student fees, or any other aspect of education, will have to be taken from some other item in the block grant which has already been agreed. No additional expense will arise from any of the decisions. The First Minister in the Scottish Executive will have to make tough decisions about the source of the money. That is the nature of Government and of making prudent choices. It applies in the House, and it will apply in the Scottish Parliament.

Mr. Tim Boswell (Daventry): As the Government and the Executive have ducked and wriggled to try to keep their coalition together and to fulfil European law, they have created anomalies for English students in Scotland and now for Scottish students in England. Does not the Secretary of State fear that such decisions, together with the separate but related issue of research selectivity—which operates differently in Scotland—may threaten the integrity and unity of the British higher education system?

Dr. Reid: If Conservative Members can attack Europe and the idea of joining others in the same question, they will do so. The majority of people in this country want the Union that is the United Kingdom to be modernised. They are at ease with the fact that some decisions may be

passed to the Scottish Parliament, with the proviso that power is accompanied by the responsibility for finding the money from its existing budgets, even if that means hard choices. The Government, like the majority of people, are at ease with that. It will enrich the United Kingdom.

The unity of the country was undermined by the divisions, fractions and splits caused by 20 years of a Tory Government who did not give a damn about what happened in large areas of the north of England, Wales and Scotland, where our industries were decimated and so many of our people thrown into poverty.

Mr. Dominic Grieve (Beaconsfield): I listened carefully to the Secretary of State and I agree that one of the consequences of devolution is that we have to accept that the Scottish Parliament and Executive may decide to do things differently from this place and the Government. However, in those circumstances, would not it be iniquitous if, after the Scottish Executive decided to defer payments for Scottish students tuition fees, the Government blocked their ability to do that for students who attend universities south of the border? That is completely contrary to the spirit of devolution, a fetter on the Scottish Parliament's discretion and, if it happens, a complete disgrace.

Dr. Reid: I am not sure what the hon. Gentleman was calling for or how much he was prepared to spend. I can assure him that some people behind me will be tabulating the public expenditure cost to which he has committed the Conservative party. *[Interruption.]* We should not make decisions and promises unless we are prepared to pay for effecting them. The Government will not do that. I note that the hon. Gentleman seems to suggest that his party is committed to abolishing fees in English universities.

On the hon. Gentleman's general question, it is the Scottish Parliament's right to meet the objectives that the Scottish Executive has set out. They are the same as the Government's objectives—to promote, by the mechanisms that they determine, access to higher and further education for people from less well-off backgrounds.

Along with that right goes the responsibility to find the money from other areas and budgets. That is a perfectly equitable solution. I have already said that accompanying the First Minister's statement will be an announcement by the Secretary of State for Education and Employment later today, which will be aimed at exactly the same objectives.

Mr. Grieve: The Secretary of State has completely contradicted himself. Earlier he said that this matter is for the Scottish Executive to determine out of the block grant. We are talking therefore about an exclusively Scottish matter. It appears that the Scottish Executive's desire to extend those concessions to Scottish students—paying for it out of the block grant—at English universities has been stopped by the Government. What is the justification?

Dr. Reid: It is nothing of the kind. The hon. Gentleman should not believe everything that he reads in the newspapers. In reality, the proposals being discussed by the Scottish Executive, the details of which will be announced in the near future, must of course be subject to the laws of Europe as well as of this country. If that is a novelty to the hon. Gentleman, I suggest that he starts reading briefs again. It is an elementary fact that we have to abide by our treaties and treaty obligations. The decisions on this have been made by the Scottish Executive and will be announced later today. I am making the point that along with the power to make those decisions goes the responsibility to explain them and to find the money to finance them.

Mrs. Laing: On a point of order, Madam Speaker.

Madam Speaker: I cannot take points of order until later.

ADVOCATE–GENERAL

The Advocate–General was asked—

Devolution

24. **Mr. John Bercow** (Buckingham): What advice she has given to the Government about devolution issues since her appointment. [104951]

The Advocate–General for Scotland (Dr. Lynda Clark): There is a long-standing convention, followed by successive Governments, that neither the substance of Law Officers' advice nor the fact that they have been consulted is disclosed outside Government. I see no reason for departing from that convention.

Mr. Bercow: I thank the Advocate-General for that reply, which was spectacularly uninformative even by the standards of the Government. Has the hon. and learned Lady advised the Government on the impact of European Union law on the Cubie report—specifically in so far as it relates to Scottish students studying at English universities? If the answer is that she has proffered advice to her right hon. and hon. Friends, can she explain to the House the basis in law for the UK Government's assertion that the leaked proposals of the Scottish Executive for the reform of tuition fees cannot apply to Scottish students studying at English universities?

The Advocate–General: I regret that I obviously did not make my last answer plain. The words "tim'rous beastie" leap to mind. All this Scots stuff! The existence and substance of Law Officer advice is not, by long-standing parliamentary convention adopted by all parts of the House, disclosed outside Government. The Advocate-General is here not as an adviser to Opposition Members but to the UK Government. I see no reason to depart from that long-standing convention.

Mrs. Rosemary McKenna (Cumbernauld and Kilsyth): I will try to be helpful to my hon. and learned Friend. Is it not the case that what characterises the

devolution settlement is the partnership between the two Parliaments? Can she confirm that she is in regular contact with her colleagues in the Scottish Executive?

The Advocate–General: I am, of course, in regular contact with my Law Officers from the Scottish Executive. I regret to say that, as is normal, I cannot advise hon. Members of the substance.

Mr. Bercow: Then what is the point of questions?

The Advocate–General: If I may, with your permission, Madam Speaker, take that sedentary intervention, the point of my being here is to answer questions that are properly phrased. If I get any properly phrased questions, I shall be delighted to answer them.

Mr. Grieve: I have never thought of the hon. and learned Lady as a "wee . . . tim'rous beastie", but may I make a simple inquiry? She will be aware of this afternoon's exchanges on European law, which is presumably within her remit in respect of advising the Government. Can we take it, therefore, that we shall hear from them shortly as to what European law issues would prevent the Scottish Executive, if they so wished, from funding Scottish students under the Scottish funding system at English universities?

The Advocate–General: Perhaps I should explain to the hon. Gentleman that under the Scotland Act 1998 I have certain statutory duties to consider Bills introduced by the Scottish Parliament and to advise on whether they are within its legislative competence. There is no Bill of any kind on that subject for me to consider. When there is I shall consider it, as I consider any other Bills that are introduced.

LORD CHANCELLOR'S DEPARTMENT

The Parliamentary Secretary was asked—

Community Legal Service

30. **Mr. John Healey** (Wentworth): How many contracts for the new Community Legal Service have been awarded in Rotherham to *(a)* solicitors' firms and *(b)* voluntary advice agencies. [104958]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. David Lock): Sixteen contracts, which started on 1 January 2000, to do civil advice and assistance and representation in family and immigration cases have been let to solicitors working in the Rotherham area. A further 11 have been let to solicitors in the Dearne valley area. A contract has been let to Mexborough citizens advice bureau for a full-time debt case worker and support costs.

Mr. Healey: I thank my hon. Friend for that information, but is he aware that there is a lack of contracted provision in some legal categories? Can he explain what steps he taking to close that gap and confirm whether there is scope for fresh bids from other firms for that work?

Mr. Lock: I am grateful to my hon. Friend for drawing the House's attention to that matter. There is a deficit in the Rotherham area of firms that are available to do social welfare law and there remains scope for additional contracts to be let to solicitors' firms there, although naturally—in accordance with the contracting scheme that the Government are operating—any firm would have to show competence to get a contract by passing the preliminary audit of the Legal Aid Board's franchise requirements.

Courts Access (Sussex)

31. **Mr. Norman Baker** (Lewes): If he will make a statement on his policy in respect of access to courts within Sussex. [104959]

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): Government policy is that the administration of magistrates courts is best conducted locally. Decisions concerning the location and number of magistrates courts in its area are for the relevant courts committee to determine. With regard to Crown and county courts, the Court Service is required to monitor and review the viability of its court network. There are no current changes planned in respect of accessibility to the Crown or county court network in Sussex.

Mr. Baker: Does the Minister agree that in terms of justice courts have to be local and accessible? In the light of the proposed merger of magistrates court functions in east and west sussex, can she guarantee that she will be unwilling to agree to any closure of magistrates courts there as a consequence of bringing the administration together?

Jane Kennedy: It is for the new merged magistrates courts committee to decide how best to deploy its resources, but I can assure the hon. Gentleman that I shall always support changes that lead to the provision of a better and more efficient service for court users.

Mr. Nicholas Winterton (Macclesfield): Has the Minister given a full and honest answer to the question asked by the hon. Member for Lewes (Mr. Baker)? She said that decisions in respect of magistrates courts should be taken locally, but is she not incorrect? That decision has been influenced by the amount of money available and that money is advanced by the Government through the Lord Chancellor's Department. The problems of Sussex are reflected in many other parts of the country—not least Cheshire, and Macclesfield in particular.

Jane Kennedy: The hon. Gentleman knows that magistrates courts committees have to manage their budgets within the resources available to them. Those committees are made up of local magistrates drawn from local magistrates benches. Most of the magistrates courts that have closed so far have been ones that the committees

no longer felt able to justify, either because substandard facilities would have to be replaced or because they were satellite courts—local council chambers that were severely lacking in necessary facilities, for example.

Madam Speaker: The Minister has now widened the question somewhat. Mr. Burnett, I will allow you to put a question in that case.

Mr. John Burnett (Torridge and West Devon): I am extremely grateful to you, Madam Speaker.

I would remind the Minister and the House of what the Minister just said in answer to my hon. Friend the Member for Lewes (Mr. Baker), to the effect that justice should be done and seen to be done locally. Will she please explain that to the magistrates courts committee of Devon and Cornwall, which is now discussing a proposal to close 13 magistrates courts in those counties?

Jane Kennedy: I am aware of the proposals announced last week. I am also aware of the local response to them. All such decisions when considered by magistrates courts committees locally will be subject to the right of appeal. Those appeals, if they are lodged in the cases of the courts to which the hon. Gentleman refers, will come to my noble Friend the Lord Chancellor. At that point it will be appropriate for me to comment on the detail.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): In Sussex, just as in Cheshire, I suspect, there is no geographical representation on the magistrates courts committees that are apparently charged with these decisions. That means that those of us who feel very strongly that local justice is best available locally are in some difficulty when we are told that a non-elected committee is taking major decisions that affect the location of courts. I hope that my hon. Friend will bear that in mind.

Jane Kennedy: We do listen very carefully in the Department to the case that is presented when appeals come forward. All the points that are made by local representation, by the paying authority and by hon. Members, are listened to very carefully, and consideration is given in the greatest detail to the case that is made.

McKenzie Friends

32. **Mr. David Ruffley** (Bury St. Edmunds): What recent representations the Lord Chancellor has received regarding changes to the status of McKenzie Friends. [104960]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. David Lock): Since my previous reply on 14 December to the hon. Member, my fellow Parliamentary Secretary has had a useful and constructive meeting with representatives from Families Need Fathers. I and my noble Friend the Lord Chancellor have received no further representations.

Mr. Ruffley: I am grateful to the Minister for that reply. But I should like to ask him again whether he understands that many litigants in person with no legal representation in family court cases find the legal proceedings very worrying; they are very disturbed by them and the proceedings can often be traumatic. For that reason they need a friend or assistant in court with them—that is, they need a McKenzie friend. Given the abolition of the right to a McKenzie friend in chambers or in court, can the Minister give me more detail as to what specific steps his Department will take to reinstate that important right?

Mr. Lock: The Government have no plans at present to place the role of McKenzie friends on a statutory footing, though we recognise the important role they play in some cases. The judges have developed common law rules so that litigants in person are permitted a McKenzie friend in proceedings in open court, and in most proceedings in chambers, unless the court is satisfied that fairness and justice, or the confidential nature of the information that will be disclosed in the court case—which is why the proceedings may be in Chambers in the first place—do not make it appropriate for a party to be assisted by a McKenzie friend.

The nature of private proceedings may in some cases make it undesirable for a McKenzie friend to be present. The Government are content to leave the development of policy in this area to the courts.

Mr. Gordon Prentice (Pendle): Would more McKenzie friends mean fewer lawyers and fewer QCs? That would save us an absolute fortune. Has my hon. Friend seen the article in *The Times* today, headed

"It's time for barristers to fight back",

in which Richard Benson QC says that earnings of £500,000 a year are a derisory amount?

Mr. Lock: I am grateful to my hon. Friend for drawing that article to the attention of the House. I must say that the Government consider that sums paid from taxpayers' funds to barristers may—and we are considering this at the moment—be related to the sums that we pay other very important public service workers, such as teachers, doctors, nurses and social workers. I do not think there are many nurses—despite the generosity of my right hon. Friend the Secretary of State for Health and the recent announcement of nurses' pay awards—who are collecting half a million pounds a year.

Crime Victims

33. **Mrs. Linda Gilroy** (Plymouth, Sutton): What plans she has to ensure that information is made available to victims in a timely and sensitive way about forthcoming appeals on sentence by criminals convicted of serious crimes. [104961]

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): Arrangements have been in place at the Court of Appeal criminal division for some time to inform the victims or their families of appeals in cases involving death and serious sexual offences. Preparations are in hand to extend notification to all cases.

Mrs. Gilroy: I think my hon. Friend will know of the case of my constituent Mrs. Joan Kiely, who last October learned from a journalist that the sentence of the perpetrator of a vicious attack on her had been shortened from 10 to eight years. My hon. Friend said that arrangements were in hand to extend notification. Can she say when she expects that to happen; and will she work with the Attorney-General's Department and the Home Office to ensure that it happens as quickly as possible?

Jane Kennedy: I agree that it was not acceptable for Mrs. Kiely to find out what had happened from a local journalist. Preparations are in hand to extend notification to all victims or families, regardless of the nature of the offence, when the Court of Appeal grants leave to appeal against conviction or a sentence. There would also be provision for the Crown Prosecution Service to notify the criminal appeal office of cases in which the victims needed to be kept informed. The record would be noted accordingly, and notification would be sent at all stages.

Mr. Nick Hawkins (Surrey Heath): The Minister will recognise that members of all parties have consistently backed the important work of the victim support organisation. I hope she will be able to confirm that the Government plan to continue that backing; but what about the interests of the victims of those who, although acknowledged to have committed serious crimes, have cheated the courts by no longer being around?

Conservative Members find it outrageous that, as has now been revealed, as soon as the Government came to power the Lord Chancellor tried to intervene to stop the inquiry into the affairs of the late Robert Maxwell. Does the Minister accept that the pensioners who were victims of that great criminal do not want to allow the inquiry to be stopped by her noble Friend? She may wish that Robert Maxwell and his crimes had never happened, but Conservative Members will ensure that everyone knows that members of her Government were far too close to the late Robert Maxwell.

Jane Kennedy: I am not aware of the claims that the hon. Gentleman has made—*[Interruption.]* I shall look for the report that he mentioned.

When notifying victims of matters affecting the case in which they have been involved, the court needs not just proper technological support, but the agreement of the police and the Crown Prosecution Service on the way in which the information is provided and notification is given. I have not seen the specifics in the newspaper report to which the hon. Gentleman referred, but perhaps I will read it and we can discuss it later.

Community Legal Service

34. **Ms Sally Keeble** (Northampton, North): What provision will be made within the community legal service to ensure that people with learning difficulties and mental health problems attain proper access to legal services. [104962]

The Parliamentary Secretary, Lord Chancellor's Department (Mr. David Lock): The quality assurance standard developed for community legal service providers requires proper access for all clients, including people with learning difficulties and mental health problems. All providers will also have to comply with the Disability Discrimination Act 1995.

Ms Keeble: Is my hon. Friend aware that, on a number of occasions, the Northampton branch of the National Schizophrenia Fellowship have raised the problems that people experience in gaining access to legal services if they have recurring mental health problems? Does his answer—which I welcome—mean that such people will have easy access to services, and will also be able to obtain the detailed help that they may need because their problems have made their cases more complicated?

Mr. Lock: My hon. Friend has been diligent in raising issues affecting an important section of the community in her constituency—people with mental health problems—who need legal advice. There are now two firms of solicitors in the Northampton area with mental health contracts—quality-assured lawyers, who can provide services for such people.

It is important for every firm involved in the community legal service—whether it is dealing with employment, debt or mental health law—to recognise the special requirements of people with learning difficulties, respond to them and comply fully with its obligations under the Disability Discrimination Act.

Magistrates

35. **Angela Smith** (Basildon): What assessment she has made of the occupations of magistrates. [104963]

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): As part of achieving social balance on Benches, each local advisory committee is required to ensure that no more than 15 per cent. of the Bench is drawn from a particular occupational group. Returns are made to my noble Friend the Lord Chancellor every year in respect of each Bench.

Angela Smith: I thank my hon. Friend for that answer, but an individual's occupation and position within that occupation have a direct impact on the individual's ability to have time off work and therefore to serve as a magistrate. Will my right hon. Friend—I am promoting her early—look carefully at the matter and give advice to employers to encourage their employees to take up the role of magistrate, giving them time off work to do so?

Jane Kennedy: I am grateful to my hon. Friend for making that point. Working magistrates are drawn from a wide range of occupations. If that is to continue, it will be important for employers to allow staff time off work to sit as magistrates. It is important, too, that work colleagues understand that time spent away from the workplace is not a skive, but a valuable service to the community. I pay tribute to the many employers who play their part in the criminal justice system by allowing staff to take time to sit as magistrates.

PRESIDENT OF THE COUNCIL

The President of the Council was asked—

Millennium Compliance

42. **Mr. Andrew Robathan** (Blaby): What assessment she has made of the value for money obtained by expenditure on millennium compliance. [104973]

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The expenditure finally incurred was slightly less than originally expected. It was met from existing agreed spending plans, not by extra subvention. It successfully addressed the substantial problems incurred during the programme, which, if ignored, would have led to material disruption to public services. All that suggests that it was good value for money.

Mr. Robathan: Madam Speaker, after your advice yesterday: what bug?

Mrs. Beckett: All I can say to the hon. Gentleman is that I am afraid that he shows his ignorance by that question. There are hundreds of examples of problems. The Benefits Agency has made it plain that it would not have been able to continue to pay benefits. Organisations such as Sainsbury and Tesco have made it plain that their operations would have collapsed if they had not undertaken the work that was required.

Dr. George Turner (North–West Norfolk): Does my right hon. Friend agree that British industry as well as Government have gained two considerable benefits from the exercise? First, a whole breed of managers running British industry now realises how critical information technology in their companies is to their future. Secondly, we have probably had one of the biggest upgrades in IT, which will be beneficial to our world trade.

Mrs. Beckett: My hon. Friend is right. Indeed, I have just had a conversation with an expert on management issues who has attempted to assess the impact of the work and has made exactly those points about the value to British business of cleaning up much of their IT, of investing in IT and, most of all, of recognising the need for management of IT, which is not always done.

HOUSE OF COMMONS

The President of the Council was asked—

Modernisation

43. **Mr. Paul Clark** (Gillingham): If she will make a statement on *(a)* the changes made in the House as a result of the work of the Select Committee on Modernisation of the House of Commons and *(b)* their impact on (i) hon. Members and (ii) staff of the House and of hon. Members. [104974]

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): Forty-seven of the recommendations of the Select Committee on Modernisation have already been implemented. They include more Bills scrutinised in draft and experiments with earlier sittings on Thursday and with sittings in Westminster Hall. Together they have provided more time for debates, better structured debates and better use of time for Members and staff.

Mr. Clark: I thank my right hon. Friend for that response. I am sure that hon. Members on both sides of the House are pleased to see progress, but bearing in mind the fact that the remit of the Modernisation Committee is to look at efficient and effective use of time in the House of Commons, does she agree that the recent antics by the Conservative party call for greater timetabling of legislation? Would that not be a matter for the Modernisation Committee to consider?

Mrs. Beckett: As my hon. Friend may know, it is one of the issues that, on an all-party basis, the Modernisation Committee considered at the outset of the Parliament. It recommended that we should make greater use of programming, so that we can be confident that the most important issues in legislation that comes before the House are adequately covered and that time is not wasted on things that are not important. However, I fear that the understanding and agreement across the House in the earliest days of this Parliament seem to be waning. My hon. Friend is right to identify that, if we continue to have exceptional problems, that will cause further difficulties which the Government and the House will have to consider.

Sir George Young (North–West Hampshire): The Modernisation Committee's first report mentioned use of Joint Committees with the Upper House as a useful way of making progress on pre-legislative scrutiny. In order to deal with reports that the Government are planning to drag their feet on stage 2 of House of Lords reform, will the right hon. Lady tell the House when she proposes to establish the promised Joint Committee to take forward the Wakeham report?

Mrs. Beckett: As the right hon. Gentleman is already well aware, the Government have not made a decision on the timetable for that Joint Committee. He will also know that, of the half dozen draft Bills that have been considered in Committees of the House or of both Houses, two—the draft Local Government Bill and Financial Services and Markets Bill—were considered in Joint Committees.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Is my right hon. Friend aware that democracy is indeed a messy and expensive business; that the timetabling of all Bills would lead irrevocably to Back Benchers of all parties having fewer and fewer rights in this place; and that the fact that Front Benchers may agree on a particular measure is not—if she will forgive my saying so, with the greatest respect—any guarantee that it is in the interests either of the House of Commons or of the electorate?

Mrs. Beckett: I completely understand the basic point that my hon. Friend is making. First, however, I should

remind her that the Modernisation Committee is not composed only of Front Benchers—only two Front Benchers serve on it—but contains mostly Back Benchers, from both sides of the House.

Secondly, I accept that timetabling all Bills would have implications. I have the greatest respect for my hon. Friend, but this is one issue on which we do not agree. In opposition, I took the view that major legislation should be timetabled. As an Opposition Front Bencher, I always pursued that policy in seeking to ensure that we dealt with the issues that really should be dealt with, because I have never thought that the public understand why some hon. Members waste time on what hours or days we should sit. I take the same attitude in government as I took in opposition.

Palace of Westminster (Access)

44. **Mr. Nicholas Winterton** (Macclesfield): What action she proposes to take to deal with the difficulties experienced by hon. Members in obtaining access to the Palace of Westminster during demonstrations immediately outside the precinct of the House. [104975]

The Parliamentary Secretary, Privy Council Office (Mr. Paddy Tipping): The House approves the Sessional Order at the start of each Session, as it is a matter of constitutional importance that access be maintained. The Order is communicated to the Commissioner of Police of the Metropolis by the Serjeant at Arms. If the hon. Member for Macclesfield (Mr. Winterton) or any other hon. Member experiences difficulties, he or she should inform the Serjeant at Arms, so that the matter can be taken up with the Commissioner.

Mr. Winterton: I am grateful to the Minister for that reply. Some years ago, I took part in a demonstration of textile workers and clothing workers marching from Hyde park. The nearest we were allowed to the House of Commons was the Tate gallery, because it was stated that it would be inappropriate that hon. Members should risk being intimidated or hustled as they sought to gain easy and ready access to the precincts of the House of Commons.

Will the Leader of the House and the Government, with the other authorities, give consideration to preventing the demonstrations that now occur in very close proximity to the House—whether the demonstration is in favour of extraditing Senator Pinochet, of releasing Senator Pinochet, of establishing an English Parliament or of whatever it may be—so that hon. Members who need to gain ready access to this place do not have to struggle at certain times in the day to do so, and so that other people legitimately seeking access may gain it without being intimidated?

Mr. Tipping: I am fascinated by the notion of a demonstration, even a textile demonstration, being led by the hon. Gentleman. It is no wonder it was stopped at the Tate gallery, as he has a reputation for intimidating people. More seriously, however, demonstrations seem to have been allowed to come closer to the House, and that may raise issues. As the hon. Gentleman will know, the Serjeant at Arms is in contact with police on the matter, and we shall have to consider possible solutions.

Mr. David Winnick (Walsall, North): Is my hon. Friend aware that the on-going demonstration to extradite Senator Pinochet—who is no more a senator than I am—is being held across the road and that it could in no way be an obstruction to hon. Members seeking to enter the House? Will you, Madam Speaker, also tell the shop steward on the Tory Benches that, last night, I took the opportunity of going along and congratulating the demonstrators who want Pinochet tried and brought to justice? I told them that they were doing a wonderful job.

Mr. Tipping: My hon. Friend will know that the demonstrators play some wonderful music and chant some wonderful chants, which have extended my own repertoire quite a lot. However, he is right that the demonstration is on the other side of the road. As far as I and the Serjeant at Arms are aware, no problems have been caused by either side involved in it.

PRESIDENT OF THE COUNCIL

The President of the Council was asked—

Millennium Bug

46. **Dr. David Clark** (South Shields): What assessment she has made of the effect of the millennium bug internationally over the millennium date change. [104976]

The Parliamentary Secretary, Privy Council Office (Mr. Paddy Tipping): First, let me take this opportunity to pay tribute to the contribution made by my right hon. Friend, when he was in government, to tackling the millennium bug. The Foreign and Commonwealth Office has been following closely the international year 2000 scene for the past two years. A special unit was set up over the date-change period to monitor events as they happened. There were no reports of any significant disruptions to infrastructure systems around the world. The minor problems that did crop up were dealt with quickly and posed no real threat to essential services.

Dr. Clark: Will my hon. Friend continue to reiterate the point that the millennium bug did not cause international chaos for the simple reason that careful planning, precise preparation and pre-emptive remedial action had been put in hand to make sure that that did not happen? Were not the Government in the vanguard in that respect? Will he give the House some examples of breakdowns overseas—perhaps in the United States—that were rectified in time but which otherwise would have caused considerable difficulties?

Mr. Tipping: My right hon. Friend is right. There were problems both here and overseas, and the United States had difficulties with its satellite systems. However, he makes the more important point that things do not go well without careful preparation and planning. I am delighted that the Government and the private sector in this country

were in the vanguard in that matter, as my right hon. Friend says, and that we were able to share our knowledge and information with others.

HOUSE OF COMMONS

The President of the Council was asked—

Modernisation

48. **Mr. Phil Sawford** (Kettering): What assessment she has made of the impact of her Department's proposals for changing practice and procedure in the House; and if she will make a statement. [104978]

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): I believe that proposals for change in the House have been well received and are generally positive, but they are being kept under review through the Modernisation Committee.

Mr. Sawford: I thank my right hon. Friend for that answer. I especially welcome the Modernisation Committee's decision to publish more Bills in draft form, which allows more interested parties and concerned groups to contribute to debate, both in the House and outside it. It also allows more pressure groups and constituents to put forward their views on the Government's legislative proposals. Does my right hon. Friend agree that publishing draft Bills has led to better informed debate, in Parliament and across the country?

Mrs. Beckett: I entirely agree. My hon. Friend and all hon. Members will know from their Standing Committee experience over the years that outside organisations—which often have useful information, or a different point of view or slant on legislation—frequently only realise the effect that proposals might have on them when the closing stages of legislative debate are under way. Sometimes that realisation only comes when a Bill has already passed on to the statute book. That cannot be good for good governance or for the balance of good legislation. Anything that improves the situation can only be welcome.

Secondary Legislation

49. **Mr. Norman Baker** (Lewes): If she will bring forward proposals to reform the system of parliamentary scrutiny of secondary legislation. [104979]

The Parliamentary Secretary, Privy Council Office (Mr. Paddy Tipping): The Procedure Committee is currently undertaking an inquiry into the scrutiny of delegated legislation, and I shall study its report with interest.

Mr. Baker: May I suggest that it would be sensible to look at the way in which statutory instruments are dealt with? At present, the Committees that scrutinise statutory instruments are required either to reject them in total, or to approve them. Sometimes that means that innocuous changes that are agreed on all sides to be important and valid cannot be made. In those instances, the requirement that the Committee either accept or reject a proposal renders it a sledgehammer used to crack a nut, and causes measures that are faulty to be passed. If the Committees were allowed to amend such instruments, would not that help the Government and the legislative process in this House?

Mr. Tipping: As I said, the Procedure Committee is considering the matter. The Wakeham report also contains some interesting proposals. Statutory instruments that go before a Committee reflect the Government's considered view. Given that, it is a question of whether the Committee supports or rejects them in total.

Mr. Peter L. Pike (Burnley): Does my hon. Friend agree that the method of decision making used by the Deregulation Committee, where Government proposals may be changed, should be used as the norm for allowing a debate if the Euro-Committees make a different decision from the one originally put before them?

Mr. Tipping: The Deregulation Committee has certainly been useful and I believe that in time its role will be expanded. My hon. Friend will know that the Deregulation Committee already looks at statutory instruments, and that the Government take note of its concerns.

Points of Order

3.30 pm

Mrs. Eleanor Laing (Epping Forest): On a point of order, Madam Speaker. In an answer to my question earlier this afternoon, the Secretary of State for Scotland helpfully told the House that the Secretary of State for Education and Employment intended to make an important announcement this afternoon on student fees. Notwithstanding the fact that the Secretary of State for Education and Employment may, by written answer, announce to the House an intended change of policy, if the right hon. Gentleman does not come to the House, and to the Chamber, how can my hon. Friends and I, on behalf of our constituents, ask him questions about that important change of policy?

Madam Speaker: I am sure the hon. Lady is aware that, when there is a change of policy or any policy is initiated, it is for the Secretary of State concerned either to come to the House to announce it at the Dispatch Box or to do so by means of a written answer. That is entirely a matter for the Secretary of State.

Mrs. Angela Browning (Tiverton and Honiton): On a point of order, Madam Speaker. On Monday 17 January I tabled, under Standing Order No. 17, 11 named-day questions for answer by the Department of Trade and Industry. On Tuesday 18 January I tabled a further eight questions that should have been answered yesterday. Given that all 19 questions have been responded to by the Secretary of State saying that he will reply as soon as possible, and given that all the questions relate to TransTec, Hollis Industries and related matters—and this is now a matter of great public concern—could I ask your advice as to how I may extract substantive information, some of which must already be in the records of the Department of Trade and Industry, to get some answers to my questions?

Madam Speaker: That is a very difficult point of order from the hon. Lady. There are Ministers present who will no doubt have noted her point of order, and I hope that they will see that the terms of the Standing Order are fulfilled.

Mr. Andrew MacKay (Bracknell): On a point of order, Madam Speaker. I seek your advice and protection concerning the Disqualifications Bill, which will be considered by the House in Committee and on Report later this afternoon. When the Bill received its Second Reading yesterday, many hon. Members on both sides of the House expressed concern and asked questions about that Bill. The Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien) kindly agreed to consider those concerns and queries.

My point of order relates to the fact that the Disqualifications Bill is not emergency legislation; it is not urgent. Yet Second Reading took place on Monday and we are now being asked to consider the Bill, in Committee and on Report, on Tuesday. Additional amendments have appeared on the amendment paper only today, which we have therefore had very little time to consider. My hon. Friends and I believe that that is an abuse of the House. We seek your protection and guidance as to what we can do to have more time to deliberate on the Bill rather than rushing it from Second Reading on Monday straight to Committee and Report on Tuesday.

Madam Speaker: I do not determine the urgency of any legislation in the House, and have no responsibility for the daily agenda. I quite understand the hon. Gentleman's point, but it is for the business managers and the usual channels to deal with these matters. I would have thought that that might have been done over the preceding weeks.

Mr. Simon Hughes (Southwark, North and Bermondsey): Further to that point of order, Madam Speaker. As a result of the concerns expressed yesterday on the Disqualifications Bill, I sought advice behind the Chair as to whether there would be any opportunity to enable Members to challenge yesterday's motion on the timing of the Committee of the whole House.

We did not oppose the idea that the Bill should come to a Committee of the whole House—and nor, indeed, did other Members who were unhappy about the timing—so there was no objection to that fact when the Government moved the motion. There was opposition over when the Committee of the whole House should meet, but the Clerks advised me—perfectly properly—that there is no way of challenging the Government's choice of date for Committees on public business, as there is for those on private business.

I seek your guidance, or your consideration, Madam Speaker, as to whether there might be ways in which colleagues on both sides of the House, at any stage, could challenge the Government's inconsiderate decision as to when a Committee of the whole House might sit. Today's Committee might sit late tonight, or through the night, and many people will not have had a chance to consider yesterday's proceedings.

Madam Speaker: I should like to have had notice of the hon. Gentleman's point of order. I can tell him, briefly, that I know of no way of challenging the Government when they decide that business will be done the following day.

Mr. Ken Maginnis (Fermanagh and South Tyrone): Further to that point of order but not directly related to it, Madam Speaker. The Government are using their overall majority of 170 to override not only the interests of Back Benchers, but your traditional responsibility to Members of the House. I refer to the proposal, made last week, that a motion would be put to the House to circumvent the use of the Oath to admit Members to the House and, thereafter, to its facilities. I endorse the points of order made by the right hon. Member for Bracknell (Mr. MacKay) and the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), and ask for your advice as to whether, when there is consistent abuse by Government of the protocols of the House, there are any means whereby Back Benchers' interests can be protected.

Madam Speaker: I see no abuse of the House. The British electorate gave one particular party a large

[Madam Speaker]

majority; that is the democratic process. If I thought that there was abuse in any way, I would want to be the first to ensure that it ceased.

Mr. Nicholas Winterton (Macclesfield): On a point of order, Madam Speaker. I do not want to cover the same ground again. However, earlier, you gave a ruling in respect of the point of order raised by my hon. Friend the Member for Epping Forest (Mrs. Laing) in which you referred to decisions of Governments to make a statement, or to respond to a matter of importance to the House through a written answer. Bearing in mind the fact that the package on student fees in Scotland was decided by the coalition Government in Edinburgh yesterday—indeed, I took part in a "Newsnight" Scotland broadcast in which the details of the package were discussed quite freely—would it not have been appropriate and a courtesy to the House, either for a Minister to come to the Dispatch Box today to make a statement, or at least for there to have been a written answer in today's *Hansard*?

Madam Speaker: I refer the hon. Gentleman to the reply that I gave some time ago.

Mr. John Bercow (Buckingham): Further to that point of order, Madam Speaker.

Madam Speaker: I have dealt with all those points of order. The hon. Gentleman must resume his seat.

Rev. Martin Smyth (Belfast, South): On a point of order, Madam Speaker. I appreciate that reference has already been made to this matter, but about two weeks ago I asked a question about the fact that the Committee considering the Disqualifications Bill was to be held immediately after Second Reading. It has repeatedly been said, both yesterday and today, that there were no objections at the time. In future, will the House, which is proud of its record in protecting minorities, bear in mind, through its business managers, that there are more parties than the two main parties?

Madam Speaker: I always try to remember all the minority parties in the House, because they too must have a voice in all our proceedings.

Mr. Bercow: On a point of order, Madam Speaker. It is a completely separate point of order.

Madam Speaker: I thought it might be.

Mr. Bercow: I apologise, Madam Speaker, because earlier I expressed myself infelicitously, as a result of which you thought that I was trying, in a sense, to piggyback on my hon. Friend the Member for Macclesfield (Mr. Winterton); I assure you that I was not.

I seek your guidance, Madam Speaker, on a point of order, of which, by virtue of the circumstances, I could not have given you advance notice. You will recall that I asked the Advocate-General for Scotland whether she had offered the Government advice on the impact of European Union law on the Cubie report and she declined to answer that question, saying that it was not custom and practice to do so.

However, given that a cursory reading of the newspapers over the past few days makes it clear beyond doubt that the Government and their officials have been briefing off the record to the effect that EU law would be breached if the Scottish Executive's proposals applied to Scottish students studying at English universities, is it not reasonable for an hon. Member to ask the hon. and learned Lady a question about the advice that was offered, in the confident expectation that she might actually provide an answer?

Madam Speaker: I am familiar with the exchange that took place at that time, but the hon. Gentleman will of course appreciate that I am not responsible for the answers that Ministers give in the House.

Mr. Tim Boswell (Daventry): On an entirely separate point of order, Madam Speaker. You will have noticed that, in the past week or two, there have been many exchanges in the House in connection with the provision of additional intensive care beds. That has been referred to variously by the Prime Minister and the Secretary of State for Health, who last week at Question Time adumbrated a list—which included, I believe, eight particular instances—from which he then broke off.

Is it not somewhat surprising, therefore, that when I asked the Secretary of State for Health, by tabling a question which was answered by written answer late last night, to list the 100—or whatever number—intensive care beds that were created during the calendar year 1999, he told me that the statistics were not collected in that form? That puzzles me. I seek your guidance as to whether, when Back Benchers ask for such information, they are told that it does not exist while Ministers of the Crown can simultaneously purport to give that information, perhaps drawing on sources that are not made available to Back Benchers who request them.

Madam Speaker: I suggest to the hon. Gentleman that he pursues his questions by means of the Order Paper, perhaps by tabling further parliamentary questions—or he might write himself an early-day motion, making good publicity of the point that he has just made.

Parental Authority

3.42 pm

Mr. Andrew Robathan (Blaby): I beg to move,

That leave be given to bring in a Bill to allow parents to use reasonable force or chastisement when exercising authority over their children.

The world has changed a great deal since you and I were young, Madam Speaker. Much of that change has been for the good and much has been for the bad. Rising violent crime, as illustrated in a report last week, and graffiti and loutish behaviour on our streets are certainly among the bad. There has been an astonishing change in attitudes to bringing up children. In 1993—only seven years ago—a judge had before him a mother of two on appeal against a conviction for assault. She had spanked her nine-year-old with a slipper after catching the child stealing. The judge quashed the conviction and said,

"If a parent cannot slipper a child, the world is going potty".

That was, of course, in the last century. We heard last week of Government proposals that could possibly send parents to prison for trying to discipline their children in that way. Many might think that common sense is being stood on its head, and that the world is indeed going potty.

The Government consultation document was entitled "Protecting Children, Supporting Parents". If anyone does not believe that political correctness runs wild in this Government, they should read the document. It is one of the most trite and condescending documents that they will ever see. Here is one short passage:

"Being a parent can be hard work as well as tremendously rewarding".

I am sure that we are all grateful for that perceptive insight into the joys of parenthood. The document gives various options for change, including a ban on the use of a slipper or a cane. It is likely that that may be enshrined in law, which means that, should a parent use a slipper against a child, that child will presumably be removed from the parent's custody and the parent will certainly be taken to court, with all that that entails, and may even be sent to prison.

I am quite sure that most parents would rather never strike their children, and preferably not with a slipper or a cane, but I would suggest that it must be for the parent to decide, in the circumstances, how best to direct and teach a child.

Let me give an illustration. Suppose that a 12-year-old boy beats up another child, smaller and younger than himself. The parents of the two children confer, and the father agrees to punish the boy. Because he is nearly a teenager, the father uses a slipper on his backside. The police and social workers are alerted, and the child is taken into care. The father, if not sent to prison, is put under a restraining court order. Is that really sensible? Is that really what the British public believe should happen?

In a recent case, a father in Suffolk tried to restrain his 15-year-old daughter from going out with a 25-year-old man. I understand that he was concerned that she had been spending most of the night out with him—a legitimate concern to him and to the law. However, when the daughter complained to the police, the father was arrested and she was put in care for the night—where, incidentally, she had her nose pierced in an act of childish rebellion. As far as I am aware, neither the police nor the social workers involved were interested in talking to the 25-year-old man, which suggests a strange sense of priorities.

The nannying new Labour Government now wishes to interfere even more in the relationship between a parent and a child. The Government believe that the state knows best, in spite of all the evidence to the contrary. In Leicestershire, the case of Frank Beck remains notorious—a man given responsibility for running a children's home who raped, sexually abused and physically abused his charges, male and female, and some of his staff.

If that had been a unique case, perhaps one might trust the state to look after children in care. However, last year there were more than 200 allegations of sexual abuse of children in care against 138 individuals, and over 50 charges have arisen as a result so far.

Care workers are struggling with great difficulties in children's homes. I recall visiting one a few years ago in Leicestershire, and being told that staff had no power to prevent children from smoking. They could not, of course, restrain a child if he or she wished to go out in the evening. The house stank of cigarettes, 13-year-olds were becoming chain smokers and 14-year-old girls were encouraged to be on the pill.

I do not blame those social workers—indeed I blame the Children Act 1989 as much as anything—but who can doubt that a loving mother or father would not look after their children rather better than that? Sadly, it is true that a large proportion of children who are put into care go on to become homeless, and many go on to be criminals. My point is that the state is not necessarily the best body to determine how to bring up children. A parent almost certainly has more interest, cares more and loves a child more than the most dedicated social worker or police officer ever could. Surely we should support and trust parents in the challenging task of bringing up children, and we should support families as far as possible.

"The break up of family bonds is intimately linked to the breakdown of law and order. It is in the family that we first learn to negotiate the boundaries of acceptable conduct and to recognise that we owe responsibilities to others as well as ourselves."

That is the profound wisdom of no less an august personage than the Prime Minister, who has admitted having to smack his children in the past.

If we believe in supporting families and parents, we should make their task easier, not more difficult. Not all parents are successful. Some are hopeless, some can be brutal and some can be downright evil, but generally parents are the best people to bring up their children.

An argument that is frequently used against corporal punishment is that violence begets violence. Leaving aside the report of a massive increase in violent crime last week—neatly published at the same time as the Government's consultation document—I suggest to those who search for the source of the violence and aggression in society that they switch on the television at any time of the day or night, go to a film in the west end, attend a professional football match or question the decision to allow Mike Tyson into the country. It is not parents reasonably chastising their children who have caused the massive rise in violent crime in our lifetimes.

There are already laws in place to cover physical harm to a child. The vast majority of parents would not wish to cause any harm to their children, and the existing law can

[Mr. Andrew Robathan]

deal with the very small minority who might. However, this nannying new Labour Government wish to interfere and disrupt the relationship of parent and child yet further. I can already imagine the court cases and the nonsense that will be spouted in court in future.

Of course, the Government will say that the proposal is nothing to do with them and that they are being forced to obey a directive from the European Court of Human Rights. Whether that court, which was set up with the good intention of preventing a repeat of the horrors of the second world war, should have any jurisdiction over such matters is a moot point. However, for the Government to slope their shoulders and blame others ignores the fact that they have given the European Court of Human Rights authority over our courts through the passage of the Human Rights Act 1998. Furthermore, the Government's proposals on page 14 of their consultation document show that they are determined to go beyond the court's ruling. They set out

"ways in which the use of the defence of reasonable chastisement might be further limited."

Yes, they say, "further limited."

The Prime Minister is not someone whom I normally pray in aid. I am happier with this quote:

"He who spares the rod hates his son, but he who loves him is diligent to discipline him".

That has been passed down to us from the Book of Proverbs as, "spare the rod and spoil the child". Many parents bring up their children admirably without ever having to smack them and I congratulate those who do. For the others who feel that they may have to resort to smacking, the Bill gives some support.

I know that my sentiments in introducing the Bill will not find favour with the politically correct or with new Labour. Many in the House would like to explain why they know better how to bring up a child than a child's parents do. I hope that my contribution may have twisted a few politically correct tails and will goad somebody into explaining why the nanny state knows best. Indeed, Madam Speaker, I can see that somebody is trying to catch your eye.

3.51 pm

Mr. Hilton Dawson (Lancaster and Wyre): I was truly sorry to hear that diatribe against the efforts of thousands of hard-working and caring residential social workers and foster carers. If the hon. Gentleman has to make his points by denigrating the efforts of people in the care system, that is extremely unfortunate. Let me also point out to him that, in proposing the use of implements to chastise children, he flies in the face of public opinion as expressed in the Government's consultation paper "Protecting Children, Supporting Parents".

The best that can be said about this ten-minute Bill is that it is premature given last week's publication of the consultation document on the physical punishment of children. We have heard a great deal in the past week about the alleged common sense of physical punishment. Perhaps we should listen to today's children rather than harking back to our own childhoods or placing too much reliance on opinion surveys of adults.

Research published last year by Carolyne Willow and Tina Hyder on behalf of the National Children's Bureau and Save the Children records the views of 76 children aged between five and eight. When they were asked about smacking, they said:

"it's what parents do when they hit you . . . only they call it a smack";

"it feels like someone has banged you with a hammer, it makes you feel sore, angry and you cry";

"you feel as though you want to run away";

"it hurts and it's painful inside, it's like breaking your bones";

and

"it hurts a lot and it make you unhappy".

It is a shame that Conservative Members do not seem prepared to hear the words of children carefully elicited by skilled people. I shall repeat what the children said:

"it's what parents do when they hit you . . . only they call it a smack".

That challenges us all. I bet that is the most radical statement that has been quoted in the House so far this century.

Such statements should make the House and the Government think about the absolute nonsense of trying to define when and in which circumstances it is reasonable to hurt children, and about the absurd inconsistency of those who, rightly, rail against child abuse, bullying, domestic violence and violence crime—a subject mentioned by the hon. Gentleman—but who think it appropriate to demonstrate to children that some issues can be resolved by hitting them. There is a striking peculiarity about giving children—whom we generally regard as being vulnerable and requiring special consideration and protection—less protection under the law on assault than is given to adults.

Twenty-five days into the 21st century, it is truly pathetic that we are debating a measure called the Parental Authority Bill. The hon. Gentleman should have turned up in full Victorian fancy dress for his attempt to introduce legislation that is based on a 1969 judgment, that reinforces an Act of Parliament that is 67 years old, and that undermines the central concept of parental responsibility, which was introduced by the Conservative party with cross-party support in the Children Act 1989.

To many—certainly to me and perhaps to the hon. Gentleman—parenting is the best job that we shall ever have; it is also one of the hardest. However, it does not go on in isolation from the rest of the world, and it does no one—child or parent—any favours to pretend that it should. My children are now grown up, but I know that I—especially when I was a young parent—would have benefited from the sort of assistance set out in "Supporting Families", from the excellent booklets now supplied to all new parents by the National Society for the Prevention of Cruelty to Children, and from the sort of leadership that thousands of foster carers and residential workers routinely receive—the instruction that, even in extremely difficult circumstances, physical punishment is wholly unacceptable.

There are far more productive and satisfactory ways of managing children's behaviour. There are so many occasions on which it is important that the House should

reflect public opinion that it is easy to forget that it is sometimes important to lead. Physical punishment is a counsel of despair—something that is done when we cannot think of anything else to do or when we want to relieve our frustration, not when we want to help a child to learn or develop. It is a blind alley: if the child will not back down from the confrontation, the parent either has to back off or has to hit harder and harder, because he or she has put him or herself in the position of having to win.

There are hundreds of other methods that work. Those are founded on good relationships, listening to children, communicating effectively with them, being consistent and clear about what is wanted from them, explaining why and setting clear limits for behaviour. Sanctions should be used sparingly, but, when they are used, they must be made meaningful, taking the form of time out or the withholding of a treat—a form that relates to the child, its needs and interests. Disagreements are a great opportunity to develop problem-solving or negotiating skills. Modelling good behaviour works if parents are consistent. The list of alternatives to physical punishment goes on. Finally, it always helps to be able to laugh, put disagreements behind one and look forward to another day.

There are few experts—not on the Government Benches, nor on the Opposition Benches—and no paragons. However, "Protecting Children, Supporting Parents" has missed a great opportunity to offer parents real leadership in addition to effective support. We are only at the beginning of the consultation process and, presumably, there will be a free vote at some point, so there is still time for the Government to think again. The Parental Authority Bill is completely and hopelessly misguided. The House must remember the words of the seven-year-old quoted by Save the Children:

"it's what parents do when they hit you . . . only they call it a smack".

The hon. Member for Blaby wants to use implements to make the impact even worse. The Bill is unworthy of him and of the House. I hope that a Division will consign the Bill to the past, where it belongs.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business):—

The House divided: Ayes 48, Noes 118.

Division No. 37] **[4 pm**

AYES

Atkinson, Peter *(Hexham)*
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bercow, John
Blunt, Crispin
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Bruce, Ian *(S Dorset)*
Chope, Christopher
Cormack, Sir Patrick
Donaldson, Jeffrey
Duncan, Alan
Fabricant, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fox, Dr Liam
Gale, Roger
Gray, James
Grieve, Dominic
Hawkins, Nick
Hunter, Andrew
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Malins, Humfrey
Mawhinney, Rt Hon Sir Brian
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Ottaway, Richard
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Ross, William *(E Londy)*
Steen, Anthony
Stunell, Andrew
Syms, Robert
Taylor, John M *(Solihull)*
Thompson, William
Trend, Michael
Tyrie, Andrew
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*

Tellers for the Ayes:
Mr. Desmond Swayne and
Mr. Nick St. Aubyn.

NOES

Alexander, Douglas
Allan, Richard
Ashton, Joe
Barnes, Harry
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Berry, Roger
Best, Harold
Brake, Tom
Burstow, Paul
Butler, Mrs Christine
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Casale, Roger
Chaytor, David
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Jean
Crausby, David
Cryer, John *(Hornchurch)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Fearn, Ronnie
Foster, Don *(Bath)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gilroy, Mrs Linda
Gordon, Mrs Eileen
Griffiths, Win *(Bridgend)*
Gunnell, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hinchliffe, David
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Humble, Mrs Joan
Hurst, Alan
Jackson, Helen *(Hillsborough)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kidney, David
Kirkwood, Archy
Ladyman, Dr Stephen
Lepper, David
Levitt, Tom
Lloyd, Tony *(Manchester C)*
McDonnell, John
McFall, John
McKenna, Mrs Rosemary
Maclennan, Rt Hon Robert
Mactaggart, Fiona
Mahon, Mrs Alice
Marsden, Paul *(Shrewsbury)*
Michie, Bill *(Sheffld Heeley)*
Mudie, George
Murphy, Denis *(Wansbeck)*
Naysmith, Dr Doug
Organ, Mrs Diana
Palmer, Dr Nick
Pickthall, Colin
Pound, Stephen
Powell, Sir Raymond
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Stinchcombe, Paul
Taylor, David *(NW Leics)*
Todd, Mark
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Watts, David
White, Brian
Winnick, David
Wise, Audrey
Wood, Mike
Wray, James
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mrs. Llin Golding and
Mr. Tony McWalter.

Question accordingly negatived.

Orders of the Day

Electronic Communications Bill

As amended in the Standing Committee, considered.

4.11 pm

Mr. Alan Duncan (Rutland and Melton): On a point of order, Madam Speaker. I notice, as will the House, that new clause 1 has not been selected. In no way do I challenge your ruling, Madam Speaker, or ask for an explanation because, by convention, no such explanation is provided. Given that the new clause would have covered an important part of the Bill having a significant bearing on interlocking legislation between here and the European Union, I seek your confirmation that the new clause as tabled would have fallen within the long title of the Bill.

Madam Speaker: I do not usually give explanations, but it was totally beyond the scope of the Bill.

Mr. Nick St. Aubyn (Guildford): Further to that point of order, Madam Speaker. Will you confirm that no precedent is set in this instance, in that the proposed new clause was not considered because there is a draft European Union directive in circulation that conflicts with it?

Madam Speaker: Order. There will be no explanation of my selection of amendments. Either the hon. Member intends to move the motion or not. Is he moving the motion?

Mr. St. Aubyn: I will be happy to move the motion, Madam Speaker. I believe that my hon. Friend will be here shortly. *[Laughter.]* I support the motion with him.

New Clause 3

COUNTRY OF ORIGIN

'When the country of origin differs from the country of destination for a service or product contracted through the medium of an electronic communication, the vendor shall fully disclose prior to binding confirmation of such contract the liability of the purchaser of such service or product for any duties, taxes or other levies arising in the country of destination; and the purchaser shall otherwise be entitled under English law to retain or reclaim from the vendor or his United Kingdom agents the amount of any such duties, taxes or other levies lawfully demanded by the tax authorities in such country of destination.'.—*[Mr. St. Aubyn.]*

Brought up, and read the First time.

Mr. St. Aubyn: I beg to move, That the clause be read a Second time.

This important new clause would have the effect of ensuring that taxation across borders is properly addressed by the Bill. More and more people are buying products on the internet from other countries. Where the value of a purchase is above a small threshold of about 28 ecus or £18, duty falls to be paid on it. When people buy products on the internet from a vendor in another country, their liability for duty may be made clear in the small type on the web page. Their payment by credit card, without accounting for duty, is received in the country of origin of the goods, which are then shipped.

When the goods are delivered to the purchaser in this country, a claim is made by the person making the delivery or agents of the vendor to collect the duty. At that point, duty will have been paid by the importing agent of the company in the country of origin. There is no loss of revenue to the Exchequer but there is an immense problem for those making the delivery in collecting the money from the customer in the UK.

4.15 pm

The result, according to industry sources and recent reports in the industry's specialist press, is that millions of pounds of duty is not being collected by those acting on behalf of vendors overseas. Vendors' agents are having to bear that cost and are doing so in the hope that the matter can be properly resolved. The Government have been approached on that issue, I understand, and asked whether they would consider raising the threshold below which no duty is levied. There is—in my view quite rightly—resistance to raising the threshold of about £18 because a much bigger loophole could be created and a great deal of revenue and customs duty that should be collected might be forgone. The onus is therefore on them—if they will not raise the threshold and expect that money to be collected—to ensure that people who purchase goods in this country have a proper mechanism for raising and paying that money.

Dr. Stephen Ladyman (South Thanet): Will the hon. Gentleman give way?

Mr. St. Aubyn: When I have explained the new clause fully. It says that a customer could not be made to pay duty unless he was made properly and clearly aware when purchasing the product that he may be liable to do so. Companies wishing to import goods to this country would find that no one would handle such an import unless he had a counter-indemnity from the supplier saying that he would recover the duty from that supplier. The onus to make it clear to customers in this country that they may be liable for duty would therefore be put back on the supplier. That seems to be the only practicable way by which the respective obligations of the supplier and the purchaser could be enforced through legislation in this country.

If the Minister has an alternative means of tackling the mischief, the House will be keen to hear it this afternoon. If she has no alternative, will she please acknowledge that there is a real problem here? If the growth of e-commerce from one country to another is predicated on the fact that purchasers do not realise that there is a hidden charge for duty, that growth will be affected. E-commerce will get a poor reputation because customers who feel, as a matter of principle, that they should pay duties when that is asked of them and not try to evade them—as is happening in some cases—will think that they have been stung.

Someone might purchase a pack of CDs at an advertised price equivalent to £30, which is a lot less than he would pay in the shops here, only to discover, when the goods come to his door, that he is liable for another £15 of duty. Clearly he would feel that the price was not quite as advertised and that he had been led up the garden path.

Mr. Andrew Miller (Ellesmere Port and Neston): I apologise to the hon. Gentleman and the House as I have

to go up to Committee in a moment. Specifically on CDs, how would he make the new clause work in the context of music that is delivered electronically? That method of delivery is becoming increasingly prevalent and, following mergers such as those announced in the past few days, it will become even more prevalent.

Mr. St. Aubyn: The hon. Gentleman raises a good point. There are instances in which the collection of duty will be very difficult in any event. Indeed, one can imagine someone purchasing an expensive CD piece by piece to come within the £18 threshold; no single purchase would cross that threshold, which has been around for many years. I am grateful to him for showing, in another way, how the existing legislative framework is totally inadequate. The real mischief here—the real danger—is that customers will get the intelligence that buying on the net is full of risks, one of which is that they may be stung for unexpected duty. The other risk is that those who are currently building up, in the interests of a competitive market, the business of delivering these goods from one country to another will be deterred from doing so if they find that they have a mounting problem of bad debt when they pay duty to Customs and Excise and cannot recover it from the customers at that point. There are those providing the service now who are contemplating how to protect their position. They will work out ways in which they can recover the duty.

In the end, if the problem grows to become just a little more severe than it is already—and we are all predicting a massive growth in the scale of this business—it will be the Exchequer that finds it is losing out. Therefore, it is incumbent upon the Government to accept the clause, accept that the principles behind it should be taken forward in another place and put, perhaps with better wording, into the body of the Bill. Alternatively, the Minister should assure the House that she understands the problems that are being raised this afternoon and come up with her own remedy in good time for another place to consider it.

Dr. Ladyman: If my recollection is accurate, on Second Reading the hon. Gentleman argued that the Bill was far too complicated and needed to be much simpler, just based on what is now clause 7. Can he enlighten us as to why he wants to put this horrendously complex and unworkable piece of legislation into this Bill, which is clearly the wrong Bill for it?

Mr. St. Aubyn: It has become evident to me that the growth of business-to-customer e-commerce will be jeopardised if a fundamental principle—that of showing that the taxation due on a purchase is clearly stated when someone makes the purchase—is not enforced at this stage; the entire business of e-commerce will rapidly be discredited. If we are passing a Bill making electronic signatures legal, we are presumably expecting that the quantity of this business will grow substantially. We do not want to see that business grow on a false premise that tax liabilities are not properly spelled out when such deals are confirmed.

Dr. Ladyman: I am grateful to the hon. Member for giving way again. The point of commitment, if someone is buying something from abroad, will be at the point when they place their order. I can understand how the hon. Gentleman could impose this restriction on British businesses selling abroad, but how could he impose it on foreign businesses that we are buying from?

Mr. St. Aubyn: I hope that I shall be forgiven if I did not explain the issue clearly enough. It is, I admit, by a backdoor route and by a transfer of responsibility; nevertheless, if the clause became law the onus on the vendor's agents would rapidly be transferred back on to the vendor himself or herself in the country of origin of the goods, because no one would be prepared to take goods into this country on behalf of a foreign supplier and find that they could not then collect the duty from the purchaser in this country. They would tell the vendor, "I must have a counter-indemnity for this." Otherwise, they would be very foolish. At that point the vendor would find, even though not subject to UK law, that it is very much in their interests to make sure that they properly display the liability to Customs and other levies in this country for goods purchased here. Otherwise, they will find that they, via their UK agents, become liable for the loss of revenue incurred from the failure to make clear to customers in this country a warning of what their liability will be.

Mr. Richard Allan (Sheffield, Hallam): I have some sympathy with the hon. Gentleman's intention, which is to promote electronic commerce. But I am concerned that he is just talking about goods exchanged through electronic communications. Is he proposing a different regime for when, for example, I contract to buy a book from Amazon.com than if I write off to a bookseller in New York and ask it to send me books? Is he suggesting that electronic communications should be treated differently from the other trade, which is already going on and growing as a natural feature of the globalisation of trade?

Mr. St. Aubyn: So far as I am aware, there are no duties and levies on books, because we do not believe—at least, in our party and, I believe, in the Labour party; perhaps the Liberals are different these days—in a tax on learning. The awareness of internet trade means, of course, that the growth of conventional trade is brought along behind it, with the wind in its sails.

People who opt for conventional methods of purchase from other parts of the world—because of the less convenient means of purchase—will presumably do so because they are aware of the existence of the new clause. If it brings about an awareness of liability to tax, which is what we want it to do, it will have done its job.

Mr. John Bercow (Buckingham): My hon. Friend is making a powerful argument. Is not the purpose of the new clause to avoid stealth taxes, and is it not that fact that has raised the hackles of the hon. Member for South Thanet (Dr. Ladyman)?

Mr. St. Aubyn: As always, my hon. Friend has introduced an entirely new dimension to the debate. I think that, in this instance, the customs duty that the authorities seek to collect from the purchaser in this country could be described as another stealth tax.

If the Bill is enacted without the protection of new clause 3 or a similar provision with the same good intention, many people in this country may conclude that

[Mr. St. Aubyn]

the problem with buying through the internet is that the buyer is caught by a stealth tax. In this case the stealth tax is a customs duty, but time and again we see that international vendors do not make clear on the web page the liability of the customers in this country whom they are asking to buy from them.

Given the technology that is available nowadays, it would be very simple to display a warning sign conveying to customers whose purchases amount to more than £18, or 28 ecu, that they will be liable for a tax. In fact, it would not be all that difficult for vendors to include a calculation of the tax: it would be good customer service, although the new clause does not require it. The law should not be too specific, and I know that we are all keen for the Bill to be technology-neutral, but citizens of this country have a fundamental right to be aware of the taxes for which they are liable.

Passing a burden or liability on to the vendor's agents deals with the need for the vendor to display the message. In other instances in which business is done outside this country—there are instances in income and capital gains tax legislation—United Kingdom agents of overseas operators are made liable for taxation. I think the Minister, as a former Treasury Minister, will confirm that UK agents collecting rent for overseas property owners whose property is in this country may be made liable for the tax on that rent if it is not otherwise collected.

Under this and earlier Governments, we have already endorsed the clear principle that agents of overseas operators may be made liable, in the full expectation that they will then require a counter-indemnity from their overseas counter party. We have enabled our legislation to extend further than United Kingdom citizens when the actions of overseas agents and operators affect those citizens. I am sure that Labour Members who speak today will confirm that they too are concerned about the mischief that the new clause seeks to correct. They may feel that it contains imperfections, and I would be the first to admit, as a Back Bencher without the departmental resources that the Minister has to hand, that it could be improved; but I ask them, as I have asked the Minister, to recognise the existence of that mischief and the need to deal with it before we spur the growth of this market—which the Bill will do—on the false premise that people can be sold goods without being shown the tax for which they are liable.

4.30 pm

Mr. Duncan: The House should be grateful to my hon. Friend the Member for Guildford (Mr. St. Aubyn) for moving the new clause because it highlights an area of growing complication. The hon. Members for Ellesmere Port and Neston (Mr. Miller) and for South Thanet (Dr. Ladyman) have compared physical delivery of a product with what can now happen over the internet: supply of goods—perhaps sound or data—that have a commercial value, but are not wrapped or posted and so do not go through or over a border that is policed normally. Furthermore, the growth of the internet will lead to many more cross-border purchases between an individual and a company, as distinct from an individual buying from a local company that itself will enter a cross-border transaction.

The new clause is essentially an attempt to introduce some consumer protection into e-commerce. Domestically, we either have an all-inclusive price—a price plus VAT—or a price saying that VAT has to be added. In commercial practice throughout the world—for example, well-established habits in shipping—something is sold either free on board, or with carriage, insurance and freight all to be paid for. Now we see the rise of a different category of trade that will not have the same clarity as conventional patterns of trade. Cross-border pricing habits and the contractual terms that govern them will not have the openness and clarity of traditional patterns.

Therefore, the new clause is an attempt to introduce some clarity into e-commerce for the protection of the consumer. It calls for the consumer to be given the whole picture, wherever possible, before he is asked to enter a contract.

Given the issues that I have explained, I ask the Minister to explain what her policy is in those difficult areas. I have broad sympathy with her as she tries to unravel the problem and to get to grips with it. None the less, the new clause highlights the problem and presents to the Minister a call for a clear explanation, so that I, the House and consumers will know where they stand in law.

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): I was surprised to hear the explanation by the hon. Member for Guildford (Mr. St. Aubyn) of the new clause. I had thought that Conservative Members were against imposing new burdens on business, but the new clause would impose appalling burdens on British business, without securing any significant gains for British consumers.

The new clause deals with who should be responsible for knowing what taxes are due in cross border e-commerce trade. The problem is that, in addition to imposing burdens on British companies that want to use electronic commerce to export their products and services, the new clause would severely damage the chances of achieving our objective of making the UK the best place in the world for commerce.

As has been pointed out, the new clause discriminates against electronic commerce because it requires a vendor to disclose the purchaser's liability for tax before a contract is finalised and, if that is not done, the vendor or his agent to become liable for any undisclosed taxes. Even if that principle were sound—it goes too far—surely it should apply to all business, not only to business that is contracted through the medium of an electronic communication.

The Bill seeks to get rid of barriers in existing law that discriminate against new technologies. We are not trying to impose new barriers that will inhibit the growth of electronic commerce.

Mr. St. Aubyn: Why is it such a huge burden on a vendor who uses the electronic medium to ensure that, when someone buys something, a message splashes up on the screen saying, "Do you realise that you are liable for customs duty on this purchase? Please click on the box yes or no before you proceed." With electronic commerce, that is a light burden for any vendor. It is precisely why

it is appropriate for the new clause to apply to electronic commerce. It would be harder to ensure that that sequence of questions was asked in a more conventional format.

Ms Hewitt: I find that point wholly unconvincing. If the hon. Gentleman's principle were sound, someone selling by mail order or by telephone to a consumer in another country would be equally able to say, in large letters, "You need to be aware as a consumer that you may be liable for taxes in your own country."

Mr. St. Aubyn: Is the Minister suggesting that it is a bad idea to ask businesses to expose to customers their liability to tax?

Ms Hewitt: If the hon. Gentleman will allow me, I am coming to precisely that point.

The issue we are considering is whether we should require vendors to disclose to a purchaser in a foreign country their liability to tax in their own country. The balance that we have to strike is between giving adequate information to consumers and imposing the burden on a vendor of having to warn customers in detail of the tax liabilities that they may face in their own countries under local rules.

The European Union's distance selling directive will require that, prior to the conclusion of any distance contract, the consumer has to be provided with, among other things, the price of the goods or services, including all taxes and, where appropriate, delivery costs. Once that directive is in force, it will apply the underlying objective, which I think that the hon. Gentleman seeks to enforce, to all consumer contracts within the European Union. It will apply, in other words, to all contracts involving distance-selling means, not simply those that are concluded by means of electronic communication, as the hon. Gentleman is proposing. I think that that is absolutely right and that it goes far enough.

The problem with new clause 3 is that it goes well beyond the scope of the distance selling directive, which is confined to the member states of the European Union, and imposes on United Kingdom vendors the requirement to explain to foreign customers outside the European Union the tax liabilities of those customers in their own country. Customers, particularly business customers from non-European Union countries, will normally be aware of their tax liabilities.

In the European Union context, we are balancing the imposition of burdens on United Kingdom vendors selling to consumers in other European Union member states against the protection that we can rightly gain for British consumers when buying from vendors elsewhere in the European Union. New clause 3 would impose burdens on British businesses that are seeking to sell to consumers outside the European Union without in practice obtaining any new benefits for British consumers themselves.

We want businesses to trade online. We want to get a million small and medium businesses trading online by no later than 2002 because of the enormous competitive advantage that they could gain. However, we do not want to require any British business that is trading online to be an expert on the value added tax, sales tax and duty laws in any non-European Union country that they might sell to, and then to make them liable if they get it wrong. Such a requirement would be a quite extraordinary burden on our businesses and would hardly encourage the development of electronic commerce.

Mr. St. Aubyn: As the Minister well knows, I am not proposing that. However, will she explain why the requirement would be a burden only on United Kingdom vendors, and why the provisions of the new clause would not apply, for example, to a United States supplier to a United Kingdom consumer? A US supplier, because of the liability transferred from its UK agent, would have to disclose the UK purchaser's tax liability, which would be a benefit for the UK purchaser.

Ms Hewitt: The hon. Gentleman has misunderstood the effect of his own amendment. The provisions of new clause 3 would bite on British business. When this Parliament makes laws, those laws apply to those who are within our jurisdiction. We cannot pass a law that would require vendors in, for example, the United States—where the price in shops is exclusive of sales tax, and it is only when paying at the till that one discovers the amount of sales tax—who wish to sell to British consumers to start to price inclusively, as we tend to do in the UK. It would be impractical to try to impose that liability by means of the device of the vendor's agent. Many vendors in other countries simply would not bother to sell to British consumers.

I agree with the hon. Member for Rutland and Melton about the need for transparency and clarity in pricing on websites. We are trying to encourage that by supporting codes of practice that can be agreed both in the European context and beyond. That approach is better than trying to legislate in a complex manner that would not achieve the desired ends.

Mr. Allan: The Minister argues that one cannot expect every website in the world to be programmed with the duty rates for every country from Argentina to Uzbekistan, but are the codes of practice that she mentioned similar to those that exist already? They require websites to make it clear that consumers are liable to taxes in their own countries. How far has the Minister got towards establishing agreement at a global level that such warnings should be available?

Ms Hewitt: That is precisely what we are aiming to achieve, through the distance-selling directive in the European Union and, more generally, through the working party of the Organisation for Economic Co-operation and Development and other international forums.

The hon. Member for Guildford referred to British consumers' liability for VAT and import duty on physical goods imported from outside the European Union. Such goods are liable to taxation on importation, according to their nature and value.

Exceptions exist, however: for example, music downloaded on line may be bought from America but delivered digitally through the medium of the internet. In those circumstances, it would be regarded as having been taxed in the United States.

The difficulty for British and other European businesses is that the same process does not operate the other way around. When a United Kingdom business sells online music to an American customer, it has to account for VAT

[Ms Hewitt]

at 17.5 per cent. The European Commission is especially keen to change the law to provide a level playing field for European businesses. We expect the Commission to bring forward detailed legislative proposals by April, and my hon. Friend the Paymaster General will respond to those proposals when they are published.

However, if the new clause is pressed to a Division, I shall ask Labour Members to oppose it. It would discriminate against electronic commerce and therefore inhibit it, and it would impose unnecessary and undesirable red tape on British business.

Mr. St. Aubyn: I find the Minister's reply cheap and disappointing. She tried to score some political points that were irrelevant to such a technical debate. The new clause does not require vendors to calculate purchasers' tax liability. The new clause simply states that the liability of the vendor shall be displayed

"for any duties . . . arising in the country of destination."

It does not state that the amount has to be specified. If the warning were not displayed, the new clause would provide that the amount could not be claimed from the purchaser. That knocks the first of the Minister's arguments on the head.

The Minister referred to an EU draft directive. I was sorry to see her behave as more of a little European than an internationalist on the matter. We are talking about an international business, involving people in the United States and in other non-EU countries. The idea that EU countries can create a fortress in which e-commerce can be conducted and which will keep the Yanks out is totally naive—especially in the context of e-commerce.

I am very disappointed that the Minister chooses to wait for an EU directive. She should display more imagination and leadership in the matter. That is what we require from the Government, if this country is ever to become a centre for e-commerce.

Mr. Brian Cotter (Weston–super–Mare): Does not the hon. Gentleman consider the European dimension to be important? Does he agree that the single currency would make intra-Community internet trading more vibrant?

Mr. St. Aubyn: Time is short: we must not play with the hon. Gentleman's obsessions, or indulge him further.

I am most concerned that the Minister dismisses the idea that we can do anything about a US-UK internet relationship. Much internet business comes from the US and it is vital that purchasers in this country have confidence in the processes according to which such sales are conducted. I totally reject the Minister's argument that the clause has no bearing on that matter, as that is precisely the matter that the new clause addresses.

If US suppliers had to be told by their UK agents that they were liable for a tax that could not be collected from UK purchasers unless the purchasers' general liability for any such tax were clearly displayed, those UK agents would say, with one voice, that the suppliers should make that display clear on their screens. They would add that the suppliers should also furnish some form of indemnity—the system would not work without that.

In the current environment, UK business will suffer from the Government's inaction. It is in the long-term interests of UK agents to compete for the business of US suppliers. Because of the competitive pressures and those long-term interests, they will have to bear a continuing loss of revenue. They will have to pay out duties to the Exchequer, which they will not be able to recover from UK customers because it will not have been displayed as a liability in the first place.

US companies will pocket the money, but UK consumers will feel that they only just got away without being stung. The real sufferer will be UK business, as the Government have failed to pick up the challenge that the new clause represents. I am sorry that that argument has failed to penetrate the Minister's mind. That gives me little hope for the success of her e-commerce initiatives.

In the circumstances, it would be wrong to press the new clause to a vote, but I assure the Minister that this vitally important matter will be raised again in another place ere long. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

4.45 pm

Mr. Duncan: I beg to move amendment No. 5, in page 2, line 7, at end insert—

"(1A) In order to grant an approval the Secretary of State must be satisfied that that person—

(a) will comply, in providing the services in respect of which he is approved, with such technical and other requirements as may be prescribed;

(b) is a person in relation to whom such other requirements as may be prescribed are, and will continue to be, satisfied;

(c) is, and will continue to be, able and willing to comply with any requirements that the Secretary of State is proposing to impose by means of conditions of the approval; and

(d) is otherwise a fit and proper person to be approved in respect of those services.

(1B) Regulations made by virtue of paragraph (a) or (b) of subsection (1A) may frame a requirement for the purposes of that subsection by reference to the opinion of a person specified in the regulations, or of a person chosen in a manner determined in accordance with the regulations.".

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments: No. 6, in page 2, line 8, after "arrangements", insert "for approval".

No. 7, in page 2, leave out lines 12 and 13.

No. 8, in page 2, leave out lines 27 to 42.

No. 9, in page 2, line 44, after "conditions", insert—

"referenced above in subsection (2)(b)".

No. 10, in page 3, line 12, leave out "(3)" and insert "(1A)".

Mr. Duncan: In effect, the amendments would rewrite clause 2. They would not change the clause's meaning, but would merely put it into better legislative language. It may help the House if I explain, very briefly, the origin of the amendments.

All hon. Members will agree that deliberations on the Bill in Committee were constructive. No member of the Committee indulged in silly party politics, but everyone wanted to improve the Bill wherever possible. That followed Conservative Members' success in forcing

publication of the draft Bill over the summer, and in arguing for and securing the removal of part III of that draft Bill.

However, Conservative Members in the Committee argued their corner. The House will be grateful to the Minister for her rational approach to the debate. She said that she would examine some of the points that we made and consider some possible amendments for discussion on Report. To that end, I wrote to the Minister on 5 January, making four points which are the kernel of the amendments before the House today. She courteously wrote back to me on 17 January, essentially accepting three out of the four proposals, most of which have now been included in the Government amendments, which we shall come to later.

Amendment No. 5, however, contains a proposal that the Minister did not accept, although I think it fair to say that she sympathised with what we said in Committee. We believe that the structure of the clause is very difficult to understand. The wording is such that readers of the legislation and interpreters of the language have to dart from one part of the clause to another to get the whole picture. In Committee, we moved an amendment to delete clause 2(5), which we felt to be broad-brush and meaningless. It was an example of nonsensical language—a nightmare for plaintiffs and defendants, although lawyers will make money if ever this part of the Bill is referred to in a legal case.

In response to our amendment, the Minister said, quite reasonably, that she would look further at the wording of the subsections to see whether they could be simplified without reducing the necessary powers of the authority. Following our conversations, she advised me that parliamentary draftsmen had not come up with a solution, but maintained that our amendment did not quite achieve what we thought it would. However, I think that it does.

The amendment would rewrite the clause. Instead of its current hotch-potch structure, we have explained the hurdles that those who wish to be registered as cryptography providers have to overcome so that they can be properly understood. We have introduced a sort of "gating" procedure, whereby anyone who wishes so to be registered can achieve one objective, then another, in succession, to the point where, clearly understood by everyone involved and by anyone interpreting the law, the end game can be reached.

The order of our proposals follow a logical process. They establish what is to be proved; the required status of the applicants; the procedures to determine that status; the nature of the arrangements, including the power to impose conditions; the details of the conditions that can be imposed; the restriction on conditions that can be imposed, and the power to enforce one type of condition. They follow a logical progression so that the law, clearly understood, can be followed by anyone so applying.

I hope that, even if the Minister cannot accept the amendment, she will admit that the clause is a bit of a mess. When the parliamentary draftsmen have a little more time on their hands, perhaps they can study it again so that, between us, we can make simple and clear law that will benefit everyone.

Ms Hewitt: As the hon. Member for Rutland and Melton (Mr. Duncan) has said, we had a valuable and constructive series of discussions in Committee. I think that the Bill, which had already been significantly improved through consultation, was further improved as a result. I undertook to consider whether we could simplify the clause while preserving the necessary powers of the approvals authority.

I am grateful to the hon. Gentleman for tabling constructive amendments, designed to simplify the clause. They would reorder the clause and add some cross-references without changing its effect. However, whether one arrangement is clearer than another is a subjective judgment, and I doubt that parliamentary counsel would agree with the aspersions cast by the hon. Gentleman on the original drafting. I would like to consider further the way in which the amendments have been drafted, and to discuss further with parliamentary counsel whether a rearrangement of the clause, along the lines suggested by the hon. Gentleman, or in some other way, would help to clarify it. If we reach that conclusion, we shall table the necessary amendments in another place. I hope that, in the light of that undertaking, the hon. Gentleman will feel able to withdraw the amendment.

Mr. Duncan: It is always unsettling when sweet reason breaks out across the Floor of the House. However, on this unique occasion, that seems to have happened. Therefore, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 6

Provision of Cryptography Support Services

Mr. Duncan: I beg to move amendment No. 11, in page 6, line 1, leave out subsection (2) and insert—

"(2) References in this Part to the provision of cryptography support services exclude the supply of computer hardware or software, or the right to use them, except where that supply is an integral part of cryptography support services supplied by the same provider.".

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: Government amendments Nos. 13 and 14.

Mr. Duncan: It would appear that the outbreak of sweet reason has hit the House once again, so the previous occasion was not unique. The amendment, once again, originated from this side of the House, and the Minister listened to the point that we were making. Our concern is that clause 6(2) is almost incomprehensible. I will not read it to the House, but anyone trying to interpret the contents of the Bill in future would have a great deal of difficulty. Amendment No. 11 would tidy up the clause and make it comprehensible.

In Committee, the Minister undertook to

"consult ever-helpful parliamentary draftsmen further to discover whether the drafting of the clause could be simplified".—[*Official Report, Standing Committee B*, 14 December 1999; c. 54-5.]

[Mr. Duncan]

I recognise that the group contains two Government amendments that address exactly the same point, but in a slightly different way. In addition, the Government have the benefit of the advice of parliamentary draftsmen and the Minister's experts—advice which Opposition Members so often lack.

When the moment comes, I may wish to withdraw my amendment, once I hear from the Minister exactly what the effect of the Government amendments will be. I expect them to be almost identical in effect to mine.

Mr. Allan: I, too, welcome the amendments, particularly Nos. 13 and 14. They deal with one of the areas in which we shared the concern of the hon. Member for Rutland and Melton (Mr. Duncan) in Committee. Not only was the clause confusing, but its logic was reversed. As we explored the clause in Committee, we discovered that the Government intended to ensure that the Bill referred to cryptography service providers and that hardware and software regulation should not be introduced unless that was a core part of the cryptography service.

By including references to supply of hardware and software, the effect of the clause appeared to be reversed. Amendment No. 13 makes that exclusive rather than inclusive, which I think quite sensible. I shall not get into logical uses of "or" and "and", because we spent plenty of time on that in Committee.

This is a deregulatory success. Amendment No. 13 adds two words; amendment No. 14 adds nine, but removes 21. By my inclusive or exclusive mathematics, I calculate that we have taken 10 words out of the Bill, which is a success in itself. However, I invite the Minister to consider whether she can go further and take out another six words. I refer to the phrase at the end of clause 6(2):

"not consisting in such a supply."

Amendments Nos. 13 and 14 will get the clause broadly right; they make a lot of sense. But I query whether that phrase, hanging on at the end of the sentence, is really necessary. I invite the Minister to ensure that the Bill eventually has as few words as possible so that lawyers can make as little money as possible arguing about the significance of those that it does contain.

Ms Hewitt: As the hon. Member for Rutland and Melton (Mr. Duncan) said in moving his amendment, we had another very useful debate in Committee on subsection (2). As both he and the hon. Member for Sheffield, Hallam (Mr. Allan) have indicated, there was agreement across the Committee about the intention of the original clause. I said that I would reconsider the wording and have, as a result, come forward with amendments Nos. 13 and 14.

Our amendments reinforce and clarify the purpose of the subsection, which is to explain that the supply of software and hardware is not included within the meaning of the cryptographic support service, unless the supply of the hardware or software is integral to the provision of the service. As the hon. Member for Rutland and Melton pointed out, the new wording proposed in the two Government amendments significantly and helpfully clarifies that extremely important subsection.

5 pm

The hon. Member for Hallam asked why we cannot simply drop from the end of the subsection the words

"not consisting in such a supply".

I asked my officials the same question when I was considering the amendments. If we abandoned those words, the problem is that we would end up with a completely circular definition of cryptography support services.

I offer the House the helpful example that was provided for me by my officials—it relates to chocolates. If I were to say that references to the provision of chocolates do not include references to the supply of coffee creams, except where that is integral to the provision of the chocolates not consisting in such a supply, coffee creams would not be included unless they were supplied as part of a wider range. That is what we are doing in the measure, but if those crucial words at the end of subsection (2) were omitted, the lawyers would go round in circles.

The clause, as redrafted by the two Government amendments, achieves its purpose in the simplest and most elegant form and with the fewest possible words. In the light of that explanation, I am sure that the hon. Member for Rutland and Melton will want to withdraw his amendment.

Mr. Duncan: I have been thinking about lots of things, but as the Minister has mentioned chocolates, perhaps, one day, I shall deliver her a box of chocolates by dramatically swinging through a window—as in the famous advert.

The Minister's support, in principle, for our proposals is right. We accept that the Government's amendments meet the requirements set out in our amendment, and we support the Government's amendments. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 13, in page 6, line 2, after "service" insert "do not".

No. 14, in page 6, line 3, leave out from "hardware" to "of" in line 4 and insert—

"except where the supply is integral to the provision".—*[Ms Hewitt.]*

Clause 7

Electronic Signatures and Related Certificates

Ms Hewitt: I beg to move amendment No. 1, in page 6, line 34, leave out "certified either" and insert—

"made a statement confirming that".

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendments Nos. 2 and 3.

Ms Hewitt: During the second sitting of the Standing Committee, on 14 December, I indicated to hon. Members that, with the help of parliamentary counsel, I would re-examine the drafting of subsection (3). I have done so and thus have pleasure in introducing amendments Nos. 1, 2 and 3.

In Committee, the debate on this subsection focused on the certification process, under which, in public key cryptography, the public key of an individual is certified as belonging to him or her. The debate also touched on the language that was used in the subsection, especially the use of the word "certified". The amendments will help to clarify both those matters.

Amendment No. 1 seeks to replace the words "certified either" with the phrase

"made a statement confirming that".

That phrase is slightly longer, but will make it clear that we are talking about what a person will want to establish, rather than about a specific technical process. By avoiding the use of the word "certified", we shall avoid the confusion, which we came across in Committee, between the IT industry's use of the words "certified" and "certificate", and the legal, or parliamentary draftsman's, use of the words.

Amendments Nos. 2 and 3 address the other issue raised in Committee in amendment No. 51—whether evidence of the certification of a public key was admissible under clause 7. The wording in the new amendments will put the matter beyond doubt. Amendment No. 2 specifically includes the verification of the signature in those matters deemed to be admissible under subsection (3)(b). That verification is, of course, performed by the public key.

Amendment No. 3 makes it clear that any one of those processes or procedures is admissible in its own right, as well as when it is combined with other facts. I hope that that explanation is entirely comprehensible to Opposition Members; I commend the amendments to the House.

Mr. Duncan: Once again, the Government amendments support the amendments that we tabled in Committee, about which I wrote to the Minister on 5 January. As she rightly points out, the main concern arises from the fact that, as we confront new technology and try to embody in law provisions that relate to it, we run out of accurate words to describe what the legislation is supposed to mean. As the reports of the Standing Committee show, our concern is that the word "certified" became ambiguous as it was used through the Bill, and hence legally unclear.

We wanted an alternative phrase or verb to replace the word "certified" in the clause so that that ambiguity could be removed. At one point, I discussed with the Minister the use of the word "validated". However, I accept that the phrasing of the amendments covers what we meant by "validated", or the meaning that we wanted to be attributed to "certified". We support the amendment; it achieves what we asked the Minister for. I hope that it will receive the support of both sides of the House.

Amendment agreed to.

Amendments made: No. 2, in page 6, line 36, leave out

"the means of producing or communicating"

and insert—

"a means of producing, communicating or verifying".

No. 3, in page 6, line 38, leave out "as" and insert—

"is (either alone or in combination with other factors)".—*[Ms Hewitt.]*

Clause 13

PROHIBITION ON KEY ESCROW REQUIREMENTS

Mr. Duncan: I beg to move amendment No. 12, in page 13, line 37, leave out—

"deposit a key for electronic data with"

and insert

"render electronic data intelligible to the satisfaction of".

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendment No. 4.

Mr. Duncan: The amendments are crucial because of the debate that surrounded the origin of the Bill and the concerns of all those in the industry as to what the measure might entail. Those Members familiar with all the issues will know that, as people began to wrestle with the ramifications of e-trade and the revolution that is going on, they were anxious that the Government might demand that the key to the de-encryption of material be deposited with a third party.

The debate on key escrow raged for some time. Foremost among the original proponents of key escrow was my hon. Friend the Member for Esher and Walton (Mr. Taylor). However, the debate has moved on—as has my hon. Friend, who has changed his mind because we have learned much more about the matter. All credit is due to him for that.

It was thus crucial that key escrow should not be included in the Bill. There would be no power for the Government, or for some agency, to demand that the key—as between public and private—for the de-encryption of material could be deposited with a third party. However, we were concerned that key escrow might be introduced through the back door.

We can accept that if someone is transmitting data—for example, a taxpayer who is filling in his tax return and sending it to the Inland Revenue—there must be some provision, and a reasonable expectation, that the data he is sending should be intelligible to the recipient. In the case of private information, some of that data might be encrypted—for good reasons. It would not be acceptable for the sender of that information to say, "I have encrypted the information, but don't worry it's all there. It's tough if all you get on your screen is hieroglyphics that you can't read—it's up to you to work out how to turn it into proper data, which can be read by anyone in the normal way." Therefore I quite understand that this part of the Bill places an obligation on the sender of information to send it in a form that can be properly deciphered and understood by the recipient; otherwise, staff at the Inland Revenue will find that everyone sends them hieroglyphics and says, "I am sure you could decipher it, if only you tried."

However, the wording of clause 13(2)(b) looked a bit dodgy to us. It looked as though a power might suddenly be introduced, on the sly, enabling the Government to demand the deposit of a key. I accept that, if the information is intelligible to the recipient, they effectively have the key already. I also accept that, if they require, and can reasonably require, that information to be intelligible, if the key cannot be given they should be given a power to render that information intelligible. Therefore, I seek from the Minister an assurance that this

[Mr. Duncan]

is not key escrow through the back door—that the powers are very limited, and are confined to a reasonable process by which the receiver of information can establish the means of reading or deciphering the information that is being sent.

We were worried that subsection (2)(b) was too broadly phrased, so the group of amendments before us contains one amendment that I have moved—I shall listen with interest to what the Minister says in response about the scope of these powers and obligations—and one tabled by the Minister, which achieves what we were asking for in subsection (2)(b).

Everyone accepts that key escrow—the obligation to give to a third party the key to the deciphering of material—should not, and must not, be a power in the Bill. Therefore, I seek from the Minister an explanation of the meaning of the clause as it stands, and of Government amendment No. 4. We accept her amendment, but before deciding whether to withdraw ours, we are interested to hear what she has to say about the status of key escrow within the scope of the Bill.

Ms Hewitt: It will help if, before I address Government amendment No. 4 and amendment No. 12, I briefly remind the House of the reasoning that gave rise to clause 13, and especially subsection (2). Clause 13 puts into effect the policy that the Prime Minister has stated, with which the hon. Gentleman agrees—that

"no persons will directly or indirectly be required to store their encryption keys with a third party".

Those are words that the Prime Minister used in Cambridge in September, when he launched the performance and innovation unit report on electronic commerce. We have honoured those words. As a consequence, we introduced a specific clause to the Bill. I believe that the clause has been welcomed both in the House and by business at large.

The clause places a restriction on any conditions of an approval that might be made under part I, or regulations or orders made under any powers in any part of the Bill. No one can be required to deposit any encryption key—that protects the confidentiality of their information—with a third party. A key refers here to anything relating to electronic data which allows access to electronic data, such as a password, or allows the electronic data to be decrypted, such as a private key.

The clause not only rules out a requirement for the physical deposit of a key, but prohibits a requirement for anything to be done that would have the effect of making a key available to another person. That would include the imposition of any key storage technology, which would allow someone else to recreate or gain access to one's key.

Two special cases are outlined in subsections (2)(a) and (2)(b). They do not in any way limit the prohibition on key escrow, but they do make it clear that that prohibition does not preclude two common-sense requirements.

5.15 pm

Clause 13(2)(b) does not reintroduce key escrow. Instead, it addresses the need to be able to insist on some alternative to key escrow, so that important information that has been encrypted remains accessible, even if the key is lost. It does so because orders made under clause 8 will enable information to be stored electronically, and we need to consider what requirements could be made for people to store information where they had opted not to store their encryption keys with another person.

Mr. Duncan: Who does the Minister envisage might be able to take advantage of that power under the order? Will it only be public bodies, or agencies of Government, or might it also be private corporations?

Ms Hewitt: We are dealing with situations that might arise, for instance, under orders made under clause 8, and in most cases those orders will, I think, concern other public bodies. However, let us take the situation where there is a statutory requirement to retain important records, such as records of rail safety or of nuclear power stations. If the order made under clause 8 would enable that information, where there is a statutory requirement to keep it, to be kept electronically, one must provide for the possibility that, in years to come, the key that would enable that information to be accessed and rendered intelligible would be lost. The computer that held the key might be destroyed, or the only individual who had the copy of the key might die.

Under clause 13, we have prohibited the imposition, in a clause 8 order, of any requirement that the key to those data be stored with a third party. However, if the holder of the information does not choose to store the key with a third party, the clause 8 order can require him to take other steps—such as placing a second copy of the information in plain text in a bank vault. Some other security measure not involving mandatory key escrow would have to be taken, to protect future access to important data that had been encrypted. That is the point of clause 13(2)(b).

Amendment No. 4 is a Government amendment that I tabled in order to meet the undertakings that I gave during the fourth sitting of the Committee, on 16 December. The amendment means that the arrangements permitted by clause 13(2)(b) relate to the information represented by the data rather than the data themselves. In other words, the requirement could be met by storing a paper copy of that information, or perhaps storing the information in a readable form on a disk, locked in a safe. In other words, there would be a range of alternatives to key escrow, from which the person holding the information could choose, in order to protect against the loss of a key or that key's becoming unusable.

The amendment also confines the arrangements about accessibility to records that are provided for under a statute or subordinate legislation. That would include a paper record specified under other legislation, or electronic records covered by an order made under clause 8. It does not cover circumstances where there may be provisions about communicating data but no provision about keeping a record.

I take the opportunity to clarify a related point, raised in Committee by the hon. Member for Guildford (Mr. St. Aubyn). He asked whether clause 8 could be used to impose electronic storage requirements where there was no current paper storage requirement. The answer is yes. That is reasonable because, as circumstances and processes change, it may well be sensible for people to be

required to store electronic records where, in the past, there was a general understanding, but not necessarily a specific requirement, that they should store paper records. The Bill will afford flexibility, as people become accustomed to the electronic way of doing business.

I hope that I can persuade the hon. Member for Rutland and Melton (Mr. Duncan) that amendment No. 12—although well intentioned—is unnecessary because the existing text addresses a perfectly common-sense need in a satisfactory way. Clause 13(2)(a) would allow an order under clause 8 to require the deposit of a key with the intended recipient of an electronic communication. That is the crucial point. It is only the intended recipient who must have the key. In other words, we are not dealing with key escrow which, by definition, involves giving a key to a third party.

As the hon. Member for Rutland and Melton has said, if information were supplied in an encrypted and unintelligible form so that the intended recipient—the Inland Revenue or some other Government Department, for example—did not understand it, the communication, for all practical purposes, would have been frustrated, even though technically the individual might argue that the statutory requirement to provide the information might have been fulfilled.

The Ministry of Agriculture, Fisheries and Food may want to provide that owners of abattoirs could communicate with the Ministry electronically. Because of the sensitivity of the information to be disclosed and the importance of the identity of the sender, the Ministry might insist that such communications were effected using a particular type of technology—perhaps the abattoir owner would use a smart card, or some hardware token. That might have the effect, or purpose, of transferring the encryption key on the smart card for those messages to the Ministry, so that the information could be read. Clearly, it would be odd if the Bill were not to allow such technology to be specified.

I assure the hon. Member for Rutland and Melton that this is not key escrow. There is nothing sinister behind this measure. It is for the protection of the citizen that technologies sometimes may be specified in a clause 8 order that are sufficiently secure to protect the confidentiality and integrity of the information being communicated. The technology might involve encryption mechanisms where encryption keys—sometimes referred to as session keys—are shared between the counter-parties.

Amendment No. 12 would have a similar effect. Since the intended recipient would need to be satisfied about how he was to render the data intelligible, the clause 8 order would have to address that need. It still would be possible to require that a person used a particular technology or went through a particular process; therefore the requirement might well be met in the most obvious way by the deposit of an encryption key with the intended recipient.

I know that the hon. Member for Rutland and Melton wants to ensure that the drafting of the Bill is as simple as possible. However, in this case, the existing drafting is clearer than his amendment. On the basis of that explanation and my assurances on mandatory key escrow, I hope that the hon. Gentleman will feel able to withdraw his amendment.

Mr. Duncan: I am grateful to the Minister for her assurances, and I agree that the key words in the Bill are "intended recipient". On the basis of her assurances, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment made: No. 4, in page 13, line 42, leave out "of making the data" and insert—

"that the information contained in a record kept in pursuance of any provision made by or under any enactment or subordinate legislation becomes".—*[Ms Hewitt.]*

Order for Third Reading read.

5.23 pm

Ms Hewitt: I beg to move, That the Bill be now read the Third time.

The Bill will help make the UK the best place in the world for e-commerce, and puts in place the right legal framework. It is fitting that this modernising Bill should be one of the first new laws of the 21st century. Just as this country led the world in the first industrial revolution, we are determined that we will be winners in the new knowledge-driven economy.

The Bill will lay sound foundations for Britain to become a dynamic, knowledge-based economy. Bill Gates described the Bill as "the model for Europe". We plan, through the Bill, to be one of the first countries to implement the EU electronic signature directive, so that British firms can benefit from the emerging online single market. A few days ago, Intel announced a $150 million investment to establish a major server farm in the Thames valley to meet the growing need for internet access across Europe. That and many other such inward investments are confirming the UK's position as Europe's e-commerce hub.

The Bill is the result of an extensive process of consultation with business and the IT industry.

Mr. Duncan: And us.

Ms Hewitt: There was some help on points of detail from the Opposition—particularly in Committee.

The Government have made extensive changes to the policy inherited from the last Administration. This process of widespread consultation has resulted in a genuine partnership in this area between Government and industry. I hope to see many of the Bill's objectives being achieved by self-regulation, so that we will not need to commence part I.

Part I is designed to build confidence in those offering cryptography services. Those services allow people to verify who has sent an electronic communication, or to keep commercial information or credit card details secret. The widespread availability of high-quality services to the public and to business will be crucial in building people's trust in doing business online, and allaying many people's fears of the new medium.

[Ms Hewitt]

I am working with the Alliance for Electronic Business, which has drawn up a self-regulatory approval scheme—known as the T scheme—that is designed to ensure minimum standards of quality and service. Our strong preference is for self-regulation, with the statutory powers in part I held in reserve in case self-regulation fails to deliver. I am confident that, if the Alliance for Electronic Business delivers what it is currently planning to deliver, we will not need to commence part 1. That is why these powers are subject to a sunset clause and will lapse if not used within five years.

The Bill will allow people to place greater reliance on electronic signatures by making such signatures, and the processes through which they are created and certified, admissible as evidence in court. Clause 7 will enable the vast majority of contracts, where there is no specific statutory requirement as to their form, to be carried out electronically.

There are many other cases—estimated to be as many as 40,000—often involving dealings with Government, where there are specific legal barriers to doing things electronically. Clause 8 will give the Government the power to sweep away the obstacles in existing laws that insist on the use of paper, postage and formalities such as sealing wherever it makes sense to do so, and to give people the electronic option. The paper option will remain for those who want it, but increasingly, people and businesses will want to take advantage of the speed and flexibility that electronic communication offers. We have set targets for delivering Government services online, and I have deposited a memorandum in the Library, giving more detail on how we intend to use this power.

Finally, the Bill will improve the procedures for modifying telecommunications licences, which are increasingly outdated in a highly competitive marketplace.

The Bill will modernise our legislative framework, so that the law can adapt flexibly to the extraordinary new opportunities that are opening up with electronic commerce. It is an enabling Bill which ensures that the law does not get in the way of new technology and new business. It is a Bill that has the overwhelming support of business, and does not divide us in the House, to which I commend it.

5.29 pm

Mr. Duncan: We have always supported the principle of the Bill—in particular, the introduction of a proper framework of law for electronic signatures. Those of us who understand business are ready champions of the development of e-commerce. The Minister will admit that we have helped things on their way.

There are issues and uncertainties which will need to be addressed, and this is not the end of the matter. As we look to EU directives, there will be many complicated areas to be studied and legislated upon, and cases to complement the Bill before us today. As the House knows, we do not want part I ever to be invoked. We would rather not have seen it in the Bill, because we want a regime of voluntary control to be introduced.

I am aware that the Government want this to be the first Bill to receive Royal Assent in the new millennium. Thanks to us and the Minister, it will be. We forced its publication in draft form in the summer and, following the summer recess, we forced the removal of half its pages to make it smaller and better. We have been constructive throughout and are pleased to share in its improvement and in its progress. No single party can claim credit for the Bill. We are pleased to support it.

5.31 pm

Mr. Cotter: We, too, welcome the Bill and the prospect of its early implementation. Unlike the hon. Member for Rutland and Melton (Mr. Duncan), I do not promise the Minister a box of chocolates, but perhaps a box of All Sorts with a few comments and plaudits here and there.

Many people, including Liberal Democrats, have welcomed the concept of a light-touch Bill and we congratulate the Government on introducing one. However, along with others, I reiterate a concern that was expressed in Committee. When the Home Office makes its input into electronic communications, I hope that the Minister will, as she and the Department of Trade and Industry have promised, use a light touch rather than the heavy hand of bureaucracy.

As with other Bills, the question of impact assessment has arisen, and the Minister will know that I am concerned about that. The matter was touched on in Committee when indicative costings were provided for the possible arrangements under part I. I do not want to argue strongly about the accuracy of the costs—after all, they were called indicative costs. For example, a figure of £30,000 or £50,000 was given for a medium-sized company. However, as I said in another debate, there is a feeling of dissatisfaction about impact assessments in this and other Bills. I am sure that we shall be interested to hear from the Alliance for Electronic Business, which will soon provide some costs. I should like to know when that will be.

An important point was raised about part II. Departments need to examine outdated definitions, such as the words "writing or signature". On Second Reading and in Committee, it emerged that, as the Bill stands, it is up to individual Departments to update their own legislation as they see fit. That may lead to inconsistencies and confusion, so perhaps the Government should be more proactive. The Department of Trade and Industry should issue time targets and templates to ensure that Departments do what is required.

I know that the Minister will consider it her duty to prod colleagues and generally to promote what the Bill stands for with all Departments. However, I appreciate that she is aware of the many problems that may be faced in order making under the Bill.

Social exclusion is another important issue. The Government have stated that they are concerned to ensure that there is the widest possible access to the technologies. I applaud it when the Minister refers to IT for All, information and communication technologies learning centres, and other schemes. However, Liberal Democrats, like everyone else, are considering a changing scenario, with digital and other means being developed.

I, like others, have heard about the Government initiative for the provision of low-cost computers for low-income families. How is that scheme going? Although the Minister may not be able to answer this afternoon—

Mr. Deputy Speaker: Order. The hon. Gentleman must understand that, on Third Reading, he is limited to discussing the contents of the Bill. Even though he may think that other issues are connected with the Bill, he cannot raise them. He must talk about what is in the Bill.

Mr. Cotter: I stand corrected—thank you, Mr. Deputy Speaker.

In conclusion, the Bill is important to ensure that we as a country address the issues of e-commerce. The Minister is aware of the points that I have made and other issues might be raised on another occasion. I hope that we can advance together to make the climate suitable for business—and small business, in particular—to conduct its affairs.

5.35 pm

Mr. St. Aubyn: I too wish the Bill well and congratulate the Minister on her handling of it. However, my hon. Friend the Member for Rutland and Melton (Mr. Duncan) ably assisted the Bill to reach this stage when he encouraged the removal of the inappropriate clauses that were originally in it.

I express the wish that, in another place, some of the issues that have been debated and the two new clauses that could not be considered today will be taken up. If the Bill is to succeed, it must deal with the tax implications of cross-border trade. In its wider remit, it will not succeed unless that is done even if the undertakings that the Minister has given are taken on board by her colleagues in the Treasury and are dealt with in the next Finance Bill. Nor will it succeed in its objective of broadening e-commerce if the law of contract and the state in which the law applies have not been clarified.

We have supported the Minister so much on the Bill because we congratulate her on her fights with the Lord Chancellor's Department and with the finance team on the issue of which country's law should apply to contracts. We are concerned by the passage of the Brussels convention and we urge her to stop any suggestion that it should apply to e-commerce. We are also worried by the idea that the country of destination should be invoked in the Financial Services and Markets Bill. Therefore, with her colleagues in other Departments, we hope that she will consider the implications of trying to change the way in which the law is applied. We believe that, almost without exception, the country of origin should be the basis on which cross-border trade is regulated. If we adopt that stance, we should do so as the United Kingdom legislature and not by following the lead from Brussels and Europe.

We did not become the financial centre of Europe by following the lead from Brussels. We did that by following our own lead—deciding what we thought was best for the financial services industry. It is only by following our own sense of what is best for the e-commerce industry that we shall create the centre for e-commerce in Europe to which we all aspire.

Before the Bill reaches the Lords, the Minister should consider adopting unilaterally the principle behind new clause 2. A report to the Select Committee by the Minister every year would do much to enhance her role and her negotiating power with other Departments. She would be able to tell them that she has to come to the House to defend the decisions and explain why, if they get it wrong, it will be to the detriment of the regulation of cryptography support services. She would be able to explain why new tax burdens, such as IR35, and new regulatory burdens, such as the temp-to-perm rules for temporary staff employment agencies, would add to the cost of developing e-commerce in this country. I know that that is an argument that the Minister supports and I hope that she wins it with her colleagues in the Government.

That principle would also act as a spur to other Departments to implement the terms of the Bill when they try to reform and update other legislation. We were told that 40,000 pieces of legislation need updating to incorporate electronic signatures. However, there are no teeth in the Bill to ensure that the Minister's colleagues do their job to ensure that e-commerce can march ahead as fast as we all want it to.

5.39 pm

Mr. Allan: First, I congratulate the Minister for Small Business and E-Commerce on having accepted many of the amendments tabled in Committee. That Committee was one of the more useful that I have attended: there was genuine dialogue between both sides and Government Back Benchers chipped in—all too often that does not happen. In addition, we managed to create a relatively jargon-free environment. As a result, we have a clearer Bill at the end of the process than we had at the start of it.

It has emerged clearly from Committee and Report that the legislative framework surrounding electronic communications is changing rapidly. The Bill has been referred to as the first Government legislation of the new millennium, but I wonder whether such issues will in future be dealt with by other means. For example, the Minister has referred to international agreements on taxation, which will probably be well outwith the powers of the UK Parliament. I should be interested to learn more about that dimension in the context of e-commerce and electronic communications.

The Bill specifically covers the subject of industry self-regulation. The Minister referred to the T scheme, which will provide an interesting template for future progress. In Committee, it became apparent that industry self-regulation might be the only mechanism that can respond sufficiently quickly and with sufficient technical ability to achieve the objectives that we have set out.

Finally, I repeat a point made by my hon. Friend the Member for Weston-super-Mare (Mr. Cotter). There are now two Home Office Ministers on the Treasury Bench—

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): Only one.

Mr. Allan: Sorry—the Under-Secretary of State for Northern Ireland, used to be a Home Office Minister.

[Mr. Allan]

The Liberal Democrats are concerned that, although the Bill represents one step forward, Home Office legislation to be considered later in the Session might represent a couple of steps in another direction. Crooks have always used whatever form of communication they can get their hands on, but we must ensure that we do not cut off our nose to spite our face and start blaming their medium of communication for the fact that crooks exist.

The Minister for Small Business and E-Commerce wants to enhance e-commerce and does not want unnecessary restrictions imposed on it or business scared away by other domestic requirements, even those that are, quite properly, designed to further law and order. I am sure that she will enter future negotiations in that spirit, so that Britain becomes the place where server farms—a sort of farm that does not normally require subsidy—become one of this country's main import and domestic earnings providers.

Question put and agreed to.

Bill read the Third time, and passed.

Disqualifications Bill

Considered in Committee.

[SIR ALAN HASELHURST *in the Chair*]

Clause 1

AMENDMENT OF SECTION 1(1)(E) OF THE DISQUALIFICATION ACTS

5.43 pm

Mr. Andrew MacKay (Bracknell): I beg to move amendment No. 10, in page 1, line 5, at beginning insert—

'Subject to section (*Commencement of Act to be conditional on progress in implementing decommissioning*),'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this, it will be convenient to discuss the following amendments: No. 32, in page 1, line 9, after 'Ireland)', add—

'provided that, in respect of Ireland, a person who is or has been a member of a proscribed organisation within the meaning of the Terrorism Act 2000 and who has not disavowed terrorism within the meaning given to that expression by that Act before taking his or her seat in the said House or Assembly shall be disqualified from membership of the House of Commons and the Northern Ireland Assembly'.

No. 1, in page 1, line 9, at end add—

'(2A) This section shall come into force on a day to be appointed by an order made by the Secretary of State; and the Secretary of State shall not make such an order unless he has previously laid before both Houses of Parliament a statement in relation to the Belfast Agreement (Cm 3883), stating that in his opinion and in the opinion of all parties to that Agreement all aspects of the Agreement have been implemented.

(2B) No order shall be made under subsection (2A) unless a draft of the order has been laid before, and approved by a resolution of each House of Parliament.'.

New clause 1—*Commencement of Act to be conditional on progress in implementing decommissioning*—

'This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; but no such order shall be made until the Commission referred to in section 7 of the Norther Ireland Arms Decommissioning Act 1997 is satisfied that there has been substantial progress in implementing the commitments made in the Decommissioning section of the Belfast Agreement (Command Paper 3883).'.

Mr. MacKay: I have to say, Sir Alan, that my right hon. and hon. Friends and I deeply regret that the Committee of the whole House is to discuss the Bill this afternoon. You will recall that, only yesterday, there was a robust debate on Second Reading. The Under-Secretary of State for Northern Ireland had to respond to many interventions from hon. Members on both sides of the House and many hon. Members that expressed concern or asked questions about certain aspects of the Bill. With his usual courtesy, he was good enough to say that he would reflect on the observations made. I have to say, with the greatest respect to the Under-Secretary, that I believe that he and hon. Members have had insufficient time to do that.

The only occasions in my recollection—and, perhaps, yours, Sir Alan—on which we have had Second Reading followed immediately by Committee, Report and Third Reading on the Floor of the House have been when there

is urgent, emergency legislation to be passed. With the best will in the world, it is not possible to describe the Bill as urgent, or even as important. It is a deeply irrelevant little Bill, for which few people asked. The Under-Secretary failed to tell us yesterday who had asked for it; and while spending four days in Northern Ireland last week, I failed to find anyone who is the slightest bit interested in the Bill or wants it to be passed. Despite that, the Government, in a ham-fisted manner that shows great contempt for you, Sir, and for the House, have set the Committee stage for today.

You, Sir Alan, will have noticed that the amendment paper contains amendments that were tabled only yesterday. We have not had time to reflect on those amendments, let alone on the many points raised on Second Reading. I ask the Under-Secretary even at this late hour to withdraw the Committee stage until we have had adequate time to reflect, which is what normally happens. At the very least, he should explain why the Bill is an urgent, emergency measure that must be passed quickly. Perhaps he will intervene on me, but if he is not prepared to do so, we will have to assume that the Bill is not urgent, emergency legislation and that the procedures of the House are being abused.

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. George Howarth) *rose—*

Mr. MacKay: I give way to the Minister.

Mr. Howarth: I am sorry—I thought that the right hon. Gentleman had finished his speech.

Mr. MacKay *rose—*

The Chairman: Order. The right hon. Member for Bracknell (Mr. MacKay) is entitled to make some prefatory remarks before speaking to the amendment, but I advise him to move directly to the subject of the amendment. The fact that we are having Committee stage now is not a matter for me. I believe that Madam Speaker ruled earlier today that it is a matter for the usual channels.

Mr. Eric Forth (Bromley and Chislehurst): On a point of order, Sir Alan. Can you guide members of the Committee on how to proceed with considering the outcome of Committee stage and therefore the possibility of tabling of amendments on Report, before the House proceeds to Third Reading? Will you give us reassurance—so far as it lies within your powers to do so—that the Bill will not proceed beyond Committee stage today? Members of the Committee will want to reflect in the usual way and decide on what action to take as a result of Committee proceedings before we move to Report.

The Chairman: I appreciate what the right hon. Gentleman is saying. I am inclined to take a tolerant attitude toward manuscript amendments, if they are tabled. However, I ask the right hon. Gentleman and other members of the Committee to recognise that we are considering a three-clause Bill that is fairly tightly drawn. My discretion in the matter of amendments being in order might be somewhat constricted. Within the constraints of the difficult and tight time scale with which I have been presented, I have done my best to be as generous as possible about when amendments are tabled and as flexible as I can be in the selection of amendments. We should now proceed to consider the substance of the Bill.

Sir Brian Mawhinney (North–West Cambridgeshire): Further to that point of order, Sir Alan. Will you give the Committee a little more information? If amendments are to be tabled for consideration on Report—you have generously indicated that that possibility is open to us—are we to take them in the normal way to the Table Office, leaving it to the Table Office to draw them to your attention; or are we to bring such amendments directly to you, in which case, how will we be told whether they are in order and have been selected for debate?

The Chairman: I am grateful to the right hon. Gentleman. I should state, for the benefit of Committee, that it is usual to have a Report stage only if amendments have been made in Committee. We have not yet made any amendments, so the matter we are discussing is a contingency on a contingency.

Mr. Michael Fallon (Sevenoaks): Further to that point of order, Sir Alan. I hope that the Committee does not assume that the Bill is not amendable—

The Chairman: Order. I said no such thing. I merely said that what was being discussed was a contingency on a contingency. We cannot be aware in advance whether the Committee may choose in its wisdom to amend or not amend the Bill.

Mr. Fallon: I understand that, Sir Alan. Perhaps I did not express myself clearly. I wonder whether you could advise the Committee on the difficulty of tabling manuscript amendments if the Bill is amended in Committee and we do not have a print of it. In those circumstances, I do not see how manuscript amendments could even be brought to the Table. If we do not have a print of the Bill, on what basis can we construct amendments?

The Chairman: Should that matter arise, I think that it is possible for manuscript amendments to be brought to the Table.

Mr. William Ross (East Londonderry) *rose—*

Mr. Forth: Further to that point of order, Sir Alan—

The Chairman: Order. I think that the hon. Member for East Londonderry (Mr. Ross) was trying to make a point of order.

Mr. Ross: Further to the point that has already been raised, Sir Alan. I apologise for being a few minutes late but I was trying to check one or two things in the Public Bill Office before I came into the Chamber. If you are having some difficulty in deciding which amendments should be taken, you will appreciate—given the expertise on which you have to draw and the help that you receive—the tremendous difficulty that Back-Bench Members face in trying to table amendments. Although the Bill is narrow in content, it has wide consequences, which began to become apparent to hon. Members only

[Mr. Ross]

yesterday, on Second Reading. We need rather more time than we have so far had to consider the possibility of tabling amendments.

The Chairman: That is going back over a past argument which I do not think we can now repeat. I should make it clear to the hon. Gentleman and the Committee that I have not had any difficulty in my selection of amendments, which is made in accordance with the normal considerations on these occasions.

I said earlier that I had tried to be flexible so as to give hon. Members the maximum time in which to submit their amendments, and to ensure that my deliberations encompassed the widest range of amendments that hon. Members wished to table.

Mr. Forth: On a point of order, Sir Alan, may I ask for further guidance? If the Bill were to be amended in Committee, it might be proper, even if at that stage the Government were proposing indecent haste in pressing on immediately with further stages, to suspend the House of Commons for a period to give reasonable and proper time for hon. Members to consider those proceedings before being forced by the Government to go forward with indecent haste on to Report. Might that be in your mind, Sir Alan?

The Chairman: All politicians fight shy of hypothetical situations, and I regard the one that the right hon. Gentleman has described as hypothetical. We shall deal with matters as they arise. The Committee might now move on to the substance of the matter.

Mr. William Ross: On a point of order, Sir Alan. You will appreciate that in considering amendments we sometimes approach the same issue from slightly different points of view, and apply different standards. Would it be possible to have a vote on each amendment in a group if that were thought necessary by Back-Bench Members?

The Chairman: I think the hon. Gentleman knows that the occupant of the Chair will judge that according to the content of the debate. I shall listen carefully to all that is said. I call Mr. MacKay.

Mr. MacKay: I hope that you will appreciate, Sir Alan, that I would not wish to abuse the Chair. However, there are important points that I—and other hon. Members—wish to make. The Under-Secretary of State for Northern Ireland has refused to accept my offer that he should confirm that the Bill is urgent or in any way important emergency legislation.

Mr. George Howarth *rose—*

Mr. MacKay: It seems that the hon. Gentleman has changed his mind; clearly he has been briefed.

Mr. Howarth: I intervene for the purpose of the record, Sir Alan. As you rightly said, this is a short three-clause Bill. It was published before Christmas. There were consultations—and certainly with the leadership of the Ulster Unionist party. I cannot understand what the present concern is all about. There has been plenty of opportunity to debate these matters. Members were able to read the Bill and introduce any amendments that they thought suitable. Indeed, some right hon. and hon. Members have done so. I fail to see what all the fuss is about.

Mr. MacKay: I do not want to be distracted unduly, but I must respond to the Minister, who has given no reason why the Bill must proceed with such haste. The hon. Gentleman has been a Member of the House for some years—it is some time since he won his by-election—but I shall give him a brief tutorial none the less. The normal circumstance is that a Bill has its Second Reading. If that is agreed to, the Bill goes into Committee the following week at the earliest. Only urgent or emergency legislation goes into Committee the following day. I would suggest in the strongest possible terms that the Bill is neither urgent nor emergency legislation. I am asking the Minister to tell me why it is urgent.

Mr. Howarth: As I understand it, these matters were sorted out through the usual channels. I do not believe that any concerns were raised by the official Opposition about timing. I do not know why the right hon. Gentleman has chosen today to raise them.

Mr. MacKay: Let me make it absolutely clear—I have checked with the Opposition Chief Whip—that there has been no consultation through the usual channels. We were merely informed. We were not asked for our views and we were not given an opportunity to consider an alternative timetable.

I shall finish my tutorial. It seems that the Minister does not fully understand the procedure. In normal circumstances, a Second Reading debate takes place one week and, at the earliest, the Bill is considered in Committee the following week. In my recollection, the only exception—I have served in the House of Commons for more than 20 years—is when we deal with emergency legislation. I do not believe that the Bill is emergency legislation. Perhaps the Minister might care to tell me why it is.

Mr. Howarth: The right hon. Gentleman said a few moments ago, I think somewhat disingenuously, that the Opposition were consulted through the usual channels, and said—[HON. MEMBERS: "No, not consulted."] Well, he said that they were told through the usual channels. He said that that is not quite the same as being consulted. But if the Opposition were not happy with that, they should have raised their concerns at that stage. They did not do so, and we were entitled to believe that the official Opposition were content with the timetable. We proceeded on that basis, and I see no reason for the Committee to be detained any further on this matter.

Mr. MacKay *rose—*

The Chairman: Order. I said to the right hon. Gentleman that I would allow him some prefatory remarks before he moved into the substance of his speech on the amendment. Almost a quarter of an hour has passed, during which points of order have been raised, and I think that it would be in better order for the Committee to proceed to the substance of the amendment.

Mr. MacKay: Let me say, Sir Alan, how much I agree that it would be in better order if we moved to the

substance of the important amendment that I am moving. I would not have discussed other matters for so long if I had received some sort of answer from the Minister. I place it on the record that the Minister has signally failed to tell the Committee why the Bill is emergency or urgent legislation.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): It is not.

Mr. MacKay: Oh, it is not. I thank the hon. Gentleman. We have an answer. I appreciate that. From a sedentary position, the Home Office Minister has said clearly that this is not emergency or urgent legislation. That being so, I fail to understand why it is being pushed through the House of Commons at such speed. As the hon. Gentleman seems to know more about the Bill than the Under-Secretary of State for Northern Ireland, perhaps he will explain to me why the Bill is being dealt with at such speed. It seems that he is not prepared to do so.

It is now clear, Sir Alan, that we are not dealing with urgent or emergency legislation. That being so, we are faced with total abuse of the House of Commons. You have been placed in an extremely difficult position. As you rightly said earlier, you have had a tight timetable, as has the rest of the House of Commons, to consider amendments. We know now of the Government's arrogance. We know also that they could not care less for the House of Commons. They wish to push through non-urgent legislation at an extremely fast pace. We now see clearly what the new Labour Government are all about, and it stinks. The Under-Secretaries of State should be thoroughly ashamed of themselves.

I shall now proceed because I do not wish to drag you into these matters, Sir Alan. My quarrel is not with you because you are being put in an equally difficult position. Having said that the Ministers should be thoroughly ashamed of themselves, and its having been made clear that this is not emergency legislation, I repeat that the Government are bulldozing the Bill through the House of Commons in a most unsatisfactory way. I shall now discuss my amendment in some detail.

Mr. Fallon: On a point of order, Sir Alan. If no explanation is forthcoming from the Government Front Bench as to why Second Reading and Committee are being taken so close together, can you tell the Committee whether any explanation has been given to Madam Speaker?

The Chairman: That is not a matter for the Chair.

6 pm

Mr. MacKay: Let us consider amendment No. 10, which is grouped with new clause 1. The latter was tabled by my right hon. and hon. Friends and Ulster Unionist Members. A month ago, the courageous First Minister of the Northern Ireland Assembly, the right hon. Member for Upper Bann (Mr. Trimble), made the decision to enter into an Executive with members of Sinn Fein. We considered the matter long and hard, and concluded that he was right and that, yet again, we would walk the extra mile with him to try to ensure that the process moved forward. We have always supported that process, from the Belfast agreement onwards. The Under-Secretary of State for Northern Ireland will willingly confirm that my right hon. Friend the Member for Huntingdon (Mr. Major) started the process, and was ably abetted by Lord Mayhew and my right hon. Friend the Member for Devizes (Mr. Ancram). I am pleased that my right hon. Friend is in his place.

There were signs before Christmas that Sinn Fein-IRA would at last fulfil its obligations under the Belfast agreement. I use the phrase "Sinn Fein-IRA" correctly because successive Prime Ministers and Taoiseachs have stated that Sinn Fein and the Provisional IRA are inextricably linked and one and the same; they are two sides of the same coin. There were signs that Sinn Fein-IRA would decommission its illegally held arms and explosives by May 2000. That hope was shared, perhaps naively, by me and others. The majority of Members of Parliament supported the Government and the right hon. Member for Upper Bann as First Minister of the Executive that was being set up.

All hon. Members in every party in the House are democrats. We all believe that it is unsatisfactory for Ministers to run part of the United Kingdom when they remain inextricably linked with men of violence who have failed to end their violence for good or fulfil their obligations under the Belfast agreement to decommission any of their illegally held arms and explosives. Not one gun or one ounce of Semtex has been handed in by any of the paramilitaries—republican and so-called loyalist—whose political associates signed the Belfast agreement.

It would not be right in our free society for the two Sinn Fein Members of the Assembly who are Ministers respectively for Education and for Health to retain those Executive positions without substantial decommissioning. I therefore support what the Secretary of State and the First Minister have said repeatedly: early decommissioning of illegally held arms and explosives must take place. Most reasonable people believe that that must happen this month, which ends next Monday, or shortly thereafter.

Sadly, having met a wide variety of people in the Province during a four-day visit, which concluded on Sunday, I can report that few people believe that Sinn Fein-IRA will fulfil its obligations and decommission. I hope and pray that they are wrong, because it is in the interests of all the people of Northern Ireland that decommissioning occurs, and that the Executive is able to continue to run much of Northern Ireland. The politicians whom the people of Northern Ireland elected should be responsible for much of the running of their Province. That is healthy and helpful, and we wish to encourage it. The people of Northern Ireland would dearly like to continue with that process.

Amendment No. 10 and new clause 1 show that we have absolute faith in General de Chastelain and the commission. It is for him, not—with the greatest respect—for you, Sir Alan, or me or the Under-Secretary to decide whether decommissioning has taken place. If the general, when he reports on Friday or Monday, reports that there has been no decommissioning of illegally held arms and explosives by the Provisional IRA, the Secretary of State has no choice but to do that which he has promised the House and the people of Northern Ireland: he must suspend the Executive until progress has been made.

[Mr. MacKay]

Conservative Members believe passionately that, in such dire and sad circumstances, it is up to the Secretary of State to suspend the Executive. It should not be left to the First Minister and his Unionist colleagues to resign and thus close down the Executive.

Mr. William Ross: The right hon. Gentleman said a moment ago that Conservative Members relied totally on General de Chastelain. It may well be possible to rely on the general's words, but how can we rely on any construction that the Government's spin doctors might put on them?

Mr. MacKay: The general is obliged to report by the end of the month. When he does that, the hon. Member for East Londonderry (Mr. Ross) and other hon. Members will study his words carefully, and we shall take no notice of whatever spin is put on them by those who wish to influence events. I know the general, and I believe that his report will be clear and succinct and not open to various interpretations.

Mr. Andrew Robathan (Blaby): I do not know the general, but I am sure that he is an excellent man. Everything that I have heard about him is good. However, there is currently an idea that, instead of being destroyed or surrendered, weapons will be kept in bunkers in which terrorist organisations place them, where they will be permanently out of their reach. How can any intact weapons, in bunkers whose location is known to terrorist organisations, be permanently out of their reach? Perhaps my right hon. Friend can enlighten me.

Mr. MacKay: If I answered that point in too much detail, I would be trespassing on your good nature, Sir Alan. However, I shall respond briefly to my hon. Friend, who takes a deep interest in such matters. He is joint vice-chair of the Conservative Northern Ireland Committee.

Successive Governments have used the word "decommissioning" rather than destroying or surrendering. I am not too fussed about the way in which weapons and explosives are decommissioned as long as it happens. It does not matter whether they are destroyed, handed in or left in sealed containers, provided that General de Chastelain and his staff can police them at all times.

Mr. Fallon *rose—*

Mr. MacKay: I will certainly give way but first I want to clarify our position for the benefit of my hon. Friend the Member for Blaby (Mr. Robathan). Where I have great criticism of the paramilitaries, republican and so-called loyalists, is that not one gun or ounce of Semtex has been handed in. I want substantial progress towards the decommissioning of all illegally held arms and explosives by the appointed day in May this year. So far, we have seen no progress whatsoever. That is what really counts.

Mr. Fallon: The word "decommissioning" is used in my hon. Friend's amendment, so I am sure that he is right to explain at length what is meant by it. Is my right hon. Friend saying that putting weapons in a sealed container is decommissioning? If so, can he say the purpose for which those weapons could possibly be needed?

Mr. MacKay: The word "decommissioning" is not only used in the amendments but was used in the Belfast agreement and all the legislation that came from it. I am sure that successive Governments have been right to define that process as decommissioning. I am anxious to ensure that weapons are decommissioned—taken out of commission. Whether they are taken out of commission by being destroyed or are retained in a sealed container that is properly policed is secondary to ensuring that they are all decommissioned. We want them all decommissioned by the said date in May. That is essential.

Mr. Forth: My right hon. Friend knows well that the Bill is about a proposed change to an aspect of our constitutional arrangements that many of us believe is of fundamental importance—allowing aliens to enter the House. Given that he believes that such a change could properly be brought about provided the words in the amendment are fulfilled, does he not think it reasonable to be more than fully satisfied that the meaning of the words "decommissioning" and "substantial progress" are positive, reassuring and provide a guarantee such as we would require before allowing aliens into the House?

Mr. MacKay: My right hon. Friend makes an important point, which is why I have discussed decommissioning at some length and am grateful to my hon. Friends the Members for Blaby and for Sevenoaks (Mr. Fallon) for pressing me to define "decommissioning" more fully.

Mr. William Thompson (West Tyrone) *rose—*

Mr. MacKay: I have not completely answered my right hon. Friend and know that he will want me so to do. It is vital, as decommissioning goes to the heart of the amendment and new clause, not only to debate the merits of decommissioning but to take a look at where we are on decommissioning and how it relates to the Executive. Vital, crucial days lie ahead for the Province. Every law-abiding person in both communities is hoping and praying that there will be substantial decommissioning so that the process and the Executive can proceed. That is the crucial test.

Mr. Thompson: Is it not a fact that under the legislation by which General de Chastelain is operating, the arms have to be destroyed? Hiding them in bunkers will not satisfy that law.

Mr. MacKay: The hon. Gentleman and I were both sitting in the House when that legislation was passed in July 1998. I would need to double check the detail of that legislation before answering. I was asked by my hon. Friend the Member for Blaby whether I would be satisfied with decommissioning if it turned out to be, as he would put it, merely sealing the weapons in bunkers. I said it was vitally important that we had decommissioning in full and, provided that it is properly policed by the general and his staff, I could live with that. If my hon. Friend the

Member for Sevenoaks is asking whether I would prefer the weapons just to be sealed, of course the answer has to be no. My preferred option is obviously to have them destroyed in front of General de Chastelain's staff.

My hon. Friend the Member for Blaby was trying to tease out of me whether I could live with the weapons being sealed. The answer is yes. What is vitally important is that decommissioning takes place, so that the process can move forward and the Executive can continue to function. That is absolutely what the overwhelming majority of both communities in Northern Ireland want and I believe the majority of right hon. and hon. Members want that.

6.15 pm

Mr. Andrew Hunter (Basingstoke): Is not the essential point that the so-called paramilitaries hold weapons illegally? There are no circumstances in which they can hold those weapons legally. The ceasing of all holding of those weapons is decommissioning. I beg my right hon. Friend not to allow a grey area into the debate at this stage. We cannot accept anything other than paramilitaries no longer having illegal weapons in their physical possession—even if policed for the time being by General de Chastelain's officers.

The Chairman: Order. Perhaps I may be of assistance. I begin to see in my mind some limitation on the extent to which one can define the word "decommissioning". As I read the amendments and new clause, it is a matter of the belief of the Secretary of State in one case and, in the other, of the belief of the commission. Those are the matters being debated and it would be out of order if the Committee attempts to make fresh definitions. The definitions required are explicit in the amendments.

Mr. William Ross: On a point of order, Sir Alan. Surely the term "decommissioning" is only defined, so far as the law of the United Kingdom is concerned, in the Act that creates the decommissioning process. The definition in that Act should matter, not anything that people might wish to introduce by any side wind during this debate. We are dealing with decommissioning as already legally defined—as being the destruction of the weaponry.

The Chairman: Order. Nothing I have said implies any detraction from what is said in the original Act. I merely repeat my advice to the Committee that the amendments deal with the opinions of certain other stated persons or bodies, as to whether or not decommissioning as defined is being fulfilled.

Mr. MacKay: I naturally accept your advice, Sir Alan, and will proceed accordingly. My hon. Friend the Member for Basingstoke (Mr. Hunter) has immense experience in this field and is joint vice-chairman with my hon. Friend the Member for Blaby of the Conservative Back-Bench Committee and has taken great interest in these matters.

The Chairman: Order. Notwithstanding the experience of the hon. Member for Basingstoke (Mr. Hunter), which I acknowledge, that does not altogether debar him from sometimes stepping aside from the amendment being discussed.

Mr. MacKay: Therefore, Sir Alan, it is worth reminding my hon. Friend that I have stressed to you the phrase, "illegally held arms and explosives" every time [illegible] have discussed the matter. I think you will confirm, Sir Alan, that I have used the word "illegal" every time. There is no question that persons could retain the weapons in bunkers themselves; those bunkers would not be under their control but would be overseen by the commission. As you rightly say, Sir Alan, that moves us away from the amendment, although I might add that that movement is not of my own making, but has been caused by interventions.

Mr. Graham Brady (Altrincham and Sale, West): I hesitate to intervene on that cue, but will my right hon. Friend elucidate for my benefit? Does the earlier legislation define "substantial progress"? If not, surely it is necessary to debate what constitutes substantial progress towards decommissioning for these purposes.

The Chairman: Order. If the right hon. Member for Bracknell (Mr. MacKay) is, by his own admission, having difficulty in determining whether he is straying out of order as a result of interventions rather than anything he has said himself, I might help him by saying that he would be unwise to answer.

Mr. MacKay: May I answer briefly? No, and wisely so. New clause 1 quite rightly refers to "substantial" decommissioning and, although we had little time due to the speed at which the Bill was foisted on the Committee, we took some trouble to draft it carefully. We believe that General de Chastelain can say in his report whether substantial decommissioning has taken place. In other words, token decommissioning will not satisfy the House. Substantial decommissioning, heading towards full decommissioning by the appointed day in May, appears to us to be quite reasonable and it is well within the scope of the amendment, and within the House's understanding of decommissioning, to allow him to define whether that has taken place. We need substantial decommissioning and substantial decommissioning we must have.

I return to the Bill in general and why we have tabled the amendment and new clause 1, which, with respect, are the most important and substantial of those before the Committee. My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) will disagree, although you, Sir Alan, may consider them to be the most important. The Bill does not in any way flow from the Belfast agreement. It is not urgent, as the Under-Secretary of State for the Home Department and the Under-Secretary of State for Northern Ireland have more or less confirmed from the Dispatch Box and in sedentary interventions, and, so far as I can see, not many people have asked for such a measure.

My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) deeply believes the Bill to be to be a constitutional outrage—as do my right hon. Friend the Member for Bromley and Chislehurst and the hon. Member for East Londonderry, who is much respected—but we on the Conservative Front Bench are fairly agnostic. We think that it is not anywhere near the constitutional outrage that they suggest, although we would be happy to give it fair wind if only we felt confident that it would be enacted only as and when General de Chastelain made it clear that there had been substantial decommissioning. I shall tell the Committee why, because that is the key issue.

[Mr. MacKay]

The process has been all take by the paramilitaries, and absolutely no give. The British and Irish Governments and the peace-loving constitutional parties—Unionist, Alliance or nationalist—have jumped every hurdle that they have been asked to jump. The Assembly elections have taken place. The Executive has been set up—with two Sinn Fein Ministers—as was correct under the legislation. Terrorist prisoners have been released early from jail and are back on the streets—more than 300 hundred already.

North-south bodies have been set up. The Patten report on policing in the Province has been completed and the Government are shortly to introduce legislation to make changes. That is all give by the Government and all take by the paramilitaries, republicans and so-called loyalists. Some of us might say that we have had precious little in return so far.

I fundamentally disagree with my right hon. Friend the Member for Bromley and Chislehurst. Although I do not believe that the Bill is important, why should we pass unimportant legislation and give a bit more when we are getting nothing in return? Is not it time for the House and the Government to draw a line in the sand and say, "This far and no further. We will agree to the Bill going through only if there is substantial decommissioning as defined by General de Chastelain."? That is why I commend the amendment and the consequent new clause to the Committee.

Mr. Forth: Following directly from what my right hon. Friend the Member for Bracknell (Mr. MacKay) has said, it is interesting that in yesterday's debate the Under-Secretary of State for the Home Department said:

"In particular, the establishment of the new institutions provided for in the Good Friday agreement makes the measure timely."—[*Official Report*, 24 January 2000; Vol. 343, c. 28.]

That clearly establishes a link in his mind between the Good Friday agreement and the measure before us. It can do none other. The Under-Secretary of State for Northern Ireland said that

"the arrangements between Northern Ireland, the Republic of Ireland and this House—and the Government—are unique and different. Our response to the agreement must reflect that. The argument is about context rather than precise linkage."—[*Official Report*, 24 January 2000; Vol. 343, c. 73.]

Two Ministers said in the debate on Second Reading that there is a connection—a link—between the Good Friday agreement and the Bill. I do not see how they can deny that, because their own words, which appear in *Hansard*, illustrate the point all too directly. We have an answer to the question that we all struggled with yesterday. Given the benefit of reflection—how valuable it is during parliamentary proceedings—we are beginning to detect a link in the minds of Ministers. That is helpful and puts the amendment in context.

Mr. Fallon: Does that suggest to my right hon. Friend and the Committee that some understanding between the two Governments on that precise point—secret, perhaps, or covert—has not been revealed?

Mr. Forth: I would like to think that we shall learn more today than we did yesterday and my hon. Friend is correct to raise that point. Our suspicion yesterday was not that there was an arrangement between the United Kingdom Government and the Government of the Republic of Ireland, but, much more sinister, that there was a deal or undertaking between the Government and Sinn Fein-IRA. That is even more worrying and we suspect that it, rather than the connections between the Good Friday agreement and the Bill—which Ministers had dragged out of them, as *Hansard* has verified—may be the genesis of this ill-begotten and untimely measure.

Mr. William Ross: The right hon. Gentleman will have noticed that we have not yet had a comprehensive list of all whom the Government consulted in regard to the Bill. We have dragged out of the Government only that they consulted the leader of the Unionist party and, presumably, the usual channels.

The Chairman: Order. That is a matter for Second Reading, which has passed.

6.30 pm

Mr. Forth: A perusal of yesterday's *Hansard* might show that Ministers said that they would consider those matters and report back, but perhaps this is not the moment for that to happen.

In speaking to the amendment in my name, amendment No. 1, so far I have not been persuaded by my right hon. Friend the Member for Bracknell, in his elegant moving of his amendment and new clause, for a reason that began to become rather too obvious—for him to seek to link the mechanism contained in the Bill with the decommissioning process may well be unsatisfactory. I regret the fact that I do not believe that the words of my right hon. Friend's new clause, which rely on the words "Decommissioning" and "substantial progress", give sufficient guarantees or reassurance when it comes to altering an arrangement as fundamental as that relating to who is or is not qualified to sit in the House of Commons. I simply cannot see that.

I shall argue in the context of my own amendment that nor was I entirely satisfied with the provisions in the new clause that the Act should come into force

"on such day as the Secretary of State may by order made by statutory instrument appoint".

That is a pretty slender basis on which to base such a measure, as we all realise. My amendment, by contrast, seeks to both broaden and sharpen the requirement by providing that the section would

"come into force on a day to be appointed by an order made by the Secretary of State"

who

"shall not make such an order unless he has previously laid before both Houses of Parliament a statement in relation to the Belfast Agreement . . . , stating that in his opinion and",

crucially,

"in the opinion of all parties to that Agreement all aspects of the Agreement have been implemented."

What the amendment seeks to do is make much more certain the basis on which we might proceed to the measures contained within the Bill.

I made it clear on Second Reading—I hope that I shall make it clear again on Third Reading—that I am against the Bill in principle. I want that to be absolutely clear.

I took part in a vote against the Bill last night, but what we are doing now is different: the House having given the Bill a Second Reading, we are now seeking ways in which to improve and strengthen it. It is in that regard that I put my amendment to the Committee this evening.

Before we can progress with the Bill, a number of closely interrelated things must happen. The first is that the Secretary of State will make an order only if he has laid before both Houses of Parliament a statement that, in his opinion, all of the requirements of the Belfast agreement have been met, but also, crucially, that all parties to the agreement state that all aspects of it have been implemented. This will give the whole matter a much more solid and reliable foundation, because we are now not only relying on the Secretary of State, who is always a key element in these matters, but—in my view rightly—asking all parties to the agreement to say "We are sufficiently satisfied that the agreement has been met in all respects and we are now prepared to accept that we move on to the next crucial stage of allowing foreigners into the House of Commons."

Mr. Robathan: Given what my right hon. Friend is saying, which makes great sense, and given that we all accept—on this side of the House, even if the Government might deny it—that the whole purpose of the Bill is yet another bribe to Sinn Fein, can he imagine why the Government would not accept his amendment? Surely the bribe to Sinn Fein is designed to get Sinn Fein to give up its weapons. Therefore, is he surprised that the Government appear to be likely to oppose the amendment?

Mr. Forth: That remains to be seen. What my hon. Friend illustrates yet again is that we are all still guessing. Is it not a disgrace that, at this stage in the Bill's proceedings, the House of Commons is still not clear as to the motivation behind the Bill, the reasons why the Government have introduced it and why they are bringing it in with such undue haste? There is widespread suspicion, certainly on this side of the House, that it is part of an extremely grubby deal, where the Government are prepared to give away another key element of our constitutional arrangements for nothing at all. That is how it looks, and it is the only assumption on which we can operate unless Ministers tell us otherwise.

If my hon. Friend accepts the quotations of Ministers that I gave from yesterday's *Hansard*, he will agree that, in the minds of Ministers on the Treasury Bench, there is a link between the Belfast agreement or the Good Friday agreement and the Bill. Amendment No. 1 seeks formally to embed that in the Bill. I simply seek—perhaps fortuitously, because I tabled the amendments before I had even heard what the Ministers said, but everybody has to have a little bit of good luck in their time—to give Ministers a formalisation of the link that they themselves were making, as reported in yesterday's *Hansard*. To the extent to which that is the case, I have enormous confidence that Ministers will want to accept my amendment.

Ministers might even prefer my amendment to that of my right hon. Friend the Member for Bracknell because, for the reasons that we saw just a moment ago in the debate, my right hon. Friend, with all his skill and experience, was not quite able to persuade some of us that his amendment was sufficiently airtight and watertight to give us the reassurances that we would naturally want to have. I believe that my amendment does the job even better, because it involves the judgment of the Secretary of State on the one hand and the judgment of all the parties to the agreement on the other. It then goes even further, because in subsection (2B) it says, crucially:

"No order shall be made under subsection (2A)"—

that is, the Secretary of State's order with the agreement of all the parties built into it—

"unless a draft of the order has been laid before, and approved by a resolution of each House of Parliament."

What we are saying is that it would require both Houses to agree that the composition of the House of Commons could be changed as envisaged in the Bill. That would mean, in this case, the ability of aliens—non-United Kingdom citizens from the Republic of Ireland, a different and separate country, with many different and separate interests, as we explored briefly on Second Reading yesterday—to enter the House of Commons.

It distresses me that I must disagree with my right hon. Friend: he thinks that this is a small measure, whereas I think that it is a profoundly important measure. What could be more important than who is or is not entitled to come to this House and represent the people of the United Kingdom, from all parts of the United Kingdom? What could be more important, as a matter of definition of our nationality and as a matter of a statement of our relations with other countries? That is why I believe that we would have to be doubly, triply—or even more than that—satisfied before we allowed any significant alteration to the arrangements that have hitherto applied on these matters. We are talking about citizens of the Republic of Ireland—legislators in the Parliament of the Republic of Ireland—being qualified to sit in this House. Given the circumstances in which we find ourselves, an explicit linkage to the Belfast agreement must surely be appropriate.

Mr. David Winnick (Walsall, North): Since the right hon. Gentleman puts so much emphasis on a connection between the Bill and the Belfast agreement—it is his wish to make such a connection—may the House know whether he is in favour of the agreement? When I look at the Opposition Benches, I note that all the Unionist Members present are against the agreement. The hon. Member for Basingstoke (Mr. Hunter), who takes a close interest in Northern Ireland and has done so for many years, is against it. What is the right hon. Gentleman's view?

Mr. Forth: My view is that an agreement that has facilitated the release of some very disgusting people from prison into the community, is facilitating terrorists' friends being invited into United Kingdom institutions, and may now be being used as the vehicle whereby a change such as that encompassed in the Bill is to be made to our constitutional arrangements, is of increasingly doubtful validity.

Mr. Winnick: The right hon. Gentleman has given the answer to my question, but was he against the agreement when it was signed? The hon. Members I mentioned, who have every right to their opinion, as I have to mine, made it clear at the time that they were against the agreement. Was the right hon. Gentleman against it?

Mr. Forth: I may have had my doubts at the time, but I was prepared to give the benefit of the doubt to all

[Mr. Forth]

parties to the agreement, on the assumption that, if they were all operating in a spirit of genuine goodwill, it provided an opportunity to resolve the problems that have bedevilled part of the United Kingdom for so long. Time has passed, however. Changes have occurred, and the factors that I have mentioned have led me to doubt increasingly whether we were right to feel so optimistic.

Mr. William Cash (Stone): Does my right hon. Friend agree that the terms of the Bill are outside those of the Belfast agreement in any event?

Mr. Forth: That is an important point. It is all very well for Ministers to sit grinning and nodding, but it is they who made the connection between the agreement and their own Bill. Unless they retract, clarify or change the meaning of what they said yesterday, that remains the case. I quoted those words only a few minutes ago—not my words, but those of one of the Ministers. I hope that one, or both, will take the opportunity—

Mr. George Howarth *rose—*

Mr. Forth: Of course I shall give way to the Minister.

Mr. Howarth: The right hon. Gentleman did, indeed, read out the relevant words from *Hansard*, but they do not mean what he suggested. In the part of my speech that he quoted, I specifically used the word "context". The right hon. Gentleman should realise that using the word "context" is different from saying that the Bill is in some way related to the Good Friday agreement, and he should not misrepresent what was said by me or by the Under-Secretary of State for the Home Department.

Mr. Forth: That is all very well, but I quoted the words of the Under-Secretary of State first, and I think that they were even more relevant. Having been asked to quote them again, I will—with your indulgence, Mr. Martin. The Under-Secretary of State said:

"The Bill is just one example of that closer relationship . . . it is built on the firm foundation of the principle of consent that is central to the Good Friday agreement, and which was enshrined in law . . . The Bill is not part of the Good Friday agreement, but it is consistent with it."

All the words that the hon. Gentleman used yesterday—there were many more, but I shall not weary the Committee with them now—sought to establish a causal link between the agreement and the Bill.

Mr. Gerald Howarth (Aldershot): My right hon. Friend omitted a key part of what was said by the Under-Secretary of State. He said:

"The Bill is not part of the Good Friday agreement, but it is consistent with it. Separate development of direct interparliamentary links between the various legislatures was envisaged at the time of the Good Friday agreement."—[*Official Report*, 24 January 2000; Vol. 343, c. 28.]

Does that not suggest that there were discussions at the time of the agreement, and that they were part and parcel of the Bill?

Mr. Forth: It is beginning to sound very much like that, is it not? I wish that, rather than sitting there giggling, Ministers would do the Committee the courtesy of giving us a proper, full and open explanation of the genesis of what increasingly seems to be the grubby little measure that we are considering. They should let us know what gave rise to it, why they are presenting it now, why it is so urgent, and what they expect to gain from it.

I hope that, if the Ministers did not understand what they were told, they may understand it better as a result of the help that they are being given. I also hope that, when they reply to the series of important debates in which we shall continue to engage during the next few hours, we shall discover from them what on earth is going on.

Sir Brian Mawhinney: We have two options. The first is to believe that the Bill emerged from behind-the-scenes discussion with Sinn Fein in an attempt to hand Sinn Fein another sop in terms of the agreement, arising from it. The second is to believe that—all of a sudden, out of a clear blue sky, with no prior discussion, with no public interest and with no newspaper commentators raising the subject—a Government with a huge agenda manufactured the Bill. Which option does my right hon. Friend prefer?

Mr. Forth *rose—*

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) is talking about the Bill. Interventions should relate to the amendments and new clause that we are discussing.

6.45 pm

Mr. Forth: I am grateful to you, Mr. Martin. You have possibly saved me from having to make the difficult choice presented to me by my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney). I may return to the matter later, when I gauge that you might allow me more leeway, but I dare not do so now.

Mr. Robathan: Will my right hon. Friend give way?

Mr. Forth: I am approaching the conclusion of my speech, and I hope that my colleagues will bear that in mind; but I will give way to my hon. Friend.

Mr. Robathan: Earlier, my right hon. Friend responded to the hon. Member for Walsall, North (Mr. Winnick), who asked whether he supported the Belfast agreement. We supported it—with some reservations—because it appeared to be supported by the great majority of people in Northern Ireland. Is my right hon. Friend aware of the considerable misgivings felt by large sections of the community in Northern Ireland, especially the Unionist community, who voted in favour of the agreement but now believe that they were hoodwinked in certain ways, not least by the Prime Minister?

Mr. Forth: I cannot answer the question that my hon. Friend poses, but others in the Chamber can, and I hope that they will seek an opportunity to do so. It is important for us to know as much as possible about the views of the people of Northern Ireland before we proceed much

further. This is a valid aspect of our considerations. I cannot give the views of those people, but there are those sitting very close to me who could.

What I am trying to say is very simple. In my view, the key measure in the Bill—I am against the Bill in principle, but the House gave it its blessing by agreeing to Second Reading—cannot be allowed to proceed without conditionality. It cannot be allowed to proceed without reassurance and guarantees. The guarantees that I suggest—I hope that I shall be able to test the Committee's view at an appropriate time—would explicitly link activation of the Bill with completion of all aspects of the Belfast agreement, as established by all parties to that agreement. I consider that to be proper, reasonable, straightforward and comprehensible, and I think that it should therefore form a key part of the Bill.

Several hon. Members *rose—*

The First Deputy Chairman: I call Mrs. Dunwoody.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Thank you, Mr. Martin. I realise that one of my advantages is being so tiny and insignificant that I am rarely noticed.

It will greatly please Ministers to learn that I do not intend to speak at length. The amendments, however, strike me as important, in as much as they relate to the Bill and to the qualifications of those who will have the right to sit in the House of Commons.

The title of the Bill is a bit of a misnomer. It is not so much a disqualifications Bill as a qualifications Bill. One of the hazards presented by the new clause and, from a different angle, the amendments is the confusion in Members' minds about whether the particular measure being introduced relates to a particular group of persons who have not been identified. If that is the case, and if it had been put to us that we are now confronted by an entirely different political situation that requires us to make fundamental changes to the qualifications of those who wish to enter the House of Commons because we need much wider representation, people would be better able to judge the amendments.

Before my hon. Friend the Member for Walsall, North (Mr. Winnick) asks, I am in favour of the Belfast agreement. If I have objections to the Bill and to the amendments, they arise from my belief that, if constitutional change is made without detailed examination, once the legislation is on the statute book—especially if debate has been, what shall I say? somewhat foreshortened—we often end up with wording, even with basic changes, that may not constitute exactly what we foresaw. That is why I feel impelled to say that I am worried not just about the amendments, but the qualifications that would apply in future to people who wanted to be candidates.

I do not have a great wish to be a Member of the Dail, not least because one of my best friends had to sit through eight recounts before knowing whether he had been elected. I pointed out to him that, after the second recount, I would put my coat on, go home and suggest that someone tell me when a conclusion had been reached. However, I would not want the Minister to think that my views on proportional representation were influencing any of my comments tonight.

The amendments and the new clause can be dealt with simply. If we were told whether some political decision or political change necessitated the passage of the Bill in this form, without qualifications or restrictions on the people who can be candidates for the House of Commons, and if we were told that the changes had to be made now, the matter would possibly be dealt with quickly. I do not think that we have been told those things. Those who propose restrictions in the amendments do so from a genuine desire to ensure that we do not allow constitutional change to put us in a position that we might regret, if not in the near future, certainly before many months have passed.

So I make one suggestion to Ministers: speak clearly to us, explain fully to us what is implied and, above all, remember that constitutional change applies to every Member of the House of Commons, wherever they come from, whatever their background, sex, religion or general approach to life. It therefore behoves those of us who believe in democracy to ensure that the one thing that they have in common is a commitment to a democratic form of government.

Mr. Cash: Last night, I voted against the Bill on principle, for several reasons. I saw no reciprocity between the arrangements that are being provided for the House and the arrangements in the Dail and in Eire as a whole. That in itself is unfair and unreasonable in all circumstances, but the issue goes much deeper than that. The question that is before us has not been answered by the Government. We have continually put to them issues relating to why the Bill should be brought before us at this stage. We have had no answer whatever. That is an outrage and it is why I tabled the amendment.

My amendment No. 32 states:

"in respect of Ireland, a person who is or has been a member of a proscribed organisation within the meaning of the Terrorism Act 2000 and who has not disavowed terrorism within the meaning given to that expression by that Act before taking his or her seat in the said House or Assembly shall be disqualified from membership of the House of Commons and the Northern Ireland Assembly".

I challenge the Government to answer the point. Is it conceivable that anyone who did not disavow terrorism as a matter of principle would take their place in a democratic society and democratic Government under a constitutional arrangement, whether in respect of the House of Commons, or the Northern Ireland Assembly?

Mr. Mark Oaten (Winchester): The hon. Gentleman speaks of Members coming into a democratic society. Is it not for a democratic election to decide the merit of those individuals and which House they enter? The electorate would ultimately make that judgment in a democratic society.

Mr. Cash: The hon. Gentleman raises an interesting point. It is not inconceivable that there are people in Ireland who would want to stand for election and who had not disavowed terrorism. If they stood and were successful, it would be inherent in the Standing Orders of the House and in the duty to protect the people of this country to ensure that anyone who did not disavow terrorism should not take their seat in the House—just as, without going into the merits of the process, they would not be able to take their seat in the House without

[Mr. Cash]

declaring their Oath of Allegiance to the Queen. The question of terrorism is thus of fundamental importance in the context of the Bill.

We face a strange situation. After all, in the 19th century, during debate on the home rule Bill in 1886, Mr. Parnell, who took a strong position with respect to home rule, supported by Mr. Gladstone, made it clear in a memorandum that was put forward, effectively, in his name that he

"would not stand out on the question whether the Irish Members should reman in the imperial Parliament or be excluded from it."

We have come full circle. It is clear that, at that time, Mr. Parnell was not against the idea of members of the Irish nation, as he would have put it, being excluded from the so-called imperial Parliament. We are posing for ourselves the West Lothian question in relation to Ireland as a whole. If members of the Irish nation, as they would put it, are to stand and to be elected in this country, it follows that we will face exactly the same issues as those raised by the West Lothian question. As a colleague of mine said to me earlier today, instead of the West Lothian question, we might just as well raise the East Connemara question.

The Bill is directly relevant to a devolution question. I believe strongly that we should also look at a much deeper question that faces the Committee: what really lies behind the Government's objectives.

As I have often said, the best way to keep a secret is to make a speech in the House of Commons. It is becoming clear that the best way to keep a secret is to promote a Bill without giving any reasons for it. We have not had a single reason from the Government. I look to the Minister, who is now shaking his head—he was nodding earlier; he does not know which way to go—to say why the Bill has been introduced at all.

Some of us look at the Irish issue not as a means of dividing ourselves from our colleagues or friends in Ireland, but to discover whether what is being done is inimical to the interests of this country, or indeed of Eire as a whole. We have no reciprocal arrangements in respect of the Bill. I demand that the Minister explain before the debate on the amendment is concluded, or on Third Reading, why the Bill has been introduced.

On Second Reading, many people raised the legitimate question of the conflict of loyalty and interest—that Members cannot serve two nations—but there is another question at the heart of what is behind the Government's thinking. There is a proposal, albeit embryonic, for arrangements within the—

The First Deputy Chairman: Order. The hon. Gentleman is speaking about the Bill in its entirety. He must confine himself to the amendments, one of which is his own.

Mr. Cash: I will indeed. Anyone who promoted terrorism and was not prepared to renounce it would invade the sovereignty of the country in which they proposed to stand and be elected, or be disqualified under the House of Commons Disqualification Act 1975. Anyone who proposed to stand for this Parliament but was not prepared to renounce terrorism would invade the sovereignty of the citizenship and the right of the electors.

7 pm

I therefore ask the Minister to answer this question: is it inconceivable that the real reason why the Bill has been introduced is that Ministers are proposing an arrangement whereby there is no conflict, and people are able to stand for election and to be elected to the House, because we shall be subject to a European Union arrangement under which Ireland and the United Kingdom are part of the same province? That would be a very convenient way of dealing with the problem that Ministers face with Sinn Fein and its aspirations in relation to Ireland as a whole.

Has the Minister had any direct discussions with Sinn Fein on the Bill? We know that there were secret discussions last year. I should like to know whether the Minister is prepared to deny that the arrangements for this Bill and for the future of Northern Ireland were discussed with Sinn Fein-IRA, within a constitutional—

The First Deputy Chairman: Order. It would be helpful if the hon. Gentleman mentioned the amendments and not the Bill in its entirety. He could have raised those issues in yesterday's debate on Second Reading.

Mr. Cash: I am speaking to an amendment that raises the issue of whether a person who stands for election to this place or to the Northern Ireland Assembly, and who is elected, should be prepared to disavow terrorism. That is the key issue. Anyone who is prepared to stand for and to achieve election to this place, but not to disavow violence and terrorism, should be prevented from becoming a Member of this place. That is the key element of amendment No. 32.

I should be interested to know whether Opposition Front Benchers are prepared to support amendment No. 32, requiring a disavowal of terrorism. I do not know the answer to that, as I have had no indication from Front Benchers whether they would be prepared to go down that road. However, a requirement to disavow terrorism must be equivalent to one requiring us to take the Oath of Allegiance.

Mr. MacKay: My hon. Friend will be aware that, very wisely, legislation on the Northern Ireland Assembly that he and I helped to pass includes a provision requiring Assembly Members to disavow violence before taking their seats in the Assembly, let alone on the Executive. It is an interesting issue, and we should give it further consideration. Nevertheless, I am sure that the whole Committee is grateful to my hon. Friend for speaking to his amendment, enabling us to discuss the matter in greater detail.

Mr. Cash: I am extremely grateful to my right hon. Friend for making that point. However, although that provision may apply to the Northern Ireland Assembly, it does not seem to apply to the House of Commons.

Rev. Ian Paisley (North Antrim): In view of the comments of the right hon. Member for Bracknell (Mr. MacKay), does it not seem to be a contradiction that we have Assembly Members who are supposed to have repudiated violence saying publicly that, if they do not get their way, they will go back to doing the things that they do best—blowing up schools, hospitals and industry, and killing people? How can anyone say that a person

who says such things has given up violence? We know perfectly well that some of those who have been released on to the streets have gone back to violence and attacking police.

Mr. Cash: That was one of the reasons why, last year, when we were considering other legislation, I was deeply concerned. I objected to releasing terrorists into the community simply on the basis of a very sordid deal with Sinn Fein-IRA.

Does the Minister agree that the Government should clearly state that, in principle, no one who fails to conform with the requirements of a provision such as amendment No. 32—which is consistent with the provisions of the Terrorism Bill—should be allowed to take a seat in the House of Commons?

We are debating a matter of principle and legislation that Ministers say is urgently needed, and I should like to know whether the Government are prepared to support my amendment. If they are not, they are effectively saying that, as far as they are concerned, anyone who does not renounce terrorism should be qualified to be a Member and to speak in the House of Commons.

I see the Minister shuffling around. He almost came to the Dispatch Box, but has not quite made it. Will he be good enough to tell me whether the Government agree with my amendment? If he is not prepared to say whether the Government agree with it, the Committee would be entitled to draw the conclusion that Ministers do not agree with it. The Committee would also be entitled to conclude that Ministers are prepared to allow those who do not renounce terrorism—in the context specified in the Bill—to join the House of Commons. I give him another opportunity to answer that question.

Mr. George Howarth: If the hon. Gentleman will contain his impatience, I shall speak later in the debate and deal with the points that have been raised.

Mr. Cash: Will the Minister answer my specific question? Does he countenance on behalf of the Government the attendance in this place of those who are elected to the House but who are not prepared to renounce terrorism, although their track record clearly shows that they were interested in pursuing terrorism as a means of achieving change? Will he, please, answer that question? He has indicated a quarter of the answer, but will he now answer it?

Mr. Howarth: I shall answer it in my own time and in my own way.

Mr. Cash: I shall leave it at that. We shall have to wait until we hear the Minister's reply. However, the fact is that the Government are not prepared to state quite clearly that anyone who is elected to the House but not prepared to renounce terrorism will not be able to take his or her seat.

Mr. Nicholas Winterton (Macclesfield): My hon. Friend will know that the Opposition spokesman on Northern Ireland, my right hon. Friend the Member for Bracknell (Mr. MacKay), has clearly said that he believes that the House should have the same level of security as the Northern Ireland Assembly—where, at least supposedly, those who sit have said that they have forsaken any type of violence and believe in democracy. Does my hon. Friend agree that Opposition Members are right to insist that the Government should include in the Bill at least that safeguard, if not any other?

Mr. Cash: Yes. I am also very grateful to my hon. Friend for his remarks, which were absolutely to the very point of the debate.

The Opposition spokesman, my right hon. Friend the Member for Bracknell (Mr. MacKay), has raised the decommissioning issue. However I say this to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) with great respect—at the heart of the issue is not merely a technical matter about bunkers or about whether we will make sufficient or substantial progress on decommissioning. Although that is a part of the issue, the real question is whether people should be in the Northern Ireland Executive or elected to the House if they are not prepared, given their track record, to renounce terrorism. In this Bill, that is the fundamental issue facing the Committee.

Mr. MacKay: I thank my hon. Friend for giving way, but I want to press him a little further on this point. It is my understanding that the Belfast agreement's requirement that violence be renounced for good means that there must be no association with a paramilitary organisation that has failed to decommission its illegally held arms and explosives. As I said earlier, every Prime Minister and Taoiseach has said that Sinn Fein and the Provisional IRA are inextricably linked. It follows that people cannot renounce violence simply by swearing that they have renounced it if the paramilitaries with whom they are associated have failed to decommission, or have not even begun to do so. Would my hon. Friend accept that proposition?

Mr. Cash: I would certainly accept—as I have said repeatedly—that there is an absolute requirement for decommissioning in respect of the whole process, including the Belfast agreement. However, for any people with a track record of terrorism who stand for election to the Northern Ireland Assembly or this House, it would have to be clear, not only that they were associated with the process of decommissioning, but that, on behalf of their constituents, they would disavow terrorism. That is the gravamen of the amendment. It is a fundamental constitutional question about democracy.

I need not elaborate any further. I am deeply disappointed that more hon. Members are not present for this important debate, which is fundamental to the workings of our democracy. Given the history involved, and the practical realities of the present, it is disappointing that more attention is not being devoted to the matter.

I am strongly of the opinion that the Opposition should have voted against the Bill as a matter of principle yesterday. However, having said that, I look to the Government to support amendment No. 32. If they do not, they will stand condemned by their unwillingness to go along with the clear principle that people who want to become members of a legislature—whether it be the Northern Ireland Assembly or the House of Commons—cannot stand for election without disavowing terrorism.

Mr. William Ross: As yesterday, the debate is more wide ranging and interesting than the Government would have wished. The questions raised by all contributors go to the heart of our democracy, and the Government have not yet given us any real answers.

We are still considering the first group of amendments selected for debate, and I am grateful for the fact that it will be possible to go beyond 10 pm tonight. I hope that we will not be confronted with a motion to guillotine discussion on this important Bill. However, I should be somewhat surprised if we were not, as I suspect that Opposition Members are prepared to carry on the debate beyond the next two and three quarter hours so that the Government will be able to hear their views as we explore the detail of the Bill.

Amendment No. 10 and new clause 1 tie implementation of the Bill to decommissioning. I shall return later in my remarks to decommissioning and what it means to any reasonable citizen in Northern Ireland and the United Kingdom.

Amendment No. 32 would exclude unreconstructed terrorists from membership of the House of Commons and the Northern Ireland Assembly. The degree to which some terrorists remain unreconstructed was made plain at the weekend, when we saw Mr. Adams—who should be regarded as a Member of this House—carrying the coffin of Tom McWilliams.

McWilliams was hanged in 1942 for the murder of a Roman Catholic police officer in Northern Ireland. Such murders were carried out whenever the IRA planned outbursts of violence in Northern Ireland to disrupt this country's war effort. An uncle of mine who died last year aged more than 90 was involved in work against the IRA at that time, so I know something about the period.

McWilliams belonged to the original IRA, the predecessor organisation to the Provisional IRA. The appearance at the weekend of Mr. Adams, given his role in Sinn Fein, illustrates the seamless spiritual line of violence in Irish politics that extends from long before 1942 right up to the present day. It is an unbroken line—

Mr. Nicholas Winterton: Joined-up terrorism.

7.15 pm

Mr. Ross: I am grateful to the hon. Member for Macclesfield (Mr. Winterton) for that phrase. The truth is that such people have not deserted violence. As I said yesterday, a mental reservation exists in them. They have proclaimed several times that the wording of the oaths and undertakings that they have been asked to accept was such that they were able to accept them.

That is why the hon. Member for Stone (Mr. Cash) may have been somewhat amiss in his remarks. Wording that is tight enough to tie down the IRA and their fellow travellers will be refused. Those people will not utter any words that do not allow them to justify, to themselves and their followers, what they have done. They will accept only words that allow them to continue with their violence, as and when they consider it necessary.

Amendment No. 1 would achieve two things: first, the full implementation of the Belfast agreement, and secondly, that implementation was by order of both Houses of Parliament. Those are reasonable points that need to be accepted. All the tests set out in this group of amendments are reasonable tests of commitment to democracy.

How can armed terrorists be allowed into government? That is what has happened in Northern Ireland. The people involved are still armed. Anyone who thinks that they have deserted violence and are no longer tied to the IRA should have been disabused by the funeral at the weekend.

Those people's grip on their weapons is a public declaration that they believe in the power of weapons. They are wedded to the belief that power grows out of the barrel of a gun. It is not so much that they distrust the path of peace and democracy, but that they despise it. As de Valera once said, the majority have no right to be wrong—the corollary, of course, being that anyone who disagrees with the majority is wrong. De Valera changed his path eventually, but I suspect that he never changed his mind.

Mr. Cash: The hon. Gentleman suggested that I might have been remiss in respect of aspects of my amendment No. 32. However, the question of mental reservation would not arise if it were accepted, as it specifies explicitly that people would have to disavow terrorism, as defined by the Terrorism Bill currently being considered in Committee, so people would not be able to engage in a mental reservation. Is not that suggestion reasonable?

Mr. Ross: The hon. Gentleman's proposal uses language that is much stronger than that of any of the undertakings or commitments that the people about whom I speak have had to give to enter the Northern Ireland Assembly, so to that extent I agree with him. He is asking that a complete disavowal of terrorism be a requirement of any person seeking election, but the phrasing of that disavowal must be a great deal stronger than what has so far been used in Northern Ireland.

The amendments under consideration vary somewhat in their approach. Amendment No. 10 and new clause 1 tie the application of the Bill to weapons, while amendment No. 32, rightly, demands visible and verbal conversion to democracy.

However, in some ways amendment No. 1 is more comprehensive, as it sets the whole of the Belfast agreement as the standard with which those who benefit from it must comply. In other words, it would require people to accept the agreement as a whole and not cherry-pick, as the term that is often used has it.

Messrs. Adams and McGuinness say that we should stick to the agreement. They mean, of course, that we should stick to their construction of the agreement, and not to that of any reasonable man. Those are two very different things. The reasonable man put his construction on the agreement at the start, so many of them voted for it and soon regretted it.

Amendment No. 1 makes the implementation of the agreement subject to the opinion of the Secretary of State and the judgment of Parliament. It says that the Secretary of State can accept that weapons are being decommissioned, and that the people who used them have been converted and are now decent, law-abiding and snow-white citizens. But, having made that judgment, the Secretary of State would, under the amendment, have to come before Parliament with an order. It would be

debatable and could be considered and explored so that its spin doctoring aspects might, to some extent, disintegrate. We could consider what the agreement and the decision reached actually meant, and whether these people had changed their minds. Such an examination should be welcomed by every hon. Member. If such a detailed examination were undertaken, we would know whether there was compliance with the requirements of the Good Friday agreement.

If the amendment were accepted, the agreement should be lauded by the Government. If a genuine conversion took place, the Government, every hon. Member and everyone in Northern Ireland would rejoice. But unless such an examination, or something like it, can be carried out, I think that people in Northern Ireland and many hon. Members will be extremely suspicious.

Conservative Members should also welcome the amendment. It avoids the dangers of cherry-picking, whether that is done by the Government, by the IRA or by parties prepared to be satisfied with less than the ideal. This is a holistic approach to the problem, and I think that the Government should welcome it. They tell us that we must not cherry-pick by taking out bits and pieces of the agreement but accept it as a whole. That is what we should be applying as the real test and standard of behaviour to be observed by folk who benefit from these things. There should be no mental reservations.

Let me turn now to decommissioning. There seem to be different views about the meaning of the word. I believe that under the agreement, the weapons must be destroyed. Indeed, my right hon. Friend the Member for Upper Bann (Mr. Trimble) told the Unionist party that decommissioning meant what we saw happen to the Loyalist Volunteer Force weapons. That was nearly 14 months ago. The LVF brought in some home-made weapons—they had some ancient rifles that looked like the stuff brought in by Lord Carson for the old Ulster Volunteer Force in the early years of the last century. Some of the weapons could still be fired, and ammunition could be obtained for them but they were not modern weapons. If the LVF was relying on that armoury, I suspect that it is not in very good military shape.

No more have been produced, but the principle was clear. The weapons were brought in and cut up in front of television cameras. It was shown on television nationwide. That is what the leader of the Unionist party has told his party members that decommissioning means to him.

There have been reports in the press that the IRA could blow up the weapons. Let us be clear what that means. We cannot blow up guns. Suppose we built a stack of them and put a lot of explosive in the middle of it—we would simply distribute them to all and sundry for half a mile in every direction. Many of them would, I suspect, still be usable after that. Guns cannot be destroyed by that method. They have to be cut up or melted down—there is no other way. Rockets and mortars can be blown up, but that is a different kettle of fish.

Furthermore, what explosive would be surrendered? We could not be satisfied with a bang in a bog, as the hon. Member for North Antrim (Rev. Ian Paisley) has said. A bang in a bog could be created by a home mix—something that the IRA is expert at producing. So that is not acceptable. Such material must go to people who are professionally qualified to say whether an explosive is Semtex or another explosive. It can then be blown up, burned, or whatever.

Bullets are a particular problem. They cannot safely be crushed, for they might explode, and they cannot be burned or exploded. They must be destroyed in some other way.

Ministers have made it plain that there must be substantial decommissioning and that it must be verifiable. Nobody has yet spelt out what substantial means; I have spelt out what verifiable means to me and, I believe, to the leader of my party, to every reasonable man and woman in the House and to the people of Northern Ireland. Given that we only have until May, the first tranche is unlikely to consist of half a dozen rusty revolvers or weapons that have been used to commit murder or other acts of violence. "Substantial" will mean many hundreds of weapons—large quantities of them—and hundredweights, possibly tonnes, of Semtex and other explosive.

The question has been posed time and again: who asked for the Bill, and why the rush? Who did the Government discuss it with? Is it related to the request or suggestion of members of Sinn Fein that Northern Ireland Members be allowed to sit in the Dail? We know that such a suggestion has been made—there is reference to it in the excellent documentation on the Bill produced by the Library. What would that mean? Is it not an effort by Sinn Fein-IRA to get a measure of condominium or joint authority in a more visible form over Northern Ireland? Is that what underlies the Bill? We deserve to be told; the longer these discussions continue, the more suspicious I become.

I can see no real reason for the Bill. There is certainly no urgency about it, yet it is being rushed through before we have time to ask the questions that need to be asked.

7.30 pm

Sir Brian Mawhinney: I want to focus my remarks on amendment No. 10 and new clause 1. Before I do so, I should like to commend the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) on her speech. It is a pleasure, in a serious debate such as this, to be able to say to someone on the other side of the Committee that I agree with virtually every word that she said. I agreed not only with what she said but with the significance that she attached to clause 1, the qualification for serving in the House and the amendments that might affect that. I hope that she will not mind my saying that I also greatly admired the fineness and sharpness of her stiletto. In fact, it was so fine that the Under-Secretary of State for Northern Ireland still does not realise that he is bleeding.

The fact that amendment No. 10 and new clause 1 are on the amendment paper tells us something of significance about the Bill. Earlier, Mr. Martin reproached me for a question that I put to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). I asked why the amendments to this clause had been put to the Committee today in such a rush after yesterday's Second Reading. I offered him a choice of answer: either that this was complete happenstance—the business managers had nothing better to do so they dreamed up a Bill that had no relation to anything and thought they would take up a couple of days of our time with it—or that the measure related to the Belfast agreement.

[Sir Brian Mawhinney]

It is significant that all the amendments, which have been tabled and accepted as legitimate, relate to the agreement. They all relate to the process. It is clear—not only from *Hansard*, as my right hon. Friend pointed out—that the House authorities have no view on the merits of amendments, they rule only on the acceptability of amendments in the context of the Bill. That is what we are discussing.

In that light, the speech of the hon. Member for Crewe and Nantwich becomes even more important. She rightly pointed out that the debate is about qualification for serving in the House. That is an issue of fundamental importance, which goes far beyond whether a couple of Sinn Fein politicians—or even a couple of IRA or loyalist paramilitary politicians—are eligible to serve in this place, or whether that is desirable. Clause 1 carries far wider ramifications than that.

The first point that I make to the Government is that the amendments all set the context for the debate as to qualification for service in the House. The Minister would do the Committee a considerable service, and would lessen the contempt that the people of Northern Ireland will feel about the way in which the Government are proceeding, if—as his hon. Friend the Member for Crewe and Nantwich said—he was a little more open with us as to the background to clause 1 and the amendments.

Mr. Oaten: Is it not because the Bill has wider implications, which go beyond Sinn Fein and Ireland, that it is somewhat unwise to link it to decommissioning issues? The Bill should stand alone.

Sir Brian Mawhinney: The hon. Gentleman is right in so far as clause 1 deals with a non-specific issue; it adds Ireland to several countries that are affected by the disqualification provisions—Commonwealth countries and so on. In that narrow sense, he has a point. However, I hope that he will not take it amiss when I point out that those of us who are operating in the real world understand what clause 1 and the amendments are about.

Clause 1 and the amendments that have already been accepted put the Bill in the context of the agreement—in the context of decommissioning and of terrorism, as my hon. Friend the Member for Stone (Mr. Cash), who has temporarily left the Committee, and the hon. Member for East Londonderry (Mr. Ross) pointed out. Although the hon. Member for Winchester (Mr. Oaten) is technically correct, the rest of us are debating the real issue that lies behind the amendments.

Rev. Martin Smyth (Belfast, South): Reference has been made to other countries. The Americans do not allow people in, even on a visitor's visa, if they have a murder conviction. Can we possibly imagine that we should allow people—even those from Commonwealth countries—to stand for Parliament if they had such a record? The intervention of the hon. Member for Winchester (Mr. Oaten) was not relevant.

Sir Brian Mawhinney: I suspect that I should get on the wrong side of Mr. Lord were I to develop the hon. Gentleman's point, although it is a good one, which the whole Committee will understand.

I want to draw the Committee's attention to two aspects of amendment No. 10 and new clause 1: conditionality and progress on decommissioning. I am sorry that my hon. Friend the Member for Stone is no longer in the Chamber, because it was not clear to me that there was as much difference between his view and that of my right hon. Friend the Member for Bracknell (Mr. MacKay) as he thought. In the context of the agreement, decommissioning is the outward and visible sign of an inner grace. It is a demonstration of the fact that a renunciation of terrorism has taken place—or that there is a willingness to move away from it over time.

I share the view of my right hon. Friend the Member for Bracknell as expressed in the phrasing of amendment No. 10 and new clause 1. I suspect that, had the roles been reversed and the Conservatives were in government, we might or might not have introduced the Bill. However, we are not debating the principle of the Bill; we are debating its substance, line by line. It has received its Second Reading. Given the Government's majority, it will become law. We are considering whether we can improve it.

That was the approach, with which I agree, taken by my right hon. Friend in his introductory remarks. He put his finger on two issues in the amendments that would make the Bill better. The first is progress on decommissioning. All of us—especially those who have been Members of Parliament for some time and, in particular, those of us who have had the privilege of serving in Northern Ireland—understand that the Belfast agreement was a deal. It was a deal endorsed by the people of Northern Ireland and that gave legitimacy to those right hon. and hon. Members who bought into it, despite our reservations about one or other aspect of the agreement. However, the legitimacy derived from the referendum told us that we had to buy into the deal.

As is shown in relation to amendment No. 10 and new clause 1, part of that deal related to decommissioning. If we consider the other issues in the deal, we find that progress has been made on all of them, with the one exception of decommissioning. My right hon. Friend the Member for Bracknell said that the Unionist community had given and given, but that no one else had given anything in their direction. I do not want to pursue that line of thought, although I share his perception.

Progress, which would have been inconceivable to many people a few years ago, has been made on the whole agreement, except on that one issue. The Under-Secretary of State for Northern Ireland and I have had the pleasure of exchanging views on other matters, but he is not helping the Committee or—far more important—the people of Northern Ireland by maintaining that the Bill has no significance to the deal that was done in Belfast.

It is not helpful for the Committee to get into a debate tonight about the definition of decommissioning. However, I tell my right hon. Friend the Member for Bracknell that, like him, I was recently in Belfast, and I was deeply worried to hear the latest Sinn Fein lie on decommissioning, which runs something like this: "We are not using the weapons. That is decommissioning". It is not, and to make substantial progress against a

background of Sinn Fein saying, "We will not use them any more and that is substantial progress on decommissioning" is to treat people with contempt.

Mr. MacKay *indicated assent.*

Sir Brian Mawhinney: I am grateful for my right hon. Friend's assurance that he would not countenance that definition of decommissioning. Were he to countenance it, he would lose the support of all Conservative Back Benchers in the process.

Mr. MacKay: I confirm that I share my right hon. Friend's disgust that Sinn Fein-IRA representatives are now simply saying that the fact that they are not killing or maiming many people with their guns is a form of decommissioning. That is not decommissioning as defined in legislation. More important, that is not decommissioning as defined by any reasonable, civilised person, and it certainly would not be acceptable to us or, I trust, to the Government.

Sir Brian Mawhinney: I am not in the least surprised, but I am reassured by what my right hon. Friend says. I know that Conservative Back Benchers will share that perception, but we need to hear that the Government also share it. The amendments concern substantial progress in decommissioning. Their importance, in the context of the clause, is that they affect the qualification for serving in the House.

My second point concerns conditionality. I have at least the virtue of being consistent. From day one—as the Minister, the hon. Member for Crewe and Nantwich and my right hon. and hon. Friends know—whatever reservations I might have had, I gave my support to the agreement. I have not wavered from that view. I have made it clear from time to time that I felt as much anger and distaste as did others, when I saw flocks of people being let out of jail, but I always gave the agreement my support, because it was a deal.

The Minister's problem, and the reason why these two amendments would introduce conditionality, is that there is a growing view in this country and in Northern Ireland—I hope that the Minister will not take it unkindly if I put it this way—that the political judgment of Ministers is now itself starting to undermine the agreement. There are those who simply do not understand why a more cautious approach was not taken to the release of prisoners, with conditionality built in, requiring response before the next step was taken. Any expert on conflict resolution or negotiation anywhere in the world could have told Ministers that the way that they are proceeding is precisely the wrong way to deliver the deal at the end.

As recently as last Wednesday, I was the first—perhaps the only—Member to raise conditionality with the Secretary of State in the context of his statement about reforms to the Royal Ulster Constabulary. I said that reforms were manifestly necessary but I invited him to make the name change conditional. I was not greatly encouraged by his response, but he did not flatly say no, and I shall hang on to that, bearing it in mind that even he is not planning to implement the measures until the end of next year. A lot can happen between now and the end of next year.

7.45 pm

The conditionality of the amendments is not a new concept. Many of us have adhered to it from the beginning of this process, and it is precisely because tonight the prospects of progress on decommissioning do not look good, as the Minister knows, that conditionality becomes even more important.

Those of us who have taken an interest in Northern Ireland know—we do not suspect, we know—that in conjunction with the Bill, the Government planned this week to move orders to permit Sinn Fein elected representatives to make use of these facilities. We also know that the Government have shelved that plan indefinitely. Given that there is neither urgency nor emergency in respect of the Bill, the Government would have been wise to have taken a similar line, as advocated by my right hon. Friend the Member for Bracknell, but two helpings of embarrassment on the same subject in the same week were probably too much. Having been a Minister, I understand that. Given that that followed a week in which the wheels kept coming off the Government's wagon, I can understand why they are forcing the Bill through tonight. However, that does not mean that the Bill cannot be improved and make some recognition of the realities of what is happening out there, and of what I learned in Belfast yesterday.

The Minister will not be inclined to accept conditionality—that was the message from the Secretary of State last week—and I understand that, but he would be well advised to do so. I hope that my right hon. Friend the Member for Bracknell will press amendment No. 10 to a Division. If he does, I will vote with him. I tell the Minister that that vote will not be a cooling on the agreement by those who vote against him. It will be saying on the record that unless the Government look to their political judgment in these matters, we shall all find ourselves in extreme difficulty very shortly. It is right, and the role of the Opposition, seriously and carefully to warn the Government that there is a way to avoid that stigma. One way to avoid it would be to accept amendment No. 10 and new clause 1.

Rev. Martin Smyth: I appreciate the opportunity to speak. I shall follow the right hon. Gentleman.

I understand the aims of those who supported the agreement, and I am not arguing about the agreement, but I believe that a dangerous situation has developed. Last week, the Secretary of State for Northern Ireland made it clear that those of us who had misgivings about the agreement had no right to make any comments in the House on recent developments. That was a shameful exhibition, and I hope that that theme does not re-emerge tonight. Time and again, we hear Labour Members who, rightly, are still fighting the battle of the coal mines, and it seems to me that any of us are right to keep arguing the case that we believe to be right. The average Ulsterman will not buy a pig in a poke, and wants to know what the bargain is. Some of us recognised the difficulties from the beginning.

There are those who keep arguing about decommissioning. I cannot understand how anyone in this House can be against proper decommissioning when this House legislated to decommission legally held sporting firearms throughout the nation. If we were concerned

[Rev. Martin Smyth]

about that, we ought to be concerned about the decommissioning of illegal weapons in the hands of terrorists.

My sense of humour has not left me completely, and I was amused to be told by certain sources that it was being considered that the weapons would be put in concrete bunkers and sealed. Some of us thought that if those people could tunnel out of the Maze, they could tunnel into those bunkers. I understand that someone with connections to Sinn Fein-IRA has said that there will be no announcement on decommissioning because there would need to be a convention of the IRA called to announce that, and no convention has been called.

The Bill contains a statement by the Home Secretary that the Bill conforms to European legislation. We believe that the Bill must conform to the Belfast agreement. I know that our Sinn Fein opponents, in political terms, do not believe that decommissioning was in the agreement. However, even a blind man on a galloping horse could see that it was in the agreement that decommissioning must take place.

The Government would be standing by and consolidating the agreement if they came forth now and said that they were prepared to accept the amendment and that there will be no further move on this issue unless the Belfast agreement has been ratified completely. That would save a lot of hassle, and would prevent a Division. However, I can assure the House that if the amendment is divided on, those of us voting for it will be putting on record the fact that if the Government are not prepared to stand by the agreement in all its parts, we are.

Mr. Hunter: In his exchange with the hon. Member for Winchester (Mr. Oaten), my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) was characteristically over-generous. One need only look at the five lines of the Bill's title to see how narrow and limited it is in its objectives. There are deeper implications, but the Bill itself is restricted.

So far, our attention has been focused on three amendments and one new clause. However, that has been sufficient to bring to light some of the many baffling and puzzling features of the Bill.

First, why is the Bill being pushed through so rapidly? Still, no answer has come to that question. Secondly, what is the need for the Bill in the first place? We have speculated on that matter during our deliberations on the amendments.

The third baffling and puzzling point—there are many more to come—came when my hon. Friend the Member for Stone (Mr. Cash) invited the Minister to state unequivocally and unambiguously that it is totally intolerable that those who have not disavowed terrorism should be in this House. There were baffling moments when the Minister declined to answer. I thought that that was an extraordinary episode—that a Minister of the Crown should hesitate and remain silent on that issue.

My hon. Friend the Member for Stone made a strong argument on amendment No. 32, which amounted to this: why should the Government not accept the proposition in the amendment? That proposition is that there is no place in a democratic Parliament for people who are terrorists. That is consistent with the spirit of the Belfast agreement, of which, I acknowledge, I am not a supporter—although I accept that others are. The proposition is consistent with the spirit of the agreement, and with the letter and spirit of Government policy. The Government therefore have no reason to reject the amendment.

We started our deliberations on the amendments with something of an academic argument about what we understood by decommissioning—a concept that is central to new clause 1 and the amendments. We may have started from different points, but we have finished very much on common ground. We understand that illegally held arms are precisely that: they are illegal and they should not be held. Decommissioning means the irretrievable and irreversible physical separation of paramilitaries from those weapons. Most of us can see no alternative to the physical destruction of those weapons. I think that my right hon. Friend the Member for Bracknell (Mr. MacKay) came to that position by the end of the exchange.

I strongly support the underlying proposition in new clause 1—that there should be linkage between the decommissioning of illegally held arms and the implementation of the Bill. To be honest, I would rather not have the Bill at all. I voted against it yesterday, and I oppose it in principle. Nothing that I heard last night—and, I suspect, nothing that I will hear tonight—has led me to change my mind.

Nevertheless, the composition of the House is such that the Bill is proceeding. On pragmatic grounds, one must try to be as positive as possible about it and to argue that its damage should be limited. In that respect, the linkage between decommissioning and the implementation of the Bill is a significant step in the right direction.

The arguments have been well rehearsed, and I can summarise them briefly. So far, there has been concession after concession to the republicans—concessions that have come in return for virtually nothing. Their prisoners have been released, and the north-south body—the embryonic structure for an all-Ireland Government—has been created. They have places on the Executive, and they have achieved their long-held objective of the effective destruction of the Royal Ulster Constabulary. Now, it is their turn to deliver on decommissioning. I strongly support the argument of my right hon. Friend the Member for Bracknell that they should do that.

8 pm

I have one slight reservation about the new clause. The emphasis on implementing the Belfast agreement is not enough. The agreement is woefully inadequate on decommissioning. All that it demands is co-operation with the Decommissioning Commission, and that the political parties use their best endeavours to persuade the paramilitaries to decommission by May 2000. My right hon. Friend argued that the wording of new clause 1 goes further than the Belfast agreement, and I hope that that is so. We want the verifiable, on-going decommissioning of all illegally held paramilitary weapons.

Amendment No. 1 was tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and it is supported by my hon. Friends the Members for East Londonderry (Mr. Ross) and for Belfast, South (Rev. Martin Smyth). There is much to commend the amendment. It would offer a belt-and-braces process and it seeks more cast-iron reassurances than new clause 1

that verifiable commissioning will become a reality. I confess that I have a reservation about the proposed new subsection (2B) because the composition and arithmetic of the House is such that one wonders whether all Labour Members would approach a draft order with independent judgment and thought.

However, the key point is found in proposed new subsection (2A), which would require all parties to the Belfast agreement to accept that decommissioning should be a reality. That is vital. It would give a status to the constitutional and democratic parties of Northern Ireland that they rightly deserve. If we can use the old cliché, it would provide a Unionist veto, but that is absolutely right. It has been one of the sadly missing ingredients in the process to date.

Amendment No. 32, which was tabled by my hon. Friend the Member for Stone, is self-evidently justified and it is a matter of deep regret that the Government did not instantly respond to the reasonable challenge that he presented. New clause 1 is a significant step in the right direction in that it would establish linkage. However, we come to the heart of the matter in amendment No. 1. It would give a positive role to the parties of Northern Ireland in establishing whether verifiable, genuine decommissioning is on-going.

Mr. Thompson: Together, the new clause and the amendments would link decommissioning with the enactment of the Bill. That is right and I support that principle.

We must consider why the Bill has been before the House for the past two days. When I read remarks that the Under-Secretary of State for Northern Ireland made about the Bill yesterday, I was amazed that the Government were suddenly worried about some right that we have in Northern Ireland that the people in the rest of the United Kingdom do not have. That is extraordinary. I would rather that there was more concern about the rights that the rest of the United Kingdom has and that Northern Ireland does not have. The Government should be keen expeditiously to amend those and not introduce the one in this Bill, which they say is so necessary.

The Minister said that the Bill would bring into parity not only the House, but the Scottish Parliament and the Welsh Assembly. However, there seems to be nothing in the Bill that applies to the Welsh Assembly or the Scottish Parliament. That suggests that the Bill was introduced quickly and that it is not well thought out. Judging from yesterday evening's discussions, it is clear that the Government have not considered many aspects of the Bill or its repercussions.

Those of us who live in Northern Ireland were very surprised when we heard about the Bill. We had to ask ourselves what on earth it was about. I suspect that very few Members of the House were aware that the Members of legislatures in the Commonwealth could become Members of the House. We have learned something that we did not know. However, we were not at all conscious that there was any pressure from anywhere that Members of the Parliament of the Republic of Ireland were desirous of sitting here or that Members of this House were desirous of sitting in the Irish Parliament. Therefore, we had to ask a second question: who would benefit from the Bill?

The only people who are likely to benefit from the Bill are Sinn Fein. Of course, the Members for Belfast, West (Mr. Adams) and for Mid-Ulster (Mr. McGuinness) are elected to the House, but I suspect that, in future, they may wish to sit in the Dail: they need the Bill so that they do not lose their membership here. In other words, the Bill is another act of appeasement to Sinn Fein.

The Minister has refused to say why the Bill was introduced at this time. I suspect that he dare not say why it was introduced now because it was simply introduced to appease Sinn Fein. We all want Sinn Fein to decommission its arms as quickly as possible, and preferably before the end of this month. Therefore, it has sought concession after concession. It has sought the removal of army posts, the drawing of soldiers away from Northern Ireland and more and more. No doubt, the Bill was one of the concessions for which it asked.

Mr. Nicholas Winterton: My hon. Friend has just implied that he believes that the Government, and perhaps the Secretary of State for Northern Ireland, have discussed the contents of the Bill with a certain party that was elected to the House, but has not chosen to take up its seats. Does he believe that the Government have discussed the Bill's contents with Sinn Fein-IRA and, if they have, why have they not had the courtesy to discuss a constitutional measure with the leaders of other parties representing Northern Ireland and the United Kingdom?

Mr. Thompson: I certainly believe that the Government have discussed the Bill with Sinn Fein. I ask the Minister to come to the Dispatch Box and deny that such discussions have taken place.

Why is the Bill being rushed? It is being rushed so that Sinn Fein can be assured that it will be on the statute book before decommissioning starts—if, indeed, it ever does. There can be no other reason why the Government should give up valuable time to spend two days debating the Bill. Perhaps the Minister will come to the Dispatch Box and deny that, too. We in Northern Ireland believe that the position is as I have described it and that the Government are acting in the hope—probably fruitless—that if Sinn Fein are given concession after concession, they will deliver on decommissioning. In fact, concessions will be made and appeasement will continue, but, at the end of the day, there will be no decommissioning. It appears that the Government never learn.

That is why I believe that it is essential that the linkage set out in the amendments should be made. The Bill should not be brought into force unless there is complete decommissioning and we have seen that Sinn Fein-IRA have had a change of heart and have decided to turn away from violence for good. They must show that they are prepared to give up their arms and decommission them to prove that, in future, they are willing to tread the democratic path. Only in that way should they be able to achieve their ambitions. I shall fully support the amendments.

Mr. Fallon: I share the revulsion expressed by the hon. Member for West Tyrone (Mr. Thompson) at the haste with which the Bill is being taken. We have had stages of Bills concertinaed before, but I cannot recall such a thing being done without a proper explanation being given to the House. The Bill is bad, and the only merit of the first group of amendments is that, if accepted, each of them would, in its own way, delay implementation of the measure.

[Mr. Fallon]

I do not find all the amendments in the group equally attractive. Of them, I prefer amendment No. 32 on the ground of its clarity. It is self-evident that what is good enough for the Northern Ireland Assembly ought to be good enough for the House of Commons. I hope that the Minister will explain why a protection he thinks it necessary for the House to put in place for the Northern Ireland Assembly should not be applied to the House. We have not yet heard Conservative Front Benchers' views on the amendment, so I look forward to hearing my hon. Friend the Member for South Staffordshire (Sir P. Cormack) express full support for it.

My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) spoke to amendment No. 1. I note that, yesterday, he announced that he, too, is opposed to the Bill "in principle". However, he is apparently prepared to accept the Bill passing into law when a number of things happen. When those things have happened and he is satisfied that they have happened, he is—reluctantly, I assume—prepared to move to what he called "the next crucial stage". That puzzles me. If we are opposed to the Bill in principle, why do we have to accept that, when a number of completely unrelated events happen, the principle must be dispensed with and there has to be a next crucial stage? I look to my right hon. Friend to reassure me on that.

8.15 pm

Mr. Forth: I was trying to say—obviously, with insufficient clarity—that, despite my having opposed and continuing to oppose the principle of the Bill, I, as a good parliamentarian, have to accept that, because the House has given the Bill its Second Reading and thereby agreed it in principle, it is now our job collectively to improve the Bill as best we can. There can legitimately be a process whereby one opposes a Bill's Second Reading but acknowledges the will of the House and plays one's part in improving the Bill.

Mr. Fallon: I fully understand and accept that. My point was a slightly different one—perhaps my right hon. Friend did not quite catch it. When speaking to amendment No. 1, he said that, if a number of other matters fell into place and events happened in the order and to the extent that he wanted them to happen, we could then move to "the next crucial stage". I do not accept that. If the Bill is bad in principle, how would the amendment enable us to sweep away its unacceptable features and move on?

New clause 1, which stands in the names of my right hon. and hon. Friends on the Conservative Front Bench, is in many ways the weakest of the amendments in the group. For wholly understandable reasons, it links the constitutional change, to which we have strong principled objections that were ably expressed yesterday by my right hon. Friend the shadow Home Secretary, to the pace of decommissioning. If I were uncharitable, I might criticise the acceptance of the concept of the pace of or "progress" towards decommissioning, because it perpetuates the wholly false assumption that decommissioning is some sort of process. To my mind, decommissioning is not a process, but an act.

The moment we concede that decommissioning is not an act, we are inevitably drawn into agreeing that it is a process, which may be long drawn out or difficult to define. I reject that and I am disappointed that the new clause implies that such "progress" is tradeable and that its definition is a matter of argument. All we are asking Sinn Fein-IRA to do is decommission. We are not asking them to commit themselves to decommissioning, or to make some sort of progress towards it. We are asking them to do what they agreed to do—decommission.

Sir Brian Mawhinney: My hon. Friend says he regards decommissioning as an act. Will he concede that it might consist of a number of acts?

Mr. Fallon: Of course I concede that it might consist of a number of acts, because it involves a number of people. However, I hope that my right hon. Friend, whose speech was easily the most compelling of the speeches so far on the group of amendments, agrees that, if we concede that decommissioning may be a process, we are in danger of being drawn into ill-fitting definitions of pace and progress and what does or does not constitute substantial progress.

Mr. William Ross: The hon. Gentleman will be aware that, although there might be a number of acts of decommissioning, decommissioning is supposed to be complete by May this year.

Mr. Fallon: I am well aware that the timetable has been set out and that it now presses. That timetable could easily have been complied with. Although decommissioning is a complicated act that involves a certain amount of good faith and a leap being made by several parties in Northern Ireland, it does not have to be drawn out over a couple of years.

I have reservations about the Bill, which were set out yesterday far more eloquently than I could have done by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), the shadow Home Secretary, and by the former Home Secretary, my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard). The Bill does not exclude Ministers in the Irish Government from being Members of the House of Commons, and does not guarantee the continuance of the Oath that we have all sworn or affirmed.

If we are to concede that the Bill might somehow become acceptable if there is some progress towards decommissioning, I fear that we are falling into that classic Northern Ireland trap of compromising our principles in return for what at best are promises. I look to my right hon. and hon. Friends on the Opposition Front Bench to reassure me.

Mr. Jeffrey Donaldson (Lagan Valley): My name is associated with new clause 1. Last night I voted with colleagues against the Bill in principle because I believe that it is unnecessary legislation. There is no demand for the Bill among the wider population in Northern Ireland. I share the view of my hon. Friend the Member for West Tyrone (Mr. Thompson) that the Bill has only one purpose—to provide a further concession to Sinn Fein-IRA. It is to facilitate that party. Incidentally, that party has returned to the House of Commons two Members, who refuse to take their seats in the Chamber. Yet we are taking up the valuable time of this place to facilitate those two same Members to take seats in a

foreign Parliament. It makes a mockery of our constitution that we should do such a thing and that the Government propose it.

With other hon. Members, I look to the Government to explain why we need the proposed legislation that is before us. At present, the provision within it is available only to members of legislatures within the Commonwealth. I accept that that is a general point, but it relates to the amendment. The Irish Republic has not rejoined the Commonwealth, so why do we need to provide legislation specifically to facilitate the Irish Republic? I am not aware that the Irish Government have been calling for the Bill, so it must be Sinn Fein-IRA that is involved.

There has been reference to the Good Friday agreement. Perhaps I am unique in this debate because I was involved in the negotiations in that agreement until the end. That being so, I have some knowledge of the agreement. I know that the provisions that are contained in the Bill were never discussed during the negotiations. We are told by my right hon. Friend the Member for Upper Bann (Mr. Trimble), the leader of my party, that they were not part of the recent review that was carried our under the chairmanship of Senator Mitchell. Therefore, we must conclude that the Bill is coming forward because the Government have done a back-door deal with Sinn Fein-IRA. That is why it is important to provide linkage between the proposed legislation—

Mr. Gerald Howarth: The House of Commons will acknowledge that the hon. Gentleman was deeply involved in the Belfast agreement negotiations. Perhaps he will try to enlighten us by explaining why in yesterday's proceedings the Minister said:

"Separate development of direct interparliamentary links between the various legislatures was envisaged at the time of the Good Friday agreement"?—[*Official Report*, 24 January 2000; Vol. 343, c. 28.]

That suggests that there were discussions of some sort taking place, otherwise the Bill and the links to which we have referred would not have been envisaged. Can the hon. Gentleman help us?

Mr. Donaldson: There are linkages proposed within the Belfast Agreement, not least with the British-Irish Council, which brings together not only the Westminster Parliament but various legislatures and assemblies throughout the United Kingdom, together with the legislature within the Irish Republic. There were discussions about linkages at that level. I think that the British-Irish Inter-Parliamentary group was discussed also. However, as far as I am aware, there was no mention and discussion of the specific legislation that is before us, and it is not part of the agreement. Therefore, we must consider where it fits into the political process in Northern Ireland, and the timing. Why, as my hon. Friend the Member for West Tyrone asked, are the Government in such haste to bring forward the Bill and to get it through Parliament? The Committee is entitled to an answer to these reasonable questions.

I appreciate the comments that the hon. Member for Sevenoaks (Mr. Fallon) has made about decommissioning, but I refer him to the Northern Ireland Arms Decommissioning Act 1997, which includes provisions about a process of decommissioning and defines decommissioning in those terms. I agree with the hon. Gentleman that decommissioning is in itself an act. Unfortunately, under the Belfast agreement it became a process, which is set out in the Arms Decommissioning Act. We are told that the process begins with the appointment of an interlocutor by the various terrorist organisations. It may interest the hon. Gentleman to know that that step was taken as recently as December 1999, a year and a half after the Belfast agreement was signed. So it is a process, whether we like it or not. I would much rather it were more narrowly defined in terms of an act.

The linkage between the Bill and its enactment and progress on decommissioning is important. Irrespective of whether the Government care to admit it, the Bill is linked to the political process in Northern Ireland. The problem with that process, if I may call it that, is that in terms of the so-called confidence-building measures that are an integral part of the agreement, it has been a one-way street of concession after concession to the republican movement without requiring something in return.

It has been said that it is time to draw the line. It is right for the Opposition Front-Bench spokesmen to press the amendment and to create a linkage between disarmament and the enactment of the Bill, even though I do not like the measure and do not accept the need for it.

Given the Government's majority in this place, I accept that the Bill's passage in inevitable. That being so, we must build in safeguards. Why is that? Is that just to be stubborn? No. We must protect the people of Northern Ireland by providing some leverage in the process so that we might achieve the disarmament that we have been seeking. The Government have been far too weak in pursuing the republican movement, and it is time that they started to get tough with the leaders of republicanism.

The people of Northern Ireland are dejected, depressed and demoralised, not least because of what the Government proposed last week for the Royal Ulster Constabulary. They feel that it is time that instead of pandering to the whim of the abstentionists in this place, they should listen to the voice of the democratic majority. We are saying that people need safeguards, and we believe that the new clause provides a reasonable one. We seek to extract from the republican movement something in return for a constitutional concession specifically for it. We are talking about a party that represents 18 per cent. of a small region of the United Kingdom.

I urge the Government to consider accepting the amendment, not because it is designed to destroy the agreement or the process but because it is an act that is designed to bring about progress on the one issue that is capable of destroying the entire process, which is that of disarmament.

8.30 pm

Mr. Desmond Swayne (New Forest, West): I congratulate my right hon. and hon. Friends on tabling new clause 1, which cuts to the heart of the Bill. The measure is being rushed through in an extraordinary manner for one reason: because Sinn Fein wants it. The new clause is important because it acknowledges that, and declares that, if Sinn Fein wants the Bill, it must pay a price—that of decommissioning. Without the new clause and the price it demands, the Bill will become what my hon. Friend the Member for Basingstoke (Mr. Hunter)

[Mr. Desmond Swayne]

describes as another step on the shameful road of appeasement. The new clause is important because it names the price.

Mr. Gerald Howarth: Like several of my hon. Friends, I voted against the Bill last night. There were 19 of us, and I suspect that more hon. Members would have done that, had they realised the precise implications and potential consequences of the Bill.

I was joined in the Lobby by the hon. Member for Lagan Valley (Mr. Donaldson), who also voted against the measure on principle. I was interested in his assertion that there was no public demand for the Bill. Not only is there no public demand for it, there is no demand for it among Labour Members. No Labour Member has spoken to support the measure. The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) made an extremely valuable contribution, but not in support of the Bill. She acknowledges the effect of the amendments on a measure about which she feels unhappy. In such circumstances, it is astonishing that the Government attempt to drive the Bill through. One or two Labour Members have come to listen to the debate, but no Labour Member has sought to attract your attention, Mr. Lord, to speak in support of the Government.

I hope that, when the witching hour of 10 o'clock approaches, the Government will not try to move the 10 o'clock motion to enable further consideration of the Bill tonight. That would be inappropriate because the measure is not urgent. As we progress, more and more deficiencies are revealed. Yet the Government provide no adequate, convincing explanation of why the Bill should be passed, let alone why it should be rushed through.

If the Bill remains unamended, there will be suspicions throughout the country that the Government are involved in some sort of squalid deal. The hon. Member for Lagan Valley and others suggested that the Government have made a squalid deal to support some arrangement with Sinn Fein. In the light of the Minister's explanations, one can be driven to no other conclusion. My right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) hit the nail on the head when he said that there were only two explanations for the Government's behaviour: that the Government chanced on the measure to fill a bit of spare time; or that the Bill was part of a deal, which had to be made. Ministers deny that the Bill is part of a deal, but they are singularly ineffective at explaining why it has been brought before the House. They have failed to convince us and, I suspect, the only Labour Member who intervened in the debate.

The amendments give the Government an opportunity to say that they understand the fears about the legislation and how it will be viewed in the country, and that the amendments are reasonable. If the Government accept them, they will at least make some effort to reassure the country that the measure is not part of a squalid deal and that they have not traded entitlement to membership of the House for decommissioning. The Government should accept the amendments.

Mr. Nigel Evans (Ribble Valley): If the Bill was supposed to be a carrot to encourage decommissioning, and decommissioning does not occur but the Bill is enacted, the measure will remain an Act.

Mr. Howarth: My hon. Friend is right. There are no conditions attached to the Bill. If it is part of a deal, the law-abiding people, as always, will deliver first, while the holders of illegal weapons deliver nothing. In the so-called process, not one ounce of Semtex, and not one bullet or weapon has been handed in. The Minister should understand the strength of feeling on this side of the Committee: we, who have seen our friends cut down by murderers, are asked to go along with the process when there is no evidence that Sinn Fein is prepared to abide by the agreement that it signed.

Mr. Frank Field (Birkenhead): The hon. Gentleman insists on talking about that side of the Committee. It is important to emphasise that the anxiety that he expresses is shared generally in the country and on this side of the Committee.

Mr. Howarth: That intervention does not surprise me. The right hon. Gentleman has appeared in the Chamber only recently and I warmly welcome his words, which will be widely welcomed in the country. I do not suggest that there are no reservoirs of anxiety on the other side. I pointed out only that there was no evidence of such anxiety, apart from the contribution of the hon. Member for Crewe and Nantwich. The right hon. Member for Birkenhead (Mr. Field) has shown that there is cross-party concern about the matter. The Minister should take note of that.

Symbolism is important when discussing Northern Ireland. We must tread carefully; not allowing the Bill to pass unamended will convey a clear message and an important signal. Even if we do not support the Bill, we must accept that it has been voted on, but we should not allow it to continue unamended. If we did that, we would send the wrong signals to those who have the power to decommission but have shown no signs of exercising it. The amendment is an opportunity for Ministers to make the position clear, and I hope that they will take it.

It is an enormous privilege to serve in the House. All of us have strugg'ed to get to the House—perhaps not all of us, as some of us arrived here unexpectedly, as I did in 1983. However, most hon. Members take membership of the House seriously and regard it as a great privilege to serve in the oldest Parliament in the world, which dates back to 1265. It may be unrealistic to imagine that any member of the Irish Parliament would be prepared to swear an Oath of Allegiance to Her Majesty the Queen. Nevertheless, the Government are seeking with this Bill to give away the right to sit in this hallowed place without getting a single thing in return. That cheapens membership of the House and shows yet again how much contempt and how little respect the Government have for the House of Commons.

Many references have been made to yesterday's debate. Most of the amendments were available only today and it is discourteous to the Committee that important amendments were not made available for consideration by right hon. and hon. Members in advance. We should have more time to consider them.

I am genuinely mystified as to why the Government are pursuing this Bill. I do not think that they are being totally dishonourable. I certainly do not think that my namesake, the Minister, is a dishonourable man. However, we cannot see where the Government are coming from. I am struggling. I searched yesterday's *Hansard* and saw that the hon. Member for North Warwickshire (Mr. O'Brien) said:

"It is time to build a sounder basis to our institutional relationships and to provide a basis on which we can proceed, as two islands just off the mainland of Europe, with many common links, historical and otherwise, between the United Kingdom and the Irish Republic—a basis for ensuring that those closer links are given some institutional background. I believe that that explains this fairly modest Bill."—[*Official Report*, 24 January 2000; Vol. 343, c. 29.]

If the Bill is not part of the discussions that took place in Belfast, of which the hon. Member for Lagan Valley had no knowledge—we were told that parliamentary links between the various legislatures were discussed at that time—we are told that it is to provide some linkage between the institutions.

The Irish institutions have not been particularly helpful to this country. Time and gain, we have seen attempts to extradite people wanted for serious crimes in this country. Whatever the actions of the Government of Ireland, their institutions have been singularly unhelpful in enabling us to bring those persons to justice before our courts.

Mr. Brady: Nor, it seems, does the Dail see any merit in the Minister's argument. Otherwise, we might see some reciprocity.

Mr. Howarth: I believe that we shall deal with reciprocity in a later amendment.

Amendment No. 1 is rather more comprehensive than the amendment moved by my right hon. Friend the Member for Bracknell (Mr. MacKay). It is unquestionably linked specifically to the terminology of the Belfast agreement. Amendment No. 10 nevertheless makes the point that I sought to make and sends a clear signal that we want some measure of decommissioning. I prefer amendment No. 1, but am happy to go along with amendment No. 10 and new clause 1.

Amendment No. 32, in the name of my hon. Friend the Member for Stone (Mr. Cash), is also worthy of consideration and I support the remarks of my hon. Friend the Member for Sevenoaks (Mr. Fallon). If it is good enough for the Northern Ireland Assembly to have protection against terrorism, it is certainly good enough for this House. I say this to the Minister: if you will just turn to your right—

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): Order. The hon. Gentleman must use the correct parliamentary language.

Mr. Howarth: I apologise, Mr. Lord.

If the Minister were to turn to his right, he would see at the entrance to this Chamber the coat of arms of Airey Neave—a Member of this House who was blown up by terrorists in pursuit of objectives in Northern Ireland. It is an affront to suggest that we should allow membership of the House to people who, if they have not committed the same crimes, hold similar aspirations. We owe it to the memory of Airey Neave to state in the Bill that nobody engaged in terrorism should be entitled to membership of the House of Commons in the way that it is phrased in amendment No. 32. If it comes to a vote, I shall certainly support that amendment.

8.45 pm

Mr. Oaten: The propositions are that there would be a link through the Bill to decommissioning and to a denouncement of terrorism. Both propositions come from the same perspective. Liberal Democrat Members are as frustrated as any party at the delay in making progress with decommissioning and wish to see it proceed as speedily as possible.

Tempting arguments were made by the right hon. Member for North–West Cambridgeshire (Sir B. Mawhinney), who suggested that the Bill should have some link with decommissioning, to speed the process. In negotiations, the Government have held a few cards that they could play at various points, but they appear to be running out of cards. The Bill might be another card to be played. Tonight's debate has not cleared up when it should be played.

Would coupling decommissioning with the Bill help the peace process? I am disappointed that we have yet to receive clear guidance from the Minister. It is unhelpful that the Government have not been open about the process. There is a nervousness on all sides that some kind of deal has been done. If one has been done, we would judge it on its merits. We accept that the whole process has been risky. If the deal is that the Bill has to pass before decommissioning, I may accept that that is another risk on a difficult path. Being unclear whether that is the case and where the process is going is not helpful. Although it may be tempting to link the Bill and accept some of the amendments, I and others on the Opposition Benches are left to take on trust that the Government know what they are doing—*[Laughter.]*—and that they are doing this in the interests of peace.

Mr. Forth: I am slightly surprised at what the hon. Gentleman is saying. Is it not at least possible that his party would know a lot more about the Government's motivations through one of the rather sinister Committees on which the hon. Gentleman's colleagues sit cheek-by-jowl—indeed, in bed—with Government Members. Perhaps the hon. Gentleman knows more than he cares to reveal at this stage and is just bluffing.

Mr. Oaten: I assure the Committee that the pillow talk does not go anywhere near Northern Ireland. The issue is whether or not linking decommissioning with the Bill would help the process. Although the Government are not being open and clear, some discussions have taken place. We must take it at face value that, broadly speaking, it would not be helpful at this stage to link decommissioning with the Bill.

Mr. Brady: The hon. Gentleman seems to be arguing that the process will be harmed if the Government have done a deal with Sinn Fein on linking the Bill with decommissioning and that link is written into the Bill. I cannot understand that. If we accept the amendment, surely the link will be set in stone. If they have come to an arrangement, it will not be damaged if it is included in the Bill.

Mr. Oaten: That is a chicken-and-egg situation. It would be helpful if the Minister explained, but I sense

[Mr. Oaten]

that the Bill may need to be passed before decommissioning can take place. The amendment proposes an alternative that is the other way round. That is the difference.

Mr. Brady *rose—*

Mr. Oaten: I shall not give way. I want to make progress on amendment No. 32.

On terrorism, the proposition is that the Bill should be linked with a statement from Members moving into the House making it clear that they disown terrorism. That is another tempting proposition, but I return to the point that I made in an intervention: an important principle would be broken because those individuals would have stood for election and been democratically elected. We would be saying that democratically elected individuals could not take their seats.

Mr. MacKay: Were we wrong to pass such legislation on the Northern Ireland Assembly where, as the hon. Gentleman well knows, no one can take his seat unless he swears that he has given up violence for good? Is there to be one law for Northern Ireland and another for the rest of the United Kingdom? I think not.

Mr. Oaten: The issue could be considered in terms of the ability of individuals to stand for election in the first place and what they say in their statement before they stand. I am uneasy about the principle of a person being elected and conditions being attached to his election. We may impose the condition of renouncement of terrorism, but what other conditions and aspects could be imposed? The principle is dangerous.

Mr. Robathan: The hon. Gentleman seems to be making a predictable Liberal "on the one hand, on the other hand" effort. Does he not understand the difference between democratic elections and trying to destroy a society or a Government by force and by terrorism? The whole point is that those who take part in a democratic election say, "I will foreswear the Armalite; I will go for the ballot box." People cannot use the ballot box and the Armalite. Surely he must understand that.

Mr. Oaten: I understand that point, but the process of standing on a platform and being democratically elected would be overturned by amendment No. 32 because it concerns a person who has already been elected. I would have had more sympathy for it if it related to whether a person was able to stand for election in the first place.

Mr. Donaldson: Will the hon. Gentleman give way?

Mr. Oaten: I want to conclude my remarks.

Mr. Donaldson: Will the hon. Gentleman give way?

Mr. Iain Duncan Smith (Chingford and Woodford Green): Will the hon. Gentleman give way?

Mr. Oaten: No, I want to conclude my remarks.

We are uneasy about being unable to back the amendment. The Government could have been more open with us on those issues, but, in the interests of making the peace process work, we are prepared to back them and reject the amendment.

Mr. Nicholas Winterton: I am pleased to follow the hon. Member for Winchester (Mr. Oaten) because, although I am not sure that he has given the Committee any true knowledge of where the Liberal Democrats stand on the Bill, he has at least suggested that they are not particularly happy with it and we are grateful for that.

The Bill is an important constitutional measure and some truly valuable contributions have been made. My right hon. Friend the Member for North–West Cambridgeshire (Sir B. Mawhinney)—sadly, he is not in his place—drew attention to the speech of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who is also not in her place, although she has been present for most of the debate. Her contribution was a rapier thrust at the chest of the Government because it concentrated the minds of hon. Members on the purpose of the Bill.

I remind the Committee that the hon. Lady has been a Member of the House for many years, is one of the most senior Labour Members and is highly regarded across the House. She asked Ministers to be honest, open and transparent about the purpose of the Bill. I make a plea to the Under–Secretary of State for Northern Ireland: I hope that he will be open, honourable and transparent with the Committee and will tell us precisely the purpose of the Bill, why the Government have introduced it now and why they have rushed it through in such a hurry, allowing inadequate time for the consideration of amendments. Clearly the Opposition are in a sizeable minority. We therefore have to accept last night's decision to give the Bill a Second Reading.

I am opposed to the Bill in principle and on principle, and there is a difference. It is fundamentally flawed, it is unnecessary and it leads members of the Committee to hold strong suspicions about its objective. My right hon. Friend the Member for North–West Cambridgeshire made an outstanding contribution. He naturally advised the Committee that he had served as a Northern Ireland Minister and of course he has a pedigree that connects him directly to Northern Ireland. I very much value, respect and appreciate his views and he touched on all the important issues relating to the amendments.

I also commend the speeches made by official Ulster Unionist party Members, whom I describe as my hon. Friends. In my view they always have been. I have taken a strong interest in Northern Ireland affairs ever since I was elected to the House 29 years ago and am happy to advise the Committee that the first time I voted against my party was on the prorogation of Stormont in 1972. I believe that that was the most insidious form of surrender to terrorism, the enunciation of which I heard from the mouth of the then Conservative Prime Minister. From that moment, we have never stopped making concessions to terrorism.

My hon. Friend the Member for Aldershot (Mr. Howarth) referred to the coat of arms that we see over one of the entrances to this Chamber of the House of Commons, the coat of arms erected on the instruction and at the wish not only of the House, but of the then Speaker: the coat of arms of Airey Neave. I feel very

emotional about my hon. Friend's reference to Airey Neave, because I was the last Member of Parliament to speak to Airey Neave before he went off to his tailor that Friday morning and before I went up to my constituency by car. It would be an insult to his memory if we allowed anyone to enter this place as a Member of the House of Commons who had not renounced terrorism and a wish to achieve their objectives through armed conflict or terrorism, whether by the bomb or by the bullet. So I am speaking strongly in favour of amendment No. 32, tabled by my very good hon. Friend and colleague the Member for Stone (Mr. Cash). I believe he is absolutely right to have this matter placed on the face of the Bill.

9 pm

I repeat that I do not like the Bill. I do not believe that it is necessary. But now that it has had a Second Reading, I believe that amendment No. 10, with which other amendments and new clause 1 are linked, is absolutely correct. It would be improper, it would be immoral, it would be dangerous and it would be wrong for this measure to take effect before decommissioning had taken place.

In this debate we have had discussions about the action of decommissioning. The excellent speech by my hon. Friend the Member for Sevenoaks (Mr. Fallon) highlighted that. Then the contribution of my hon. Friend the Member for Lagan Valley (Mr. Donaldson) drew attention to another piece of legislation in which the phrase "the process of decommissioning" formed a part.

I am sure it is not necessary to remind the Committee that decommissioning was really the essence of the package put forward, I think, three years ago by Senator George Mitchell. Of course, we know that at that time no progress was going to be made towards a peace settlement at least until decommissioning had started. We know now that Sinn Fein has achieved a considerable amount since then. Not only has not a single weapon been decommissioned by Sinn Fein—or a round of ammunition or a pound of Semtex—but the party is now in the Northern Ireland Executive; it is in part of an institution of the United Kingdom.

Mr. Robathan: Does my hon. Friend also recall that one of the Mitchell principles was that all parties to talks, let alone any further stage, would have renounced violence for good? Does he not think it might be helpful to remind the Liberal spokesman, the hon. Member for Winchester (Mr. Oaten), of that? I know that he was not in the House then, but I am sure he understands that it is a pretty good principle, which has been established for some time.

Mr. Winterton: My hon. Friend makes an excellent point, but I believe I would be straining your patience and tolerance, Mr. Lord, if I went back to everything that has occurred since Senator George Mitchell came on the scene and decommissioning became such an important part, supposedly, of making any progress whatsoever. I do not need to mention again matters referred to by the hon. Members for Lagan Valley and, I believe, for West Tyrone (Mr. Thompson)—not only that Sinn Fein has achieved what I have already indicated, but that the RUC is being decimated; I used the phrase in a supplementary question to the Secretary for State for Northern Ireland, and I believe that the RUC's death warrant has been announced by the Government. Certainly the morale of the Royal Ulster Constabulary has been devastated by what I see as the insult that has been delivered to it, only a few weeks after it was rightly awarded—because I believe it is the finest, most courageous and most professional police force in the world—the George Cross. Just a few weeks after that it learned that in due course it is to be deprived of its name, its oath is to be changed and the whole composition of the force is to be dramatically altered and its numbers reduced again. That was one of the purposes of Sinn Fein-IRA.

So what we in the Opposition are seeking to do—I believe that some of what I am saying is shared by Liberal Democrat Members—is to see some safeguards put into the Bill, however undesirable it is in principle to us. The House, in its wisdom or otherwise, because of the Government's very sizeable majority, gave the Bill a Second Reading. I believe that it is absolutely right that if the suspicions of the Government's acts and intentions are not to grow, these amendments need to be included in the Bill in one form or another.

I nevertheless make a plea to Ministers. Not one hon. Member has spoken in favour of the Bill. I hope that, if democracy is to mean anything—and to me it is very important—Ministers will heed what I consider to be the properly founded, well considered arguments of Opposition Members, and will make a gesture of some kind. What, otherwise, is the House of Commons about? Why have this debate? People are asking why the time should be expended if the Government are not prepared to listen to the—I think—well argued cases advanced by Opposition Members.

I still believe in this place, and to me it is valuable that people out there still believe that this place is valuable. Are the Government going to reduce its credibility by forcing the Bill through without any proper, detailed, open response, or are they going to respond to the genuine concern that has been expressed, reply positively and accept, if not the wording of all the amendments, at least the intention behind some of them?

It is not often that my right hon. Friend the Member for North-West Cambridgeshire comes to the Chamber, as an ex-Minister, to make speeches such as the one that he made tonight. His knowledge is considerable; his commitment to Northern Ireland and to the peace process is also considerable, respected and well known. On his behalf, and on behalf of all Opposition Members who have spoken, I make this plea to the Government: please be honest with us. Please do right by the people of this country who believe in justice, democracy and law and order. Do not forget the overwhelming majority of peace-loving, law-abiding citizens in Northern Ireland, for whom we seek to secure the best deal—and the Bill, as it stands, is not the best deal.

Mr. Robathan: I apologise for my absence for an hour earlier.

I shall be brief: I do not want to repeat all the excellent arguments that have been presented by my friends and colleagues. But I think the debate has shown that the Government, if they do not already know it, should study the old adage: "Act in haste, repent at leisure". The Bill, ridiculously, is being rushed through in two days, allowing hon. Members no chance to table amendments

[Mr. Robathan]

or even to think about what the Government are trying to say. My hon. Friends have been poking holes in the failings of the Government's argument throughout today's debate.

I was delighted to hear from my right hon. Friend the Member for Bracknell (Mr. MacKay) that if the amendment was not accepted, the Opposition would not give the Bill a fair wind. I did not oppose Second Reading yesterday, because I felt that we should at least have a chance to amend the Bill. Perhaps the Government will accept amendments, and perhaps the Bill will then be passed—although, frankly, I think that it is pretty much of a dog's breakfast. It strikes at the heart of much of our constitution; it is ill conceived and badly thought out.

Let me say a little about the constitutional change that the Bill proposes. The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) drew attention to the terrible mistake of introducing constitutional changes in this manner, but I think we can all see from what has been said today that the Bill is purely a sop to the IRA. It has been put together with Sinn Fein. No one else wants it; no Labour Member is prepared to stand up and talk about it, because none of them wants it—if they even know what it is about.

The Government are giving away yet another card. As the hon. Member for Winchester (Mr. Oaten) pointed out, they have laid their cards on the table, but what are they getting in return? What cards do they have up their sleeve to use against IRA-Sinn Fein, who are inextricably linked and who still maintain huge arsenals of weapons?

One has to question—I do not like to do so—the Government's motives. Why do they want that constitutional change? What is it for? Is it just that they hate the United Kingdom Parliament? Do they hold the UK Parliament in contempt? They do not treat it well; we all know that. Even the most loyal Labour Back Bencher knows that. What is the Bill about? What are the Government about this afternoon? I hope that we will be able to ask that question for a long time after today; we shall have to discuss the matter on some other occasion, too.

I turn to decommissioning, which is the point of most of the amendments. I much prefer amendment No. 1, which was tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), to amendment No. 10, which was tabled by my right hon. Friend the Member for Bracknell (Mr. MacKay), because amendment No. 1 is absolutely clear. It says that the Belfast agreement has to be put into force completely before we can proceed. In other words, all decommissioning would have to take place.

Those of us who were unhappy in some part with the compromises that have had to be made for peace in the past three or four years would be much happier if amendment No. 1 were accepted. We need an absolutely clear-cut guarantee that those to whom concessions have been made—Sinn Fein and the IRA—will make some concessions in return. I would like all weapons to be destroyed, not sealed in some bunker that might yet be under the control of terrorists, or indeed of some dissident terrorist group. I should like weapons to be destroyed before we give any more concessions to the IRA.

In the last fortnight, we have had several concessions. We have had the destruction, or emasculation of the RUC, the name change and everything that goes with that. We have had the Bill. Hon. Members may not even be aware that, in another Bill, we have a clause to exempt Sinn Fein from the rule to stop political parties receiving donations from foreign countries. It should be called the Noraid clause, but I will not stray further down that road because I know that it would be out of order.

I said that I would be brief and I have been, but I just wish to add my voice to those of my colleagues on the Opposition Benches who have all made such good points, saying that the Bill should not proceed unless it is fundamentally amended.

Mr. Brady: I have been in the Chamber throughout the debate. It is probably one of the shabbiest episodes that I have witnessed as a Member of Parliament, and not only because of how the Government introduced the Bill, which is of questionable worth. They introduced it in a hurry, on two consecutive days. The whole thing has been handled in a way that is utterly unacceptable in a civilised Parliament, especially when Ministers are prepared to say that there is no emergency. There is no reason why it should be done in such haste.

The debate has also been shabby in that, with the honourable exceptions of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) and the right hon. Member for Birkenhead (Mr. Field), who have indicated at least some capacity for sentient thought, not a word has been uttered by Labour Members to justify what they are doing. Not a word has been uttered in criticism of the sensible and moderate amendments tabled by Opposition Members, whether from the official Opposition or the official Unionists.

I can only come to the conclusion that no plausible and honest argument can be advanced by those Members who oppose the amendments. I was confirmed in that view when I heard the hon. Member for Winchester (Mr. Oaten). He at least had the decency to say something, but he did not advance a plausible argument against the amendments. As I said when I intervened during his speech, I cannot see the logic of the argument that, if the Government have done a deal to link the Bill with decommissioning of terrorist weapons, it must not be put on to the face of the Bill because it would cause difficulties.

Including the deal in the Bill would accomplish precisely the opposite effect. It would not prevent the Bill's passage, but simply create certain safeguards involving the legislation's commencement date or the behaviour of Members who might be affected by its provisions.

Mr. Oaten: The problem is that we cannot make a judgment because we have not been told about the deal, if there was one.

9.15 pm

Mr. Brady: I have some sympathy with the hon. Gentleman, and agree that there is a problem. However, when Ministers demonstrate a total lack of openness and candour, it is not incumbent on hon. Members to accept what they say. Indeed, it is precisely then, when Ministers will not tell us what they are doing and show no respect

for the House, that hon. Members—whether Labour, Ulster Unionist, Liberal Democrat or Conservative—should do what we have been sent here by our constituents to do. We must think, be cautious and use some common sense in legislating, particularly on the most sensitive matters in relation to Northern Ireland.

Mr. Evans: Does my hon. Friend agree that the deal that everyone is talking about is the Good Friday agreement; that no other deal should be necessary to achieve decommissioning; that decommissioning should start without the Bill; and that that is why we need to pass the amendments?

Mr. Brady: My hon. Friend has put his finger on it. I do not believe that Ministers are rejecting the amendments—they seem to be rejecting them but perhaps they are playing us along for a few hours to keep us in suspense—because they have done a deal or secured something in return for what they propose to give away. They are simply locked into a process of giving things away, of letting things go by default and of expecting nothing in return from those who, sadly, to date, have given no sign of wishing to move forward to genuine peace and disarmament.

Mr. Robathan: Does my hon. Friend remember from his history lessons the danegeld and how one just had to keep on paying it, but received nothing in return?

Mr. Brady: I remember it well. However, I do not intend to be diverted down that historical road, pertinent as it may be. There are many examples of appeasement in history, whether it be the danegeld or more recently, and we know that appeasement does not work.

The Government, in proceeding with the process over almost two years, have shown that appeasement does not work. Ministers have never insisted on delivery of something in return from Sinn Fein, but consistently conceded more. They have never stood up or said what they should have said—that the people of Northern Ireland, and people across the United Kingdom, wish to achieve objectives and a very important prize. The Government do not have the courage or backbone to insist on moving towards achieving those goals.

In his excellent speech, my right hon. Friend the Member for North–West Cambridgeshire (Sir B. Mawhinney) dealt with the importance of conditionality and of including that vital principle in the Bill.

I do not intend to speak at length to the amendments in this group, but should like to deal briefly with the three key subgroups of amendments in the group.

Amendment No. 10 and new clause 1 deal with the importance of the principle of negotiation and of conditionality, and of ensuring that we receive something in return for what we give away.

Amendment No. 1 insists that there should be full implementation of the Good Friday agreement, and not some fudge, half-baked deal or failure to implement the agreement. It is also vital because it would ensure that implementation could not proceed without the agreement of both Houses of Parliament. That brings us back to the crucial point that the Bill must enjoy proper democratic assent. The Government cannot get away with sitting mute and not attempting to defend their proposals.

Finally, amendment No. 32 is absolutely vital. The other amendments deal with the commencement of the measures, and the point at which it will be permissible for Members of the Dail also to sit in the House of Commons. However, they do not provide permanent security for this House—*[Interruption.]* A rather frightened mouse has run across the Floor, Mr. Lord, just as I was expounding the argument that I smell a rat with the legislation.

The Second Deputy Chairman: Order. There are some things in this Chamber that the occupant of the Chair cannot control. I suggest that we carry on with the debate in the usual way.

Mr. Nicholas Winterton: On a point of order, Mr. Lord. Is not the mouse an indication to the Government that we should not let vermin into the House?

Mr. Robathan: Further to that point of order, Mr. Lord. Do not Standing Orders state that no animals other than guide dogs will be allowed into the House?

The Second Deputy Chairman: I suggest that we continue with the debate.

Mr. Brady: That intervention by the frightened mouse can be likened to the behaviour of Ministers, who have failed to stand up for what they should be fighting for. They have shown neither fibre nor substance in handling the negotiations entrusted to them.

Finally, it is crucial that future hon. Members whom the Bill will allow to join the House should disavow terrorism. Amendment No. 32 is the only proposal that would guarantee permanent security. I hope that decommissioning of weapons begins or that there is substantial progress to that end. However, it will remain possible that those who resorted to violence in the past could return to it.

In those circumstances, the conditionality that would be introduced by new clause 1 or amendment No. 10 would not give that vital protection. However, amendment No. 32 would give some permanent guarantee, in the event of a wholesale return to violence and terrorism affecting the whole of the United Kingdom and not just Northern Ireland, that those who refused to disavow violent intervention would not be allowed to sit in this House. It would mean that we would accept only those who believed in democracy and wished to participate in our democratic process.

Mr. George Howarth: The hon. Member for Altrincham and Sale, West (Mr. Brady) has just criticised me for not taking part in the debate at some earlier juncture. However, he will accept that the whole point is that Ministers responding to a debate listen to what hon. Members have to say. That is why I have sat here patiently noting all the points that have been raised. I intend to respond to them as fully as possible.

The hon. Member for Macclesfield (Mr. Winterton) has asked me to be candid, and that is my intention. I believe that it is inappropriate for me to be on the receiving end of criticism for having shown disrespect to the House in some way. At least three right hon. and hon. Members who have been present for all or most of the debate will attest to the fact that on every occasion on which I address

[Mr. George Howarth]

the House and respond to issues raised by Opposition Front-Bench Members, I take the House very seriously. I am sure that the right hon. Member for North–West Cambridgeshire (Sir B. Mawhinney) would accept that. I see that the right hon. Member for Bromley and Chislehurst (Mr. Forth) accepts that. The criticism that has been levelled at me is slightly unfair.

Mr. Brady: I have always found the hon. Gentleman to be a courteous man and a courteous Minister. What I believe to be wrong is the disrespect that the Government have shown for the House in the way in which they have handled this piece of legislation.

Mr. Howarth: I will demonstrate in a moment why I do not believe that that criticism can be sustained. Certainly, some of the criticism, including that made by the hon. Member for Altrincham and Sale, West was directed at me, and I think it appropriate and relevant for me to respond.

Sir Brian Mawhinney: I, for one, would not have wished the hon. Gentleman to take the comments personally. He is at the Dispatch Box, representing the Government, and the criticism was of the Government. I made it, as did others, and I do not resile from it.

The hon. Gentleman said that he has listened carefully to the debate. Does he now have any sense of the anger and unhappiness that those interventions sought to convey to him about the taking of business today?

Mr. Howarth: I will address, as far as I can, all the concerns that have been expressed during the course of the debate. I am sure that the right hon. Gentleman knows that I will do that in due course. Of course, I have listened very carefully to what everyone has said. In no way would I make the criticism that any of the speakers who have taken part in these Committee proceedings have done so with anything less than seriousness. People felt that they had to make their points and, even if I do not agree with them, I recognise that they were made with all seriousness and proper concern.

I want to begin by dealing with some of the general points made in the debate; then I will turn to more specific points that arise directly from the amendments. The right hon. Member for Bracknell (Mr. MacKay) and the hon. Member for Lagan Valley (Mr. Donaldson) both said in different ways that the process so far had been all take and no give. Well, that is hardly the case. For the first time in 25 years, a devolved Government have been returned to Northern Ireland. That is an achievement. For the first time in 60 or so years, there is now agreement on the constitutional issues, and articles 2 and 3 of the Irish constitution have been amended. Those amendments will stand, regardless of what happens to the institutions. Of course, the 1985 agreement, about which many Ulster Unionists of different kinds had grave reservations—to put it mildly—has finally been replaced. So it is simply not true to say that there have been no achievements. That is not to say that there is not more to be achieved.

Mr. MacKay: I am obliged to the Under-Secretary for giving way. Let me remind him of the context of my remark that there has been all take and no give by the paramilitaries. I said that the two Governments, British and Irish, had fulfilled all their obligations, including many of those that the hon. Gentleman has mentioned. I went on to say that the constitutional parties—Unionist, nationalist, alliance—had fulfilled all their obligations, including many of the those that the hon. Gentleman rightly mentioned, which I agree are important achievements.

In return, the paramilitaries—whether republican or loyalist—who signed up to the Belfast agreement have failed to fulfil their obligations. They had two particular obligations: the first was to decommission all their illegally held arms and explosives by May; the second was to end violence for good. That is what the hon. Member for Lagan Valley (Mr. Donaldson) and I mean by all take and no give. That is the point that needs to be addressed.

9.30 pm

Mr. Howarth: I was not trying to misrepresent the right hon. Gentleman or the hon. Member for Lagan Valley. I accept entirely the right hon. Gentleman's interpretation of their remarks. I was about to draw attention to the matters on which there are still large reasons for concern and I shall talk about them in due course.

I stand by the fact that there is no direct link between the Bill and the agreement—it is a matter of context, as I tried to make clear in an earlier intervention. The agreement was negotiated with most—although not all—the parties in Northern Ireland; it was subsequently endorsed by the people of Northern Ireland and, indeed, by the people of southern Ireland.

There has been progress on all three longstanding, fundamental Unionist objectives—rightly held by Unionists to be of deep importance. That has been achieved through the courageous leadership of the right hon. Member for Upper Bann (Mr. Trimble). In his speech, the right hon. Member for Bracknell referred to all the people who played a major role in bringing us to where we are today. I concur with, and add to, the list that he gave.

I am glad to see that the right hon. Member for Huntingdon (Mr. Major) is in his place, as he was on the list read out by the right hon. Member for Bracknell, whom I join in paying tribute to the role played by the former Prime Minister in beginning the process. I have referred to the right hon. Member for Upper Bann. I also pay tribute to my right hon. Friend the Prime Minister, to the Minister for the Cabinet Office, who played an important role in the matter when she was Secretary of State for Northern Ireland, and to the present Secretary of State for Northern Ireland. Everyone has put their hands to the pump; we have all tried to do the best possible for the people of Northern Ireland.

Mr. William Ross: Will the hon. Gentleman give way?

Mr. Howarth: I will give way in a moment.

I acknowledge that other elements are less welcome. However, we should not close our eyes to the substantial progress that has taken place as a result of the Good Friday agreement.

The right hon. Member for Bracknell and others, including the right hon. Member for North–West Cambridgeshire and the hon. Member for East

Londonderry (Mr. Ross) referred to the modalities of decommissioning—the how, where and when. That is central to the Opposition's main amendment, which has been the subject of much of the Committee's debate. The whole Committee would probably agree that the point of decommissioning is that arms are decommissioned to the satisfaction of the Independent Commission on Decommissioning.

The Northern Ireland Arms Decommissioning Act 1997 makes it clear that the commission has to supervise decommissioning according to schemes that have been made. The Act requires that such schemes may include a range of methods of destruction, defined under section 10 as

"making permanently inaccessible or permanently unusable".

Let me simply point out what is stated in the legislation. We must wait and see what the commission reports; I shall comment further on that in a moment.

The hon. Member for Stone (Mr. Cash) is not in the Chamber. At the risk of incurring some hon. Members' wrath, I wondered why the hon. Gentleman had been stirred to take part in the debate, as he was not in the Chamber—

Mr. Ross: The hon. Gentleman often takes part in such debates.

Mr. Howarth: He is quite entitled to do so, although he was not here on Second Reading yesterday. On listening to and then reading the speech that my hon. Friend the Parliamentary Under-Secretary of State for the Home Department made yesterday, I realised that he had made the fatal mistake—at least so far as the hon. Member for Stone is concerned, of mentioning the word "Europe". I suspect that that may have played some part in tempting the hon. Gentleman into the Chamber.

The hon. Gentleman tabled amendment No. 32. If it were passed, someone elected to the House of Commons who was also a Member of the Irish Parliament, had also been a paramilitary and had not disavowed terrorism would be disqualified. The difficulty is that it would not apply to someone elected to the House of Commons who was not a Member of the Irish Parliament, so it would set a different standard for different people.

The other difficulty that arises from amendment No. 32 is that there would have to be some means of deciding who had or had not been a paramilitary. In some cases, by virtue of the fact that the person had been convicted of something, that might be obvious, but we do not have an exhaustive list of everyone who may have been a paramilitary at some time in the past.

Mr. MacKay: I thank the Under-Secretary, who, with characteristic courtesy, has given way whenever requested. He and I strongly support the setting up of the Assembly. He and I know that we both supported in the House the legislation that set up the Assembly. He may correct me if I am wrong, but my memory of that legislation was that everyone elected to the Assembly had to swear an oath that they had given up violence for good—not just members of Sinn Fein but members of the SDLP, the Alliance party and the Ulster Unionist party. That seems an interesting precedent. Whereas, as currently drafted, amendment No. 32 may not be acceptable, it has interesting implications and possibilities for the House.

Mr. Howarth: The right hon. Gentleman makes an interesting point, and if the precedent that he referred to existed, he might have a stronger case. Unfortunately, he is wrong. The pledge that he referred to is required only of Northern Ireland Ministers. No such oath or declaration is required on the part of Assembly Members, so I rather think that his—

Mr. MacKay: Will the Under-Secretary give way?

Mr. Howarth: If the right hon. Gentleman will allow me to finish dealing with the intervention that he has already made, I will allow him the opportunity to come back. It is an interesting point, but he is simply referring to a precedent that does not exist. However—

Sir Patrick Cormack (South Staffordshire) *rose*—

Mr. Duncan Smith: Give way to my hon. Friend.

Mr. Howarth: It is very kind of the hon. Gentleman, from a sedentary position, to instruct me.

Sir Patrick Cormack: Does not the hon. Gentleman accept that every hon. Member who takes the Oath by implication denounces terrorism?

Mr. Howarth: So why—*[Interruption.]* If the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), who came into the debate rather belatedly and contributed to it briefly from the Back Benches, would bear with me, I was dealing specifically with the arguments made by the hon. Member for Stone. I do not think that the hon. Gentleman was in the Chamber when the hon. Member for Stone was speaking, so he will forgive me if I do not take any more sedentary interventions from him.

The group of amendments before us effectively seeks to put on the face of the Bill a direct linkage between the lifting of disqualification and decommissioning. I can see why the Opposition might want to make that linkage but, as I argued on Second Reading, it would be wrong to make that direct linkage between the Bill and that issue. I shall explain why.

The hon. Member for Winchester (Mr. Oaten) supported the Government's position on that matter; and, from a slightly different angle, the right hon. Member for Bromley and Chislehurst made a similar point.

Let me make the Government's position as clear as I can. We entirely share the view of the Opposition, and of the right hon. Member for North–West Cambridgeshire, that decommissioning is an essential part of the process—not an option; a part of the process. The process of decommissioning is being overseen by General de Chastelain's commission.

The right hon. Member for Bracknell paid proper tribute to General de Chastelain and the other distinguished members of the commission for their independence and professionalism. I hope that the whole House would accept also that the commission brings good faith to its work. For those reasons, a great deal of trust

[Mr. Howarth]

is put in the hands of the commission. For that reason, when the commission makes its report on progress—as it will by the end of the month—it will be a document of authority. The hon. Members for Blaby (Mr. Robathan) and for Sevenoaks (Mr. Fallon) seem to believe that some other kind of process is involved. However, that is the process.

My right hon. Friend the Secretary of State for Northern Ireland has made it clear that decommissioning is an essential part of the process. If it is clear from General de Chastelain's report that the paramilitaries are in default on decommissioning, there will be serious consequences. My right hon. Friend has made it clear that in circumstances where the commission has reported that there has not been proper progress, the operation of the various political institutions—the Assembly, the Executive, the north-south bodies and the British-Irish Council—will cease immediately. I can assure the House that my right hon. Friend, who is sitting alongside me, stands entirely by what he has said on this issue, and that he takes the matter seriously indeed.

Mr. Field: Is not it true that when the Good Friday accord was debated here, it was generally accepted with considerable enthusiasm and many of us did not look carefully enough at the details? We thought that as concessions were made, there would be clear concessions on decommissioning. Although there was a timetable for decommissioning, it was not linked specifically to some of the concessions that some in this House have found so difficult to accept. Therefore, my hon. Friend the Minister was right to emphasise what my right hon. Friend the Secretary of State for Northern Ireland has said from the Dispatch Box about those actions that will follow if the decommissioning report is given to the House and the progress that we expect has not been not made. Surely it is at that point that the House should make its view felt about what next should happen, and we should not try retrospectively—

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. I am sorry to have to interrupt the right hon. Gentleman, but his intervention is far too long.

Mr. George Howarth: I thank my right hon. Friend for what I think was intended to be a helpful intervention. I hope that we can all agree on the fundamental importance of decommissioning.

Mr. Jeffrey Donaldson (Lagan Valley): I hope that the Minister understands the importance of what he has said—especially in Northern Ireland. If the Government are saying that if the IRA is in default on decommissioning by the end of the month when General de Chastelain reports, the Government will suspend the institutions, that is a significant statement. The Minister says that the general must report that there has been proper progress. Would he care to define proper progress in terms of decommissioning, as that is important?

Mr. Howarth: Let me make it absolutely clear what I said. I stand entirely by that. In the case of clear default, that which I have described will be the case. The hon. Gentleman knows full well—I made the point earlier—that the Decommissioning Commission under General de Chastelain has that responsibility. We recognise its independence, its skill and experience and we also recognise its good faith. We shall have to judge on the basis of what it says not only about what has happened, but about what the intentions for the future are. In those circumstances, I think that it is entirely appropriate that that should be the case.

9.45 pm

Mr. William Ross: Will the Minister give way?

Mr. Howarth: Let me make a little more progress and then I will give way to the hon. Gentleman.

I repeat what my right hon. Friend the Secretary of State for Northern Ireland has already been at pains to make clear. In the event of clear default, Unionists will not find that they are on their own.

Mr. Ross: Does the Minister realise that the people of Northern Ireland will judge the outcome of the commission's report not on what it says but on the weapons that they see surrendered and destroyed?

Mr. Howarth: The hon. Gentleman, I know, makes a serious point. Everybody, in the end, will judge the success of the process not only on the establishment of institutions, the Executive and the Assembly, but on the extent to which it genuinely leads to decommissioning. There is no difference between us on that point. The hon. Gentleman needs to understand just how seriously my right hon. Friend the Secretary of State and my colleagues take the matter.

Sir Brian Mawhinney: Will the Minister give way?

Mr. Howarth: I will indulge the right hon. Gentleman for a second time, but I then will need to make some progress.

Sir Brian Mawhinney: I am extremely grateful, but the debate can move backwards and forwards in Committee.

First, may I pay tribute to the Secretary of State, who has consistently in recent weeks—in virtually every speech that I can find—stressed the importance of decommissioning, so there can be no doubt in the minds of the people of Northern Ireland or anybody else that the Government attach huge significance to decommissioning? It seemed to me that the Minister did not say quite the same thing in answer to the hon. Member for Lagan Valley (Mr. Donaldson) as he said previously. Therefore, I would be grateful if he would address the matter again.

Earlier, the Minister said that, if de Chastelain's report indicated that there had been no decommissioning, the Secretary of State would intervene and intervene quickly. However, in reply to the hon. Member for Lagan Valley, he added the extra condition that the Government would then have to make a judgment about intentions. Bearing in mind that this issue will be the front-page story in all tomorrow's newspapers in Ireland, if not in this country,

will the Minister take his time and say precisely what is the Government's position so that we can all understand what we may have to look forward to?

Mr. Howarth: The right hon. Gentleman will accept entirely that my right hon. Friend the Secretary of State will have to make decisions on the basis of what is reported to him. What he has to decide—and will decide—on the basis of that report is that there has to be clear progress towards a timetable that was set out in the Good Friday agreement. I do not think that it would be sensible—strictly speaking, I do think it would be what the House wants—for me to enter into a discussion about what progress should be made at this point. However, we need to know clearly what the intentions are. I shall not speculate on what might be in the report, because I simply do not know what will be in it at this point.

Rev. Ian Paisley: I think that there is a bit of confusion here. What the Minister has just said is not what we were made to believe by the Secretary of State. That had to do with real decommissioning and not with intention or with whether we could see any progress. It was about whether real decommissioning was going to take place. Tonight, the Minister has not said that and he needs to make the matter clear not only for the people of Northern Ireland who want to see decommissioning, but especially for those who do not want to do it. They need to have a clear message from the House.

Mr. Howarth: Let me make the position clear. My right hon. Friend the Secretary of State will have to be satisfied that there is the intention to make progress and that there will be a programme that will lead—[HON. MEMBERS: "Ah!"]—and that there will be progress toward the commitment that exists within the Good Friday agreement. The hon. Member for North Antrim (Rev. Ian Paisley) understands that that was the position all along. I have not changed that position tonight, nor has my right hon. Friend the Secretary of State.

I should now like to address aspects of the Bill. So far, we have dealt with matters that are not contained in any of the clauses. Perhaps we should now move on.

Mr. William Ross: On a point of order, Mr. Martin. After the Minister's remarks, do you not catch the strong stench of sugar and butter simmering on a stove?

The First Deputy Chairman: That is not a point of order.

Mr. Howarth: I shall not go into the hon. Gentleman's culinary allusions.

The Bill might potentially benefit Members of the Dail. Throughout the debate, many of those who have taken part have expressed the—false—assumption that it is being brought into force exclusively for the benefit of Sinn Fein. That is not the case. There have been numerous individuals who have taken up a political career both north and south of the border, including members of the Social Democratic and Labour party and the Alliance party of Northern Ireland, who have gone on from positions in Northern Ireland to be elected to the Dail.

Mr. Thompson: Will the Minister give way?

Mr. Cash: Will the Minister give way?

Mr. Howarth: I shall give way to the hon. Member for West Tyrone (Mr. Thompson), but not to the hon. Member for Stone, because he did not bother to come in to listen to what I had to say about his speech.

Mr. Thompson: Although certain persons may have served both in Northern Ireland and in the Republic of Ireland, is not the point they did not serve in both places at the same time?

Mr. Howarth: I did not assert that any did. I was merely pointing out that the only people who had been mentioned during the debate were members of Sinn Fein. However, certain members of the parties I mentioned have, in the past, served both in Northern Ireland and in the Dail.

Mr. Robathan: Will the Minister give way?

Mr. Howarth: Yes, because the hon. Gentleman has sat here throughout the debate. However, I shall then attempt to conclude my speech.

Mr. Robathan: I am grateful to the Minister. May I take him away from the generalities of the Bill and back to the amendments, which deal with the decommissioning of illegally held weapons by paramilitary organisations? Will he now answer clearly the question asked by my right hon. Friend the Member for North–West Cambridgeshire (Sir B. Mawhinney), who asked him to explain precisely how we would know whether weapons were being decommissioned? After the Minister's answer, I am extremely confused, as is the rest of the Committee.

Mr. Howarth: I cannot be held responsible for the hon. Gentleman's confusion, for it is a regular occurrence.

There is potentially a broad group of individuals, not only members of Sinn Fein, who might want to take advantage of the Bill's provisions. Of all the potential beneficiaries in the Dail, only one is a member of Sinn Fein.

The Bill stands on its own merits as a sensible and modest measure to reflect the close and co-operative relationship that we now enjoy with the Government and people of Ireland. If there is a linkage to be made between the Bill and the new constitutional arrangements, it should be with the significant amendments to articles 2 and 3 of the Irish constitution, which came into effect only last December. Those changes put consent at the heart of the Irish constitution. They remain in force regardless of other developments, and rightly so.

Now that those arrangements have come into force, the time is right to extend the further courtesy set out in the Bill to Ireland and treat that country on the same basis in electoral law as most other favoured nations are treated.

[Mr. Howarth]

I cannot recommend that the Committee accepts any of the amendments. In the light of what I have said, I hope that some of the right hon. and hon. Members who have tabled or supported the amendments will feel it appropriate to withdraw them.

Mr. Forth: On a point of order, Mr. Martin. I seek your guidance. Would it be possible when we come to vote for you to be prepared to put separately to the vote amendments Nos.10 and 32 and new clause 1? They have all approached the matter in a different way and have all received some support during the debate. It would be important for the Committee to indicate which it supports.

The First Deputy Chairman: I will consider what the right hon. Gentleman has said. I say no more than that.

Mr. Cash: On a point of order, Mr. Martin. May I support the proposition of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth)?

The First Deputy Chairman: Order. It is not a point of order. I have answered the point raised by the right hon. Member for Bromley and Chislehurst (Mr. Forth) and the Committee is not pursuing it. I have said clearly that I will consider the matter. I do not want hon. Members to bring a case to me because the case has been put.

Mr. MacKay: I think that the Committee was concerned and confused about one aspect of the Minister's response. I would have forgiven him if it had not been for the fact that the Secretary of State for Northern Ireland was sitting next to him and appeared to be aiding and abetting him. In those circumstances, it is important that we have clarification. As my right hon. Friend the Member for North–West Cambridgeshire (Sir B. Mawhinney) rightly observed, our deliberations will almost certainly be splashed on the front pages of the Northern Ireland newspapers. That being so, we owe it to the people of Northern Ireland that the Minister's remarks be clarified.

The Under-Secretary of State said—he will correct me if I am misquoting him, but I do not think that I am—that the Secretary of State would intervene only to suspend the Executive, and in consequence the cross-border bodies and other organisations, if General de Chastelain reported that no progress was being made. He added that if the general said that there was an intention to make progress in future, that would be all right.

I hope that I have misunderstood the hon. Gentleman. The Secretary of State might want to intervene to clarify the matter. I said earlier, when I suspect that the right hon. Gentleman was understandably detained in the Province, that I much welcomed the indications that he had given publicly that if—we all hope and pray that this will not happen—decommissioning does not take place in the next week or so and the general reports that progress has not been made, he would then suspend the Executive. I added that it was vital that it was the Secretary of State who suspended the Executive and not the First Minister, who by no action of the Secretary of State was forced to resign and therefore collapse the Executive. I would appreciate confirmation of that from the Under Secretary of State or the Secretary of State tonight. I think that that would helpfully clarify the situation.

If the right hon. and hon. Gentlemen do not wish to clarify the position, I fear that we must stick to what *Hansard* will presumably have reported. If the general reported that there is an intention to make progress, I would accept that, if it took only a few days. However, we cannot continue for many days without progress taking place. We are hoping and expecting that the Secretary of State will stick to what he has always indicated and promised us. That is—I am glad to say that he is nodding—that he will suspend the Executive if decommissioning has not properly commenced to the satisfaction of the general. I think that I can take the right hon. Gentleman's nod as a sign that I have interpreted the position, but it is difficult to know as he is now winking at me and not prepared to rise to say one thing or the other. I suspect that he is watching the clock and hoping that the sitting will be suspended at 10 o'clock.

It is essential that I put on the record on behalf of the Opposition that we are four square behind the Secretary of State in suspending the Executive if he feels that he must do so if there has been no proper decommissioning. It is—*[Interruption.]* the hon. Member for Hove (Mr. Caplin) says from his place on the Bench as a Parliamentary Private Secretary, "What has this to do with the Bill?" If he has not been in his place throughout the debate, I shall explain exactly what it has to do with the Bill. Decommissioning is the key to the amendment. Therefore it is important that the matter has been raised first by the Under-Secretary and that it has been responded to by me. Perhaps that will put the hon. Gentleman right.

I was intensely disappointed in the Under-Secretary's reply to hon. Members' complaints about the necessity for Committee stage—

It being Ten o'clock, THE CHAIRMAN *left the Chair to report progress and ask leave to sit again.*

Committee report progress.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Electronic Communications Bill and the Disqualifications Bill may be proceeded with, though opposed, until any hour.—*[Mr. Sutcliffe.]*:—

The House divided: Ayes 299, Noes 156.

Division No. 38] **[10 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen

Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Kevin Hughes.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Baker, Norman
Baldry, Tony
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Burstow, Paul

Butterfill, John
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
George, Andrew *(St Ives)*
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Malins, Humfrey
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Oaten, Mark
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paisley, Rev Ian
Pickles, Eric
Prior, David
Randall, John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Thompson, William
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Stephen Day and
Mr. Peter Atkinson.

Question accordingly agreed to.

Mr. Simon Hughes (Southwark, North and Bermondsey): On a point of order, Mr. Deputy Speaker. As a result of the vote, we have to deduce that it is the Government's intention that we carry on with the Bill, which is the second part of an accelerated process in two days. We had the Second Reading yesterday; we had a curtailed procedure before Committee stage and a curtailed procedure for the rest of the Bill. May I ask whether there is anything the House can do to get the Government to tell us why we have to move so quickly? I sat throughout the whole of the Second Reading. There was no explanation. My hon. Friend the Member for Winchester, (Mr. Oaten) sat throughout the whole of the proceedings today. There has been no explanation—

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The hon. Gentleman must resume his seat when I stand. He should know that.

What I can say to the hon. Gentleman is this: the House has decided to continue with the Committee of the whole House. Therefore, that is what I intend to do.

Again considered in Committee.

Question again proposed, That the amendment be made.

10.15 pm

Mr. MacKay: When the 10 o'clock motion was sort of moved, I thought that the hon. Member for Bradford, South (Mr. Sutcliffe) first of all was pulling stumps when he was tweaked and changed his mind. I was complaining that the Under-Secretary of State in his summing up had not once told us why it was necessary for this legislation to be rushed through so quickly. Let me explain why my colleagues and I voted against the 10 o'clock motion. Quite simply, it is normal practice in the House to have a Second Reading debate—

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. The House decided on the 10 o'clock motion. The one thing I do not want to do is repeat myself, because I usually advise hon. Members not to do so. The right hon. Gentleman must come back to the amendment that he was so kindly winding up.

Mr. MacKay: When you called me to order originally, Mr. Martin, because it was 10 o'clock, I was remarking to you and the Committee that in listening to the Under-Secretary of State for Northern Ireland summing up the debate, at some length, and rightly so—I make no quibble about that—it was concerning to hon. Members on this side, from all parties, that he had not addressed at all in his winding up the fact that nearly every hon. and right hon. Member who had spoken had asked why it was necessary to have a Committee stage of a Bill the day after Second Reading. You, Mr. Martin, will understand, as the Secretary of State, who is returning to his place, will understand, because he is an experienced parliamentarian, that the normal practice is that a Second Reading takes place, a vote is taken, and if the Bill receives its Second Reading the House, either on the Floor or upstairs, moves into Committee the following week. There is a very good reason why this happens. It is so that the House and Ministers can reflect—

The First Deputy Chairman: Order. What is done is done. I have no control over these matters. The House has decided that I must return the Committee to the debate on

the amendments, so the right hon. Gentleman must speak to them rather than discuss the history of how we arrived at this position.

Mr. MacKay: I have no wish to question the vote on the Ten o'clock motion. I have moved from that, I hope—as you rightly requested me to, Mr. Martin—to where I was at 9.59 pm, after which you—again, rightly—called me to order because the clock had struck ten. At 9.59 pm, I was saying the same to the Under-Secretary of State as had been said by every other Member who had spoken; I assume that they were in order. Like them, I was asking why we needed to rush the legislation through.

The Under-Secretary of State for the Home Department confirmed to me, from a sedentary position, that the Bill did not constitute either urgent or emergency legislation—

The First Deputy Chairman: Order. I cannot allow the right hon. Gentleman to continue. The other hon. Members who have spoken may have mentioned the Second Reading in passing, but it is not permissible to concentrate on Second Reading in a debate on amendments. The right hon. Gentleman has made his point; I now ask him to speak to the amendments, which are indeed very narrow.

Mr. MacKay: At no point was I discussing Second Reading. I was discussing something much more important than Second Reading, which, as you rightly say, was past, done for and gone yesterday. I was asking why the Committee stage of a Bill that is not urgent or an emergency Bill need take place this week, and my question was not answered.

The hon. Member for Winchester (Mr. Oaten) rightly asked what was the special reason. We have been given no special reason, and that makes it very difficult for many Members—especially the Liberal Democrats, who, not uncharacteristically, have not yet made up their minds—to decide which way to vote. I have some sympathy with the hon. Member for Winchester, who is not capable of making up his mind until he knows why we need to rush the legislation through. I ask the Under-Secretary of State to tell us why it is being rushed through, why it is emergency legislation, and why—

The First Deputy Chairman: Order. I am sorry to keep interrupting the right hon. Gentleman, but let me say this to him. I would not allow the Under-Secretary of State to discuss these matters, because what we are discussing is not the legislation in its entirety or the way in which it is being rushed through, but the amendment and those grouped with it. The right hon. Gentleman knows full well that that is what he must discuss.

Mr. MacKay: The Under-Secretary of State for Northern Ireland failed to respond to any of the points made by hon. Members speaking to my amendment and new clause, and the amendments tabled by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Stone (Mr. Cash). It is interesting, and needs to be pointed out, that not one Labour Member supported the Front Bench. We heard a good speech from the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) and a very good intervention from the right hon. Member for Birkenhead (Mr. Field), but not one Labour Member saw fit to support Ministers. I consider that deeply significant. Having been in the Chair for some time on more than one occasion during this Committee stage, Mr. Martin, you will have noted that for almost all the sitting—nearly five hours so far—hardly any Labour Members have been present until the vote. That is disgraceful.

The Under-Secretary of State—rightly, I believe—made much of what had been achieved under the Belfast agreement. But he must accept that his Government—rightly—the Irish Government—rightly—and the democratic non-violent parties, Unionist, nationalist and Alliance—rightly—have jumped every hurdle. Only one group have not fulfilled their obligations under the Belfast agreement: the paramilitaries, whether they are republican or so-called loyalist. They have not fulfilled their obligations on two counts. First, they do not appear to have renounced violence for good because beatings, mutilations and tortures are still going on. Secondly, even more significant, they have failed to decommission any of their illegally held arms and explosives.

The Under-Secretary of State for Northern Ireland singularly failed to address the point that I made earlier and that others have endorsed: many believe, I included, that the process to date has been all take by the paramilitaries and no give. The Bill—I have already begged to differ with my right hon. Friend the Member for Bromley and Chislehurst—is relatively small beer and relatively unimportant. Therefore, it is not right that it be passed, unless my amendment is incorporated. It says that, unless substantial decommissioning is confirmed by General de Chastelain, the Bill should not become law. That is why I urge my right hon. and hon. Friends, many Labour Members who have expressed reservations publicly or privately, the Liberal Democrats, who have expressed reservations through the hon. Member for Winchester, and Unionist Members who also oppose it, to vote against it.

It is a sad day for the House of Commons when legislation, for no good reason, is pushed through without any chance for us to consider it properly. Much as I genuinely like and respect the Under-Secretary of State for Northern Ireland, I believe that he has, under orders, behaved disreputably by pushing the Bill through without proper debate. It is shameful and wrong. He and the Under-Secretary of State for the Home Department will live to regret it.

Mr. Ken Maginnis (Fermanagh and South Tyrone): I thank you, Mr. Martin, for calling me. I apologise to those who will have noted that I have not been in the Chamber all day. I have been participating in the Committee stage of the Terrorism Bill. None the less, I have heard much of what has been discussed.

I feel somewhat sorry for the two Ministers who have had to carry the burden of a Bill that was contrived by—I am sorry that the Secretary of State for Northern Ireland has just left; I understand his sensitivity to what I have to say—the Secretary of State and the Prime Minister. Yesterday, on Second Reading, we discussed why the Bill had been introduced in the first place, and we have discussed for whom the Bill is drafted.

I have some sympathy for the two Ministers in that respect, but I still cannot understand why, in responding to the Committee stage, the Under-Secretary of State for

[Mr. Ken Maginnis]

Northern Ireland repeated inadequately what he said on Second Reading yesterday. He did not elaborate at all on those points, but referred to them in the most general terms. He did not elaborate, for example, on the consultation. He indicated that the consultation involved many others, yet I know that he was inaccurate—unavoidably inaccurate, I hope—when he suggested that others besides Sinn Fein had an interest—*[Interruption.]*

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. The Committee must come to order. The hon. Gentleman is addressing the Committee.

10.30 pm

Mr. Maginnis: Thank you, Mr. Martin; that was helpful, given the current state of my voice.

Although the Minister mentioned those other matters, we know—I have pointed it out to him—that Fianna Fail, Fine Gael, the Democratic Left and the Irish Labour party are not interested in participating as Members either of this place or of the Northern Ireland Assembly. In conversation, that was made obvious to me. To try to justify himself, the Minister pointed out that Austin Curry and John Cushnahan, among others, stood for seats in the Dail. However, they did so not simply because, as Irish citizens, they were entitled to do so, but rather because there was no opportunity to pursue their political careers in Northern Ireland, which was in the direct-rule process.

Rev. Martin Smyth: The situation was even more serious than that. Like other politicians in Northern Ireland, they had played a part, but, as there was no elected Chamber, they had difficulty even in finding secondary jobs to keep themselves occupied.

Mr. Maginnis: Indeed that was the case. Consequently, they moved, and one served in a European assembly and the other in the Dail.

The Government are making an effort to enamel on to the edge of the agreement provisions that are specifically designed to facilitate the position of Sinn Fein. However, he, I and every other hon. Member want Sinn Fein to exercise what, so far, it has claimed to be a voluntary obligation to disarm.

What is happening to that voluntary obligation after all this time? Today, I saw the Under-Secretary of State struggling, and failing, to try to explain what the Government's reaction will be if the de Chastelain report were couched in negative terms. Part of the Minister's difficulty is that he is afraid of offending Sinn Fein. Sinn Fein would use that offence as an excuse—that is the reality—for not presenting before General de Chastelain reports at the end of this month.

I shall relieve the Under-Secretary of the obligation and tell him what will have to happen. If I am wrong, he will be able to clarify the position for the rest of the Committee and contradict me. If there is a positive response, it will mean that there has been a first significant disarmament phase and that the general will be able to say in an agenda how events should proceed until 22 May.

If there is not a first round of disarmament, General de Chastelain will have to report that. Immediately, there will be an obligation on the Government to suspend the Assembly and return Northern Ireland to a direct rule system in the interim. That will be supported by the Government in Dublin, even though they have no direct say in the matter. If I am wrong, I hope that the Under-Secretary will contradict me now. If he does not, we will know the process that we must expect.

Amendments Nos. 1 and 10 are in line with what is necessary if Northern Ireland is to be governed in the same way as other regions of the United Kingdom. The Under-Secretary has stated that the Bill is not the direct result of the Belfast agreement. I do not know whether that is so, or not. I do know, however—because I was fairly close to the heart of events—that the Bill was never mooted during the negotiations on that agreement, nor during the Mitchell review.

No Bill relating to Northern Ireland and the affairs of elected representatives there can stand apart from what is contained in the Belfast agreement. Even if the Government fall down on their obligations, Opposition Members must ensure that disarmament is an element of this Bill. I see no justification at all for the Bill, and many agree with me. However, no Bill such as this can be at variance with the conditions laid down for devolved government in Northern Ireland.

Disarmament is not a simple political issue in Northern Ireland. It is not a question of two opposing views. Disarmament is an inherent part of democracy. It is vital if those who have relied on violence or the threat of violence for more than 100 years are to be moved to recognise the primacy of democracy.

The importance of this Committee stage is immense, in the context of the House's procedures, traditions and protocol. It is important in terms of the way in which people in Northern Ireland see themselves as being treated as fellow citizens in the United Kingdom. If they find that the interests of 657 Members of this House are secondary to the interests of two Members who do not take their places here, their faith in the institutions of government, which we are trying to achieve under the most difficult circumstances, will be less than that needed to sustain what we are trying to do.

The Minister must speak frankly. He must tell us about the others who have been party to this. He must stop giving the impression that the leader of the party to which I belong was privy to the Bill when it was mooted. The leader of my party was made privy to the Bill when the Prime Minister informed him that it was to be introduced. He made known his antipathy to the proposals, and made it very clear that there would be a conflict of interest if the Bill was introduced in the form that was shown to him. That did not mean approval.

Mr. George Howarth: The hon. Gentleman will, I think, accept that the right hon. Member for Upper Bann (Mr. Trimble) was consulted about the intention to introduce the Bill and the principles contained therein. As a result of those consultations, clause 2 was added to the Bill.

Mr. Maginnis: That is the clause to which you would not wish me to allude in any depth, Sir Alan. Clause 2 prevents a Minister in one legislature from being a

Minister in the other. In fact, discussion of what my right hon. Friend has suggested is not yet complete, but we shall come to the relevant amendments later.

I suggest that the Minister intervene once again—I know that he will find this difficult, if not impossible—and tell us which of the Irish nationalist parties will take advantage of that provision, or wants to take advantage of it, or suggests that it should have the right to be a Member of another legislature in the United Kingdom as well as the Dail.

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. This may be of interest, but it is straying too far outside the scope of the amendments. I remind the hon. Gentleman that many arguments have been deployed over the past five hours, and he must not stray from order by repeating them too much or by not keeping within the scope of the specific amendments. I hope that he will govern his remarks accordingly.

Mr. Maginnis: You can be assured that I will do my best, Sir Alan, while, at the same time, trying to encourage Her Majesty's Ministers to be frank with the Committee. What is the purpose of the Bill and who will it benefit beyond those who have, as yet, failed to show any inclination that they are about to disarm and, hence, to meet the requirements of us all under the Belfast agreement?

10.45 pm

Mr. Forth: The Committee has laboured mightily to try to elicit from the Government the rationale that lay behind the Bill—the amendments sought in part to do that and, in that context, to improve the Bill. However, we have failed, as the speech by the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) showed all too well. Those of us who have sat through the debate in its entirety are little wiser than when the proceedings started as to why the Bill was introduced and why the Committee had to sit so hard on the heels of Second Reading.

The Minister urged the Committee to reject all the amendments. In doing so, he tried—interestingly—to have the argument both ways. He tantalised us with much talk about the importance and ramifications of the Belfast agreement, while trying to distance the Government from any connection between the agreement and the Bill. The Government seem to be trying to have it both ways. They hint at, or tantalise us with, the prospect that the Bill would add significantly to the goodies—the benefits—that have flowed from the Belfast agreement thus far. That has been challenged frequently during this brief debate. However, I do not want to linger on that matter, as we may have an opportunity to return to it in our further proceedings.

Not only are we no clearer as to the Government's motive in introducing the measure, but we are even less clear as to whether there is a connection in the Government's mind between the agreement, with all its ramifications, and the provisions of the Bill. In relation to the amendments, we are no further forward in understanding why the Minister has urged us to reject all of them, given that amendment No. 10, introduced by my right hon. Friend the Member for Bracknell (Mr. MacKay), would strengthen the measure by an explicit reference to the decommissioning process, linked to the trust that we all put in the de Chastelain part of that process.

Mr. Fallon: My right hon. Friend says that we are no further forward. Has he reflected on the fact that perhaps we might have moved slightly backwards? In his summing up, the Under-Secretary used one phrase that we have not heard before: he said that there was "no direct linkage" between the Bill and the Belfast agreement. Does my right hon. Friend consider that there is some indirect linkage?

Mr. Forth: I congratulate my hon. Friend. He has identified more from the Minister's remarks than I was able to do. He has suggested an intriguing possibility. While my hon. Friend was speaking, I watched the Minister carefully—as ever I do—and I saw him shake his head. The Minister, from a sedentary position, by subtle use of body language, sought to refute the suggestion made by my hon. Friend. From that, I conclude not only that is there no direct link, but that it would appear from what the Minister is not telling us verbally, but is telling us bodily, there is no indirect link either.

Mr. Fallon: May I press my right hon. Friend? Does he agree that the matter is important? I made a criticism of his new clause because he was introducing to the Bill precisely the linkage that the Government were attempting to deny. If it is now suggested that there is some linkage between the Bill and the Belfast agreement, that would surely strengthen the case for my right hon. Friend's new clause.

Mr. Forth: Of course, I agree with my hon. Friend that that must be so. However, we are still left with the problem that the Minister has not yet formally conceded that point, even though I, in my modest contribution earlier, and other hon. Friends have tried to show, by quoting from yesterday's *Hansard*, that the Minister's very words—even more, those of the Under-Secretary of State for the Home Department, his hon. Friend the Member for North Warwickshire (Mr. O'Brien)—clearly suggested that, in their minds, there was a distinct link between the Belfast agreement and the Bill. In all those respects, we are no further forward.

I was referring to the amendments and the new clause, tabled by my right hon. Friend the Member for Bracknell and other right hon. and hon. Friends. I was trying to establish that they did not run counter to the agreement, but were intended to reinforce what was in the Belfast agreement in the context of the Bill. The Minister rejected the new clause, for reasons that he failed to make clear.

My own modest amendment, No. 1, tried to go even further. It tried to say that we could strengthen the Bill by amending it to give explicit recognition to the fact that, before the alleged benefits of the Bill came into effect, the parties to the agreement would all have to sign up to a statement saying that the agreement had been fully implemented. The Minister seems to have rejected even that.

[Mr. Forth]

What mystifies me is that we have tried genuinely, I believe, to co-operate, to take the spirit of the Bill on board and to strengthen it by means of our new clause and amendments, by making references to the decommissioning process, to the parties to the agreement and so on; yet the Minister has still seen fit to tell us that he wants the Committee to reject all those amendments.

I have not yet mentioned the excellent amendment No. 32, in the name of my hon. Friend the Member for Stone (Mr. Cash), which brings yet another imaginative approach to the Bill. It would give the Government another option that they could use to strengthen the Bill. These are not attempts to undermine the Bill. They are all patently attempts to reinforce and strengthen the Bill by making cross-references to the decommissioning process and to the agreement process; and amendment No. 32 makes an explicit reference to the rejection of terrorism.

None of that, surely, can be regarded as remotely controversial. None of it seeks to undermine the Bill. Even those of us who voted against Second Reading have accepted the verdict of the House yesterday, and we are now seeking to look at the Bill in a positive light and to strengthen it with our amendments. I would contend that those separate approaches are not necessarily contradictory and may well be complementary.

Therefore the Committee may—guided by you, Sir Alan—wish to express its view separately on the different approaches taken by myself, my right hon. Friend the Member for Bracknell and my hon. Friend the Member for Stone. I hope that you will consider that carefully, having, as ever, closely followed the Committee's deliberations, in which support has been expressed by different people for the different amendments at different stages of our deliberations.

Even though the Minister has said that he wants all the amendments rejected out of hand, without giving sufficient reason, the Committee is entitled to take a different view. I hope that you, Sir Alan, will give the Committee an opportunity to do so in the fullest possible sense.

Mr. Cash: I was out of the Chamber for a fairly short time because I wanted to have some discussions with other Members and ask them the reason for the Bill. I shall not betray any confidence, but I will say that I had a word with a very senior member of the Government, and when I pressed him as to the reason for the Bill, he said that it was all part of an understanding. That is as near as we have got, so far, to an explanation. There has been no explanation whatever, and I entirely—

Mr. Douglas Hogg (Sleaford and North Hykeham): Would my hon. Friend be good enough to tell the Committee with whom the understanding was made?

Mr. Cash: I wish that I were in a position to be able to disclose that, but I can say that, quite clearly, the implicit suggestion was that there was an understanding with Sinn Fein-IRA. We know that discussions were going on, which have not been disclosed to the House or in any other way—secret discussions. Baffled as many people may be by this bizarre Bill, it does not alter the fact that, in some way, there is perceived to be some advantage to Sinn Fein-IRA in the arrangements proposed in the Bill.

Some might believe that these proposals do not relate to a member of Sinn Fein-IRA, or to any other person who may be entitled to stand for the House of Commons. However, persons who have known terrorist views could stand without any difficulty for the Assembly in Northern Ireland. It follows that we are entitled to an answer to the questions posed in my amendment. We are talking about qualification and disqualification, about membership of the Assembly and about membership of this House. The Minister has not replied to my question.

Mr. George Howarth: I replied to the points that the hon. Gentleman raised in the debate. It is just that he was not here when I did so.

Mr. Cash: I know exactly what the Minister said, and he has not replied to my points at all. I asked him this—if a person with a track record of espousing terrorism were to take his seat, after election, in either the Assembly or this House, should he not be required to disavow terrorism before taking his seat? There has been no answer to that question, and relating it to questions of allegiance is not the entire answer. We are entitled to assume that no person who continued to espouse terrorism should be allowed to take his seat in this House or in the Assembly.

Mr. Fallon: Does my hon. Friend recall that the only answer that he did receive from the Minister was the technical point that the provision in the Northern Ireland Assembly applied only to members of the Administration, rather than to the membership of the Assembly itself? The Minister did not answer my hon. Friend's point.

Mr. Cash: Indeed, and there is an enormous difference between a member of the Administration and a person seeking election. I ask the Minister again to answer my question. Clearly, he is not intending to do so because he will not come to the Dispatch Box.

Mr. Howarth: I have answered the question.

Mr. Cash: The Minister has not answered it.

We have had no answer on the reason for the rush, either. I suspect that it is because the Bill is part of a secret understanding, of the kind indicated to me when I was outside the precincts of the Chamber. Furthermore, there is no reciprocation in the arrangements being proposed here. I have seen the Minister shaking his head and shrugging his shoulders, giving the impression that this was a spontaneous proposal from the Government—as if they had invented the proposal out of thin air.

The Chairman: Order. The points that the hon. Gentleman is deploying now were for Second Reading, and they are not directly addressing the amendment. I must insist that he address his remarks to the amendment. I understood that the hon. Gentleman was winding up on his own amendment. That is what he must do—not go back into the whole Second Reading debate and the reasons for the Bill.

Mr. Cash: Indeed, but the points that I have been making are directly relevant to the question of whether or not terrorists who have not disavowed terrorism should be allowed to stand for election, as well as to take their seat in the House. It is by no means impossible that people who are terrorists and have not disavowed their terrorism will seek election in the knowledge that they will not be able to take their seats.

Respectfully, Sir Alan, I suggest that there ought to be separate votes for the amendments which fall within the group. I am not prepared to withdraw my amendment. Furthermore, I respectfully ask you, Sir Alan, to allow a separate vote on each of the other amendments.

11 pm

Sir Richard Body (Boston and Skegness): The Under-Secretary of State has been very patient, as he always is. However, on this occasion, his powers of persuasion have been mislaid. His comments on decommissioning and his arguments against the amendments carried no weight at all. Over several hours, he has been pressed on these issues, but he has failed to respond.

We have been asked to rush through the Bill. It received a truncated debate yesterday on Second Reading, the whole of its Committee stage is being considered tonight and it will have its Third Reading before the end of the week. It is an important constitutional Bill, but were the Government of Ireland consulted? Presumably, they were; and that might explain why the Under-Secretary is unable to persuade us about decommissioning. I hope that every Labour Member is eager for decommissioning to take place. The amendment does little more than reaffirm that point and insist that decommissioning take place before we make yet another concession to those who are given to terrorism.

Have the Government of Ireland been asked to intervene? Is that why we have had to give this concession, so that they might intercede on decommissioning? If that is not the reason, there is a very ugly reason for the Bill. It is that the Government are slipping away from their requirements on decommissioning. There can be no third explanation for the Bill.

I make this plea to the Under-Secretary. Will he speak again and tell us the answers to the points that we have put? They have been put repeatedly and with almost tedious repetition, but there has been no response from him. I ask him again: what is the reason for the Bill?

Question put, That the amendment be made:—

The Committee divided: Ayes 133, Noes 271.

Division No. 39] **[11.3 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Malins, Humfrey
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paisley, Rev Ian
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Atkinson and
Mr. Stephen Day.

NOES

Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen

Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Killoyle, Peter
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Sarwar, Mohammad
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Mike Hall and
Mrs. Anne McGuire.

Question accordingly negatived.

Amendment proposed: No. 32, in page 1, line 9, after "Ireland)", add—

"provided that, in respect of Ireland, a person who is or has been a member of a proscribed organisation within the meaning of the Terrorism Act 2000 and who has not disavowed terrorism within the meaning given to that expression by that Act before taking his or her seat in the said House or Assembly shall be disqualified from membership of the House of Commons and the Northern Ireland Assembly".—*[Mr. Cash.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 19, Noes 280.

Division No. 40] **[11.17 pm**

AYES

Beggs, Roy
Body, Sir Richard
Cash, William
Donaldson, Jeffrey
Fallon, Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Maginnis, Ken
Page, Richard
Paisley, Rev Ian
Robathan, Andrew
Ross, William *(E Lond'y)*
Sayeed, Jonathan
Shepherd, Richard
Smyth, Rev Martin *(Belfast S)*
Spicer, Sir Michael

Thompson, William
Wardle, Charles
Winterton, Nicholas *(Macclesfield)*

Tellers for the Ayes:
Mr. Douglas Hogg and
Mr. Eric Forth.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Mike Hall and
Mrs. Anne McGuire.

Question accordingly negatived.

Amendment proposed: No. 1, in page 1, line 9, at end add—

"(2A) This section shall come into force on a day to be appointed by an order made by the Secretary of State; and the Secretary of State shall not make such an order unless he has previously laid before both Houses of Parliament a statement in relation to the Belfast Agreement (Cm 3883), stating that in his opinion and in the opinion of all parties to that Agreement all aspects of the Agreement have been implemented.

(2B) No order shall be made under subsection (2A) unless a draft of the order has been laid before, and approved by a resolution of each House of Parliament."—*[Mr. Forth.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 118, Noes 282.

Division No. 41] **[11.29 pm**

AYES

Amess, David
Arbuthnot, Rt Hon James
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Malins, Humfrey
Mawhinney, Rt Hon Sir Brian
Moss, Malcolm
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paisley, Rev Ian
Prior, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londy)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Spring, Richard
Steen, Anthony
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, John M *(Solihull)*
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim

Tellers for the Ayes:
Mr. John Randall and
Mr. Peter Atkinson.

NOES

Adams, Mrs Irene *(Paisley N)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David

Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Robert Ainsworth and Mr. Graham Allen.

Question accordingly negatived.

Mr. Forth: I beg to move amendment No. 2, page 1, line 9, at end add—

'(2A) This section shall come into force on a day to be appointed by an order made by the Secretary of State; and the Secretary of State shall not make such an order unless he is satisfied that Members of the House of Lords and the House of Commons are qualified for membership of either House of the legislature of the Republic of Ireland'.

This is the point in our proceedings where the debate can be broadened considerably. So far, we have concentrated on some narrowly drawn amendments, but amendment No. 2 covers a much broader matter of principle. None the less, it is important. The point that underlies it is, in one sense, simple, but it properly opens a debate on a principle that I will characterise as reciprocity, for want of a better word. It does not appear in the amendment, but I hope that you agree, Sir Alan, that it admirably sums up the essence of the amendment.

Mr. Michael Fabricant (Lichfield): I have listened to my right hon. Friend and read the amendment, but it strikes me that he asks for reciprocity because he does not trust the people with whom the arrangement is being made. Surely that is not the case.

Mr. Forth: I will perhaps come to the matter of who trusts whom in a slightly different context shortly. The point that I wanted to make in laying the ground for the amendment is this: should the change be unilateral or should it be made only if there is an equal and reciprocal change by the legislature that is most involved—that of the Republic of Ireland?

We have to confront two separate issues immediately. First, I make no apology for coming back, however briefly, to the motivation behind the Bill and whether it is designed to react to the Irish Government or, indeed, to any other body. More important, we have to consider as a free-standing issue whether the Bill can and should proceed, regardless of what happens at the other end of the process. Put at its simplest, the question is whether we should accept into this legislative body Members of the Irish Republic's legislature when Members here are not allowed into that body.

Mr. Swayne: Will my right hon. Friend enlighten me as to how the introduction of reciprocity makes an offensive Bill less offensive? Can he describe the conditions in which any right-minded hon. Member, having the interests of the UK at heart—as he would, having taken the Oath—would wish to serve in the Dail?

11.45 pm

Mr. Forth: We can perhaps deal with such matters shortly. I am not sure whether it is for me to explore the motivation of Members of the Irish legislature or that of any of us who might wish to go there—although the point may become relevant as I develop my argument—but my hon. Friend's useful intervention reminds me that the principle of the Bill is something on which we can agree or disagree.

[Mr. Forth]

I voted against Second Reading but accept that, as the House has taken the view that the Bill is acceptable in principle, the Committee's task is to determine whether and to what extent we can improve it. In that context, I should like my hon. Friend the Member for New Forest, West (Mr. Swayne) to be absolutely clear that, although I do not agree with the Bill's principle, I have to accept the verdict of the House. Accordingly, the spirit in which I move my amendment—which seeks to strengthen the Bill and its purpose—is very positive.

We must therefore ask whether it is right, sensible and acceptable, within the sense and principle of the Bill, which was accepted on Second Reading, now to contemplate the possibility of Members of a legislature of another sovereign state—the Republic of Ireland—coming to this place when no such right exists for Members of the House of Commons to go there.

As you know, Sir Alan, Irish law currently states that only Irish citizens may be Members of the Irish legislature. I should say immediately that I agree with that. I believe that we should adopt the Irish approach to the matter, rather than any other, because I think that they have it right. They obviously have a proper sense of their nationhood, of the sovereignty of their country and of the important symbolic value of their legislature as an expression of that sovereignty.

It is Members of this place who, if the Bill were to proceed through all its stages, would compromise our concept of nationhood and sovereignty by admitting the principle that Members of the legislature of another country may be admitted to the House of Commons. It is a very important principle.

Mr. Gerald Bermingham (St. Helens, South): As someone who was born and bred in the Republic, I say that the right hon. Gentleman's comments are an insult to millions of people in this land. He has no right to insult as he does millions of us who have given our allegiance in life and in death to this land. What does he seek to do—to erect the walls of yesteryear?

The Chairman: Order. That was a Second Reading intervention on a Second Reading passage of a speech that should be dealing with amendment No. 2. I am not prepared to listen again to arguments of principle related to Second Reading. Although I allowed such arguments to be deployed in moderation in the previous debate, which was on a wide amendment, I must correct the impression of the right hon. Member for Bromley and Chislehurst (Mr. Forth): he may think that this is a widely drawn amendment, but I do not, and I shall rule accordingly.

Mr. Forth: Sir Alan, I not only accept, but welcome your guidance in these matters. In seeking to make proper progress, we should have due regard to an amendment's breadth or otherwise. I had mistakenly thought that, in my amendment, I was seeking to import into the Bill a matter of broad principle. You have said otherwise and I accept that ruling without question.

Let us concentrate, therefore, on my amendment's very narrow point on reciprocity, which must be a relatively simple matter for the Committee to resolve. Are we prepared to contemplate the Bill proceeding without a reciprocal arrangement or not? At the other end of this deal are the Irish, whom, I tell the hon. Member for St. Helens, South (Mr. Bermingham), I was praising to the skies. I wish that we could have taken a similar approach to theirs in the matter. The Irish have within their law a provision that I should rather that we had. Regrettably, however, that is not the direction in which the Bill seeks to take us.

I suggest that the amendment would reassure the Committee, the House and the people of the United Kingdom that, at the very least, an equal and opposite arrangement could be established that would allow for the mutual exchange of members of the legislatures.

Dr. Julian Lewis (New Forest, East): Does my right hon. Friend agree that one problem with the Bill is the lack of trust on both sides? Is not inclusion of the principle of reciprocity essential if trust in both halves of the deal being delivered is to be built up? That affects every element in the Bill, including the narrow point under discussion.

Mr. Forth: My hon. Friend makes an important point. I do not trust the Government's intentions with the Bill, as they have not explained the motivation behind it. Trusting the legislators of the Irish Republic is another matter, but their law makes their view clear. The risk is that, unamended, the Bill sends out an opposite and very dangerous signal.

Mr. Fabricant: Is not my right hon. Friend being a little unfair to the Dail, which has conceded that it no longer has territorial rights over Northern Ireland? Is not that a concession, and does it not suggest at least an element of reciprocity?

Mr. Forth: No, I am not sure that that is so. The gesture was important in terms of the Belfast agreement, but the problem of whether that agreement is relevant to the Bill remains. Many of us think that it is, but Ministers sometimes say that it may be, and at other times that it is not. Therefore, I am not sure that the radical changes that have taken place in the Republic of Ireland's constitutional arrangements are germane to this debate. Sir Alan has placed a very narrow construct on this amendment, so I am not sure that what my hon. Friend suggests is relevant.

The amendment speaks for itself. It states that the Secretary of State will not make an order to bring the provision into force

"unless he is satisfied that Members of the House of Lords and House of Commons are qualified for membership of either House of the legislature of the Republic of Ireland."

We are talking about full reciprocity between two bicameral legislatures. That does not exist at present. The Bill would—

The Chairman: Order. I hope that I can assist the right hon. Gentleman. I know that it is not easy, when one is advancing an argument, to be aware of the words that one is using. However, I can assure him that I have listened

extremely carefully. He has now repeated six times the wording of the amendment in one form or another. That is getting to the point of excess.

Mr. Forth: Thank you, Sir Alan.

Mr. Nicholas Winterton: Will my right hon. Friend give way?

Mr. Forth: Of course.

Mr. Winterton: Does my right hon. Friend consider it possible that some conflict might arise if Members of the Dail sought to become Members of the House of Commons, given the need to take the Oath or to affirm? Similarly, might there not be problems for Members of this Parliament when it came to taking the relevant oath—or whatever is required—required by the legislature of the Republic of Ireland?

Mr. Forth: My hon. Friend makes an important point but I am not sure that it bears upon the substance of my amendment. It is one thing to enable Members to qualify for membership of a legislature; whether individuals think that they can do what is necessary to become Members is quite another. In other words, I may be qualified to become a Member of the Irish legislature, but if I did not feel able to take whatever oath was required there, I might not want to put myself forward. There is a real difference. I am involved only in stage one of the process, if I may put it like that, not stage two.

Mr. Alan Duncan (Rutland and Melton): Is my right hon. Friend aware of any other country that allows its citizens to sit in another country's Parliament?

The Chairman: Order. That was covered fully on Second Reading, and is not permissible in the context of the debate on this amendment.

Mr. Forth: Thank you, Sir Alan.

Mr. John Bercow (Buckingham): As one who seeks always to be a moderating influence on the deliberations of the Chamber, may I ask my right hon. Friend whether the real problem is not the fact that thus far reciprocity has not been formally offered or confirmed in law, but that the Republic of Ireland, having long pontificated on this matter, has yet to offer us the product of its lucubrations? Does he think that the problem is rather like that of Billy Bunter and the postal order that does not arrive?

Mr. Forth: My hon. Friend has the advantage of me in that he follows in detail the proceedings of the Irish legislature which, I confess, I do not. We are, in any case, sticking to the amendment, and I was about to say, partly in reply to my hon. Friend the Member for Macclesfield (Mr. Winterton), that I recognise that there could be an obstacle in the way of the amendment. I warn hon. Members that they may have to give some thought as to how serious that obstacle is. I refer to the different basis on which the political process works in terms of membership, election to this House and the Irish legislature.

Ireland has a proportional system of election that carries with it implications not only for the selection of candidates but for their election to the legislature. We, on the other hand, have our time-honoured and excellent single-member constituency system, whereby each constituency has the power—at least in our party—freely to select its candidates. I confess that that difference may be an obstacle to the full operation or fulfilment of the terms of my amendment. It need not be insuperable, because I still think that the fulfilment of its intention would rest with the individuals involved and their determination to exercise the right that it would give them to seek election to the Irish legislature from here or the right of Members of that legislature to seek election here.

I mention that in passing, because it may be a consideration in the minds of hon. Members. I leave them to decide. I believe that the obstacle can be overcome, but I would understand if colleagues felt that it presents great difficulty.

I do not want to test your patience any further, Sir Alan. You have been very kind in guiding me through the amendment. I characterised it with one word at the beginning, which was perhaps rather foolish of me, because it might have restricted my own approach to the amendment. I hope that I have said enough to persuade the Committee that this is a vital principle. It is completely absent from the Bill and is essential for the purpose of carrying it further. I hope that the Committee will give it serious thought and support it overwhelmingly.

Mr. William Ross: This has been an interesting debate so far, Sir Alan, and we are always glad of your guidance to keep us in order. Reciprocation and equality of esteem are buzz words in Northern Ireland, especially in Government circles. Parity of esteem is a phrase that we hear day after day—although not everyone believes that it exists, especially in the Government's attitude to the Unionist population of Northern Ireland.

12 midnight

In view of that, I confess to the right hon. Member for Bromley and Chislehurst (Mr. Forth) that I shall treat the amendment as a probing amendment. I want to try to find out what the Government think about those matters, and what representations they have made, on behalf of Members of this and the other place, to ensure that they have absolute clarity as to the intentions of the Government of the Irish Republic. Do they realise that the people of the Irish Republic might have to hold a referendum on the issue if a change were required to their constitution?

Members of this place are not too clear about written constitutions; they are not clear as to their legality and the possibility of legal action, nor about the need to hold a referendum of the whole population before a change can be made to a written constitution. People in the Irish Republic could go to the High Court—as some members of our party did some years' ago—and obtain a decision declaring that any effort to set up reciprocal arrangements in this matter was completely illegal.

In those circumstances, even if the Government of the Irish Republic wanted to allow Members of this and the other place to stand for election to the Dail, that would not be allowed under the constitution. That would mean

[Mr. William Ross]

that if the Government of the Irish Republic wanted to make such a change, they would have to hold a referendum—at considerable cost to them. I do not know how many millions of punts it would cost, but it would cost a lot of money to undertake such a venture.

If the proposition were accepted, the way would be clear for Members of this place to stand for Dail Eireann as well as being able to sit in the Senate—as they can at present. In the Irish Republic, the Senate is partly elected and partly appointed by the Prime Minister—the way in which we seem to be moving in relation to the House of Lords. However, I shall leave that point, Sir Alan, as I see that you are becoming uneasy. I may be reaching the limits of your patience—stretching the elastic a little—and I should not want to do that.

Real issues are inherent in the measure. We have already discussed the possibility of conflict of interest as it might affect the Executive in Northern Ireland and people from the Dail or elsewhere who might sit here. Earlier, the Government made it clear that they accept that there would be a conflict of interest at ministerial level.

The amendment, in effect, turns the slate over—to consider what would happen if Members of this place should find themselves sitting in the Dail. In those circumstances, there would be a grave conflict of interest—perhaps one that would not be helpful to Dublin. Sitting in their midst might be an individual whose primary loyalty might not be to the Irish Republic and the whole concept of that nation.

Since yesterday, I have discovered that one does not have to take an Oath to sit in the Dail, although one does have to do so to be a Minister or to be the President. Indeed, at present, a citizen of the United Kingdom is President of the Irish Republic. However, as she is an Irish nationalist, and well known as such, she had no difficulty in taking the Oath, thereby deserting the whole concept of being a United Kingdom citizen. However, that is a side issue.

Mr. Maginnis: I am grateful to my hon. Friend for giving way on that point. Although he says that no Oath is required for one's entry to the Dail, does he agree that everyone subscribing to the Irish nation is bound by the Irish constitution? I illustrate that by asking whether he recalls the court case in which five judges ruled that there was a "constitutional imperative" on all Irish people to achieve a united Ireland. They did not say how that would be achieved. Articles 2 and 3—the territorial claim—have been got rid of, but there is still a "constitutional imperative" on every person participating within the Irish nation to pursue the Irish interest.

Mr. Ross: I appreciate what my hon. Friend says. I had hoped that that court decision had been overthrown by events, but he is much more expert on that issue than I am, so I am prepared to go along with his word unless the Minister can clear up the matter. He is bound to have explored that possibility in depth, and to be in a position to give us a clear answer to the point made by my hon. Friend.

Let us imagine that a Member of this place arrives in the Dail. In those circumstances, the Government of Ireland, the people of Ireland and the Dail would be faced with a very able man—a man from this side of the water would need to be very able to get elected to the Dail. He would probably have to stand as an independent. I could not see him being a member of Fianna Fail. He might join the Democratic Left. He would be a powerful voice, whose first duty, if he was a Member of Parliament, would be to this House, as a member of this nation. That powerful voice would be in the Dail, pushing a social and economic interest that might be at variance with that which at present—

The First Deputy Chairman: The hon. Gentleman is putting a very interesting case, but the amendment talks about the Secretary of State being satisfied, so we are talking about a narrower case than that which the hon. Gentleman is putting at the moment.

Mr. Ross: I am trying to clarify to the Secretary of State the issues that he would have to consider before he reached that decision. I am also trying to help the right hon. Gentleman to have a clear understanding of all the implications of the question that would then be before him. As his behaviour in Northern Ireland has not been such as to convince many of us that he really understands the Irish question or the Irish people, never mind the Ulster people, he needs all the help that he can get.

The First Deputy Chairman: Yes, but all that the Secretary of State needs to know is about the confines of the amendment before us; and, knowing the Secretary of State, he is more than capable of doing that.

Mr. Ross: But the amendment must be set in the context—

Mr. Gerald Howarth: I am sure that, like me, the hon. Gentleman is convinced that the current Secretary of State is very capable of being satisfied, but he might not be in post for very long. Who knows? Someone less capable could succeed him.

Mr. Ross: Of course, and it would be possible to find someone less capable and with less understanding of the Irish situation, who could therefore become a bone of contention between this nation and Dublin. We really would not want that to happen. As I was saying when I was hauled back within order, Mr. Martin, I believe that that would be a problem.

People from other foreign legislatures might want to sit in the Dail. As you will appreciate, Mr. Martin, I would not be one of them. If there is one legislature on the face of this earth that I do not want to be a part of, it is Dail Eireann, so there will be no problem in dissuading me from moving in that direction. I am very happy where I am, and I hope to stay here for many years to come.

Another problem that arises is that Northern Ireland citizens are treated as Irish citizens by Dublin. For instance, if I wanted an Irish passport, all that I would have to do would be to drive down to Dublin with my photographs and get it. Whenever passport offices here have queues stretching around the block, many people have gone to Dublin. They have done so unwillingly, and because they could not afford to lose their holidays. They could always get a British passport later. In passing, it is sad that UK passport applicants have to pay for the Government's misdemeanours in that area, but that matter clearly falls outside the limits of the amendment.

An all-party commission in the Dail is examining the possibility of allowing the Northern Ireland Assembly some sort of representation in the Dail. I have referred to the efforts made by Sinn Fein-IRA to allow Northern Ireland Members of Parliament to sit in the Dail. That is a dangerous road to go down, and we would need to know the underlying theory behind the IRA's demand. When the Dail talks about representation, it might not mean voting representation, so that would not be much use to anyone wanting to go there.

There is an excellent Library research paper concerning how a Member of Parliament—or any elected representative—can carry out duties in two disparate, different legislatures. The hon. Member for North Antrim (Rev. Ian Paisley), who has left the Chamber, seems to manage fairly well in three—this sovereign Parliament, the European Parliament and the Northern Ireland Assembly. However, he is a man of enormous energy, and he can possibly manage better than the rest of us.

How could anyone carry out their duties in this House—as a Minister of the Crown, perhaps—and then hop on a plane and get over for a vote in Dublin, or vice versa? I can make it door-to-door in four and half hours from my home to here, but I cannot imagine people doing that every day of the week. There is also the question of who would pay the travel costs. Would the travel costs from here to Dublin be paid by Dublin, and vice versa? What are the ramifications of this proposal?

The First Deputy Chairman: Order. Once again, the hon. Gentleman is going wide of the amendment, and I think that he is aware of that. Perhaps he can get back to the confines of the amendment. [HON. MEMBERS: "Why?"] I do not need to explain why. I am telling the hon. Gentleman that he is moving wide of the amendment.

Mr. Ross: I am always grateful for your guidance, Mr. Martin, and the guidance from the Chair is always sound—it is never wrong. However, I am trying to ensure that the Secretary of State, in reaching a decision, stays within the confines of reason and those elements to which he must give consideration.

Mr. Robathan: Is not it a qualification of membership of both legislatures that one must do one's job properly for constituents? If one has constituents in Leicestershire, for instance, one must look after them. However, if one has constituents in Connemara or Donegal, one must look after them. Surely those are two competing claims on the qualification for membership of both legislatures.

Mr. Ross: The hon. Gentleman raises an important point which, down the years, has bedevilled those in the House who have looked at what should disqualify a Member of the House. One of the issues considered in terms of disqualification is the time available for a Member to carry out his duties in this place to his constituents.

Dr. Julian Lewis: Surely it is not just a question of the time demands on the hon. Members concerned, but the fact that the interests of the two different constituencies represented by the same Member of the two legislatures could well be in conflict with one another. How can that be resolved?

The First Deputy Chairman: Order. I am sorry to have to keep interrupting proceedings. However, I am reading the same amendment as the hon. Member for East Londonderry (Mr. Ross)—it is about the Secretary of State being satisfied, and not about whether a person is capable of doing the job.

Mr. Ross: I just want to say one sentence in reply to the hon. Member for New Forest, East (Dr. Lewis). The speech of my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) raised that very point yesterday, and it was definitely not answered. My hon. Friend made the point succinctly and it is well worth while reading his speech because it clearly illustrates the point that the hon. Gentleman has raised.

12.15 am

Mr. Swayne: It may be the lateness of the hour or the result of a momentary lapse of attention on my part, but the hon. Gentleman seems to be developing a powerful argument for voting against the amendments. Am I mistaken in thinking that he said that he was in favour of the amendment?

Mr. Ross: The hon. Gentleman has missed the point. To some extent, I am treating this is a probing amendment. However, if I am not satisfied with the answers that I receive from Ministers, I shall certainly vote for it. The right hon. Member for Bromley and Chislehurst has been a powerful supporter of the Unionist position and he has greater experience of these matters than I do. Therefore, I will, on this occasion, bow to his judgment. It will not take very much to persuade me to vote for the amendment.

Mr. Nicholas Winterton: I wish to refer specifically to the words in the amendment. Will my hon. Friend interpret for me what he understands by the words that refer to the Secretary of State—and I hope to the House of Commons as well? It uses the phrase

"unless he is satisfied that Members of the House of Lords and the House of Commons are qualified for membership of either House of the legislature of the Republic of Ireland".

What does my hon. Friend understand by the phrase "qualified for membership"? It could mean a whole range of things—their intellectual capacities, their educational qualifications or the fact that they are just Members of the House of Commons or the House of Lords. How does he interpret those words?

Mr. Ross: That is one reason why I treat this as a probing amendment. Someone who goes to either part of the legislature of the Irish Republic must be an Irish citizen. However, as I pointed out yesterday, those in the Irish football team might not always be considered as members of the Irish nation. Some of them qualify to play for it because they have an Irish grandfather. I have heard the team described as the English second string, but it has done very well—and good luck to it.

I am curious about the provision and that is why I want my questions answered. Is the fact that a person is—or can claim to be—an Irish citizen sufficient to qualify him? What about Members of the House of Lords? I am not sure about the current position but, until recently, peers could not vote. Some well known peers have large properties in Ireland and live there part of the year. Are they qualified?

[Mr. Ross]

The Secretary of State has to make an order. Does that order have to be passed by both Houses of Parliament or will it be possible for it to appear in a preliminary form with white or green edges so that we could consider it and make representations about its amendment to the Secretary of State? What will the legislative procedure be to resolve the problems that are outlined in the amendment?

Mr. Fabricant: I am interested in the hon. Gentleman's argument. He asked whether the Secretary of State alone or the House should make the decision. Surely the judgment would not be a qualitative, but a quantitative one. It would not be a question of opinion, but of fact. It would relate to whether Members of this House or the other place are entitled to sit at that time in the Dail.

Mr. Ross: That is a matter which could be resolved only by reference to the rules of the Dail and by reference to the Government of the Irish Republic. Perhaps, we could set up a committee between this House and the Dail to discuss and explore all the problems that might arise if we made a mistake. For example, we would not want to say that the hon. Gentleman could go to the Dail and then find at the last minute that the party that was depending on him or the independents that wanted him would not be able to choose him. That would not be right at all. We have to be dead certain that all the implications have been thoroughly thought through, the lines are clear and we know exactly where we stand. Enough has been said to illustrate that there are several difficulties that must be explored.

I draw the Committee's attention to the fact that the Government of Ireland Act 1920 disqualified members of the Northern Ireland Executive from sitting in the House of Commons. The Secretary of State should bear that in mind. I note in passing that, at present, Members of the European Parliament cannot be members of the Northern Ireland Executive. The hon. Member for North Antrim (Rev. Ian Paisley) is not a member of the Executive, but the deputy leader of his party is. The same is true of the SDLP: the deputy leader is a member of the Executive, but the hon. Member for Foyle (Mr. Hume) is not. The two members of those parties who are members of the Executive are, of course, Members of the House of Commons, but the leaders of those two parties are debarred by the rules of the European Parliament, of which they are Members, from taking up posts in the Northern Ireland Executive. The Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien), nods.

That example demonstrates that reciprocity is not easy to achieve. There are all sorts of rules, regulations and problems that the Government have not fully thought through. It is the Committee's duty to explore such matters and to seek explanations in the hope that, this evening, we might receive an answer to one of our questions. If we did, it would make such a pleasant change that we would hardly believe our luck. I do not expect an answer to any of my questions, but I do ask for one. If we do not get any answers, I am sure that we shall return to these matters on Report.

The hon. Member for St. Helens, South (Mr. Bermingham) has complained about remarks made by the right hon. Member for Bromley and Chislehurst. If he were to stand, the hon. Gentleman might be elected to the Dail—*[Laughter.]* It is possible—he would certainly have a better chance than I would. One has to think through the steps one must take to get elected to the Dail. The Secretary of State should listen carefully, because both he and his Under-Secretary are familiar with the single transferable vote system of election.

I believe that there are one or two Dail constituencies in Dublin that send five, six, seven or eight Members to the Dail. Let us take a four-Member constituency—the mathematics are easier to work out at this time of night. Only 20 per cent. of the votes plus one vote are needed to secure election: that is the quota the candidate needs to be home and dry. As one moves down the list, fewer and fewer votes are needed to secure election. Even if the hon. Member for St. Helens, South received a relatively small number of votes—the absolutely derisory vote that results from a by-election in a safe Labour seat or a council election, both of which attract extremely low turnout—he could in such a constituency be home and dry, a Member of the Dail. Other Members of the UK Parliament might be able to do the same. However, if the hon. Gentleman stood in a place like Donegal, where the number of seats is carefully controlled so as to ensure that it is far more difficult to get elected—Donegal is where the pro-Union population lives—he would find it impossible to get elected.

I shall not weary the House with a chapter and verse description of the STV system of election—[HON. MEMBERS: "Go on."] No, I shall not do so, if only because you, Mr. Martin, might consider such a description of the workings of the STV system and of the way in which the count is done to be out of order. I know that hon. Members would find it interesting, but, if not quite out of order, I would be stretching the First Deputy Chairman's patience.

Mr. Roy Beggs (East Antrim): It would be breakfast time before we finished.

Mr. Ross: On many occasions, it has been breakfast time on the second day before the result is announced.

Mr. Brady: It may be out of order to go into detail about the single transferable vote, but I think that the hon. Gentleman has answered one of his earlier questions. With a multi-Member constituency, clearly a Member could come to this place and serve here while the other Members in the constituency worked for the constituents. That is one of the great failings of the multi-Member system.

Mr. Ross: The hon. Gentleman draws attention to a failing. However, he will understand that the Member who was carrying out his duties in this place would be throwing an extra burden on the other Members of the Dail elected. It would be possible for him to be only a representative of his party. The boundaries are often drawn as they are by the governing party because it knows how people vote. That Member could find himself getting into trouble with the Whips in the Dail, and we would not want that, would we?

An enormous number of points must be answered by the Minister when he responds to the debate. Unfortunately, the Secretary of State has left us again. That is sad because he is not taking enough interest in the ramifications of the matter. It seems that the Under-Secretary of State for the Home Department will respond.

Mr. Brady: To the single transferable vote point?

Mr. Ross: The STV was wished upon us in Northern Ireland by the House of Commons. I note that the Government have cold feet and do not want to wish it upon themselves. Long may that happy situation persist because it is the most abominable system. Having had experience of other forms of proportional representation in this place, there is a certain coolness among those on the Government Benches towards the concept.

Mr. John Hayes (South Holland and The Deepings): With respect, I fear that the hon. Gentleman is straying a little far from the narrow confines of the amendment. I say that with respect, Mr. Martin. I draw him back to the specific point that is contained in the amendment about reciprocal arrangements and qualification. The hon. Gentleman has abbreviated his remarks generally, to the great loss of the Committee, and especially when he answered my hon. Friend the Member for Macclesfield (Mr. Winterton) about qualification. Was he speaking about legal qualification, and will he elaborate upon that in respect of the reciprocal arrangements? Or was he speaking about qualification in terms of political legitimacy? Will he elaborate on the issue and go into some detail in answering the question by my hon. Friend the Member for Macclesfield, which in my estimation he failed to answer?

Mr. Ross: As the hon. Gentleman will be aware, my response to my hon. Friend the Member for Macclesfield (Mr. Winterton) arose because of his intervention. That being so, I did not have time to explore the point that he was raising. I wish that that time had been available to me because it might have been possible to have considered the issue in more depth. I shall keep in mind what he said and I hope that we can return to it on Report. It can be taken up in the House of Lords or perhaps when it returns to this place, having been properly amended. It is clear that the Bill needs many and various amendments that will be of great importance.

Mr. Fabricant: We all know that in this place we have role models. We have heroes whom we worship. It is fairly well known in the House of Commons that my right hon. Member for Bromley and Chislehurst (Mr. Forth) is my hero. For that reason, I speak in favour of the amendment.

I was trying to get my head round the amendment, as we say in the broadcasting profession. I was trying to understand my right hon. Friend's motivation in tabling it. I think that the motivation was summed up admirably by my hon. Friend the Member for New Forest, East (Dr. Lewis), when he said, "Mr. Martin, it is all down to trust."

Before I entered the House of Commons, in 1992, when some would say I did a real job, although they would be unfair in saying that, I was involved in setting up radio stations in about 48 countries throughout the world. In some of those countries one could easily come to a bargain; one simply shook a hand and the deal was done—for example, with the BBC in the United Kingdom, or in Holland. I would make an offer, it would be accepted and the deal would be done. In other circumstances, one could not always trust such a handshake, and reciprocity was required. If one wanted to enter into a contract, not only offer and acceptance but consideration were required.

12.30 am

Why do we feel that trust does not exist between us and certain elements with whom we have entered into negotiations in the past year? I do not wish to stray from the narrow terms of the amendment, but the answer is clear: trust does not exist because of decommissioning. When we entered into a contract with representatives of Sinn Fein-IRA, the terms made it clear that decommissioning would be undertaken. Yet, as we speak, at 31 minutes past the hour on 26 January, not one weapon or bullet has been handed over. Time ticks on.

Dr. Julian Lewis: Can my hon. Friend suggest the reason for Sinn Fein's failure to decommission in January or February if it intends to do so totally by May? Does that not suggest a lack of trust?

The First Deputy Chairman: Order. There is no scope for discussing decommissioning on amendment No. 2.

Mr. Fabricant: I always take your advice, Mr. Martin, but my hon. Friend's point is well made. If an action is to be completed by May, it could be taken in January, February or March. Failure to decommission creates doubt and lack of trust. I have now got my head around the problem, and I realise why my hero and right hon. Friend the Member for Bromley and Chislehurst tabled the amendment: there is doubt about whether trust can exist between the parties involved. I believe that shady dealing might well occur. That is worrying.

Mr. Hayes: It is all very well to talk about slap and tickle while shaking hands with heroes and others around the world—I am sure my hon. Friend enjoyed that. However, although my hon. Friend argues that we are considering a matter of trust, we are in fact discussing qualification. As I suggested to the hon. Member for East Londonderry (Mr. Ross), qualification is either a legal matter or a broader issue. It may well be broader, and cover some of the subjects that we debated earlier, such as the ability to serve a constituency, conflict of interest and so on. Rather than entertaining us with stories of Holland and other exotic climes, my hon. Friend should concentrate on qualification, which is at the heart of the amendment.

Mr. Fabricant: My hon. Friend's incisive mind has cut to the point like a scalpel. He repeated a point that I made to the hon. Member for East Londonderry (Mr. Ross) when I said that the ability of a Member of Parliament to sit in another legislature was a qualitative, not a quantitative matter.

My right hon. Friend the Member for Bromley and Chislehurst wants to put down a marker to the effect that trust cannot exist as long as decommissioning, and other

[Mr. Fabricant]

factors involved in the agreements that have been reached, have not been fulfilled equally by both sides of the bargain. When concessions are made continually by one side and not the other—

The First Deputy Chairman: Order. The hon. Gentleman is making what might be considered a Second Reading speech. It might have assisted him to read the amendment before rising.

Mr. Fabricant: Thank you, Mr. Martin. I am reading the amendment now and I read it earlier too. It states that

"the Secretary of State shall not make such an order unless he is satisfied that Members of the House of Lords and the House of Commons are qualified for membership of either House of the legislature of the Republic of Ireland"—

the Dail. I repeat that this is a quantitative matter, not a qualitative matter. It is not an analogue issue but a digital issue. It is either 1 or 0; yes or no. There is no rainbow. There is no spectrum. Either it is so or it is not so.

The reason for amendment No. 2 is a lack of trust. I thought that the Bill was fairly straightforward. The hon. Member for East Londonderry referred to an Act of 1920. I did not catch all the details and it is a great shame that the hon. Gentleman has left the Chamber. If any hon. Gentleman could assist by explaining the 1920 Act, I shall be most grateful.

Mr. Beggs *rose—*

The First Deputy Chairman: Order. It is not for any hon. Member to give details of a different piece of legislation. This is a narrow amendment, and the hon. Gentleman should speak to it.

Mr. Beggs: Does the hon. Member for Lichfield (Mr. Fabricant) agree that, despite the wording of the amendment, the reality is that it is simply a device to enable members of Sinn Fein-IRA to sit in both the Dail and the House of Commons? Let us face up to that.

The First Deputy Chairman: Order. I do not know what the hon. Gentleman's intervention refers to, but the Committee is debating amendment No. 2. If the hon. Gentleman is saying that the Bill may be a device to allow something to happen, it is one thing—but the Committee is debating not the Bill as a whole but a narrow amendment to it moved by the right hon. Member for Bromley and Chislehurst (Mr. Forth).

Mr. Fabricant: You are of course absolutely right, Mr. Martin. The purpose of the amendment is to ensure that Members of the Dail will only be allowed to sit in this House if we are allowed to sit in their place.

Mr. Bercow: Some members have focused on the word "qualified"—rather as bees focus on a honeypot. Does my hon. Friend think that the critics of amendment No. 2 would have their concerns allayed if the word "eligible" were substituted for the word "qualified"?

Mr. Fabricant: My hon. Friend, as ever, not only plays with words but uses them to the advantage of the Committee. It is not for me to speculate on what members of the Front Bench might wish to do.

Mr. Hayes *rose—*

Mr. Swayne *rose—*

Mr. Fabricant: I will give way first to my hon. Friend the Member for New Forest, West (Mr. Swayne), who tried to attract my attention earlier.

Mr. Swayne: The thrust of my hon. Friend's argument is that there is a lack of trust, which requires us to build reciprocity into the Bill because we cannot wait upon the expectation that reciprocity will be provided if we do not. What I cannot follow is whether that reciprocity is desirable or desired.

Mr. Fabricant: My hon. Friend asks a perceptive question. Is the amendment desired or desirable? Surprisingly enough, the amendment is not the question.

Mr. Hayes *rose—*

Mr. Fabricant: I will not give way immediately to my hon. Friend, who was so rude about my previous career, but I will give way to him in a moment. Surely the point is that we are putting down a marker.

Mr. Hayes: I meant no discourtesy when I referred to my hon. Friend's previous career. I bear him no grudges, as he well knows.

The intervention of my hon. Friend the Member for Buckingham (Mr. Bercow) seemed to be deeply confused, although my hon. Friend the Member for Lichfield claims that he is a master of the language. He talked about eligibility and qualification as though they were significantly different in specific regard to the amendment. I suggest that if he looks carefully at the 1920 Act, he will understand that there is no significant difference and that eligibility for membership of either the House or the Irish Parliament lies at the heart of the amendment. Rather than entertaining us lavishly with stories about dancing over rainbows and all sorts of other interesting things, my hon. Friend the Member for Lichfield should draw attention to that specific point. I hope that he will do so with rather more speed than he has shown so far.

Mr. Fabricant: I am shocked, Mr. Martin. My hon. Friend is applying for your job. He may at least be trying to ingratiate himself and clearly wants to move on quickly, but he has missed the point and has not been following the arguments at all. As my hon. Friend the Member for New Forest, West said, this is a question of trust. Why should we not trust those with whom we enter into a contract? That has everything to do with experience. I say to my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) that experiences, whether

in business or negotiations over politics, colour one's mind as to whether one should enter into a contract with total trust. My right hon. Friend the Member for Bromley and Chislehurst tabled the amendment simply because he has no grounds for trusting the other parties. Would it be right for the House of Commons to accept Members of the Dail to serve in it if there was no reciprocal agreement for Members of the House to serve in the Dail? The whole House would say that that would be wrong.

Mr. Nicholas Winterton: I am listening to my hon. Friend's argument with great care and ask for his interpretation of my view. It is possible that the amendment has been tabled to show that reciprocity is completely inoperable. If it is inoperable, the purpose of the Bill is unacceptable. Without reciprocity, it would be quite wrong for the House to grant to Members from another country and another Parliament the right and opportunity to sit in the House, and we have heard that reciprocity is out of the question and inoperable.

Mr. Fabricant: My hon. Friend raises a powerful point. He says that reciprocity does not exist, which is unacceptable to the House. Where has there been reciprocity so far? There has been concession after concession after concession, and they have all been one sided. I do not want to stray from the amendment, but I must say that although I was cautious at first about saying anything that I felt might damage the peace process, I see unfortunate parallels when I look back over the past few months and cast my mind back in history to what happened between 1936 and 1938. We have learned that if there is not reciprocity there will be defeat, cruelty and injustice.

I say to my hon. Friend the Member for South Holland and The Deepings that it was perfectly valid to talk about my own experiences of negotiating in countries overseas. I believe that we have strong grounds to doubt the judgment and honesty of the other people in the negotiation and every reason to table and support amendments that ask for reassurance.

Mr. Hayes: I should like to make it quite clear that my attempt was only to bring my hon. Friend back to the confines of the amendment in respect of eligibility. I think he has moved with some speed on to that, and his final remarks clearly dealt with much of what I wanted him to cover. I did not mean any offence either to the Chair or to my hon. Friend, but that does not apply to the remarks I made about my hon. Friend the Member for Buckingham (Mr. Bercow).

Mr. Fabricant: On those very warm notes, and with a feeling of touchy-feely, huggy-kissy reciprocity—as far as my hon. Friend the hon. Member for South Holland and the Deepings is concerned at least—I will rest my case.

12.45 am

Mr. Fallon: It is a peculiar feature of this amendment that both its proposers, my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and the hon. Member for East Londonderry (Mr. Ross), not only supported it but introduced arguments opposing it. Perhaps they were saving themselves the trouble of winding up their own debate. Who knows?

I hope that my right hon. Friend will forgive me for saying that I have exactly the same doubts about amendment No. 2 as I had about amendment No. 1. If one is opposed to the principle of the Bill, which my right hon. Friend signally is—he spoke against it with great distinction and voted against it not 24 hours ago—it is impossible to suggest to the Committee that it can somehow be improved by his amendment. If one is opposed to the principle that one cannot be subject to two sovereign states, that one cannot bear allegiance to two sovereign Parliaments, it is odd to suggest that that can simply be cured by reciprocity.

There is no logical limit to the point that my right hon. Friend makes. Let us suppose that the People's Republic of China offered us reciprocity. We could suggest one Member of this House who might well volunteer to be a member of the National Congress of China. But clearly that would be nonsense.

This leads me to wonder what motivated my right hon. Friend to propose this peculiar concept of reciprocity. I wonder whether there is some secret understanding that my right hon. Friend has negotiated with the Republic of Ireland, whether he has been given undertakings that the Republic of Ireland would welcome the candidacy of certain Members of this House. In tabling the amendment and advocating reciprocity, my right hon. Friend ought to come clean with the Committee and reveal any understandings that he has come to or that have been put to him about possible joint membership of the two legislatures.

I come, finally, to the crux of the amendment, which you, Mr. Martin, identified and about which there has already been some discussion: the whole question of qualification for membership. I would suggest to the Committee a further point, which lies not so much in the words "qualified for membership", although those words, as my hon. Friends have already pointed out, are fraught with ambiguity. There is also a problem with who is to be satisfied and the fact that it is the Secretary of State. In our system, the question of whether somebody is eligible to stand for Parliament is a matter of law, not a matter for the subjective judgment of a Secretary of State. It is a matter clearly set out in statute.

My right hon. Friend may have good and novel arguments for the reciprocity that he is putting forward, but I would ask him to address that specific point. Are we really right to leave to the subjective judgment of the Secretary of State—who is, whether we like it or not, a member of one political party—the decision as to whether candidates from other political parties are qualified to stand for membership of another legislature? That is a dangerous suggestion. The Chair has already indicated that it would be prepared to look kindly on manuscript amendments. I suggest to my right hon. Friend that, even at this late stage, he could table an amendment making it clear that the definition of qualification for membership should be set down in statute, and not left to the judgment of a Secretary of State.

Mr. Brady: Surely the Secretary of State would be bound by the normal principles. He would have to exercise his discretion with a degree of reasonableness, and would be open to judicial review if he did not do so.

Mr. Fallon: That is precisely the sort of eventuality that we should guard against. It should not be for the

[Mr. Fallon]

courts to decide who is eligible, after appeals, reviews, seats being declared void and so on. That is the whole point. We should set down in statute who is eligible to be a Member of this House. I do not want that to be left to the subjective judgment of the Secretary of State, to judicial review, or to an appeal process.

Mr. Tam Dalyell (Linlithgow): My hon. Friend the Member for Ealing, North (Mr. Pound) and I are overcome with curiosity about who wanted to be a member of the Congress of the People's Republic of China. We think that it could only be the right hon. Member for Old Bexley and Sidcup (Sir E. Heath).

Mr. Fallon: The hon. Gentleman tempts me to deal with the south China question, but I will not allow myself to be tempted.

I think that my right hon. Friend needs to do a little more work on the amendment. I am not persuaded that simply proposing, negotiating or agreeing reciprocity will cure the faults that lie at the centre of the Bill. It is not possible to be a subject of two sovereign states, or to bear allegiance to two sovereign Parliaments. No amount of reciprocity with any assembly or Parliament in the European Union, the western world, China or anywhere else can deal with those fundamental faults.

Mr. Bercow: My hon. Friend has argued powerfully that two, three or four wrongs do not make a right. Does he agree, however, that it is particularly important in the context of amendment No. 2 to ensure clarity, and that discretion—fettered or otherwise—for the current incumbent of the post of Secretary of State for Northern Ireland is especially dangerous, given that that right hon. Gentleman, whatever his talents, is a notoriously tricky customer?

Mr. Fallon: That is exactly the sort of suggestion that is bound to be made. Once the House decides to give discretion to any kind of Secretary of State, all kinds of questions are bound to be raised about that Secretary of State's party allegiance, his partiality, his own place in the peace process in Northern Ireland, and so forth.

I hope that my right hon. Friend will improve his amendment by removing the subjective test, and defining eligibility for membership in statute. Even if he is prepared to do that, however, I shall have deep reservations about the possibility of dealing with the whole question of dual loyalty simply by reciprocity. I do not think that that is enough, and, even if my right hon. Friend improves his amendment in the way that I suggest, unless he presents me with a much more compelling argument in favour of it, I shall not be prepared to vote for it.

Mr. Gerald Howarth: I am sure that the Committee appreciated the forceful arguments advanced by my hon. Friend the Member for Sevenoaks (Mr. Fallon). We missed him here yesterday. Like him, I am totally opposed to the Bill. Unlike him, I voted against it; but I know—because he assured me in the Lobby—that, had he been here yesterday, he would have voted against it too. He would also have heard what was said yesterday by my hon. Friend the Member for East Hampshire (Mr. Mates), a former Northern Ireland Minister. He made some of the points that my right hon. Friend has made.

It is true that the amendment, which was moved so ably by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), contradicts the argument of my hon. Friends the Members for East Hampshire and for Sevenoaks that it is not seriously conceivable to have dual allegiance to two sovereign legislatures. It undoubtedly creates conflicts of allegiance, but the difficulty is that we have the Bill before us. The question is simple: having lost the Second Reading vote, do we turn our backs on the discussion, say that there is nothing we can do with the Bill and just let it go; or do we seek to amend it in some way to improve it, however miserable the improvement?

Mr. Swayne: Our contention is that, by multiplying the potential for wrongs, the amendment would make the Bill worse. *[Interruption.]*

Mr. Howarth: Did the hon. Member for Ealing, North (Mr. Pound), my fellow prison officer from Dartmoor, wish to intervene? I am sorry. I thought that he wanted to intervene.

Dr. Julian Lewis: Will my hon. Friend give way?

Mr. Howarth: Of course. I will take all interventions from New Forest.

Dr. Lewis: That is precisely the point. It is the first time that I have ever disagreed with an intervention by my hon. Friend the Member for New Forest, West (Mr. Swayne). Surely the point is that, rather than multiplying the wrongs, insistence on reciprocity creates the possibility of retaliation. If someone who is going to abuse his status in the House of Commons when he sits for the Dail is made aware of the fact that retaliation can occur, he may be less inclined to commit that abuse in the first place.

Mr. Howarth: That is a forceful argument from my hon. Friend, who is the embodiment of the thermo-nuclear deterrent. I do not think that any of us would wish to cross him, but there are arguments for the amendment. The Under-Secretary of State for the Home Department will make a speech at some point and will have to answer a number of questions. The amendment gives us the opportunity to probe further how it came to pass that the Bill was brought before the House in this form and why it is being rushed through with such expedition.

The amendment is of a dual nature. It seeks to provide that Members of the House of Commons and the other place should be either qualified or eligible, depending on the word we want to use, for membership of either House of the legislature of the Republic of Ireland. That is the key issue. It is at the heart of the reciprocity argument. If, as is provided for in the Bill, Members of the Irish legislature are to be permitted to have the honour to be Members of this legislature, there should be reciprocity.

The question of how the conditions for that reciprocity are determined—whether the Secretary of State has to be satisfied, or whether another mechanism is provided—is a separate matter. However, the amendment provides us with the opportunity to test the good faith of those who are behind the promotion of the Bill. I do not believe that the Ministers are behind the promotion of the Bill. They are merely the agents. We are trying to find out not who the monkeys are, but who the organ grinder is.

1 am

Mr. James Clappison (Hertsmere): Before my hon. Friend moves on to his next point, which I apprehend he will come to shortly, will he reflect a little further on the matter of reciprocity? Is it not a fact that reciprocity characterises many of the special arrangements between the Irish Republic and the United Kingdom, not least in matters such as the common travel area? Would it not be a shame to depart in this Bill from the principle that underlies those arrangements? Might not such a departure bring to an end the undoubted good will that exists between the citizens of the United Kingdom and the Irish Republic?

Mr. Howarth: If my hon. Friend is suggesting that there are already substantial spheres of reciprocity and that the Bill would mark a substantial departure from that precedent, he owes it to the Committee to give us a rather more detailed exposition of the point. I, for one, feel that he has only touched on the point and that we need a very much more comprehensive explanation of the extent to which arrangements between the Republic of Ireland and the United Kingdom are subject to reciprocity.

Mr. Clappison *rose—*

Mr. Howarth: I shall give way to my hon. Friend, but I hope that he will be able to enlighten me more substantially.

Mr. Clappison: I am grateful to my hon. Friend for giving way. I have been provoked to intervene also by the Minister, who I know enjoys my interventions on this type of subject.

The amendment would remedy a defect that would otherwise be present in the Bill, by ensuring continuation of the reciprocity that is a characteristic of so many arrangements between the United Kingdom and the Irish Republic. By contrast with what has been suggested by at least one Labour Member, the amendment is all about promoting good will between the United Kingdom and the Irish Republic.

Mr. Howarth: Although I listened very carefully to my hon. Friend's argument, I still share some of the reservations expressed by my hon. Friend the Member for Sevenoaks (Mr. Fallon)—that the amendment would strike at aspects of the Bill's principle. Nevertheless, I support amendment No. 2 because I believe that the debate on it will provide a mechanism by which we shall be able to get to some of the truth of the matter, which we have not yet heard.

My right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) asked the key question that has run throughout our debates today: why have the Government introduced the Bill? Is it part of a deal with Sinn Fein?

The First Deputy Chairman: Order. The hon. Gentleman is making a case that should have been made on Second Reading. We are debating not why the Government introduced the Bill, but amendment No. 2.

Mr. Howarth: Mr. Martin, you are absolutely right, and I apologise for transgressing. It is just that I thought that the question was part of the theme running through our debates.

Mr. Bercow: I should like to clarify my hon. Friend's assessment of amendment No. 2. Does he agree that the amendment, whatever imperfections it may contain, is at least a variant on the theme of a multilateralist approach to the issue, whereas the Government's opposition to the amendment is emblematic of their preference, once again, for unilateralism?

Mr. Howarth: My hon. Friend is absolutely right, and it is a charge that the Minister will have to answer. I am sure that the Minister is making careful notes—actually he is not, but he should be—so that he is prepared to answer the serious questions that I am asking him. He will have to answer them.

Mr. Robathan: On a point of order, Mr. Martin. Is it in order for hon. Members to read books, novels or newspapers in Committee?

The First Deputy Chairman: Order. Newspapers should not be read in Committee, but I do not see any hon. Member reading one.

Mr. Howarth: I will try not to give you a reason to rise to your feet again, Mr. Martin, so that you can enjoy sitting in that comfortable Chair.

As I was saying before my hon. Friend the Member for Blaby (Mr. Robathan) interrupted with his point of order, I believe that the amendment would provide us with an opportunity to test the good faith of those who are behind the Bill. Adopting the amendment's implicit reciprocity provisions would go some way towards sending out a signal that the Government are not trying to give a sop to Sinn Fein.

I cannot understand why the Government are adopting what my hon. Friend the Member for Buckingham (Mr. Bercow) called a unilateralist approach. Why is the Bill a one-way proposition? Why can Members of the Dail become Members of this Parliament, but we cannot go there?

The hon. Member for East Londonderry (Mr. Ross) spoke extremely interestingly earlier. I am only sorry that he could not enlighten us further. He asked what representations Ministers made to their Irish counterparts about reciprocity. Yesterday the Minister said:

"Separate development of direct interparliamentary links between the various legislatures was envisaged at the time of the Good Friday agreement."—[*Official Report*, 24 January 2000; Vol. 343, c. 28.]

[Mr. Howarth]

The concept of interparliamentary links implies links in both directions, but the Bill offers only a one-way link.

I hope that the Minister will tell the Committee with whom the discussions were held. From what he said yesterday one is entitled to assume that such discussions took place. Which Ministers were involved? Did they propose to their counterparts in the Irish Republic that this House would be likely to demand reciprocity if the Bill were introduced here? If so, what was the response of Irish Ministers? Did they say that people in the Republic could not permit people who had taken the Oath of Allegiance to the Queen to become Members of the Dail?

Mr. Nicholas Winterton: Does my hon. Friend accept that, were the Government to come clean about the purpose of the Bill, this amendment and others would be rendered unnecessary? Would not the Government then be able to know where they stand much earlier than would otherwise be the case?

Mr. Howarth: I am not sure that that would render this amendment unnecessary. However, it would at least to some extent curtail a debate characterised by the total lack of confidence among Conservative—and Liberal Democrat—Members about the Government's motivation in introducing the Bill.

The First Deputy Chairman: Order. I say again that the hon. Gentleman should not worry himself about the Bill but should consider the amendment before us.

Mr. Howarth: I apologise, Mr. Martin, for making you get to your feet again.

Mr. Hayes: Will my hon. Friend give way?

Mr. Howarth: If my hon. Friend is not going to be abusive to me, I shall be delighted to give way to him.

Mr. Hayes: Abuse is my stock in trade, Mr. Martin. In an effort to concentrate his remarks on the specific issue in the amendment, will my hon. Friend give us his views on qualification or eligibility, as my hon. Friend the Member for Buckingham (Mr. Bercow) tautologically—and thus rather uncharacteristically—describes it? What effect does that have on ministerial discretion?

The amendment deals with qualification and the Secretary of State's judgment about it. My hon. Friend has not elaborated on this so far, and the whole Committee is waiting, with great anticipation, to hear his views.

Mr. Howarth: I am touched that my hon. Friend should think that the Committee is waiting for my views on qualification. I said that I thought that the amendment was in two parts and that the satisfaction of the Secretary of State, or some other mechanism, was one aspect of it. I shall not be able to satisfy my hon. Friend in giving a great discourse on my views, because I regard the other aspect of the amendment as the more important.

My hon. Friend is right to draw attention to the fact that simply to repose confidence in the Secretary of State's ability to be satisfied or otherwise as to the eligibility of members of the legislature of the Republic of Ireland to be Members of this House is unsatisfactory. My right hon. Friend the Member for Bromley and Chislehurst, like all of us, had very little time in which to draft the amendment. In deference to him, I think that he has done a damn good job for the Committee in the short time available to him.

I wish to draw my remarks to a close, because I do not wish to detain the Committee too long. I have put fundamental points to the Minister. Were there discussions with his counterparts in the Republic of Ireland? What did they entail? Why was a clause providing for reciprocity not included in the Bill?

Membership of the House is a privilege and an honour. Unless the Government are prepared to accept the amendment, they are saying that we do not value such membership to the same extent as do other people in the House, because we are prepared to trade it away in return for nothing. I think that that is unacceptable.

Mr. Thompson: I am happy to speak in support of the amendment. The Bill lacks a provision of this kind. We have to ask why such a provision was not incorporated in the Bill from the start. It seems extraordinary that any Government of this United Kingdom would be willing to give a concession to the Republic of Ireland without, at the same time, requiring that a similar concession be given to us. Not to do so shows a severe lack of confidence in the United Kingdom and, indeed, a dereliction of duty to the United Kingdom.

1.15 am

Furthermore, we need to ask whether reciprocity was asked for when the Government were talking to Sinn Fein-IRA about the Bill. When they were talking to the Government of the Republic of Ireland about the Bill, did they ask whether there would be a quid pro quo from the Republic of Ireland?

Mr. Swayne: In what way does the inclusion of the amendment respect the integument of the United Kingdom? Can the hon. Gentleman honestly say that he would have looked more favourably on the Bill if it had included the amendment in support of which he speaks?

Mr. Thompson: Of course, we do not like the Bill. We would like to have nothing to do with it. However, the reality is that the Government have introduced the Bill—whether we like it or not. Furthermore, they will pass the Bill whether we like it or not. As the Bill will be passed in any case, it is surely in our interests to try to amend it to the benefit of this place. We should point out its difficulties and weaknesses, and try to make some improvement.

It is incomprehensible that we are prepared to make such a concession to a foreign country without reciprocal action from that country. It is right that provisions such as amendment No. 2 should be tabled, and debated in Committee, in the hope that the Government might see the error of their ways, undergo a conversion and accept the amendment.

Did the Government ask for a quid pro quo, and, if they did so, was it refused? In the light of the answer to those questions, we will be able to consider the Government's status.

The amendment might have been better worded. All we want to know is whether, if Members of the Dail can sit in this House, Members of this House can sit in the Dail. The only way for that to be achieved is for a similar Bill to be introduced and passed in the Dail.

When the Secretary of State was appointing days for the consideration of this Bill, the only question he should have asked himself was whether a Bill would be put through the Dail giving the same rights to Members of this Parliament as we are prepared to give to Members of the Dail.

That would be a natural question for any sovereign Parliament to ask when dealing with matters that relate to a foreign country. The amendment is necessary and should command the full support of the whole Committee.

Mr. Brady: I shall be brief, given the lateness of the hour.

I have some comments to make on points that have been touched on, especially by my hon. Friend the Member for Lichfield (Mr. Fabricant), who has briefly left the Chamber. My hon. Friends have discussed whether

"qualified for membership of either House of the legislature of the Republic of Ireland"

is the most appropriate form of words. My hon. Friend the Member for Buckingham (Mr. Bercow) suggested that "eligible" might be a more appropriate word than "qualified". I do not consider that that achieves the desired effect. Nor am I entirely happy with the form of words that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) suggests, because I am not certain that the Secretary of State could be satisfied that Members of the House or of the other place were qualified for membership of either House of the legislature of the Republic of Ireland. However, one could expect him to satisfy himself that they were not disqualified.

There is an important difference because, in removing the disqualification that applies to Members of the Irish Parliament in terms of a right to sit in our Parliament in the United Kingdom, we should be seeking something that is equivalent to that in the spirit of the reciprocity of which my right hon. Friend has spoken. For the Secretary of State to satisfy himself that Members are not disqualified would achieve that purpose.

I also wish to pursue the use of the word "either" in

"qualified for membership of either House of the legislature".

Does that presuppose that Members would be qualified for, or not disqualified from, membership of only one or the other, or must that wording imply that they would be eligible to sit in both Houses of the Irish Parliament?

Earlier in the debate on amendment No. 2 there was much talk about rights—of this Parliament and its Members, and those that we in the United Kingdom should be able to expect—and the theme of reciprocity was developed. My hon. Friend the Member for Lichfield focused on trust and whether the Irish Parliament might make an important gesture of good faith and good will to encourage good will in the peace process, in the way that the Government are seeking to do by introducing this measure.

I should like to approach the issue from another angle, taking a much longer view. What good reason might there be for a Member of the House to seek to be a Member of the Dail? It seems to me that, perversely, there is a better case for a Member of the House to seek membership of the Dail than the converse. It arises from the membership of this country and of the Irish Republic of the European Union, and, more particularly, from the fact that this country is a net contributor to European Union funds and the Irish Republic a net beneficiary of them.

Where we and the British taxpayer are expected to contribute money from which the Irish Republic can benefit, there is a good case for British politicians to take an interest in how British taxpayers' money is spent in the Irish Republic: a better case than there is, as the Bill stands, for Members of the Dail to sit in this Parliament and seek to have an input into the process—

Mr. William Ross: The hon. Gentleman should consider the good use to which the Republic of Ireland has put that money in terms of infrastructure. There are other lessons that we could learn, perhaps with regard to membership of the euro.

Mr. Brady: I do not wish to be drawn on to the question of the euro. [HON. MEMBERS: "Go on!"] Perhaps I should. Clearly, if the UK were to join the euro, it would further underline the interdependency of the economies of the two countries. However, that would be equally true of the British and German economies, and that is outwith the scope of the amendment.

The First Deputy Chairman: Order. The hon. Gentleman is going far too wide of the amendment.

Mr. Brady: But that was exactly the point I was making, and that was why I was saying—

The First Deputy Chairman: Order. The hon. Gentleman need not say "But." He should get on to the amendment.

Mr. Brady: I am sure that you are right to make that point, Mr. Martin. I hoped that I was making the point that it would be wrong to go too far down the euro road, which the hon. Member for East Londonderry (Mr. Ross) sought to take me down. On infrastructure, Members of this House may have a legitimate input into the question of how British taxpayers' money is spent in other EU countries, particularly the Republic of Ireland. As he knows, there are infrastructure projects that can benefit the north of Ireland as well as the south, and there are some that benefit one or the other. It is a valid point.

Mr. Bercow: My hon. Friend is right—consistent with your strictures, Mr. Martin—not to seek to refer to extraneous matters. However, on the strength of all that we have learned so far, is not reciprocity from the Republic of Ireland no more likely than the arrival of Billy Bunter's postal order or satisfaction of the convergence criteria for joining the euro?

Mr. Brady: Whether the postal order is in euros or sterling, I should not follow my hon. Friend in that direction. We are debating not whether reciprocity is about to be offered by the Republic of Ireland but whether we, as a sovereign Parliament, should insist upon reciprocity if we are to allow the Government to pursue the novel concept in the Bill.

I am arguing that we ought to require reciprocity from the Republic of Ireland—not that we should expect it to be volunteered, but that we ought to make it clear, as a sovereign Parliament, that we are not prepared to offer one side of the equation without seeing the other side brought in. That is what the amendment would achieve, and that is why Members on both sides of the Committee ought to support it.

Mr. William Ross: Before the hon. Gentleman gets too far away from the use made of the money on infrastructure, will he consider the tremendous advantage

that the Irish Republic has gained in its work across the Irish sea between the Dublin area and north Wales as opposed to between Larne and Stranraer, which has had a bad effect on both Scotland and Northern Ireland—all with EC money?

The First Deputy Chairman: Order. That has nothing to do with the amendment.

Mr. Brady: I agree, Mr. Martin.

Far from dealing purely with the question of rights, what we are owed, what ought to be given to us and what we ought to expect in return for something that we have given away, the behaviour of the British Government, and the nature of the Bill, are not appropriate in the modern age. The Bill has the whiff of coming from an imperial Parliament behaving in a rather high-handed way—not as it would in dealing with an equal sovereign Parliament, but as it would in dealing with a junior, subsidiary Parliament. We might be saying, "This is something that we are prepared to give away to Members of this small overseas subsidiary Parliament because we do not treat it as an equal sovereign Parliament." Ministers should consider the implications of pursuing such a policy. Surely, in 2000, we must treat the Irish Parliament as an equal sovereign Parliament and not as one that depends on the Westminster Parliament for favours and scraps thrown from the table. We should treat it on an equal footing. In the spirit of generosity that Ministers appear to have in wishing to extend the right to membership of this Parliament, the Irish Parliament could offer similar rights to Members of this House.

1.30 am

Mr. Forth: I find my hon. Friend's argument fascinating, but it assumes that we know what the relationship between the two Parliaments was during the process. We know either that the Irish asked for the Bill or that they did not and that we are offering it to them for nothing. Reciprocity arises in that context. I challenge him directly. Does he know how the Bill arose and the role of the Irish Parliament in it?

Mr. Brady: I shall come to that. I wish that I could promise my right hon. Friend real enlightenment. Sadly, Ministers have been opaque or reluctant to comment on the background to the Bill, but certain private comments outside the Chamber have suggested that some kind of deal may have led to the Bill being introduced at this time. Ministers have not told us whether there has been an approach from the Government of the Republic or whether they made an approach to that Government to request reciprocity. There has been no suggestion of whether there has been any contact—diplomatic or otherwise—on that matter. I am afraid that, like my right hon. and hon. Friends, I have been left in the dark.

Mr. William Ross: If we knew why the Bill had been introduced, we would have a clear idea of what was going on and knowledge—

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. We have heard that point again and again. It has no place on this amendment.

Mr. Brady: I am grateful to you, Sir Alan, because I feel a little tired. I am keen to conclude as quickly as I can.

One final aspect has not been dealt with, and Ministers, possibly with some inspiration, may be able to set my mind at rest about it. What are the implications of the Bill if amendment No. 2 is not accepted? Will it stand under the European treaties or will it constitute discrimination? I shall not stray into a discussion of tuition fees, but we have seen the relevance of the discrimination provisions of the treaties whereby it is not possible to discriminate against the citizens of one member state as opposed to those of another.

Mr. Fabricant: My hon. Friend knows that I do not have the great depth of knowledge of constitutional matters that he does. Is he saying that we can have Greeks in the Chamber as a consequence of the Bill?

Mr. Brady: I would not pretend to have huge constitutional knowledge. Colleagues on—

The Chairman: Order. I hope that the hon. Gentleman will not pretend to go down the road along which he was invited.

Mr. Brady: No, indeed, Sir Alan. However, it is important that Ministers answer the point of law as to whether the possibility has been fully investigated that under European treaties discrimination may be held to arise if we extend to the citizens of one of our EU partner countries the right to sit in Parliament and to hold office in this country in a salary or fee-paying post, but deny that same right and freedom to the citizens of another EU partner country.

Mr. Hayes: My hon. Friend speaks of rights and freedoms, but the amendment referred specifically to qualification and eligibility. That brings us to the critical issue at the heart of the amendment: whether that means legal qualification or something broader. If we stray into the field of rights and freedoms, that qualification might be interpreted more broadly. However, I do not see it that way, and I should be grateful if he would comment on that highly pertinent matter.

Mr. Brady: I look forward to hearing my hon. Friend's contribution to the debate. I am sure that he can develop that argument far better than I can. He says, rightly, that we might be dealing with rights and freedoms; however, given the constraints of the amendment and its reference to someone being "qualified" and the Secretary of State being "satisfied" as to that person's qualification, we have to interpret that as implying some legal form of qualification. I do not believe that it can be interpreted to encompass those broader issues. However, my hon. Friend might be able to persuade us that it can.

Mr. Forth: While my hon. Friend is exploring the EU aspects of the amendment, may I draw his attention to the fact that the Bill contains no reference to its being

[Mr. Forth]

compatible with the European convention on human rights? I thought that Ministers were under an obligation to assess the degree to which Bills comply with that convention. Following his incisive analysis of the European dimension, it strikes me that the Bill might breach the convention in that it does not extend full reciprocity to members of legislatures in countries that are signatories to that convention.

Mr. Brady: My right hon. Friend is too kind, but I fear that, for once, I must differ from his analysis. I suspect that, in scrutinising the Bill as closely as he has done, he did the obvious thing and folded it back on itself, for, on the covering page, there is such a statement. It makes it clear that the Home Secretary considers the Bill to be within the terms of the European convention on human rights; however, it makes no reference to and offers no analysis of wider issues of European law and treaties.

I draw the Minister back to a key question. At a time when the Government—contrary to the wishes of my right hon. and hon. Friends and myself—are taking this country further into an integrated Europe in which national boundaries are diminished, we are tonight enshrining a new sort of discrimination, under which Members of the Irish Parliament can sit in the UK Parliament, but Members of the French, German and other European Parliaments cannot. Unless Ministers can give an assurance that they have examined the legal implications and that the Bill has a clean bill of health in that respect, we must at least contemplate making amendment No. 2, which would lessen the discrimination. Perhaps Ministers would prefer to table their own amendment on Report.

Mr. Hayes: If my hon. Friend refuses to deal with the question of qualification—I respect his right to do so, even after all I have done for him—will he at least deal with the issue of discretion? The amendment states that there would be a degree of ministerial discretion. If, as he suggests, there are legal constraints on the powers of the House and other alien bodies, that discretion would appear to be minimal. Will he comment on that matter?

Mr. Brady: I think that Sir Alan might wish to guide me that discretion would be the better part of valour. I shall leave my hon. Friend to elucidate his point. I am sure that it is valid and that he will advance a cogent argument.

I ask the Minister to make a simple, clear and unequivocal statement to the effect that advice has been taken and that there is absolute certainty within the Home Department and the Northern Ireland Office that the Bill will not lead to contravention of the European treaties.

Mr. Robathan: The amendment, which relates to reciprocity, goes to the heart of the Bill. Why should we be qualifying some people to come to this Parliament if we are not qualified to go to another Parliament?

I could not attempt to emulate some of the excellent speeches that have been delivered. I found my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) extremely persuasive. My hon. Friend the Member for Sevenoaks (Mr. Fallon) was equally persuasive, but in another way. I find myself in a quandary. I cannot attempt to emulate either my hon. Friend the Member for Lichfield (Mr. Fabricant) in terms of entertainment value, on which I congratulate him warmly.

My hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) has stolen one or two of my arguments—

Mr. Brady: I apologise.

Mr. Robathan: That is all right. I shall try to advance them in my own way.

I wish to raise one or two points that have not been taken up so far in the debate on the amendment, and they go to the heart of reciprocity. The day before yesterday—I look at the clock—I attended more than half of the debate on Second Reading. I thought that I heard the Under-Secretary of State for the Home Department say that the Irish Government were considering some form of reciprocal arrangements for Members of the United Kingdom Parliament. I would be grateful if the hon. Gentleman would confirm that, either now or when he responds to the debate. That is important. Considering is insufficient but at least we would have some understanding of where the Government stand.

As I understood the Under-Secretary of State for Northern Ireland when he responded to the previous debate, I should not expect him to make his entire position clear at this stage, but that must be done before the end of the debate.

If the Irish Government are considering reciprocity, there is no reason why the British Government should not accept the amendment outright. Surely we would not wish to be seen pre-empting the Irish Government, or moving with undue haste, when that Government have yet to come to their firm conclusion and make their own plans clear for British parliamentarians in the Irish Parliament. I hope that the Minister will clarify the position when he responds to the debate.

The amendment does not affect me because I do not wish to be a Member of the Dail. I suspect that not many Members of this Parliament do. It is quite a long way away and I am quite busy enough being a Member of the United Kingdom Parliament. Indeed, I am very busy, it now being about 1.45 am. It seems that there must be a trade off if we believe that we should have the Bill in the first place, which I do not.

My hon. Friend the Member for Altrincham and Sale, West mentioned the legal position, which is important. On the European convention on human rights, the front of the Bill states that "Mr. Secretary Straw" believes:

"In my view the provisions . . . are compatible with the Convention".

I am not a lawyer, but, without reciprocity, my human rights and those of all hon. Members may be infringed because we would be giving away something for nothing, and our granting of a right would not be reciprocated. The matter might be open to judicial review at the European Court of Human Rights.

The European Court of Human Rights has overstepped the mark recently and has trespassed on matters it was not envisaged that it would consider when it was established at the end of the second world war to prevent those horrors from recurring.

Mr. Clappison: I am listening carefully to my hon. Friend's argument. He should not rely too much on the statement of compatibility on the face of the Bill, because such statements come up with the rations. To prove a breach of the convention on human rights, one of the rights has to be breached. I have considered the point carefully, and I do not know which right the Bill breaches. Perhaps my hon. Friend can explore that.

Mr. Robathan: My hon. Friend is an eminent lawyer and knows far more about the law and the convention on human rights than I do. However, many cases of extraordinary depth are taken to the European Court of Human Rights and I am worried that the British Government may be in trouble because of the Bill. I agree that the statement of compatibility comes up with the rations, but let us consider the European Court of Justice, where there might be more scope for challenging the legislation than in the European Court of Human Rights if there is no reciprocity. Perhaps my hon. Friend can advise me about that.

We are members of the great European Union, and what is sauce for the goose is sauce for the gander. If a Member of the Dail can sit in this Chamber, I should be able to sit in the Dail. To revert to the point about the European Court of Human Rights, a lack of justice or fairness that the Bill creates might be challenged under judicial review.

Let us consider trust. There is no reason to distrust the Irish Government if they are considering reciprocity, although Charles Haughey was convicted of being a gun runner and Albert Reynolds jumped the gun and shook hands with Gerry Adams on the steps of the Dail on the first day of the first ceasefire that the IRA declared. Nevertheless, there is no reason to mistrust the Irish Government

1.45 am

The Chairman: Order. The hon. Gentleman is straying far from the amendment. I stress to the Committee that if the same argument is played over and over, Standing Order No. 42 will be invoked.

Mr. Robathan: I bow to your judgment, Sir Alan, but could you briefly tell me what Standing Order No. 42 is?

The Chairman: The hon. Gentleman will find out if he continues on his present course.

Mr. Robathan: I shall report to your study afterwards, Sir.

In the bounds of the amendment and reciprocity, I was trying to develop the argument that trust must exist between the two parties. We are told that the Irish Government are considering reciprocity. We are expected to take that on trust. However, in Irish politics, trust has been singularly lacking. We must also rely on the Secretary of State to make an order with which we are satisfied. I am happy to trust the Secretary of State but I know that a large number of Government Members do not.

Mr. Hayes: Inasmuch as trust is relevant to the amendment, if we are to trust the Secretary of State to interpret who is qualified, we need to understand what is meant by qualification. If it is a matter of rights—as suggested by my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady)—there may be a call on some other body that has responsibility for rights. If it is a more narrow definition, that discretion will not be so wide ranging.

The Chairman: Order. Tedious repetition can arise in interventions as well. I have heard that point enough times.

Mr. Robathan: I shall not therefore respond to my hon. Friend, although he makes a good point.

The qualification for this House is election by one's constituents to come to this place. We do not know what will be the qualification for the House of Lords in the near future. We await a response to the Wakeham report and are in a state of flux. We have to trust the Government to produce stage 2 but they have not said when.

What qualifications must Members of the Dail fulfil in reciprocity before being allowed to become Members of the House of Lords? We know that the Prime Minister intends to achieve parity between the number of Labour and Conservative Members in the House of Lords. How will an Irish Member of the Irish legislature—Senate or Dail—satisfy the qualifications? Few will be able to satisfy the qualifications we have seen recently, such as sharing a flat with the Prime Minister when first living in London—as did Lord Falconer.

In drawing my remarks to a close—[HON. MEMBERS] "No".—I have nearly finished my remarks but I hope that the Minister will address these points when he winds up.

My hon. Friend the Member for Sevenoaks (Mr. Fallon), who is not in his place, raised interesting points about achieving reciprocity using two Oaths of Allegiance. That is a very old concept. If I may quote badly from the Bible, a man cannot serve two masters. It would be difficult for Members of this House, having sworn the Oath of Allegiance, to accept reciprocity in the Irish Parliament—for all the reasons that people understand.

I am conscience of your remarks, Sir Alan, about Standing Order No. 42—which I shall go away and read—so I shall draw my comments to a close.

Mr. Simon Hughes: On a point of order, Sir Alan. May I, through you, invite a member of the Government Front Bench to say how they propose to proceed? We started this debate more than eight hours ago, at 5.43pm. We have completed one whole debate and 11 debates are scheduled. We have completed four amendments or new clauses and there are 23 amendments or new clauses to debate. My grade in A-level maths was rather poor, but I have worked out that at this rate, we will not complete the business this side of 2.30pm.

It is obvious that the Government want us to lose tomorrow's business. If that is an intelligent way of treating the public, international development questions,

[Mr. Simon Hughes]

Prime Minister's Question Time, the Financial Services and Markets Bill and a ten-minute Bill, let it be on the Government's head.

It would be more sensible for the Government to agree—if they can do so—that, with co-operation between the parties, time could be found to complete consideration of the Bill. Perhaps a full day could be given to that, should there be a gap between the debate and the end of the deliberation. I wonder whether you, Sir Alan—through your good offices—could allow a Minister to say whether a more sensible way of proceeding might be available to us, rather than going on, as we are all quite able to do, for another 13 hours without completing our consideration. The Government have implicitly referred to the great sense of urgency in respect of dealing with the Bill, but we may have to consider it on another day.

The Chairman: That was a very long point of order. The House has passed a motion saying that the business can proceed until any hour and I have not received any intimation that it is to be invited to depart from its decision. Unless someone intervenes, there is nothing more I can add and we must proceed.

Mr. Maginnis: Reciprocity goes to the heart of the Bill. It should be drawn to Members' attention that Sinn Fein, for which the Bill has been drafted, boycotted the Irish Parliament for more than the first 70 years of its existence, although amazing progress has been made. It boycotted the Dail in 1921 and did not lift that boycott until the 1990s. We have all been puzzled about why we should have a unilateral accommodation, but I shall not repeat that question; you, Sir Alan, know very clearly why it puzzles me, as it has puzzled those who have articulated it again and again during our proceedings.

Mr. Cash: The hon. Gentleman referred to the 70-year boycott, but does he accept that we could consider the home rule incident of 1886, in which it was clearly stated that Mr. Parnell would certainly have preferred the exclusion of the Irish Members from the House? The irony is that, far from a policy along the lines of Mr. Parnell's being adopted, the exact opposite—including rather than excluding the Irish Members from the House—is being implemented.

Mr. Maginnis: I bow to the hon. Gentleman's erudition. I am afraid that my academic knowledge is not as great as his. I am particularly concerned about what little I have heard from those on the Treasury Bench. I should perhaps dwell on the special relationship, which was emphasised early and repeatedly by the Minister on Second Reading. I hope that a special and honourable relationship based on trust and reciprocal confidence is developing, although such a special relationship was not terribly obvious to me in the years when my friends—members of the security services—were fighting the IRA and finding that every impediment was put in the way of the extradition of terrorists.

2 am

I concede the point, in latter-day terms, of a special relationship, however. If that latter-day relationship is to develop, I wonder why this House proposes to adopt a different attitude to Sinn Fein from that currently being adopted by the Taoiseach of the Irish Republic, who has clearly stated—I think during his recent visit to South Africa—that he would not countenance having members of Sinn Fein in a coalition Government which he led in the Dail. He has indicated that such co-operation with an organisation which retains a terrorist army, with its weapons and explosives, would not be something that a self-respecting Irish Taoiseach could contemplate.

How do we come to a situation in which—as is now quite apparent—we make a provision exclusively to allow members of Sinn Fein to be members of the legislature in Dublin or of any other legislature, whether it be this sovereign Parliament or one of the devolved assemblies?

Mr. William Ross: My hon. Friend has said that the position between ourselves and the Irish Republic is improving, and he mentioned extradition. Can my hon. Friend assure me that the case of Mr. Fusco has been resolved, and that he is being extradited?

The Chairman: Order. That is quite outside the scope of the amendment, and I think the hon. Member knows it. May I also say to the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) that we cannot have another debate on Second Reading? The House has given a Second Reading to the Bill and has therefore agreed its principle. I cannot listen to arguments now about that principle; I can listen only to arguments about the particular amendment we have in front of us.

Mr. Maginnis: Sir Alan, you will have noted that I have been particularly careful not to stray into the old Second Reading debate. I particularly emphasised—

The Chairman: Order. I have ruled that in my opinion the hon. Member most certainly strayed in his remarks immediately before the intervention. That is precisely where he strayed, and I do not wish to hear him stray there again.

Mr. Maginnis: I deeply regret it, Sir Alan, if I strayed. I have been endeavouring to stick with the basis on which reciprocity might be achieved, and I intend to discover whether in fact reciprocity is possible, given the constitutional position that currently exists within the Irish Republic. I hope that it is possible for me to try to discover that.

One thing that some hon. Members seem not to understand is that I, as a member of the region called Northern Ireland within the United Kingdom, am accorded by the Irish constitution a special privilege, in that I am to be cherished equally as one of the children of the Irish nation. The same applies to my hon. Friend the Member for East Londonderry (Mr. Ross). If that is the case, I have no doubt that if I sought to stand, as Austin Currie and John Cushnahan have done, for a seat in an Irish Republic constituency, I would be permitted to do so.

The inequality—in terms of this Bill being brought forward by this Parliament—is that someone living in Scotland, England or Wales would not be cherished as a child of the nation; nor could that person be. Hence some Members of this House claim that such reciprocity is not possible within the terms of the Irish constitution.

A question then arises that has been touched on, although not in any depth, by other speakers. Does a Bill that facilitates matters for Northern Ireland Members such as myself, but excludes Members from Scotland and England and Wales, discriminate? If this Bill discriminates, I believe that it infringes the European convention on human rights. Therein lies a major problem, in terms of what is in the Bill and deemed to be effective on the authority of the Home Secretary.

Mr. Fabricant: The hon. Gentleman mentioned the European Court of Human Rights. Did he listen to the arguments advanced by my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady), who said that there might be a breach of European Court of Justice rules whereby it would be wrong to discriminate against some European Union countries while allowing others to take part in representations in the Dail or, indeed, in this Parliament?

The Chairman: Order. I hope that the hon. Gentleman is not going to get into the bad habit of repeating himself, or repeating what has been said by other Members, because neither is permissible. I also hope that he is not going to get into the habit of turning his back on the Chair.

Mr. Maginnis: Thank you, Sir Alan.

I do not pretend to be an expert on European law, but I know about the emphasis that Government place, again and again, when they introduce Bills in the House of Commons applying to Northern Ireland. When we debated the Patten report—I do not want to alarm you, Sir Alan; I simply want to illustrate a point—the human rights element was repeatedly emphasised. This Bill, however, contravenes the human rights of Members of Parliament from Scotland, England—

The Chairman: Order. The hon. Gentleman has just made a statement about a Bill to which the House has already given a Second Reading. It is not permissible for him to start to argue about a Bill to which the House has given a Second Reading—

Mr. Cash *rose—*

The Chairman: Order. I am on my feet.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) must confine his remarks to the amendment. He is straying outside it, and I must ask him not to return to matters relating to Second Reading.

Mr. Cash: On a point of order, Sir Alan. An interesting point has occurred to me following remarks that I have just heard about the class of persons affected by the Bill, and the manner in which different persons within that class are treated. I should like a ruling on this, Sir Alan. Is it possible that—if we take the House of Commons as a class—the Bill is hybrid? Clearly, on the basis of the arguments that I have just heard, there are distinctions to be drawn within that class which, on adjudication, could cause it to be construed as such.

The Chairman: That is not a point on which the occupant Chair is entitled to rule. It is a matter of public policy.

Mr. Cash: Further to that point of order, Sir Alan.

The Chairman: Order. I have ruled on that point of order. Unless he has an entirely fresh one—

Mr. Cash *rose—*

The Chairman: Order. The hon. Gentleman cannot be on his feet if I am on mine. I have said that I can accept only a different point of order, as I have just ruled on his previous one. If the hon. Gentleman has a fresh point of order, I will listen to it.

Mr. Cash: With the greatest respect, Sir Alan, the question whether this is a matter of public policy is not exclusively one that deals with hybridity. I asked whether there was hybridity, on which an adjudication may be required from the Speaker.

The Chairman: I am satisfied that there is no question of hybridity in relation to the Bill.

Mr. Maginnis *rose—*

Mr. Robathan: Will the hon. Gentleman give way?

Mr. Maginnis: I will.

Mr. Robathan: I should like to raise specifically the question that the hon. Gentleman was addressing—whether the failure to ensure the reciprocity mentioned in the amendment would be open to judicial review. We have mentioned that before, but did not explore all the avenues. I am particularly concerned about that. The Home Secretary has said that he does not believe that the measure could be open to judicial review; but does the hon. Gentleman have any faith in the Home Secretary's recent judgments on various cases in the public domain, be it Tyson, Pinochet or whoever?

Mr. Maginnis: I will not be tempted to make an adjudication on either Pinochet or Tyson, but I believe that, on this issue, the Secretary of State is in error. The Minister has an obligation to persuade me otherwise. He can do so by indicating how, while the negotiations were being conducted—

Mr. Hayes: Will the hon. Gentleman give way?

Mr. Maginnis: I will, but I should like to develop that point.

Mr. Hayes: I want to be absolutely clear about the hon. Gentleman is saying. Is he saying that the amendment invalidates the Bill on the ground that it introduces measures that depend on equivalence between the two Parliaments? Where that equivalence does not exist

[Mr. Hayes]

because of constitutional bars, surely the amendment would damage the Bill; indeed, it would make it impossible to implement.

Mr. Maginnis: That is not exactly what I am saying. Again, I am always self-conscious about the guidance that I receive, but I will try to clarify the point, with your indulgence, Sir Alan. I am saying that, within the scope of my knowledge of the Irish constitution, reciprocity is not possible at this stage, but that it should be sought if we are not to find ourselves with a Bill that discriminates, as the hon. Member for Stone (Mr. Cash) suggested, against a class—that class being hon. Members.

Mr. Hayes: The hon. Gentleman cannot have it both ways. If he is saying that there is a constitutional bar, surely it would not be a matter that ever came before any external alien court, Parliament or body; it would relate to existing arrangements in respect of the Irish constitution. On the one hand, the hon. Gentleman is saying that something is not possible and, on the other, he is saying that it would contravene European law.

2.15 am

Mr. Maginnis: The hon. Gentleman must not attempt to blind me with science.

I was saying that the House is entitled to insist on a caveat that, unless there is reciprocity embracing all hon. Members, so that they are eligible to be Members of the Dail, the Bill's provisions should not be implemented. I cannot stop the Bill becoming law, but it should contain the caveat that its provisions cannot be implemented until the inequity within it has been dealt with.

Mr. Cash: I am extremely interested in the point that the hon. Gentleman has just made. With great respect to you, Sir Alan—with whom I am not prepared to disagree at this juncture—I simply say that the point about equity is the essence of the notion of hybridity. There are special procedures in the House to deal with those matters, which can be adjudicated only through proceedings provided in Standing Orders.

Mr. Maginnis: The hon. Gentleman has again made his point, and I cannot enlarge upon it.

Mr. William Ross: I have been trying to intervene on my hon. Friend for some time, but such was the interest in his remarks that other hon. Members wanted to have them clarified.

My hon. Friend's knowledge on these matters is greater than mine, and I, too, seek clarification. He has drawn attention to the potential inequity and discrimination suffered by hon. Members, and he related that to the fact that people in Northern Ireland were treated as children of the Irish nation. However, as he will know, it was not only people in Northern Ireland who were so defined by the Irish constitution; so were all those whom Ireland considers to be Irish citizens, including many persons who might enjoy dual citizenship with the United Kingdom. In such circumstances, my hon. Friend would surely be wrong to confine membership of that group to those who live in Northern Ireland. The group embodies a much larger number of people, who live not only in the United Kingdom but elsewhere in the world.

Mr. Maginnis: My hon. Friend makes a point that was developed Mary Robinson during her presidency, when she talked about the Irish diaspora. But I do not think that that point impacts on the specific point that I was making concerning the reciprocal rights of Members of this House.

Mr. Robathan: The point about how the law affects people in the United Kingdom is extremely important. If there is no reciprocity between Dail Members and Members of this place, and if—as the hon. Member for East Londonderry (Mr. Ross) has just suggested—members of the Irish diaspora who are Members of the House of Commons are allowed to sit in the Dail, it seems that there will be immediate discrimination between an English-born Member like me and southern Irish-born Members, of whom there are many in the House—

Mr. Ross: And their descendants.

Mr. Robathan: Yes. Although I am not a lawyer, I suspect that, without the reciprocity clause, the consequent discrimination would constitute a prima facie offence against the European convention on human rights—and, almost certainly, against English law.

Mr. Maginnis: The hon. Gentleman hits the nail on the head. I hope that that is the point I have succeeded in making to Ministers, because it is the nub of my argument.

I move on in trepidation. Once again on reciprocity, I press the Minister to tell us whom he consulted. He could clarify the point by telling us whether he talked to each individual major party in the Irish Republic. He could achieve reciprocity by agreement with those parties. The strange thing is that the members of the Dail's all-party constitutional committee were neither in favour of nor against reciprocity. They were totally ignorant of the matter, which had not been put to them for consideration. They were worried about conflict of interest, as has been noted. Who had the authority, on behalf of the Irish Government, to offer reciprocity?

I am not as clear as the hon. Member for Blaby (Mr. Robathan) that the Minister did in fact suggest that such an offer was made. I hope that the Minister will enable me to move forward by saying whether an offer on that issue—vague or otherwise—had been made by the major parties in the Irish Republic. I hope that he will accept that challenge, but I see that he is keeping his head down. I recognise the Minister's reluctance to inform the House on the question of reciprocity and the basis on which certain assumptions are being made.

Mr. Mike O'Brien: Perhaps I can deal with those questions if I catch your eye later in the debate, Sir Alan.

Mr. Maginnis: I was briefly lifted up, Sir Alan, only to be dropped again by the Minister's reluctance. However, if his promise is realised later, it is possible that some progress might be made.

I remind the Minister that the Irish constitution contains an obligation to cherish the children of the nation. I like to be cherished. I should like to believe that any cherishing done was real and had some depth. However, when Austin Currie—to whom the Minister alluded earlier—tried to make a point in Dail Eireann, using his usual blunt Northern Ireland manner, a southern Irish Member of the Dail told him to go back to the north where he came from. All the children of the nation were not being cherished quite equally on that occasion.

The Bill diminishes the long and honourable tradition of this House whereby hon. Members have always had a clear idea of their obligations and loyalties. However, I wonder whether the Bill means that all Irish can be British, even when they do not want to be, but that no British can be Irish, however much they might wish to be. The reality is that most of us have enough to do representing the interests of one nation.

The Bill asks us to divide our loyalties. Reciprocity would require both nations to try that impossible exercise.

Mr. Mike O'Brien: I shall seek to heed your direction that the issue is narrow, Sir Alan, and speak only to the amendment. It would prevent the Bill's coming into force unless and until membership of either House of the Irish Parliament was fully open to Members of both the House of Commons and the House of Lords.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) sought reciprocity. We ban Members of the Irish Parliament from being Members of this House. There is no provision in Irish law similar to section 1(1)(e) of the House of Commons Disqualification Act 1975. Members of the House of Commons and the House of Lords—and, indeed, Members of the legislatures of other countries—are not disqualified on that account from membership of the Irish Parliament. To that extent, the reciprocity sought by the amendment already exists. Members of the Irish Parliament are, however, required to be Irish nationals. Of course, most Members of the United Kingdom Parliament do not satisfy that condition and are therefore not eligible for membership or election to the Dail. Others may be qualified, as my hon. Friend the Member for St. Helens, South (Mr. Bermingham) said in his intervention, by reason of their birth or other status. As the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) said, under particular laws in the Irish Republic, certain people who were born on the island of Ireland can stand.

Dual nationality is open to certain persons who have British national rights, holding Irish nationality at the same time, and who hold both passports. I understand that many people in England and Wales hold British and Irish passports.

The Bill—the clause depends on this point—raises no new principle in the sense that Commonwealth legislators can be Members of this House. We do not impose reciprocity of legal frameworks on Commonwealth legislators. I have heard no justification as yet for imposing a condition that we do not believe is desirable in respect of Commonwealth countries on Members of the Irish Parliament.

Mr. Maginnis: Will the hon. Gentleman give way?

Mr. O'Brien: I should like to finish my point first. Some hon. Members have said that they do not believe that even Commonwealth legislators should be able to be Members in this House. Hon. Members may wish, at some stage, in another context, to consider all these issues, but this very short Bill, which deals with a specific matter, is not the place to do it.

Mr. Maginnis: The Minister has made the mistake of not comparing like with like. Whatever the reciprocity, or lack of it, is for Commonwealth countries, it is common to all Members of this House. That is not the case with the Irish Dail.

Mr. O'Brien: I think that the hon. Gentleman is wrong. The reciprocity to which he refers is the issue of whether, under the nationality laws, membership of a particular Parliament is open to persons who are not of that nationality. I do not know the terms and restrictions imposed by all the Commonwealth countries, but I suspect that some have a condition under which the only people who can stand for their Parliament are nationals of that country. In that case, I am comparing like with like. Given the sort of reciprocity with the Commonwealth that we are discussing, I have heard no real justification for treating the Irish Republic differently.

2.30 am

During the debate, the hon. Gentleman and others asked who might want to take up the right to be a Member of two Parliaments. Comment has been made—although it is not on all fours with that matter—about the circumstances of the hon. Member for Newry and Armagh (Mr. Mallon), who was, at one time, a Member of the Irish Senate. The hon. Gentleman is a well-respected Member of this House, and he did not lose that respect as a consequence of his membership of the Irish Senate. Sometimes hon. Members refer to that matter in a rather joky fashion; they should be careful about doing so, because they are talking about an hon. Gentleman whom we all respect—whether or not we always agree with him.

Mr. Robathan: Will the Minister give way?

Mr. O'Brien: I want to deal with some of the points that were raised by the hon. Member for East Londonderry (Mr. Ross), and then I shall give way to the hon. Member for Blaby (Mr. Robathan). I shall also deal with the point that he made.

The hon. Member for East Londonderry asked several questions. Do the Irish need a referendum to allow British Members of Parliament to join the Dail? Of course, they do not because they do not ban our MPs from joining the Dail. They do not need to change their law. As I understand it, the hon. Member for Newry and Armagh was at least able to be a Member of the Senate.

[Mr. O'Brien]

The hon. Member for East Londonderry referred to the conflict of interests that would arise if someone was a member of two legislatures in different countries. We know that individuals have held such membership, although not necessarily simultaneously.

Mr. Clappison: Will the Minister give way?

Mr. O'Brien: I shall not give way at the moment, as I want to deal with the points made by the hon. Member for East Londonderry before giving way to several other hon. Members.

The hon. Gentleman raised the issue of conflict of interests. If a person were elected to two constituencies, the issue of representing them both would certainly arise—as the hon. Member for Blaby suggested in an intervention. However, that would be a matter for the constituents in the two countries. They might well have a view, but it would be a matter for them.

At present, our constitutional arrangements allow the potential for that choice in voting to be made by citizens of Commonwealth countries and by UK electors. It would be difficult to argue that we should have different rules on the matter for the Irish Republic, although there might be questions about someone who was appointed to the Senate, but elected to a British constituency.

It would be arguable whether that was desirable, but the conflict between the two roles would be somewhat less because there would be constituents in only one country, although there might be questions as to where a person's loyalty lies. That point returns us to some of the issues raised on Second Reading, which I shall not rehearse, about people representing other countries—perhaps in the European Parliament and the British Parliament. There are precedents for those matters.

The hon. Member for East Londonderry asked what view the UK electorate would take on this matter. I can only reply that it is a matter for them. The voters would have to make their judgment in the circumstances that applied on each occasion.

Mr. William Ross: Will the Minister give way?

Mr. O'Brien: I promised to give way to the hon. Gentleman's colleague, the hon. Member for Fermanagh and South Tyrone, but I am happy to give way to the hon. Member for East Londonderry.

Mr. Ross: The Minister is well aware that, if someone were elected to two constituencies in this country, he would immediately be asked which of them he planned to represent. He would be excluded from one House in respect of the other. Why does that proviso not also apply across the borders of our nation?

Mr. O'Brien: The issue of where a Member of Parliament's loyalty lies is one for that Member's constituents. They will have to deal with that. We know that some individuals have been Members of the Irish Senate and are now Members of the House. They do a good job—at least, the one individual that I am aware of does a good job here.

Mr. Bercow *rose—*

Mr. O'Brien: I have promised to give way to the hon. Member for Hertsmere (Mr. Clappison). I just want to deal with another issue and then I shall give way to him.

The hon. Member for Macclesfield (Mr. Winterton) raised in an intervention the issue of whether the wording of the amendment was unclear, especially in respect of the word "qualified". However, the hon. Member for Lichfield (Mr. Fabricant) suggested that such an issue was all a matter of fact. There is room for doubt, and there is an issue about whether the wording of the amendment is clear enough for us ever to accept.

Mr. Clappison: The Minister told the Committee that there would not have to be a change in Irish law to enable Members of the House to take a place in the Irish Parliament, because Members of the House are not disqualified from the Irish Parliament by virtue of being Members of the House. But they are, are they not, disqualified from being Members of the Irish Parliament if they are not Irish citizens. Therefore the Minister must accept that there would have to be a change in the law in that regard.

Mr. O'Brien: Had the hon. Gentleman listened with care to what I said, he would have been aware that I have made the point that he just made, so there is no great dispute between us about that. Obviously, it would be a matter for the Irish Government. The way that I dealt with that was to say that we do not impose on Commonwealth countries to whom we apply these rules the obligation to change their laws to enable Members of the House to stand in their Parliaments. I suspect that some of those Commonwealth countries would have rules about the nationality of persons who could stand in elections to their Parliaments.

The hon. Member for Altrincham and Sale, West (Mr. Brady) asked whether the Bill contravened European legislation. Our advice is that there is no breach of the European convention on human rights, or any other European legislation that we are aware of.

Mr. Robathan: This is a very important point. I fear that, by trying to pass the Bill without an amendment for reciprocity, the Minister and his colleagues may have opened a can of worms. I am not as sanguine as the Home Secretary about this. Article 14 of the European convention on human rights is about the prohibition of discrimination. A very small part of it says that the enjoyment of

"rights and freedoms set forth in this convention shall be secured without discrimination"

inter alia

"on grounds of national origin".

That lovely can of worms is now being opened up by the Bill, whereby people with dual citizenship or Irish citizens in this Parliament will be able to sit in the Dail, whereas, without reciprocity, English citizens such as myself will not. That seems to be contrary to article 14.

Mr. O'Brien: The Home Secretary is a lawyer, as I am. We have received legal advice that there is no contravention of the ECHR, and that article 14 must be read in the context of the other articles with which the hon. Gentleman is familiar, and the Human Rights Act 1998.

Mr. Bercow: Will the Minister give way?

Mr. O'Brien: I do not propose to give way again. I have been quite generous.

The hon. Member for Fermanagh and South Tyrone asked me two more questions. I am being cautious and watching your eye, Sir Alan. He asked me about the issue of reciprocity in terms of the law. The Scotland Act 1998 provides that Ministers in the United Kingdom Government cannot be Ministers in the Scottish Executive. That provision extends no further, so there is no ban on the election of an individual to both bodies. Moreover, there is no reference in relation to the Welsh Assembly Executive and the UK Executive in the Government of Wales Act 1998.

I dealt with the question of whom we discussed the matter with on Second Reading, but let me make it clear that representations have been received from, and discussions held with, the leader of the Ulster Unionist party and the Irish Government. I understand that representations have been received by the Government from Sinn Fein. However, let me make it clear that the Government are not trading on issues. As always, representations are judged on their merits, and I believe that the measures in the Bill are justified on their own merits. The hon. Member for Fermanagh and South Tyrone will be aware also of the issue in relation to clause 2 and the right hon. Member for Upper Bann (Mr. Trimble).

Mr. Maginnis: Although the Minister of State Northern Ireland Office has clarified this point, will the Under-Secretary also clarify that what he calls consultation with the leader of the Ulster Unionist party was not, in fact, consultation before the event, but rather was informing my right hon. Friend the Member for Upper Bann (Mr. Trimble) after the Bill had been decided upon? Would the Under-Secretary clarify that my right hon. Friend indicated his antipathy towards the Bill, and that he mentioned the flaw in terms of conflict of interest—

The Chairman: Order. I do not see how that relates to the amendment.

Mr. O'Brien: I was not party to the discussions, but the Committee will have heard what the hon. Member for Fermanagh and South Tyrone said.

Mr. Maginnis: On a point of order, Sir Alan. Can the Minister come to the Dispatch Box and say that there was consultation with the leader of the Ulster Unionist—

The Chairman: Order. The hon. Gentleman is an experienced Member of this House, and he knows that the Chair has absolutely no control over what Ministers, or anyone else, say in the House. That is not a point of order.

Mr. O'Brien: With your indulgence, Sir Alan, I would be happy to answer that question when I am in order. Hopefully, in due course, I shall be provided with the opportunity to do so.

Mr. Gerald Howarth: Will the Minister give way?

Mr. O'Brien: No, I will not.

The Conservatives have argued that there is an issue of principle here. The Northern Ireland Act 1998 contains a provision for a Member of the Irish Senate to be a Member of the Northern Ireland Assembly. I understand that the Conservatives did not vote against this matter—indeed, it did not seem to be worth significant comment by them.

The right hon. Member for Bromley and Chislehurst did not vote against the measure, and did not seem concerned enough to comment. We are merely building on a principle that was established without demur by the Conservatives, and ending the anomaly whereby the measure applied only to Northern Ireland. We are ensuring that Northern Ireland is treated in the same way as the UK as a whole. All of a sudden, the right hon. Member for Bromley and Chislehurst is suggesting that there is a matter of principle where, previously, there was none.

Mr. Simon Hughes: My colleagues and I have made no contribution to this debate so far, but I wish to put our position on the record.

We think that the Government are right to argue their case, and we would encourage the amendment's supporters not to proceed with it. Whatever we think about the background to the debate, our view is that we cannot have proposals considered by this House on the basis of linkage with other activities involving other sovereign Governments over whom we have no control. It might be a wonderful idea if the Irish Parliament decided to extend rights not just to citizens of Ireland in Northern Ireland, but to the whole of the UK. However, we have no knowledge that it is about to do that. It is not a matter that we can control. Therefore, to make the Bill conditional on what might happen to our rights to sit in the Dail is unreasonable.

2.45 am

I wish to make a technical and drafting point. I suggest to the right hon. Member for Bromley and Chislehurst (Mr. Forth) that, surprisingly, two interpretations can be placed on the amendment. As the Minister said, the first is satisfied by the position of Members of the Lords. Some Members of the House of Lords and of the House of Commons are qualified for membership of either House of the legislature in the Republic of Ireland. It is fair to say that only those Members from Northern Ireland who are eligible for Irish citizenship qualify under that

[Mr. Simon Hughes]

interpretation. If that is what the amendment suggests, it is redundant. If the amendment is intended to apply to all Members, that is a separate matter, but that is not what it says.

We shall come to later groups of amendments that it is perfectly appropriate to debate. They deal with who should not qualify to become Members of the two legislatures, because, for example, they hold ministerial office. That is a perfectly proper matter for us to debate and Liberal Democrats will vote in favour of some of those amendments if they are moved and put to a vote. However, that is different from the issue under consideration in this debate.

We have tried to give balanced consideration to all the issues. We have not changed our view about the concern that we have not been told the truth, the whole truth and nothing but the truth about why we are debating the Bill—let alone why we have to debate it at a quarter to 3 in the morning as a matter of urgent House of Commons business when it came on the agenda only late in December.

The Bill seeks to deal with a mischief and to put Ireland in a similar or better position than Commonwealth countries. Given that Ireland was once part of this country and is, therefore, closer to us than any Commonwealth country, that is fair and reasonable. If it is possible to be a Member of a Commonwealth legislature and of this legislature, it is reasonable and fair—whether one thinks it sensible or not—to provide the same right to our friends from Ireland. Our links with them are as strong, if not stronger, so there is a logic to that view.

As I said on Second Reading, we should have a debate about whether it is logical to have dual eligibility for two legislatures. It would have been better to have that constitutional debate first, even though we touched on it on Second Reading. However, that is not the approach that the Government have chosen.

On the specific issue, the logic of the argument is with the Minister and not with those who support the amendment. That is not because we do not think it right to seek to amend the Bill in the right places. We shall support later groups of amendments that have been tabled by Conservative and Ulster Unionist Members, but we shall not support this one. If it is put to the vote, we shall vote against it.

Mr. Forth: It is disappointing that the Minister has tried to deal with the matter in such a superficial way. I come immediately to his spurious point about me. I am able to distinguish between a national Parliament of a sovereign nation, such as this is, despite the depredations and subversions of European institutions, and the role played by the Northern Ireland Assembly. The Minister suggested that I was somehow in dereliction of my duty or inconsistent in opposing Members from an alien country coming to one body but not to the other. However, I see the two issues as completely different.

I freely concede that the Minister has listened to most of the debate, but it is worrying that he does not understand the distinction between the roles of the Northern Ireland Assembly and the Houses of Parliament. That is a sad reflection on the Government's fundamental failure to understand the dangerous game that they are playing.

The point of the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) was a red herring. I happen not to agree with Members of Commonwealth Parliaments being eligible for election to this House. If there is an anomaly in the treatment of Commonwealth countries and Ireland, I would sort it out by going the other way and abolishing that now redundant provision.

The hon. Gentleman says that Ireland and Commonwealth countries are in the same category, but they are not. The Irish chose to leave the Commonwealth. They made their statement and I respect that, but they must not expect the privileges of Commonwealth membership when they have opted not to be a member of the Commonwealth. That is a false argument.

We have had an interesting and useful debate, from which a matter that is relevant to the amendment has emerged. The Minister has now said what he previously said but half denied: that there were discussions with the Irish Government and, he now adds, with Sinn Fein. That is the first time during the debates in Committee that the Minister has said, in terms and on the record, that the measure arose largely from discussions between Her Majesty's Government and the Government of the Republic of Ireland and Sinn Fein. We are now, for the first time, beginning to get a sense of the origin of the measure and the thrust behind it.

Mr. William Ross: The right hon. Gentleman will recall the point made by my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) in respect of alleged consultations with the leader of the Ulster Unionist party. He was apparently not so much consulted as told what the Government intended to do, and he objected to what they intended to do. It has slowly been dragged out of Ministers that the only people who were consulted are the Government of the Republic of Ireland and Sinn Fein.

The Chairman: Order. I have already explained that that point is outside the scope of the amendment, so I do not want it to be pursued.

Mr. Forth: I am grateful, Sir Alan. I shall not explore at this stage nuances in the definitions of discussion and consultation, or who pushed whom. However, I give the Minister fair notice that we shall return to the matter. In the meantime, the debate has proved extremely useful in that we have dragged out of the Government something that they had hitherto failed to state.

Mr. Mike O'Brien: The right hon. Gentleman says that he has dragged something out of the Government. I refer his attention to column 26 of the *Hansard* of 24 January.

Mr. Forth: You, Sir Alan, would not want me to become distracted by embarking on reading a column of *Hansard* at this stage. I do not know what it says, or the significance of the Minister's intervention. However, if he is implying that we have already been told that discussions took place between Her Majesty's Government and the Government of the Republic of Ireland on the one hand and Sinn Fein on the other, I can say only that I am glad that he has now told us it twice.

Mr. Bercow: My right hon. Friend is generous to a fault, but on this occasion he is crediting the Minister with

a clarity that was not present in his remarks yesterday. For the avoidance of doubt, will my right hon. Friend accept that the reference the Minister has cited mentions discussions with

"the Irish Government and others"—[*Official Report*, 24 January 2000; Vol. 343, c. 26.]?

Is that opaque, or what?

Mr. Forth: I am grateful to my hon. Friend. I do not want to linger on the point, but, having sat through almost every minute of debate that has so far taken place on this measure, I was fairly certain that Sinn Fein had not hitherto been mentioned in terms. Now, for the first time, we have it on the record. That is a step forward. We are now beginning to get to the bottom of the matter. We shall have to return to the matter on Third Reading and in another place.

Mr. Ian Bruce (South Dorset): The issue of what was said to Sinn Fein is extremely important, because no one can understand why anyone would want to sit as a Member of two Parliaments. However, we know that members of Sinn Fein want expenses for sitting as Members of the UK Parliament—

The Chairman: Order. That was not a helpful intervention and I hope that the right hon. Gentleman will not pursue it.

Mr. Forth: I shall press on, Sir Alan.

Mr. Gerald Howarth: Before my right hon. Friend does so, will he press the Minister to respond to a point made earlier? In the discussions that took place, was the question addressed by the amendment, namely reciprocity, raised with the Irish Government? In the discussions about the Bill generally, did the Minister and other Ministers discuss with the representatives of the Irish Government whether it would be a one-way Bill or whether an amendment of the sort that is before us could be incorporated in it?

Mr. Forth: I would hope that that is the sort of matter that we might be able to explore further by means of manuscript amendments, for example, which we discussed early in our proceedings. Perhaps that is worth bearing in mind. However, I detect—I am something of a student of body language and facial expressions, and particularly those of the occupants of the Chair during these proceedings—that if I were to follow my hon. Friend's intervention, which I know was intended to be helpful, I might incur Sir Alan's displeasure, which I do not want to do.

I want to move on to cover some of the main points that have been made in this useful debate. I confess to a feeling of disappointment and hurt that so many of my hon. Friends attacked my amendment with such vigour. I thought that I would get support from them, and all I have had during most of this part of our little debate are attacks and misunderstandings. It is incumbent upon me to try to clarify some of the points that my hon. Friends have made.

My hon. Friends seemed to be occupied inordinately and disproportionately—they struggled over this—with my use of "qualified". The amendment was drafted, as ever, with the help and expertise of the Clerks. I suspect that it is beyond suspicion and beyond doubt. To try to put it further beyond doubt, I had it in mind only to make the simple point that it is up to each legislature to lay down qualifications for membership of itself. I am seeking to say that such qualifications should be reciprocal. That is putting the matter in layman's language and returning to the word that I used when introducing the amendment only two or three hours ago. It is inappropriate for my hon. Friends to make heavy weather of the meaning of "qualified" in this context. I would have said "unfair", but I would not use that word when describing the approach of my hon. Friends in any circumstances. The amendment is straightforward and my hon. Friends need not look for difficulties. What they see is essentially what they will get.

My hon. Friend the Member for Sevenoaks (Mr. Fallon) asked me a peculiar question. He wanted to know whether I had been in negotiations with the Irish Republic about my amendment. The answer is no. I am not in the habit of negotiating with the Irish Republic. I used to do so when I was a member of the Council of Ministers. I was involved then in negotiations with the Republic, and I still have the bruises and the scars. I did not find much co-operation, friendliness and helpfulness from Irish Ministers. Quite the opposite. I shall not dwell on that because it is a painful memory. However, I can say categorically that I did not negotiate the terms of my amendment with any representatives of the Irish Republic. I bear sole responsibility for it and for its many weaknesses, which my hon. Friends have been at such pains to point out.

The hon. Member for East Londonderry (Mr. Ross) raised an important matter. He said that he believed that for reciprocity to be achieved in its fullest sense, it may be not entirely a matter for the Irish Government themselves or for the Irish legislature, given the constitutional arrangements in the Republic. He raised the fair point of the need for referendum approval of amendments to that constitution.

That raises the prospect that we are not here, as in so many other areas, on the same footing on the two sides of the Irish sea. We have different electoral systems, and we have the requirement in the Republic of Ireland of a referendum on any change, which would not apply in the United Kingdom. So there is a question mark over whether full reciprocity in the purest sense of the word could ever be achieved.

3 am

I ask the Committee to put those considerations aside and treat the matter in a more straightforward manner. The Irish Government could deliver reciprocity if they wished. They have shown that in recent referendums on similar matters. We know that the United Kingdom Government can deliver because of their huge majority in the House and their part-reform of another place. We need not dwell excessively on nuances and differences; although they may seem important, they do not undermine the essential thrust of the amendment.

The hon. Member for West Tyrone (Mr. Thompson) asked a question that the Minister failed to answer. He asked whether the Government had requested any quid pro quo from those with whom they had held discussions, namely, the Irish Government and, as we now know, Sinn

[Mr. Forth]

Fein. I suspect that the answer is no. The Government have offered an enormous concession, which is a breach of our nationhood, sovereignty and legislative arrangements, in return for nothing. I have been unable to detect any quid pro quo. From the Minister's complacent demeanour, I suspect that I am right. He is trying not to look ashamed, but he should be ashamed.

Mr. William Ross: Despite the existence of many parties in Ireland, both in the Republic and in Northern Ireland, the only party—apart from the Irish Government—that the Government have consulted appears to be Sinn Fein. Why have the Government consulted them alone?

Mr. Forth: We all know the answer to that question. The Government have persuaded themselves that the only way to make the peace arrangements work is to grant concession after concession to Sinn Fein-IRA. That pattern is consistent; there is nothing new or surprising about it—it goes on and on. We are forced to take the view that the measure is yet another example of that process, which includes the release of prisoners, and the ability of terrorist sympathisers to participate in our constitutional arrangements. The Bill is another step in that direction.

My hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) made pertinent points about the potential role of European law, the European Court of Justice, the European convention on human rights and, consequently, the European Court of Human Rights in the matter that we are considering. He persuaded me of the possibility, if not the likelihood, of running foul of one of those bodies of law or one of the institutions that are charged with interpreting that law.

It has been pointed out that the Home Secretary—surprise, surprise—has given an assurance that the Bill is fully in line with the European convention on human rights. The Home Secretary is unlikely to say, "I've got a neat little Bill that I've negotiated with Sinn Fein and I want to slip it through quietly because it may not comply with the European convention on human rights." It is much more likely that, in his anxiety to please Sinn Fein, he has decided to slip the Bill through quickly, complete with nods and winks, and hope that it will not fall foul of the convention on human rights.

Some of my hon. Friends, whose knowledge is far superior to mine—that is not difficult—suspect that we could be in severe trouble with the convention and the European Court of Human Rights, and European law and the European Court of Justice. It would be worse to fall foul of the latter, because its decisions are more binding. It would be supremely ironic if the Government, with their slavish adherence to all matters European, suddenly found that a measure designed to please Sinn Fein-IRA ran foul of their friends in the European institutions. We can only speculate at this stage, but there is sufficient evidence and a feeling in the Committee that such may be the case. I am grateful to my hon. Friend the Member for Altrincham and Sale, West for bringing that matter to the attention of the Committee.

My hon. Friend also questioned whether the fact that the UK is a considerable net contributor to the European Union, whereas the Republic of Ireland is a considerable net beneficiary, would impinge on the evenhandedness or reciprocity that my amendment seeks. Having listened to my hon. Friend, I am not yet able to make that connection, but it may arise in a form that I have not foreseen. I ask my hon. Friends not to be excessively anxious at this stage about that detail but to support my amendment, because it says something important about evenhandedness and reciprocity.

I accept that the amendment may have drafting faults. I am not persuaded, but many people seem to see such difficulties. The role of an amendment debate in Committee is to identify ways of improving a Bill and impress them on the Government, in the hope that Ministers here or in the other place will be prepared to re-examine the Bill in light of debate and the vote that may now be imminent.

My hon. Friend the Member for Blaby (Mr. Robathan) asked whether the Irish Government are considering making reciprocal arrangements. We have not spent much time on that interesting matter and may want to return to it. The excellent Library brief makes tantalising allusions to some sort of consideration being given in Dublin: "Don't worry too much that something may happen", and so on. I doubt whether that can be interpreted as the Irish Government considering making anything that could be remotely described as reciprocal arrangements. The Library brief was much more vague and much less encouraging, so I would say to my hon. Friend the Member for Blaby, "Don't hold your breath. Don't expect that if we agree to this, we will get a corresponding concession." It must surely be the opposite. If the Irish Government and Sinn Fein-IRA think that they can get this concession for nothing, there is no incentive for them to do anything. This whole thing is the wrong way around. It should be them saying to us, "We're prepared to make this change. What are you prepared to do in return?"

Mr. Swayne: I hope that my right hon. Friend will not sit down without dealing with the substantive point made by my hon. Friend the Member for Sevenoaks (Mr. Fallon) and me in various interventions. If my right hon. Friend's amendment is successful and achieves the reciprocity that he desires, he multiplies at a stroke the opportunities for implementing the Bill's offensive principle—to serve two sovereign Parliaments at one time.

Mr. Forth: I was hoping that my hon. Friend would not notice that I had failed to deal with that point. Sharp as ever, even at this hour, he has pulled me up and is right to do so. Anyone in my position has to make a difficult judgment. It is a matter of record that I voted against Second Reading and, generally speaking, I remain of that view. I am now in the business of seeking to improve the Bill. That is the whole point of Committee stage and my amendment. The House has expressed its view—which I reluctantly accept—and our role is to find ways of improving the Bill.

At first blush, my amendment may seem at odds with my voting against Second Reading on principle. Some right hon. and hon. Friends do not want to concern themselves with amendments in Committee. They are

anxious, as I am, to get on to Third Reading and vote against the Bill in principle again. And if my amendment is brushed aside by the Government, in cavalier fashion—

Mr. Swayne: Will my right hon. Friend give way?

Mr. Forth: I shall finish my point. I may be forced to reconsider, but right now I am in a very positive mood. I am looking to improve the Bill and trying to make it work better, and I hope that my hon. Friend accepts that. I give way to him once more.

Mr. Swayne: I understand and entirely accept what my right hon. Friend says, but he must accept that the amendment should be greeted with equanimity, if not alacrity, by Labour rather than Conservative Members.

Mr. Forth: That may be, but I have to gather support where I can. When I embarked on this venture, I thought that I might receive more support from my hon. Friends, although some have kindly said that they are still prepared to support my amendment, in spite of everything. We shall put that to the test shortly.

Mr. Bercow: Will my right hon. Friend give way?

Mr. Forth: Yes, but then I really must conclude.

Mr. Bercow: Does my right hon. Friend agree that a reference by the Minister to the likelihood of early Irish reciprocity would have been necessary, though not sufficient, to reassure Conservative Members? Despite trawling through the genuinely riveting 32-minute oration that he delivered yesterday, I cannot find such a reference, though I feel sure that if there was such he would speedily point to it.

Mr. Forth: I am sure that the Minister would bound to his feet, wave *Hansard* in the air with an air of triumph, mutter a column number and sit down thinking that he had done the job. Along with my hon. Friend, I suspect that that will not happen, although encouragingly he is leafing through a document even now. I shall stay on my feet just long enough to get a feeling of whether he will oblige.

Mr. Ian Bruce: Will my right hon. Friend give way?

Mr. Forth: Yes, but this must be the last time, as I am very anxious to press on.

Mr. Bruce: I am grateful to my right hon. Friend for giving way because the Minister did not deal with this point. In most Parliaments, those who stand have also to be voters. Citizens of the Irish Republic automatically receive the right to vote in this country, which is beyond what European Union citizens receive. Is there the same reciprocity in their voting system, which would allow us to stand for the Parliament of the Republic?

Mr. Forth: My hon. Friend has anticipated the last point that I want to make. We are in the odd position of having multi-layered provision. I am not unhappy about that; I merely point it out. Our friends, colleagues and fellow citizens in Northern Ireland are uniquely privileged because they have rights in the Republic of Ireland that we mainlanders do not have. I am sure that that is a matter of great joy and satisfaction to a lot of them.

Mr. William Ross: If we have rights in the Irish Republic, we cannot recall ever asking for them. We do not see any need of them and would be quite content if they disappeared.

Mr. Forth: That may be, but I am simply stating the facts. We are faced with a bewildering complexity of rights, lack of rights and no reciprocity, but a small and important group has rights over and above even that. The Government should have picked their way very carefully indeed through that bewildering array by consulting fully, thinking of all the implications and considering the timing, but they have done none of that. They have not thought things through and have not told us why they are introducing the Bill. My amendment surely would go some small way to putting right aspects of it that are wrong. It would offer reassurance where there is none and straighten out a serious anomaly. I hope, for those reasons, that I shall enjoy widespread support in the Lobby.

Question put, That the amendment be made:—

The Committee divided: Ayes 13, Noes 243.

Division No. 42] **[3.14 am**

AYES

Beggs, Roy
Bruce, Ian *(S Dorset)*
Chope, Christopher
Donaldson, Jeffrey
Forth, Rt Hon Eric
Hunter, Andrew
Lewis, Dr Julian *(New Forest E)*
Maginnis, Ken
Ross, William *(E Lond'y)*
Sayeed, Jonathan
Thompson, William
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*

Tellers for the Ayes:
Mr. Desmond Swayne and
Mr. Michael Fabricant.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Atkins, Charlotte
Austin, John
Barnes, Harry
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Doran, Frank

Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Killoyle, Peter
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Merron, Gillian
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Clive Betts and
Mr. Jim Dowd.

Question accordingly negatived.

Mr. Simon Hughes: On a point of order, Mr. Martin. Only because the matter comes up in every debate, through you, I ask whether Ministers are willing to table for the Committee, or to put in the Library of the House, copies of all the representations that they have received so far on the Bill.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): That is not a matter for the Chair, but I have no doubt that Ministers will have heard what the hon. Gentleman has said.

Mr. William Ross: I beg to move amendment No. 6, page 1, line 9, at end add—

'(3) At the end insert "is a Minister in the government of any country or territory outside the United Kingdom; or"'.

The First Deputy Chairman: With this, it will be convenient to discuss amendment No. 8, in title, line 4, after 'Oireachtas', insert—

'to extend that disqualification to Ministers in the government of any country or territory outside the United Kingdom'.

Mr. Ross: This is a fairly simple and straightforward little amendment. As I am sure you will have noticed, Mr. Martin, today's selection list—*[Interruption.]*

The First Deputy Chairman: Order. The Committee must come to order. There is far too much noise and conversation.

Mr. Ross: Mr. Martin, you will have noticed that the selection list contained a curious little addendum. I cannot recall ever having seen such an addendum before. I should be grateful for your guidance on how often they have had to be included.

It caused me some concern. I tried to find out what words had not appeared in the printing of amendment No. 6. I discovered that it was purely a technical mistake in that the words "At the end insert" had been left out in the printed list of amendments. If something like that happens, it should be made clearer to hon. Members what the mistake is. It was not immediately clear. We had to read it several times before it became apparent that it was only a clerical or technical error.

This is a modest and simple little amendment. It would exclude from the Executive of Northern Ireland any person outside the United Kingdom who is a Government Minister elsewhere in the world. Amendment No. 8 is consequential on it, in that it inserts the same disqualification into the long title of the Bill. It is not often that we try to amend the long titles of Bills, but this is one such case. The two amendments hang together.

It seems to my right hon. Friend the Member for Upper Bann (Mr. Trimble), to me and to the Opposition that the amendment is modest and reasonable. In fact, it is so reasonable that only the most malign could reject the principle embodied within it. Many of the elements of the Bill have been addressed in earlier debates, but I make no excuse for raising them again. Time and again, we have to examine those matters carefully, so that we can reach sensible conclusions about them.

3.30 am

In any country, Ministers are very busy people who are weighed down with responsibility and the cares of office. They have to deal with demands from their constituents, from fellow members of the legislature, from the Government and from pressure groups. It would be quite wrong to burden them with any more work. Indeed, it would be quite unfair to leave in their way the temptation of further office—or, in some countries, the spoils of further office. We should guard them against such temptation.

The danger is that some of those people might be moved to take on the burden, but find themselves so weighed down with responsibility that they will do neither job well. They may well have a multiplicity of jobs. It would be quite wrong to burden any man or woman with such a multiplicity, as it could lead to his or her disillusionment, and to his or her constituents' anger and frustration that their representative was not available or able to do the necessary work. In the long run, therefore, it is not a good idea for people to have so many responsibilities. No one should not be placed in such a situation.

There are also issues of conflict of interest and clash of demands. They were partly explored in earlier debates and place the most immense burdens on the individuals concerned. There is conflict between different states about job creation measures and social legislation—such as welfare to work, child benefit, divorce, abortion and tax, not to mention international trade and defence issues involving the states concerned. All those considerations are bound to lead to the most intolerable pressures on individuals and generate enormous friction.

Such individuals will have personal financial considerations. In the United Kingdom, there has been a dependence on the Crown for patronage, and on the Crown and Parliament for salaries and allowances. There has been dependence on the Prime Minister for his patronage, which enables one to advance within the Government of the United Kingdom.

I foresee problems even in the position, in the House and in the government of London, of Ministers of the various devolved bodies of the United Kingdom. As the Under-Secretary of State for the Home Department said in the previous debate, presumably because of a potential clash of interests, Ministers in the Scottish Executive cannot hold office in the United Kingdom Government. If a possible clash is recognised at that level, should we not recognise the far greater potential of pressures being generated in the relationship between the United Kingdom and another country?

I should think that the Scottish Executive have good reason for wanting a representative who speaks for them, rather than through the Secretary of State for Scotland within the House and the United Kingdom Executive. In those circumstances, I should have thought that it would be only reasonable for us to examine Scotland's relationship to the House, rather than the relationship that exists between us, the Northern Ireland Assembly and the Dail.

Welsh Members can be members of the Cabinet of the United Kingdom, thereby having an impact on the powers of the two bodies concerned.

I am not too clear about whether there can be dual membership of the Welsh Assembly, the Scottish Parliament, and the Northern Ireland Assembly. That must be clarified. Such problems will only get worse when countries outside the United Kingdom are taken into account.

The Minister gave the impression yesterday that he would try to clear up such problems. He tried to persuade us that he had given a clear indication of all the people with whom he had discussed such matters. In fact, he had not been entirely candid. Today, it was wrung out of him that he had also talked to Sinn Fein. Yesterday, he told my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) that the Bill would cover this House, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. A little later, I asked him to confirm why the Bill did not bar Members of Parliament from becoming Ministers in the Scottish Parliament and the Welsh Assembly. He said that the matter would be discussed in Committee.

We are in Committee now. The Minister also said:

"Following representations of which the hon. Gentleman is, no doubt, aware,"—

I was not—

"it was argued that, because it might give rise to concern in Northern Ireland, that issue should be specifically addressed in legislation. It has been addressed in clause 2."—[*Official Report*, 24 January 2000; Vol. 343, c. 34.]

I do not think that it has.

The Minister went on to say that he hoped that I would be satisfied that the Government were listening to representations from all parties. I suggest that they are doing so some months too late. The necessary representations and discussions in connection with the Bill should have taken place long before it was published.

Why should we allow foreigners to rule over us? That is the bottom line. Why should we even leave that door open? It will be exploited sooner or later. This country's experience of getting into bed with foreigners in the past has cost us more dearly than it has cost them.

We should not go down that road. We should stick to representing our constituents in the United Kingdom. Anyone who wants to represent people in another country

[Mr. Ross]

should live in that country. People who live in this nation should give their loyalty to this nation. That is why we have tabled the amendment.

Mr. George Howarth: Yesterday, on Second Reading, I said that the Government were aware that the right hon. Member for Upper Bann (Mr. Trimble) had tabled some amendments. Although I had not seen their exact terms, and could make no commitment as to the outcome of our consideration, I made it clear that we would, naturally, study them very carefully and reflect on them overnight. I want to emphasise the importance that the Government attach to his views. His distinguished and courageous role in seeking peace has been rightly praised in our earlier debates, but he is also the First Minister of the new, devolved Executive.

I know that I speak for my right hon. Friend the Secretary of State when I tell the Committee that one of his concerns since taking up his current responsibilities has been to ensure that the right hon. Member for Upper Bann and his party have felt that the Government have taken the fullest possible account of their interests. I hope that he and his colleagues recognise the serious efforts that have been made by my right hon. Friend in that respect. It is no secret that the final decisions of various discussions have not always been what they wanted. Given the divisions that still exist in Northern Ireland, no one would expect that. However, I hope that the hon. Member for East Londonderry (Mr. Ross) and his colleagues will recognise the honest and determined efforts that my right hon. Friend has made in this respect.

Although the right hon. Gentleman and his colleagues may have wished that consultations on the Bill had started earlier, they took place before the Bill was introduced. The form of the Bill was amended to take account of some, though not all, of the concerns expressed in those representations. In particular, clause 2 was incorporated in direct response to concerns raised by him. I say all this simply to demonstrate the effort that my right hon. Friend the Secretary of State has made to take into account the views of the right hon. Gentleman, alongside the proper concerns of other parties.

I know that this is not precisely the subject of the debate, Mr. Martin, but it may be helpful to say that the Government are minded to accept the principle of amendment No. 7 in the name of the right hon. Gentleman. We accept, uniquely, that statutory committees in the Assembly have more than a scrutiny role. Under the Good Friday agreement, they have a role in policy development, so there is a good case for treating their chairs and deputy chairs as akin to Ministers.

I will not dwell further on those arguments because they are properly the subject of another debate. However, this demonstrates that we listened very carefully to the concerns expressed on Second Reading. We took full account of the right hon. Gentleman's amendment and reflected on the issue overnight, as I said that we would. However, having reflected on amendment No. 6 very carefully, we cannot advise the Committee to accept it. Under the amendment, any Minister of a country outside the United Kingdom would be disqualified from being a Back-Bench Member of this House or of devolved legislatures. The Bill, as it was introduced, was concerned purely with the small extension of existing provisions from Commonwealth countries to include Ireland. The amendment would take away the existing right under law—however theoretical that right may be—of Ministers in any Commonwealth country to be Members of this House and the devolved legislatures.

On Second Reading, some Opposition Members thought that all such Commonwealth rights should be swept away. The right hon. Member for Bromley and Chislehurst (Mr. Forth) was one of them. That is certainly not a position that the Government advocate. We warmly support the Commonwealth and the special links that exist with all the countries in it. If we wanted to change the nature of those links—and we have no such plans—we would want to do so in consultation with the countries and Governments concerned. We have had no opportunity to do so, and it was not the purpose of the Bill to affect existing rights that apply to Commonwealth countries. On those grounds alone, I am bound to oppose the amendment.

Mr. Oaten: Is the Minister saying that in future the Government will make such representations to the Commonwealth so that the logic of the Bill is carried through in that area as well?

Mr. Howarth: There is no intention to do so at this time. We have no reason to believe that that would be helpful in our continuing relations with the Commonwealth. I see no reason for such a debate on what are effectively theoretical rights which have never, to my knowledge, been taken up.

I recognise that the real concern behind the amendment, which the hon. Member for East Londonderry expressed, is to disqualify Irish Ministers from serving as Back-Bench Members in this House or the Assembly.

3.45 am

We have been consistent in the view that conflicts of interest might arise if individuals were allowed to be Ministers in both jurisdictions. That is why clause 2 is in the Bill. Any Minister's duty extends far beyond the constituents who elected him or her. Ministers must properly have regard to the interests of all the people for whom they govern.

However, we do not take the view that a conflict of interest arises between being a Minister in one jurisdiction and a Back Bencher in another. Indeed, it is conceivable that a constituency electorate in Northern Ireland might feel that its interests were likely to be advanced better if its Member were also a Minister in the Irish Government. Other constituency electorates would obviously take a different view. Our view, reflected in the point made by my hon. Friend the Under-Secretary of State for the Home Department, is that, in a democracy, it is up to the electorate to decide.

Dr. Julian Lewis: Will the Minister give way?

Mr. Howarth: Yes I will, although I was drawing my remarks to a close.

Dr. Lewis: My question is straightforward. Can the Minister envisage an occasion on which a constituency interest in the south might conflict with one in the north, if an individual were elected to serve two constituencies?

Mr. Howarth: I do not know whether the hon. Gentleman attended the earlier debate when that matter was raised. My hon. Friend the Under-Secretary of State for the Home Department made it clear that, in such circumstances, it would be for the two sets of constituents to sort out what was right and proper. It is not proper for the House to set such qualifications in regard to Members. We do accept that there is a distinction, which has some force, between being a Minister in one Government and a Back Bencher in another.

Mr. Simon Hughes: That point is clear. The Ulster Unionists have commented on the representations made on that point and there have been references to the representations made by Sinn Fein. Have there been any representations on that specific point from the SDLP, including from its leader? I ask because there has been discussion not only about a member of the SDLP who held office as a Senator in Ireland and was a Member of Parliament in the United Kingdom, but about a role in Ireland for the current leader of the party, who is also a Member of the UK Parliament.

Mr. Howarth: If I am mistaken in my response to the hon. Gentleman, I shall correct it later—I am not aware of any such representations.

I regret that we do not advise acceptance of the amendment, although, as I have pointed out, we have looked sympathetically on amendment No. 7, which was tabled by the right hon. Member for Upper Bann, who is also the First Minister of the Northern Irish Assembly. In view of that and given my explanations, I hope that—not for reasons of time but of principle—the hon. Member for East Londonderry will not feel it necessary to proceed with the amendment.

Sir Patrick Cormack: When the Minister rose to respond, my right hon. Friend the Member for Bracknell (Mr. MacKay) and I said to one another, "Ah, the Minister is going to accept the amendment." For a moment, it sounded as though the reflection that the Minister promised us yesterday, and that he told us had taken place overnight—I am not sure which night—had resulted in the Government acknowledging the validity of the case put with quiet eloquence by my hon. Friend the Member for East Londonderry (Mr. Ross). We thought that the Minister was going to accept the amendment, but he has not done so.

The Minister tried to fob us off by saying that the Government would accept a later amendment. My right hon. Friend the Member for Bracknell and I support the amendment because we realise that the First Minister—who, sadly, cannot be with us at the moment; he is a wise man not to be in this place at this time of the day—and his colleagues have a real point. The Minister's reply dramatically illustrates the absurdity of taking a Bill of this nature in this manner. I do not question the Minister's good faith when he says that reflection has taken place, but I believe that, if there had been the usual timetable, with proper opportunities to discuss the amendments and for Report, it would have been possible to reach a solution acceptable to everyone.

In moving the amendment, my hon. Friend the Member for East Londonderry made a very good case. I find it extremely difficult to accept the logic of what the Minister is saying. The Bill is riddled with anomalies, and it seems to me that we shall have an absolute absurdity if we reject the amendment and allow people to be Back Benchers in one Assembly and Ministers in another. I do not think that it will very often happen. Many of the things in the Bill are wholly theoretical—one can hardly ever conceive of some of these people being elected—but we are legislating. We are saying what is permissible.

The case that my hon. Friend the Member for East Londonderry advanced as he moved the amendment, which was tabled by the First Minister of Northern Ireland, was cogent and sensible. I pay the Under-Secretary the compliment of saying that I believe that if he had had proper time to discuss this, in a cross-party way, with my right hon. Friend the Member for Bracknell and others, he would probably have been persuaded.

Mr. George Howarth: Am I to take it that it is the position of the official Opposition that they would like to deprive Commonwealth members of the rights that they already enjoy?

Sir Patrick Cormack: We believe that there is an anomaly. We are not seeking to rewrite the whole set-up whereby such members can be Members of the House, although my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) advanced a powerful case for considering the entire position. However, we are saying that to be a Minister in one country and a Back-Bench Member in another inevitably creates a potential conflict of loyalties that is in the interests of neither party, neither state and neither Government, nor in the interests of the electorate.

Mr. Howarth: I believe that the hon. Gentleman misunderstands the amendment that he is speaking to. Perhaps he should read it again. If it is pressed and the Opposition vote for it and are successful, the effect would be to disqualify Ministers of Commonwealth countries from being Members of the House. I made that absolutely clear in my speech. The right hon. Member for Bromley and Chislehurst (Mr. Forth) takes that position. Is that the position of the official Opposition?

Sir Patrick Cormack: In a word, yes—but I would like the hon. Gentleman to tell the Committee of any Minister in any Commonwealth country who has ever sat in the House while he has been a Minister in a Commonwealth country. It is purely theoretical.

Mr. Howarth: That is not the point.

Sir Patrick Cormack: With great respect, it is the point; because when the House passes legislation that is so theoretically absurd as never to be practically possible, it is making an ass of itself.

Mr. Stephen Day (Cheadle): What is the point of passing it?

Sir Patrick Cormack: As my hon. Friend says from a sedentary position—although he should not—what is the point of passing it? The House is being made to look fatuous and absurd by taking the line that the Minister is

[Sir Patrick Cormack]

taking; and yes, yes, yes: the official Opposition believe that the amendment is entirely logical and sensible, and we will most certainly vote for it.

Mr. Forth: It might help the Committee if I read from the excellent Library research paper on the Bill, which sets the context in which this important debate is taking place.

"The main purpose of disqualification is to ensure that Members are fit and proper to sit in the House, and are able to carry out their duties and responsibilities free from undue pressures from other sources. These considerations may be called 'House-based' and are the basis not only of disqualifications under the House of Commons Disqualification Act 1975 but of the whole range of earlier disqualifications for the Commons. However, there is also another consideration, which may be called 'office based'. This is the wish to ensure that an office held by an individual is not adversely affected by his membership of Parliament. This is of more recent origin."

Under the heading "Practicalities", the paper goes on to list a large number of public office-holders who are disqualified under the 1975 Act. The list includes judicial officers, civil servants, members of the armed forces, police officers and so on.

I wish to dispute the Minister's point that we should leave it to the voters to decide whom they shall elect. I suspect that Ministers do not really believe that because, after a moment's thought, they might realise that there might be some people who they would want to prevent from standing for elections. [HON. MEMBERS: "You!"] I thought that I might get that response from some Government Front Benchers.

It is a well-established principle that we have seen fit over many years—including in the 1975 Act—to assist the electorate by disqualifying certain groups and classes of people from the right to stand for election to this legislature. It is not good enough for the Minister to say that we are interfering in the rights of electors, and that they should be allowed to decide on absolutely anyone that they want. They are not and they have not been, and it is well established in our law that disqualification is a proper principle. However good the Minister's idea may sound theoretically, it will not wash.

I ask the Government—do they intend to repeal the 1975 Act? I gather not, so the Government accept the principle that it is valid and legitimate, in certain circumstances, to disqualify certain groups and classes of people from standing for a legislature.

Mr. Fabricant: Would my right hon. Friend speculate on what grounds he thinks that some of those classes of individuals should be disqualified—some, perhaps, because they have a conflict of interest?

Mr. Forth: That is an obvious one. The judiciary has a special lack of relationship with the legislature, if I can put it that way. The military and the police are in another position. It is a matter of great pride to us that our civil service is non-political, and therefore—above certain relatively low levels—civil servants are not able to stand for the House of Commons. They are disqualified. These reasons are well understood and well founded, so we can lay to rest the Minister's spurious argument, which he has used two or three times now.

I have identified some characteristics that Ministers have, as distinct from legislatures, which I believe must disqualify them—in the context of the 1975 Act—from the ability to stand for a legislature. I would broadly categorise the characteristics as Ministers' responsibilities, commitments and access to information. In a sense, their responsibilities are fairly obvious. Anyone who has had the honour of holding ministerial office readily understands the implications of that, as should the Minister himself. It is obvious that anyone with ministerial responsibilities in any political system that is familiar to us would not be able to discharge the responsibilities of a representative or a legislator in a legislature in another country.

4 am

That point must be so self-evident that it is hardly worth making. Yet, it appears that we have to make it because the Minister said that there need be no necessary conflict between being a Minister in one jurisdiction and being a Back Bencher—I think that that was the word he used—in another. That is patently absurd. It is absurd at the level of practicality and at the level of the everyday discharge of a Minister's responsibilities.

Dr. Julian Lewis: I wish to support my right hon. Friend's argument. Is he aware of the report that was produced at the beginning of the year that showed the voting record of the past two Secretaries of State for Wales, both of whom hold offices in the Welsh Assembly and remain Members of this House? In 73 Divisions in the House, one of them voted only once and the other did not vote at all. Does that not illustrate my right hon. Friend's point?

Mr. Forth: What a typically perceptive and helpful remark from my hon. Friend. I could also cite the example of the Prime Minister. How often in the discharge of his high responsibilities does he find time to come to this legislature, of which he is a Member, to vote? The reason that we are given—if we are ever given one—for the Prime Minister's signal failure to attend the House, which he holds in such contempt, is the weight of his ministerial responsibilities. He is busy spinning, making ridiculous visits for photo-opportunities or doing other things, but he does not come here. My hon. Friend makes the effective point that it is difficult to square fully the responsibilities of ministerial office with the full discharge of legislative responsibilities.

I do not want to be particularly offensive or personal, but the Secretary of State for Northern Ireland is not here now. He is probably in his office, signing his letters, going through his red boxes and discharging his ministerial responsibilities. He is not participating in a debate in the House on a matter that relates to his Department. It goes almost without saying that the nature of ministerial responsibilities preclude someone from carrying out a full role in a legislature in his own country, never mind another.

I have referred to the narrow departmental commitments of Ministers. However, they have many others that they rightly have to discharge. They attend meetings with interest groups and travel around the country so that they are aware of the circumstances with

which they have to deal. That is right and appropriate, but it is a serious obstacle to their even contemplating a proper role in a legislature elsewhere.

Then there is the issue of the loyalty to Government expressed through the collective responsibility doctrine with which we are familiar. Again, that is proper and it is expressed in the meetings of Cabinet, Cabinet sub-committees and similar bodies. One does not have to think for very long to realise that the proper exercise of collective responsibility, binding as it does Ministers closely together in the unified discharge of their responsibilities, must be at odds with the suggestion that they could, at one and the same time, be Members of a legislature in another country. The demands and loyalties of collective responsibility must almost constantly conflict with the proper demands of the other legislature. We begin to see emerge a clear pattern of problems and conflicts that provide insurmountable obstacles to someone being a Minister in one jurisdiction and a legislator in another.

I have not yet mentioned the EU dimension, which brings such problems into sharp focus. There, Ministers have to discharge a different responsibility, one that is unusual and provides greater challenges. When a Minister from a country that has the misfortune to be a member of the EU has to deal with the representatives of other EU member states, he finds himself operating in a new political dimension, in which new tensions arise and new loyalties are suggested. He is removed from his own legislature and his own country, never mind that of another. The status of the United Kingdom and the Republic Ireland as EU member states would give rise to conflicts of interest, even in the voting procedures in the Council of Ministers. Such conflicts would provide the ultimate expression of the lack of harmony that one might imagine exists.

At every conceivable level, we can see that the job of a political Minister in an Administration, in the governmental context, carries with it a range of demands, requirements and responsibilities that effectively preclude that Minister from discharging any sort of responsibility in another country's legislature.

The other heading I have jotted down is "Information". Ministers, by definition, are in possession of large amounts of confidential information. Many Ministers are in possession of highly confidential security information that is vital to their country's national interests. It is possible that, were someone in that position to gain a place in a legislature in another country, that person's position might be significantly compromised by his being both in possession of security information from one country and a member of a legislature in another.

I have given a few examples to illustrate the fact that there is a real principle at stake and practical considerations at work. That brings me back to my first argument—that a purist or an innocent like the Minister might argue that such matters can be left to the electorate. However, that is not true.

Mr. George Howarth: Democracy.

Mr. Forth: The Minister mutters, from a sedentary position, the word "democracy". Democracy is a process whereby voters are enabled to choose their representatives. However, the Minister has not yet responded to the question I asked: whether he wants the 1975 Act to be repealed.

Mr. Hayes: The point is not one of democracy, but one of democratic legitimacy. The legitimacy of the House is derived partly from those who can sit as Members and the means by which they come to do so, and partly from the restrictions on those who cannot, for good constitutional reasons, sit as Members of Parliament. My right hon. Friend gave the excellent example of civil servants and in this sense the democratic legitimacy of Parliament is partly dependent on ineligibility.

Mr. Forth: I am grateful to my hon. Friend for that helpful intervention. I doubt whether it will elicit a helpful response from the Minister. I believe that I have posed a perfectly proper question. Either the Minister will have to say that he intends to repeal the House of Commons Disqualification Act 1975, because it cuts across his apparent concept of democracy, or he will have to accept that his concept of democracy can encompass a disqualification process properly passed by Parliament in the past.

Dr. Julian Lewis: Is not the Minister's reliance on the abstract concept of democracy rather fatuous when we consider that if we are talking about a proportional list system in at least one of the parliaments or assemblies, the position on the list may be such that the people have no effective say about whether they can punish an individual for a conflict of interest that he has not satisfactorily resolved? Does not the same apply even in a first-past-the-post system, if he happens to stand successfully for a very safe seat on behalf of his party? The people cannot resolve these conflicts of interest by a process of abstract democracy.

Mr. Forth: My hon. Friend is again correct. Regrettably, we have had a redefinition of the practicalities of democracy by the Government, principally through their introduction of the wicked and pernicious closed-list system for the European elections. The Minister will have to think more carefully before he parades this new and ill-formed definition of democracy before us, which seems to encompass closed lists and the electorate running amok and electing anyone it wants because the Minister will presumably have to repeal the 1975 Act. He cannot have it all ways round and it will have to be one or the other.

Mr. Bercow: The sheer fatuousness of the Minister's position has been adequately exposed. Does my right hon. Friend agree that it is particularly unfortunate that a Minister should be clinging to a feeble theoretical model of abstract and total democracy, when last week he was seeking to impress us with his knowledge of Popperian theory?

Mr. Forth: Yes. I was present when my hon. Friend and the Minister had a rather frustratingly unsatisfactory exchange about Karl Popper and his works. We may be able to return to that subsequently, but I suspect not on this occasion. Let us put down a marker that we shall have to examine the Minister on his full understanding of Popper to ascertain whether he measures up on that. If

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his knowledge of that is as good as his understanding of democracy, I am not optimistic. However, we live in hope.

We are discussing an important amendment. The Minister made some play of the idea that there is something shocking that we should be saying to our partners in the Commonwealth, given the way that a mature Commonwealth has developed, with so many Commonwealth countries having become republics and with the Australians having a proper debate about their relationship with this country and with the Commonwealth as a whole, "You will forgive us, won't you, if we assert the principle that only United Kingdom citizens should be able to be elected to the UK Parliament?" I cannot imagine that any of our Commonwealth friends would be shocked if we said that to them to correct what has now emerged as an anomaly.

I have not yet taken the trouble, although I could attempt to do so and return to help the Committee further with the information, to go through the list of Commonwealth members to see how many of them offer reciprocal arrangements. I shall not do so unless pushed. I would make my own judgment about how shocked or not they might be if we were to end the arrangement. I have no problem with that and no fear of it. I am prepared to have amicable discussions with my friends in the Commonwealth and to say, "You do understand this development, don't you?"

Mr. Oaten: Does the right hon. Gentleman agree that if the Government had not been rushing the Bill through the House of Commons and had adopted a more normal pace, the discussions of which he talks could have taken place, and we could have had the Commonwealth issue resolved as part of the Bill?

Mr. Forth: The hon. Gentleman is right. This indicates yet again the indecent haste with which the Government are trying to smuggle, force or ram the Bill through its parliamentary procedure. If there had been proper time between its stages of consideration, as there usually is, we would all, including the Government, have had time properly to consider the matter. We are where we are; we have to deal with current circumstances. The Government want to invite alien nationals from a country that is not even in the Commonwealth to sit in Parliament. Part of their argument is that they want to correct an anomaly and bring a country that voluntarily left the Commonwealth into line with countries that are in the Commonwealth. The logic escapes me, and would have done so even in normal working hours.

The amendment is proper and essential. I hope that the Government will reconsider it before we proceed much further. Failing that, I hope that it will receive wide support from the Committee That will show how seriously we take such matters.

4.15 am

Mr. Donaldson: Earlier, the Minister pressed the hon. Member for South Staffordshire (Sir P. Cormack) about the official Opposition's position on the Commonwealth. The problem would not arise if the Government had not created a precedent by affording rights to nationals of a country that is not a member of the Commonwealth. The Government have caused a problem, by extending to the Irish Republic a privilege that previously applied only to Commonwealth countries. As the right hon. Member for Bromley and Chislehurst (Mr. Forth) pointed out, that country left the Commonwealth some years ago. The Government have not provided an adequate reason for extending the privilege. On this side of the Committee, we suspect that the decision is to do with the republican movement rather than with the Government's desire to correct an anomaly.

Dr. Julian Lewis: Can the hon. Gentleman speculate about why Sinn Fein is so keen on the concessions? We have tended to assume that, for some reason, Sinn Fein members want to sit in the United Kingdom Parliament. However, I suspect that they may want that concession so that they can sit in the Dail and the Northern Ireland Assembly. Am I right, or do they want to sit here as well as in the Dail?

Mr. Donaldson: The hon. Gentleman is right. The motivation of Republicans who belong to Sinn Fein-IRA is not taking seats in this House as well as the Irish Parliament, but blocking seats here. The constituents of Mid-Ulster and Belfast, West are not properly represented at Westminster. Members of Sinn Fein-IRA want to hold such seats and be eligible to stand for election to the Irish Parliament, and perhaps hold ministerial office there. Sinn Fein-IRA aspires to be part of a coalition Government after the next election in the Irish Republic, perhaps with as few as four or five seats.

Let us consider circumstances in which a Minister in the Irish Government was also theoretically a Member of Parliament here, but, in practice, did not take his seat. That could cause a conflict of interest. I shall give the Minister an example of a potential conflict of interest for a Minister in the Irish Government who was also a Back-Bench Member of this House. The Irish Republic might declare itself neutral when this country was at war. We might have a Back-Bench Member who was a member of a Government who adopted a neutral stance, which perhaps leaned towards the country with which we were at war. I shall not rehearse the events of 1939 to 1945, when the Irish Republic was neutral. We all know how De Valera, who was then Prime Minister of the Irish Republic, leaned towards the Germans and assisted the German Government in many ways to thwart this country's efforts in defence of freedom. There would be a conflict of interest for a Member of Parliament in a country that was at war, who was also a Minister in a country that was neutral, and in some ways assisted the country with which the first country was at war. That is not an illogical point. Such circumstances could arise in future.

Why is the privilege being extended only to the Irish Republic? Are we suddenly setting the Republic apart from other nations within the European Union? Do we have a special relationship only with the Republic, and not with other partners in the EU? I do not argue for the moment that the privilege should be extended to them—far from it. I cannot understand the Government's logic in wanting to step beyond the confines of the Commonwealth to extend such a privilege to the Irish Republic.

It is churlish of the Minister to launch an attack against the official Opposition on the question of the Commonwealth when the Government are taking the privilege beyond the confines of the Commonwealth and creating a situation that has given rise to the need for the amendment tabled by my right hon. Friend the Member for Upper Bann (Mr. Trimble).

Mr. William Ross: My hon. Friend is well aware, as I am, that we are talking not only about the fact that the Irish Republic is being treated in a unique way but about the fact that only one party in the whole British Isles is being treated uniquely in regard to the funding of political parties. It claims to be a cross-border body and because of that—

The First Deputy Chairman: Order. I cannot allow that subject to be debated under this set of amendments.

Mr. Donaldson: The hon. Gentleman makes a relevant point that goes to the heart of the debate. Why is this legislation before the House? Despite the Government's failure to provide a proper reason, we have no doubt that it is part of a deal that has been done with the Republican movement. There may be other aspects. We are demeaning the role of a Member of Parliament by encouraging a Member representing a constituency in the United Kingdom to be a Minister in the Government of another country.

Mr. Hayes: Ministers take on authority and power on the basis that they can do certain things but not others. The example was given earlier of confidential information. Certain privileges that are unique to a Minister and not shared by Back Benchers make it entirely inappropriate for someone to serve simultaneously as a Back Bencher and Minister. Is that not right?

Mr. Donaldson: It is. The point was ably made by the right hon. Member for Bromley and Chislehurst that there is a conflict of interest, in terms even of the time that a Minister in the Government of another country can devote to his duties in this House. If we say that it is perfectly okay for a Member of this House who has legislative responsibilities to be a Minister in the Government of a foreign country—and so to be unable to devote the time that we expect of our legislators—that demeans and diminishes the role of a Member of Parliament.

It is not sufficient to leave it to constituents to sort the matter out. Are the constituents of Belfast, West likely to remove the Member for that constituency because he is an abstentionist Member of Parliament? We shall see. It is unlikely because those constituents have voted for that Member for reasons other than that he ought to be their proper legislative representative in this House. We cannot rely on the safeguard that the Minister says is available and leave it to constituents to attend to the problem.

Parliament has a wider responsibility to safeguard the constitution of this nation. That is why we are elected to this place. If it is for the people to decide on every occasion, why have Parliament in the first place? On this important constitutional issue, Parliament ought to have the right to legislate to safeguard the role of Members of Parliament in participating properly in the life of this body.

It is wrong for Parliament to create that potential conflict of interest. It is also wrong to move beyond the confines of the Commonwealth and extend to the Irish Republic a privilege not extended to any other nation outside the Commonwealth.

Mr. Ian Bruce: I am following the arguments carefully, but I understand that a Minister of the Crown is prevented under legislation from taking a salary from somebody else. I cannot understand how the Under-Secretary of State for Northern Ireland can possibly suggest that a Minister could take a separate salary completely outside Government and Parliament.

Mr. Donaldson: We look to the Under-Secretary for a response.

In normal circumstances, no one on this side of the Committee would have raised the issue of ending the current situation in respect of the Commonwealth, because it would not have been significant. The Government have created these circumstances, so they cannot blame the Opposition if we unfortunately have to penalise our friends in Commonwealth countries as we try to safeguard Parliament. The Government are seeking to extend that privilege beyond the Commonwealth without good reason.

Mr. Bercow: Given that a Minister cannot also operate as a Back Bencher in the House and all Ministers readily accept that limitation, is it not peculiar and absurd of the Under-Secretary to argue that a Minister could be a Back Bencher in another House?

Mr. Donaldson: Ministers are denied the role of Back Bencher because of their responsibilities, but they could sit alongside Back Benchers who are Ministers in the Government of another country. That shows the absurdity of asking Parliament to pass this Bill. Again we ask Ministers why. We conclude that it is to assist the representatives of a party that commands 18 per cent. of the vote in Northern Ireland, whose population is 1.7 million of the 56 million or 57 million people in the United Kingdom. That is nonsense, but why is that party so important to the Government? Why are they going through this process? Precisely because that party has something that other parties in the House do not have—an arsenal of illegal weaponry at its disposal. Its mandate comes not merely from the ballot box, but, to quote one of its representatives, from the Armalite.

That party believes that power resides not only in the right of the people to vote in elections, which the Under-Secretary has espoused, but in the barrel of a gun. That is what we are dealing with. Parliament is being asked to change a constitutional aspect of our law to assist that particular party and in that sense the Bill is absurd, in parliamentary and constitutional terms. We are extending to a country that is not in the Commonwealth a privilege that was exclusive to member nations of the Commonwealth. What does that say to those nations, which work alongside us?

The answer to that question concerns our close relationship with the Irish Republic. I am not against good, neighbourly relationships, but surely we ought to ask whether the Irish Republic should rejoin the

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Commonwealth if there is a desire for its citizens or Members of its legislature also to be Members of this House.

It appears that that option is not available—that the Irish Government for some reason are not prepared, in spite of the special relationship between the United Kingdom and the Irish Republic, to rejoin the Commonwealth. It appears that the special relationship is not quite as special as some people would make it out to be. Indeed, when it comes to extraditing people who have been responsible for some of the most serious crimes in the United Kingdom, the special relationship does not count for very much, as we are seeing at the moment in Northern Ireland.

4.30 am

Mr. Christopher Chope (Christchurch): It is a pleasure to follow the hon. Member for Lagan Valley (Mr. Donaldson), who has given us some important insights into the Government's motives in bringing forward this legislation.

My hon. Friend the Member for South Staffordshire (Sir P. Cormack) made an important contribution to the debate, not least because he announced an important new plank of Conservative party policy: this is all part of the commonsense revolution. Indeed, if ever there was common sense it is that we should not allow Ministers in Governments in other countries and members of other legislatures to be Members of the House of Commons. It must have been an anomaly that was never intended in any legislation that evolved at the same time as the colonies were developing into the Commonwealth, and it resulted in a power enabling the Commonwealth countries to have Ministers serving as Members of Parliament in the House of Commons. The fact that that privilege has never been exercised by any Commonwealth country, and the fact that it is a privilege that is not reciprocated by any other Commonwealth country, suggests to me that the whole thing was anomalous in the first place and that those Commonwealth countries realised that it would be in breach of common sense to allow their Ministers to be Members of our legislature.

For the Minister to suggest that the only reason he is not prepared to accept the amendment is that it would be an affront to Commonwealth countries is disingenuous in the extreme. It is also wrong of the Minister to suggest that this problem can be overcome by leaving it to the electorate, because the issue is about timing. What happens if somebody who is a Member of Parliament in both a foreign country—a Commonwealth country or the Irish Republic—and in the House then becomes a Minister? What say do the electorate have in that situation? They cannot intervene until the next general election.

The Minister's response that it is for the electorate to deal with the matter does not wash, because the whole essence of the Disqualification Acts is to prevent that from happening in the first place. That is why they take effect before somebody stands for election. For example, before joining the House after the last general election, I was a member of the Health and Safety Commission, and I had to be sure that I had resigned properly from that commission, because it was an office of profit under the Crown, before standing as a candidate in the general election. At that stage, I could not be sure of the outcome, but I still had to give up my office of profit under the Crown. The Minister is saying that the electorate can intervene, when clearly they cannot.

Mr. Ian Bruce: I wonder whether in the future people will not apply for the Chiltern Hundreds; they will apply to become Ministers in the Irish Republic and therefore disallow themselves from carrying on.

Mr. Chope: That is a very interesting idea. Some hon. Members are highly principled. The former Member for Ceredigion decided that it would be wrong to hold two mandates at the same time, which is why he resigned his position and why a by-election is pending in Ceredigion.

Perhaps one of the reasons why the Government are embarrassed about accepting the amendment is that they have a large number of MPs whom we never see in the House, who hold office in Scotland and Wales as Members of Parliament and of the Assembly, and as Ministers. Effectively, they are wearing three hats and being paid three salaries. Perhaps that is why the Minister does not find it possible to support the amendment: he knows that it attacks the principle of wearing three hats and having three salaries, which I think most members of the public would find offensive. I certainly do.

Mr. Ken Purchase (Wolverhampton, North-East): Three salaries?

Mr. Chope: Until the present Government took office, Ministers took reduced parliamentary salaries. Now, because of the fat cats who are in control, the Government think it necessary for them to have a full parliamentary salary and a full ministerial salary, and for Members of the Scottish Parliament and Scottish Ministers to have those two salaries as well. People find that utterly offensive.

This is an issue of common sense. It is not a case of causing affront to the Commonwealth; it is a question of asking whether we are to extend privileges that do not extend currently in circumstances in which they make no sense to ordinary people.

Mr. Gerald Howarth: It is just as well for the Government that the amendment is being debated at 4.36 am. If it were being debated at a more reasonable hour, when the press were present—who knows who is watching on the parliamentary channel; perhaps some insomniacs in the Press Gallery are watching—people would see the absurdity of the Government's proposal, and of driving it through the Committee and the House at this ridiculous hour.

Like my hon. Friend the Member for Christchurch (Mr. Chope), I was greatly encouraged by what was said by my hon. Friend the Member for South Staffordshire (Sir P. Cormack). He nearly always says sensible things, and he says them with passion, especially when it comes to matters regarding the House. I was delighted when he announced a shift in Conservative policy on this matter, because it is clear that the 1975 Act is an anachronism. The Government are tinkering with the Act, rather than addressing the fundamental irrelevance of the legislation to our present circumstances.

As my hon. Friend the Member for South Staffordshire said, it is fatuous to suggest that people who represent constituencies in other legislatures should be entitled to sit in this House or, indeed, the other place.

Mr. Hayes: The Minister is, in fact, challenging the whole principle of disqualification. He said that the arbiter should be the electorate—that the electorate should judge who was eligible or ineligible.

The First Deputy Chairman: Order. Perhaps I can help. I do not regard the whole question of disqualification as relevant to the discussion of this amendment.

Mr. Gerald Howarth: I note your strictures, Mr. Martin. I think that the Minister would like to intervene. I give way.

Mr. George Howarth: I caution the hon. Gentleman and his colleagues that they should not misrepresent anything that I have said.

Mr. Gerald Howarth: Of course we do not intend to misrepresent anything that the Minister has said. He has been perfectly clear and I think that my hon. Friend made the right assessment of the line the Minister took.

I ask the Minister to contemplate: are we seriously suggesting that a Minister in a Commonwealth country who has the right of residence in this country will apply for membership of the House? Is he seriously telling the public that, in 2000, we believe that that is a serious possibility?

Mr. MacKay: It is preposterous.

Mr. Howarth: Absolutely.

If the Minister is advancing that argument, he should start to consider its logical corollary. If he is not prepared to support the amendment, which would rule out Ministers in other Commonwealth countries becoming members of the UK legislature, we could face some bizarre situations.

My hon. Friends have drawn attention to the idea of people representing other Governments and being fifth columnists here. What would happen, for example, if a Minister from the Government of Zimbabwe took advantage of the legislation, sought election to the House and, by some bizarre circumstance, got elected here? We could then find ourselves in the ludicrous position of a man coming here, taking advantage of being in the Lobby with the Foreign Secretary and saying, "Come on. Give us a few more Hawk spares." He would not say that on behalf of a constituency—well, I suppose that he could be acting on behalf of both constituencies; he could represent a British Aerospace factory in the north-west. Then he would square the circle—*[Interruption.]* Does the hon. Member for Wolverhampton, North-East (Mr. Purchase) wish to intervene?

Mr. Purchase *indicated dissent.*

Mr. Howarth: We are always looking for interventions by Labour Members, who have been remarkably silent.

Dr. Julian Lewis: Assuming that the Minister from Zimbabwe was sitting on the Government Benches, it would at least create some lively discussions in the Government Lobby on the subject of section 28.

Mr. Howarth *rose—*

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. I hope that the hon. Member for Aldershot (Mr. Howarth) will not be tempted down that road.

Mr. Howarth: I could be, but, looking at your disposition, Sir Alan, I think that I will resist the temptation to follow my hon. Friend's suggestion. However, there is a serious point here. We are seeking to rule out a circumstance that can prevail at the moment. However bizarre it may sound, legislation currently permits some extraordinary things to happen.

The point that Opposition Members seek to make to the Government is that, instead of dealing properly with disqualification, or qualification for membership of the House, they have gone for one tiny element of it. As my hon. Friend the Member for Lagan Valley (Mr. Donaldson) and others have suggested, it is because there is some squalid deal with Sinn Fein, or republicans of some description or other.

The amendment takes a much more fundamental look at the legislation and suggests that if the Government are not prepared to deal comprehensively with the anomalies that arise out of the legislation as it relates to Commonwealth countries, they should accept the amendment, thereby making it explicit that at least we will rule out the possibility of a Minister in another Commonwealth country having the right to sit in the House.

I suppose that one could say that there might be advantages. If a Minister in Barbados sought membership of the House, many of us could find arguments for reciprocity, which would become hugely attractive. Conversations in the Lobby would be wholly different from the one that I have outlined in connection with Zimbabwe.

Sir Patrick Cormack: Twinning would take on another form.

Mr. Howarth: Indeed. There could be all sorts of corruption possibilities as people competed for twinning with Barbados.

4.45 am

Mr. Bercow: My hon. Friend is describing pithily what will obviously be a conflict of interest if we are not successful in securing the amendment's passage. Does he agree that allowing a Minister in another Parliament to serve as a Back Bencher in this Parliament would enable that individual to use the latter capacity to advance his interests in the former? Could we not have a situation in which such a Minister, using his Back-Bench role in this

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Parliament, would be able not only to make representations to the Foreign Secretary, but, for example, to lobby the Secretary of State for International Development for an improvement in the aid and trade provision to the country in which he was a Minister?

Mr. Ronnie Campbell (Blyth Valley): Pie in the sky.

Mr. Howarth: The hon. Member for Blyth Valley (Mr. Campbell) has just said that that is a load of rubbish, but, as you will attest, Sir Alan, he has not been in the Chamber or listened to the debate. My hon. Friend the Member for Buckingham (Mr. Bercow) is entirely right.

We have to consider other matters. Membership of the House carries certain other benefits, such as provision of research assistants; access to the Library and to information; and the ability to table questions and early-day motions. All those benefits would be afforded to people who might have a conflict of allegiance, which is a serious matter.

The situation was wholly different in 1955, when Commonwealth countries were essentially governed from this place. Although those who represented people in those various countries sat in their own legislatures, they were British citizens and probably had a house also in the United Kingdom. Therefore, at the time, it made perfect sense not to rule out their entitlement to sit in this place. However, that was 1955.

In 1975, the opportunity was not sought to change the legislation to reflect the fact that Britain had gradually given up its colonial inheritance.

Today, 43 years on from the first colony's independence—in the Gold Coast, which became Ghana in 1957—we are in a wholly different position. What is our Government's motto? What was the watchword that appeared in the Queen's Speech time after time? It was modernisation. We have a Government who are committed to modernisation, but they have had the audacity to introduce this miserable little Bill, the true motive for which they will not—

The Chairman: Order. In previous speeches, the hon. Gentleman has tried to extend his comments to deal with the Bill's general principle, but that is not permitted. He must concentrate his remarks on amendment No. 6, and I do not want to hear arguments that I have already heard repeated. He must stay within the bounds of the amendment and in order.

Mr. Howarth: I apologise and take your strictures, Sir Alan.

The Bill presented the Government with an opportunity for modernisation. Amendment No. 6 offers a microcosm of such modernisation. It would provide an opportunity for the Government to say, "We recognise that, although the Disqualification Act 1975 is still valid, we wish to make some wholesale changes to it. We'll deal properly with it."

Although the Opposition cannot persuade the Government to make other changes, amendment No. 6—which has been tabled not only by official Opposition Members, but by Ulster Unionist Members—would go at least some way towards dealing with one outrageous and glaring anomaly in the current legislation. Ministers have made it perfectly clear that they are not prepared to accept even that, but that does not sit at one with the Government's much-vaunted claim to be in the van of modernisation. They are making a big mistake.

Mr. Hayes: The Minister defended his position with regard to the amendment by saying that the electorate would be the arbiters of whether people's actions were influenced by a conflict of interest. However, we know from experience that politicians in those circumstances typically do not go before their electors. People who rat on their friends and deceive their party—*[Interruption.]*

The Chairman: Order. First, that intervention is far too long. Secondly, I do not wish to hear sedentary comments from the hon. Member for Blyth Valley (Mr. Campbell).

Mr. Howarth: I agree—*[Interruption.]*

The Chairman: Order. I hope that the hon. Gentleman for Blyth Valley is not seeking to defy the Chair.

Mr. Howarth: I agree with my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes), but I think that I have made the point that I wanted to make.

Mr. William Ross: Earlier, the hon. Gentleman reflected on the mischief that a Minister of a foreign Government could cause if elected to the House. However, he did not mention that any such individual could set up pressure groups to create an atmosphere of pressure on the Government.

Mr. Howarth: I am grateful to the hon. Gentleman, who has drawn the Committee's attention to the further mischief that could be pursued if Ministers in a foreign—albeit Commonwealth—Government were allowed to participate in our proceedings.

I hope that a wider audience will learn that, in the middle of the night, the Government were unwilling to address an issue drawn to their attention by Conservative Members and by members of the Ulster Unionist party. In rejecting the amendment, the Government have shown that they are not prepared to deal comprehensively with an anachronistic piece of legislation.

Mr. Fabricant: I shall not rehearse what has been said about the amendment, but some other points occur to me. We have had 1,000 days of this Labour Government. Concession and appeasement have been evident in our relations with Ireland, and now there is a general erosion of the powers of this House.

I telephoned a friend in Seattle to discuss the amendment. He could not believe what the Bill proposes. He likened it to a member of a foreign Government being in the House of Representatives at the US Congress and arguing his country's case in the Government of the United States of America. He asked whether that was what we—he called us "you guys"—intended to do.

My American accent may not be very convincing, but that is an extraordinary proposition. The Bill would extend—

The Chairman: Order. The hon. Gentleman is making a Second Reading point. I remind him that Second Reading is over. He must speak to the amendment. I do not want to hear such general comments; the time for them has passed.

Mr. Fabricant: The Bill would allow an Irish Government Minister to serve here as a Back Bencher. The Minister says that there is nothing wrong with that. After all, we are not saying that a Minister in the Irish Government would become a Minister of the British Crown. He said that it was perfectly normal and satisfactory for a Minister in the Irish Government to become a British Back Bencher. But it is extraordinary.

We know that smuggling goes on between the Republic of Ireland and Northern Ireland. *[Interruption.]* There may be instances in which an equalisation of excise duties is in the interests of the Republic of Ireland. What is to stop an Irish Government Minister, on these green Benches, wearing his British Back Bencher's hat, arguing the case for equalising excise duties? *[Interruption.]* The hon. Member for Blyth Valley (Mr. Campbell) is making sedentary interventions. He has come into the Chamber—staggered into the Chamber, I might say—and then makes interventions from a sedentary position. Would the hon. Gentleman now like to make a sensible point?

The Chairman: Order. I think that if the hon. Gentleman reads those words in *Hansard*, he will regret them. I hope that he will not pursue that particular line.

Mr. Fabricant: My point is that there would occasionally be conflicts of interest between someone who represented the Irish Government and was also a British Back Bencher. It is quite extraordinary that the clause is being debated, particularly at four minutes to 5 in the morning—in the hope, I suspect, that it will be covered on today's radio and television. Nevertheless I hope that it will.

Mr. Mike Gapes (Ilford, South): I am sure that the hon. Gentleman's remarks would get no coverage, at whatever time of day he made them.

Mr. Fabricant: I am glad that the hon. Gentleman treats so lightly the British constitution. The hon. Gentleman, who has just wandered into the Chamber and is chuckling away, may or may not have been watching our proceedings on the screen. Is he aware that we are discussing the sovereignty of this Parliament?

The Chairman: Order. May I remind the hon. Gentleman that we are discussing the amendment? His general point about possible inconsistency has been worked extremely hard for many hours, and I do not think that it can continue to be repeated if the hon. Gentleman wishes to remain in order.

Mr. Fabricant: I am discussing the amendment, Sir Alan. The whole point about the amendment is to prevent a Minister in the Irish Government from appearing in this Chamber. My point, which has not been made before, is that there are questions to do, for example, with excise duties between the two countries. There are other questions, such as security, which have been raised before. They may cause a conflict of interest between the House and the Dail. It is important that these issues be fully discussed. I have been on my feet for only six minutes, and I do not think it unreasonable to rehearse those issues.

The Chairman: Order. I am trying to assist the hon. Gentleman. He knows that he is going over ground that has been gone over already. Perhaps I should remind him about Standing Order No. 42. I am not prepared to hear the same arguments made over and over again, particularly if they are more nearly related to the general principle of the Bill, which was decided by the House on Second Reading, than to this specific amendment.

Mr. Fabricant: Thank you, Sir Alan. The amendment specifies that no Minister

"in the government of any country or territory outside the United Kingdom"

can be a Minister in the United Kingdom Government. That is absolutely right. No other contribution today has referred to cross-border issues such as smuggling, excise duties and other problems in transferring goods across the border.

The Chairman: Order. The hon. Gentleman has now repeated himself on those very points. It may be in order to produce an example, but not to develop it to excess, as I suspect that the hon. Gentleman is seeking to do.

Mr. Fabricant: I am only repeating myself because I am not being allowed to make my point without some interruption from the Chair. *[Interruption.]* However, I take your point, Sir Alan. The amendment relates to an important constitutional issue, and should be supported by Members on both sides of the Committee who have any interest in the welfare of the House and of the constituents who elected them to it.

5 am

Mr. MacKay: I hesitated before rising to speak, because I assumed that the Under-Secretary of State for Northern Ireland would be winding up the debate. There have been several significant contributions—not least that of the hon. Member for Lagan Valley (Mr. Donaldson), who has considerable experience in the matters that we have been discussing. Perhaps I was premature in rising. Will the Minister confirm that he is not going to wind up? I do not want to jump in ahead of him.

Mr. George Howarth: It is strange, Sir Alan. A few moments ago, the right hon. Gentleman asked me whether I intended to speak again; I made it perfectly clear that I had said everything that I wanted to say in my previous contribution. I do not know why he should assume that I had changed my mind.

Mr. MacKay: I assumed that I had misheard the Minister. When there has been significant debate on a significant amendment—especially an amendment signed by the right hon. Member for Upper Bann (Mr. Trimble), the First Minister in Northern Ireland, and co-signed by

[Mr. MacKay]

other right hon. and hon. Members—and the debate has lasted for more than an hour, with five or six contributions, it is normally courteous to the Committee for the Minister to wind up. However, neither you, Sir Alan, nor I can force the Minister to wind up, so I shall proceed with my winding-up remarks. It is regrettable that the Minister has not paid the Committee the courtesy of winding up the debate. Perhaps, on mature reflection, he might want to do so when I sit down.

It is worth observing, in what has been an interesting and wide-ranging debate, that we have heard no contributions in support of the Minister from Labour Members. We must draw our conclusions on that point.

I am broadly agnostic about the Bill, but there seem to be two aspects of considerable concern. Those concerns have been expressed not only by Conservative Members, but by Unionist Members and by at least one right hon. and one hon. Member on the Government Benches—the only two Labour Members who have made any significant contribution during the Committee's proceedings.

The first concern is that there has been constant take, take, take by the paramilitaries—republican and so-called loyalist—with no give whatever. I made that point earlier, so if I pursue it now, I suspect that I shall be out of order.

The second valid concern is that there will be conflicts of interest and of loyalty. I welcome the fact that, to some extent, those conflicts have been acknowledged by the Government in clause 2. The clause refers to the disqualification from ministerial office in Northern Ireland of anyone who holds ministerial office in the Republic. No doubt, the Minister will want to refer to that matter when we reach clause 2—as will many right hon. and hon. Members.

There seems to be an absolute acknowledgement that there could be a conflict of interest. Once that has been accepted, we can go a stage further. I welcome the fact that, when we come to clause 2, the Minister has agreed to accept amendment No. 7, although I am not sure whether it was in order for him to mention it during this debate. That provision also acknowledges a conflict of interest, if I have read the amendment correctly. As you will recall, Sir Alan, we have had little time to prepare the amendments, because, for some strange reason, the Government are bulldozing the Bill through Parliament in two parliamentary days; something that never happens normally.

The Government Whip, the hon. Member for Stirling (Mrs. McGuire) laughs. Let me explain to her, because she is probably still quite a new Member of the House, although she is a Minister in the Whips Office—

Mrs. Anne McGuire (Stirling): Do not patronise me.

Mr. MacKay: I think that I will patronise the hon. Lady a little, because she obviously thought it was very funny that an important constitutional Bill should be bulldozed through in two days. A Bill usually has a Second Reading and then, the following week or thereafter, passes into Committee. Only when a Bill is urgent or an emergency Bill do Second Reading and Committee take place on consecutive days; and early in the Committee the Under-Secretary at the Home Office admitted, from a sedentary position, that the Bill was neither urgent nor an emergency Bill.

I return to the welcome concession that it appears that the Government intend to make when we reach clause 2, by accepting amendment No. 7. It seems that the Minister is accepting that someone cannot simultaneously be a Minister in the Republic and the Presiding Officer or Deputy Presiding Officer in the Assembly. So yet again we have the acceptance of an anomaly and a conflict of interest.

In moving amendment No. 6, the hon. Member for East Londonderry (Mr. Ross) was absolutely right to say that it is vital that, if a person is a Minister in the Republic, they lose their rights to be a Member of either the Northern Ireland Assembly or this Parliament. There is a total conflict of interest.

I said that I was agnostic. I am quite prepared to acknowledge that there might or might not be a conflict of interest in being simultaneously a Member of the Dail and a Member of this Parliament, but I have absolutely no doubt that once one becomes a Minister and is a servant of the country, there is a conflict of interest if one is in another legislature. Therefore I am even more convinced than when I added my name to the amendment originally tabled by the First Minister that I was right to do so.

Mr. Ian Bruce: I am disappointed that the Minister would not respond. Surely, under the Government rules that we work to, a Minister cannot draw a salary in another House or anywhere else, so we are disallowed from benefiting from the provision, and only people sitting as Ministers in the Irish Republic would be able to draw the two salaries.

Mr. MacKay: Correct me if I am wrong, Sir Alan, but I believe that new clauses 4 and 5, which appear much later in the selection list, cover that point. I suspect that I would be out of order if I responded in detail, except to say that I have sympathy with my hon. Friend's point.

I return to amendment No. 6. Before I was interrupted, I was making the—I thought—important point that almost every Member who has contributed to the debate has asked why the Minister is insisting that someone can be a Minister in the Republic and still remain a Member of this place or of the Assembly.

It is absolutely clear to any of us who know the Republic well and travel there regularly that in the mainstream political parties in the Republic, the people who have, from time to time, held ministerial office have absolutely no wish, desire or expectation to be Members either of the House or of the Assembly. There is only one reason for the provision. Mr. Gerry Adams and other members of Sinn Fein are not only Members of the Assembly, duly and correctly elected. They are not only Members of this House—in the case of Mr. Adams, who has not taken his seat for Belfast, West, and of Mr. McGuinness, who has not taken his seat for Mid-Ulster. We believe that some of those members of Sinn Fein who have been elected to our House and/or the Assembly would like to stand for the Dail. They have the deeply misconceived idea that, if they stand for the Dail and get elected in some numbers—which is entirely a matter for the Irish electorate, not for me, so I shall not comment on the merits of their getting elected—they will

hold the balance of power, due to the bizarre proportional representation voting system for the Dail. They then believe that one or other of the parties will invite them into coalition, and they will be Ministers. I do not believe that my friends in Fianna Fail, Fine Gael, the Progressive Democrats and the Irish Labour party in the Dail would ever do that, but that is the reason why the Minister is resisting the amendment. It is a pretty shabby reason.

If that is not the reason, I would like to know why the Minister is resisting an amendment that the right hon. Member for Upper Bann—someone whom the Minister and I have rightly praised, and will continue to praise in the difficult weeks and months ahead—has tabled with considerable thought, and which was moved eloquently by the hon. Member for East Londonderry (Mr. Ross). I can think of no conceivable reason why the Minister cannot accept it. It is strange that he can accept the position that Lord Alderdice holds, and it appears that amendment No. 7 may be acceptable. However, that is acceptable only if Mr. Adams and Sinn Fein do not want to hold the positions.

Mr. George Howarth: The right hon. Gentleman should not put words in my mouth. I did not say any of the things that he has just attributed to me.

Mr. MacKay: With respect, it is difficult to know what the Minister is or is not saying as he is refusing to wind up the debate. If he declines to give his views, I have to interpret them as best I can. I apologise if I have misinterpreted the Minister. There seems to be a simple solution—that when I sit down, he should wind up the debate.

The Minister told the Committee earlier that there were private discussions between the Secretary of State for Northern Ireland and the right hon. Member for Upper Bann which resulted in some changes to the Bill before it was published, one of which was clause 2. That is to be welcomed, as is the fact that the Minister plans to make further concessions in clause 2.

Having made those concessions, there is no logical reason why the Minister cannot accept this amendment as well, as it is part of the same package and deals with the same point—a conflict of interest that we are trying to avoid. The only conclusion that we can reach is that this is at Sinn Fein's request because Sinn Fein members have a misguided view that they can be elected to seats in the Dail, hold the balance of power and become Ministers. That is a deeply shabby state of affairs, and I hope that the Minister will correct me if I am wrong. If he does not, the Committee will accept that I have found the reason.

Mr. George Howarth: The right hon. Gentleman knows that I said everything that I considered to be necessary when I spoke earlier. Frankly, it would be superfluous for me to make yet another speech, repeating all the points that I made earlier. It seems to me that there has been far too much repetition already in the debate tonight.

Mr. MacKay: Will the Minister give way?

Mr. Howarth *indicated dissent.*

The Chairman: Order. I think that the Minister has finished his remarks.

5.15 am

Mr. William Ross: I moved the amendment and there has been a small amount of debate on it. Many questions have been put to the Minister but, sadly, he has declined to answer them.

The Minister suggested that clause 2 was inserted at the insistence of the Ulster Unionist party leader, the First Minister. Was the entire clause inserted at his insistence? It would have been a remarkably short Bill without it. What did the Government intend when the Bill was restricted to the provisions in clauses 1 and 3, which merely repeals a section of an existing Act?

The Minister told us that he had grave objections to the amendment. He said that if the Government accepted it, the Commonwealth element would be excluded. That is correct, but some people said yesterday for reasons that have again been advanced in detail today that we should reconsider the involvement of Commonwealth countries in this context. If that is all that worries him about the amendment, will he accept it table one himself on Report that would take care of that objection?

Mr. MacKay: Surely, the hon. Gentleman realises that the Bill will not have a Report stage. It is being bulldozed through, so we shall have no chance to debate it on Report. I am afraid that he will be unlucky.

Mr. Ross: On the face of it, that is correct. However, we have been told that, under certain circumstances, manuscript amendments would be accepted. If the Minister tabled a manuscript amendment, no doubt the Table Office would accept it and you, Sir Alan, could select it so that we could discuss and rapidly agree to it. It is just a matter of the Minister scribbling it out, perhaps with a little help. It could preserve the heart of this amendment by excluding foreigners, but include those whom I consider our cousins from Commonwealth countries.

The Minister said that a number of people and parties, including the Government of the Irish Republic, were consulted but that there was no consultation with Commonwealth countries. We understand that because of the short time scale involved. However, we have not been given—and we should be interested to see it—a full list of the individuals who have been consulted about the Bill and the amendments.

Mr. George Howarth: The Bill was published before Christmas and it was wide open to everybody, whatever their interest in these matters, to consider it and make the necessary representations. As I said earlier, I do not have to hand a list of the representations that we have received, but we have not been inundated with them from the

[Mr. George Howarth]

Opposition or from any other part of the House. It would be superfluous to go over that argument with the hon. Gentleman.

Mr. Ross: The Minister refers to representations made after the Bill was published, but I am talking about the consultations, which he has already disclosed in part, that took place before the Bill was drawn up.

Sir Patrick Cormack: May I inform the hon. Gentleman that the Opposition expected a proper interval between Second Reading and the Committee stage, so that there would be a proper opportunity to study the Bill and to table appropriate amendments?

Mr. George Howarth *rose—*

The Chairman: Order. The Minister cannot intervene on an intervention.

Mr. Ross: No doubt, the Minister will want to intervene on me.

Mr. George Howarth: I am grateful to the hon. Gentleman for giving way to me, yet again. May I repeat the point that has been made before to the hon. Member for South Staffordshire (Sir P. Cormack), that the usual channels exist precisely so that such representations can be made. However, they were not made.

Mr. Ross: As my hon. Friend the Member for Belfast, South (Rev. Martin Smyth) has already pointed out, members of our party are not involved in the usual channels. Two weeks ago, he made representations asking for information, but received none.

Mr. Gerald Howarth: The Bill clearly states that it was ordered to be printed on 21 December 1999, which was either the day the House rose or the day before. It is wholly disingenuous to suggest that there was a great opportunity for consideration, as though we were meant to take the Bill home with us and study it on Christmas eve and Christmas day.

Mr. Ross: That makes us more suspicious. I was even more annoyed that I caught the flu bug over Christmas and so was not in any state to plough through a Bill, even one as short as this one.

The Minister has still not dealt with my point, which is that there is a difference between representations made after the Bill was published and the consultation that he admits took place with Sinn Fein and the Irish Government. In addition, he has not yet told the Committee who else was consulted about the content of the Bill—

The Chairman: Order. I have to remind the hon. Gentleman, as I have had to do several times already, that he should be speaking specifically about the amendment, not about more general matters that he believes overhang it. We are debating the amendment.

Mr. Ross: Regrettably, Sir Alan, my right hon. Friend the Member for Upper Bann (Mr. Trimble), who composed the amendment, is not present. I do not know whether it arose from his consultation with the Government, or whether he tabled it in sheer frustration at not having had the opportunity for full consultation before the Bill was published—

The Chairman: Order. As the hon. Gentleman has nobly stepped into the breach to move the amendment, he should do so in his own capacity, rather than speculating about what other right hon. and hon. Members might have done.

Mr. Ross: As you know, Sir Alan, I am always willing to move amendments, no matter how scant my knowledge. I do so in the sure expectation, which has been fulfilled in today's debate, that as the debate proceeds more information will seep out. As more information has been provided throughout today's debate and yesterday's, we have become more suspicious about the intentions underlying the Bill—

The Chairman: Order. The hon. Gentleman must listen to what I am saying, which is that he must stick to the amendment. We are not debating the Bill as a whole. The House has already decided on Second Reading that the Bill should be accepted in principle. We are now dealing with the amendment.

Sir Patrick Cormack: On a point of order, Sir Alan. The Committee is clearly in some difficulty and I wonder whether you are able to help. It would be in the interests of the House if there could be a Report stage and if manuscript amendments could be submitted for scrutiny by you and the Speaker. Will it be possible to have a relatively brief suspension between the conclusion of Committee and the commencement of Report?

The Chairman: There is no case for that—that eventuality does not arise. The House made a decision to proceed with the business until any hour and that is the decision that I must apply.

Mr. Ross: That was a welcome decision by the House, because it gives us time to explore the issues in moderate detail. We still have a long time to go—we do not even have to stop until this time tomorrow morning. There is no reason not to keep going, as everyone appears perfectly content and well settled down for a long stay. I was a Member of Parliament in the 1970s, when such evenings were quite—

The Chairman: Order. We do not need a trip down memory lane. We must return to the amendment.

Mr. Ross: Trips down memory lane sometimes serve to refresh one's memory of happier times when the House sat all night.

Mr. Lindsay Hoyle (Chorley): It was not under a Labour Government.

Mr. Ross: As I recall, the hon. Gentleman was not a Member of Parliament then.

The amendment is designed to improve the Bill. In that context, what impinges on one part of the Bill must have an influence on the rest of it. On occasion, therefore, one has to widen the scope so that the amendment can be set in the context of the Bill as a whole.

The amendment seeks to remove the capacity of Ministers of foreign nations to become Back-Bench Members of the Northern Ireland Assembly. If anyone is elected to any legislature, whether here, the Assembly or anywhere else, there is no guarantee that he will complete the full term of office. A Member might appear in the Assembly from elsewhere. He might be there as an independent, and that would most likely be the case. Under section 35 of the Northern Ireland Act 1998 there seems to be some difficulty in filling the vacancy. The Secretary of State

"may by order make provision for the filling of vacancies occurring in the Assembly's membership . . . Such provision may be made by reference to by-elections or substitutes or such other method of filling vacancies as the Secretary of State thinks fit."

In that light, I am not entirely sure about the provision for filling a vacancy caused if the sort of Member to which the amendment relates were to die. Such a Member may resign or want to emigrate. He might be needed back at home. In such circumstances, he might not be able to complete his term, so there would be a vacancy. How would it be filled? That is only one of the side issues that flow directly from the amendment. I am curious that the Minister has decided that he will not say anything. I hope that he will address the matter and give us his advice.

The amendment that deals with Ministers from the Irish Republic is welcome, but I can think of other people who will come in from other countries who might well be Irish nationalists or Irish republicans in disguise, who would act as fifth columnists within the Northern Ireland Assembly. Even if they were not Ministers in the Assembly, they could become Chairmen of Committees, for example. In that powerful position they could pursue an objective that the generality of the population of Northern Ireland might not wish to see pursued. Whenever I consider that possibility and the inherent dangers for the people of Northern Ireland, I see that they fit in with new articles 2 and 3 of the Irish Government draft legislation to amend the constitution.

You will be aware, Sir Alan, having been an assiduous observer of these matters, that although the original articles disappeared, a new one appeared which stated:

"It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage."

That is the sort of person of whom I am thinking. As my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) said, we and our hon. Friends would be cherished.

Article 3 states:

"It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities . . . recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people."

It is that consent that we are concerned with because we see signs that we shall be undermined by people coming in through the loophole that is left in the Bill, which the amendment seeks to close. I presume that people such as Austin Currie, who has already been mentioned, could stand for election. He has been a prominent member of the Dublin political establishment for many years. He is not friendly to the Unionist position, and we fear that a chap like him could get elected and be in a position to undermine Northern Ireland's position in the United Kingdom.

5.30 am

What are the real reasons for the Bill? Has Sinn Fein agreed to it and does it disagree with the sort of measures that the amendment proposes? It is not the potential conflict of interest, but the potential conjunction of interest with that of the Irish Republic that worries me. A litany of measures favours the Sinn Fein-IRA element, and no one else. For those who care to look for it, there is clear evidence that Sinn Fein is being favoured in many ways, including the funding of political parties.

Mr. Maginnis: Does my hon. Friend realise that if the Deputy First Minister of the Northern Ireland Assembly, the hon. Member for Newry and Armagh (Mr. Mallon), took his seat in the Dail and became a Minister there, he would have to give up his position in the Assembly? Since the position of Deputy First Minister is inextricably linked with that of First Minister, the enforced resignation of the former would terminate the office of the latter. I wonder whether the Under-Secretary has considered the consequences of that.

Mr. Ross: I do not know whether the Under-Secretary has considered that, but I have. It is one of the reasons for my objections to many elements of the Belfast agreement. *[Interruption.]* The hon. Member for Leeds, East (Mr. Mudie) shouts from a sedentary position. If he wants to make a speech or intervene, I am more than happy to give way to him. If a comment is not worth making in a speech, it is not worth making from behind.

Mr. Bercow: Or even out of his behind.

Mr. Ross: I shall use my discretion and stick closely to what I intended to say.

I have almost reached the end of my remarks. *[Interruption.]* I could go on, but I know that hon. Members are anxious to examine the next group of amendments. When I have finished speaking on this group, I shall have 15 minutes in which to collect my thoughts and then I shall be on my feet again to explain the problems that the next group tries to redress.

Mr. MacKay: First, we shall discuss clause stand part.

Mr. Ross: The right hon. Gentleman is right; we shall spend a few minutes discussing clause stand part. That will take us until dawn at least. *[Interruption.]* It has been a long and cheerful night, and we are now reaching the giggly stage. That used to happen at about 3 am or 4 am, but it has happened a little later today.

[Mr. Ross]

I have expressed my views on the amendment and failed to get clear answers from the Under-Secretary about the reason for his refusal to accept the amendment or to undertake to table an amendment on Report or in another place to protect the Commonwealth, which, so far as I could gather from his initial remarks, was the only reason for his view—

Mr. George Howarth *indicated dissent.*

Mr. Ross: The Under-Secretary shakes his head and thus suggests that there were other reasons. He must reply to the debate and explain the other elements that caused him anxiety. I shall press the amendment to a Division, but I am happy to allow the Under-Secretary to intervene. Does he wish to do that?

Mr. Howarth *indicated dissent.*

Mr. Ross: Sadly, the Minister does not have an answer. He is not prepared to make an effort to improve the Bill. In the light of that, I have no choice but to press the amendment to a Division.

Question put, That the amendment be made:—

The Committee divided: Ayes 25, Noes 224.

Division No. 43] **[5.34 am**

AYES

Arbuthnot, Rt Hon James
Bercow, John
Bruce, Ian *(S Dorset)*
Chope, Christopher
Clappison, James
Cormack, Sir Patrick
Cran, James
Day, Stephen
Donaldson, Jeffrey
Fabricant, Michael
Forth, Rt Hon Eric
Hayes, John
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Lewis, Dr Julian *(New Forest E)*
MacKay, Rt Hon Andrew
Maginnis, Ken
Oaten, Mark
Ross, William *(E Londy)*
Sayeed, Jonathan
Swayne, Desmond
Syms, Robert
Thompson, William
Tredinnick, David
Walter, Robert

Tellers for the Ayes:
Mr. John Randall and
Mr. Roy Beggs.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Atkins, Charlotte
Austin, John
Barnes, Harry
Battle, John
Beckett, Rt Hon Mrs Margaret
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul

Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mrs. Anne McGuire and
Mr. Don Touhig.

Question accordingly negatived.

THE CHAIRMAN, *being of the opinion that the principle of the clause and any matters arising thereon had been adequately discussed in the course of debate on the amendments proposed thereto, forthwith put the Question, pursuant to Standing Order No. 68,* That the clause stand part of the Bill:—

The Committee divided: Ayes 221, Noes 24.

Division No. 44] **[5.47 am**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Atkins, Charlotte
Austin, John
Barnes, Harry
Battle, John
Beckett, Rt Hon Mrs Margaret
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
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Hesford, Stephen
Hinchliffe, David
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Killoyle, Peter
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Savidge Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul

Arbuthnot, Rt Hon James
Bercow, John
Bruce, Ian *(S Dorset)*
Chope, Christopher
Clappison, James
Cormack, Sir Patrick
Cran, James
Day, Stephen

Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mrs. Anne McGuire and
Mr. Don Touhig.

NOES

Donaldson, Jeffrey
Fabricant, Michael
Forth, Rt Hon Eric
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Lewis, Dr Julian *(New Forest E)*
MacKay, Rt Hon Andrew
Maginnis, Ken
Oaten, Mark
Ross, William *(E Londy)*
Russell, Bob *(Colchester)*
Sayeed, Jonathan
Swayne, Desmond
Syms, Robert
Thompson, William
Walter, Robert

Tellers for the Noes:
Mr. John Randall and
Mr. Roy Beggs.

Question accordingly agreed to.

Sir Patrick Cormack: On a point of order, Sir Alan. Will you clarify something for the benefit of the Committee? I believe that it is right that sittings in Westminster Hall are not affected, irrespective of how long the Committee sits, and that, although it is still Tuesday in the House, Wednesday in Westminster Hall will happen as planned. Will you confirm that that is the case?

The Chairman: The Standing Orders are specific. Sittings in Westminster Hall are not affected by a late sitting in the Chamber. Indeed, I can confirm that I shall have the honour of chairing the sitting in Westminster Hall.

Clause 2

Disqualification for Ministerial Office in Northern Ireland

Mr. William Ross: I beg to move amendment No. 21, page 1, line 13, after 'Minister', insert—

'Presiding Officer or Deputy Presiding Officer'.

The Chairman: With this it will be convenient to discuss the following: amendment No. 7, page 1, line 15, at end insert—

'or

'(d) be nominated as a chairman or a deputy chairman of a statutory committee'.

Amendment No. 14, page 1, line 16, at end insert—

'or is Chair or Vice Chair of a Subject Committee in the legislature of Ireland'.

Amendment No. 18, page 1, line 18, at end add—

'or on becoming a Chair or Vice Chair of a subject Committee'.

New clause 3—*Disqualification from election as Speaker or Deputy Speaker*—

'No person who is a member of the legislature of Ireland (the Oireachtas) may be elected as Speaker or Deputy Speaker of the House of Commons'.

Amendment No. 9, in title, line 5, leave out 'Ministerial office' and insert 'certain offices'.

Mr. Ross: I had hoped that we would have time to range back over the previous debates. A number of things need to be explored, especially as the Minister saw fit not to reply to the short debate on the previous group of amendments, but, in your wisdom, Sir Alan, you have chosen otherwise, so we have come somewhat sooner than we had expected to the group of amendments relating to clause 2.

As you have said, Sir Alan, there are five amendments and a new clause in the new group. They are all much of a muchness. The same general thesis runs through them all. One Minister—he seems to have departed; no, he is there—said earlier that he was minded perhaps to accept amendment No. 7.

6 am

As you will see, Sir Alan, the amendments were tabled by me, by my right hon. Friend the Member for Upper Bann (Mr. Trimble), the leader of the Ulster Unionist party, by my hon. Friend the Member for Belfast, South (Rev. Martin Smyth) and by the right hon. Members for Bracknell (Mr. MacKay) and for Maidstone and The Weald (Miss Widdecombe). The amendments in the group all have a certain sameness about them, and are all related in the sense that they are aimed at preventing the same evil. Therefore, if the Government really want to make some progress on the Bill, the Minister should stop me now and say that the Government will happily accept the whole group of amendments. That would immediately resolve the difficulty.

The Minister seems to be unwilling to do that, although he has already said that he is accepting the principle in one amendment. As the principle is the same in all the amendments, what on earth is he worrying about? If the principle in amendments Nos. 7 and 21 is acceptable, why should it not be acceptable in new clause 3?

Dr. Julian Lewis: Is not the hon. Gentleman making the simple mistake of assuming that the Government will show some consistency?

Mr. Ross: What troubles me is that, although the Government are sometimes consistent, the driving force behind their consistency is so carefully concealed behind a smokescreen of words and misdemeanours. One is never able to catch up with what they are doing until the evil consequences of their actions appear one year or five years later.

Mr. Swayne: I am not sure that the hon. Gentleman is being fair when he says that the same principle underlines all the amendments. The chairmen are most definitely Back Benchers and are not at all comparable to members of the Executive. I think that the hon. Gentleman may have tabled and moved essentially a wrecking amendment.

Mr. Ross: The hon. Gentleman may justifiably accuse me of many things, but, on this occasion, not of tabling a wrecking amendment. I am anxious to improve the Bill, which needs so much improvement that it needs to be rebuilt. However, that is a totally different matter from wrecking it completely.

The Government must see some good in the proposals, or they have been grievously misled by the IRA. Perhaps Ministers have been so threatened or blackmailed by the IRA's weapons or other means that they feel they have to do as they are told. However, I assure the Committee that amendment No. 21 is certainly not a wrecking amendment.

Mr. Swayne *rose—*

Mr. Ross: If the hon. Gentleman will allow me to proceed for a few minutes, he will see that my proposals are logical.

Mr. Forth: For the sake of clarity, will my hon. Friend tell me why he has resorted to that ghastly "chair and vice

chair" formulation? Conservative Members still talk about chairman and vice chairman, and we are proud and happy to do so. I hope that my right hon. and hon. Friends from Northern Ireland have not slipped into political correctness.

Mr. Ross: The right hon. Gentleman will appreciate that our proposals had to be tabled in great haste, before we were able to think them through entirely. So many people are now so anxious to apply the strictures of political correctness that they might ask, "What if it is a lady?", forgetting that, in United Kingdom legislation, the legal definition of the male embraces the female—*[Interruption.]* Hon. Gentleman should not get too carried away with that information; it is much too late, or much too early, for that.

I am talking about a legal definition, which Ministers will understand perfectly well. In British law, the term "he" encompasses "she".

Dr. Julian Lewis: It even embraces her.

Mr. Ross: It was a barrister who told me that, as barristers in the Committee will be aware, "he" embraces "she."

Mr. Fabricant: I wonder whether my hon. Friend agrees with—I am almost tempted to say my right hon. Friend—the right hon. Member for Manchester, Gorton (Mr. Kaufman), who said that the worst thing that one could possibly write report is "she/he". Indeed, it was expunged from a Select Committee Report.

Mr. Ross: It is time to leave these highways and byways and proceed to the amendments, although a few minutes on preliminaries are always well spent.

I regret the usages that so offend my hon. Friend—the Tories feel like hon. Friends again after 20 years or so. It is clear, from its long title, that the Bill is somewhat restrictive. Amendment No. 9 has been tabled to correct a drafting point by replacing the phrase "Ministerial office" with "certain offices". It is necessary because of the wide range of offices addressed by various other amendments. Not all such offices are affected, but a fair number are.

Preceding debates have made it clear that the Bill to some extent is intended to avoid the conflict of interests that has so exercised the minds of many hon. Members over the past few hours. We fear that the Bill does not achieve its aim. It is very badly drafted, and has clearly been cobbled together in a hurry. The amendments are an attempt to make it more precise and tighten the wording. We want to make certain that the Government's intention is fulfilled.

Clearly, clause 2 does not meet the intention of my right hon. Friend the Member for Upper Bann, the leader of our party and the First Minister in Northern Ireland. That is despite the fact that it was inserted into the Bill at his request, as we were told earlier. The Bill does not meet the needs of the Ulster Unionist party or the Conservative party. It is kneejerk, ill-thought-out legislation designed to please the IRA.

The proverb "act in haste and repent at leisure" is well known. If we were to ask the IRA, "Would this Bill please you?", the real answer would be yes. The Secretary of State, the Government spokesman or whoever the present contacts are—

The First Deputy Chairman (Mr. Michael J. Martin): Order. As I have told the hon. Gentleman before this morning, he must confine himself to the amendments. They are, after all, his amendments.

Mr. Ross: I am trying to do that, Mr. Martin, but we have gone a long time without sleep and the way hon. Members chat in the background can be distracting.

Mr. Hoyle: The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) is asleep.

Mr. Ross: Yes, he is not speaking at the moment—although he is listening.

The Government would say to the IRA, "Of course, whatever you want, right away." They are acting in haste and will repent at leisure. I note that although the amendments tabled by the Conservative party and ourselves are not exactly the same, we were aiming at the same targets for the same reason. The amendments are precise enough to meet the case.

It is not possible to serve two masters; it is not physically possible to be in two places at once. We must make up our mind what job to do and then do it. *[Interruption.]* I hear it said, from a sedentary position, that it is possible to collect two salaries. I have tabled amendments to deal with that and the concept of collecting two lots of office allowance, claiming double for plane flights and car journeys and heaven knows what other dangers.

The First Deputy Chairman: The hon. Gentleman will know that the claiming of two salaries is dealt with later, when his remarks will be helpful. Perhaps he can keep his powder dry until we reach that stage.

Mr. William Ross: I was responding to a sedentary remark, and I realise that I should not have done so. I was aware that this point would arise—after all, these are my amendments. I thought about the dangers to the public purse. It is a question not only of extra salaries but of the possibility of fraud, whether inadvertent or not. We will come back to that issue later.

The amendments would clean up the Bill, making it precise and tight. They would make it clear that certain people should not be permitted to do certain jobs. The Government have already admitted that there could be a clash of interests if people held ministerial positions in two legislatures.

It is impossible to imagine that a foreign legislator could do some of the jobs that I refer to in the amendments. That said, I think that we should not allow the doors to open.

Many things are happening in Northern Ireland today that I would at one time have thought impossible. They have been tried and, even though they have not yet been very successful, some people are still hopeful. We shall see how matters develop over the next week or two. My right hon. Friend the Member for Upper Bann

[Mr. William Ross]

(Mr. Trimble) has written his resignation. The same holds true of the president of the party and the other Ministers in the Executive. If the weapons are not given up, we will be in a difficult position relatively soon.

I am more used to pronouncing Irish place names than Irish institutions such as the Oireachtas. I fear they are beyond me and I have no particular urge to learn how to utter these words. Bearing that in mind, let me quote new clause 3, which states:

"No person who is a member of the legislature of Ireland (the Oireachtas) may be elected as Speaker or Deputy Speaker of the House of Commons".

Under no circumstances, Mr. Martin, would I like to see a good Glasgow man like yourself replaced by a Dubliner. I prefer to be sitting under your control, Mr. Martin, or under the control of Madam Speaker, of Sir Alan and all the other hon. Members who preside over this House at one time or another. Every Member of the House would want a United Kingdom citizen to occupy that position. That is why I have tabled this extremely sensible amendment.

6.15 am

However, the Minister had the temerity to say that the Government could not accept the amendment. If we do not include this provision, sooner or later, some clown will tell us what we must do, because the European Commission of Human Rights says that it is not fair to allow one lot in without the other. That would raise the issue of hybridity; we do not want to go down that road. That is why I tabled the new clause.

Mr. Swayne: Although I accept the hon. Gentleman's argument that the Speaker and the Deputy Speaker should not be Members of a foreign Parliament, is he not introducing a new concept—that there would be Members of Parliament who have differential rights to be elected to particular offices? That is why I suggested that the hon. Gentleman might be proposing a wrecking amendment. In essence, he is saying that those people could not be real Members of the Parliament.

Mr. Ross: That is my sentiment. They would have divided loyalty, so they could not be full Members of the House; they would not be part and parcel of the whole ethos of this place. In no circumstances, would I want to see the First Commoner of England a Member of Dail Eireann, so I hope that the hon. Gentleman will appreciate what I am trying to do.

Dr. Julian Lewis: I fear that the hon. Gentleman may be in danger of a slight contradiction, depending on which way he voted earlier on the amendment that was designed to achieve reciprocation—

The First Deputy Chairman: Order. We will not return to how Members voted on amendments.

Dr. Lewis: My point directly relates to that matter.

The First Deputy Chairman: I have said that it cannot relate to that matter. That is my ruling. We stick to the amendments before us.

Mr. Ross: Although I am neither a prophet nor the son of a prophet, nor a mind reader, I have a fair idea of what the hon. Member for New Forest, East (Dr. Lewis) was about to say. My response is that if an earlier amendment had been accepted—despite the doubts of some hon. Members—our view on this amendment might have changed. In those circumstances, we might have found it expedient not to move amendment No. 21. I hope that the hon. Gentleman is reassured that I am at least trying to be consistent in my efforts to improve this miserable Bill. I am trying to make it a little better by tightening it up.

From the days of King Charles and before—in trying circumstances—the Speaker has always been the protector of the rights and privileges of this place and of its Members. I should prefer to be protected by Madam Speaker than by Mr. Charlie Haughey, for example. At least, I should not have to watch my wallet if I was ill.

However, under the Bill, there would be nothing to prevent my fears from coming about. I have deep concerns; we should protect the position of the Chair. It should be reserved for a Member of the United Kingdom Parliament and for a citizen of the United Kingdom. I do not want it to go to somebody else.

Mr. Chope: Will the hon. Gentleman tell the Committee whether the Government have given any reason as to why they will not accept the new clause?

Mr. Ross: The Minister has sat in lonely silence for a long time. We hope that, on this occasion, he will be tempted to get to his feet and explain why he is prepared to accept the principle of the provision, as he has already told us. It is surprising for a Minister to tell us long in advance that the Government will not accept an amendment under discussion, but that they will accept one that will be debated much later—two or three miles down the road. I always believe that a bird in the hand is worth two in the bush any day of the week. The Minister is not a shooting man; he does not understand, but he will appreciate that it is always better to get what one can, when one can, from the Government and not give oneself up as a hostage to fortune.

Amendment No. 21 applies the same rule to the Northern Ireland Assembly. A Presiding Officer or Deputy Presiding Officer should not be a member of a foreign legislature. I should have thought that that was a very sensible amendment to table—unless the matter is covered elsewhere the Bill. We have not had much time to study the Bill to decide what was needed, because one never really knows what a Bill is all about until one has heard the Ministers speak at Second Reading and the detail has been teased out to some extent. Afterwards one decides what amendments to table. This time we did not have time, and it had to be done in a rush.

What I said with regard to the Speaker and Deputy Speaker applies with equal force to those who are the senior officers in the Assembly. The Minister tells us that the principle of amendment No. 7 is acceptable, but that amendment No. 14 is not acceptable. I have only a vague idea about the procedures in the Dail, but I am sure that it must have a Committee system, so the same principle should apply to the Dail.

That is the theory that underlies our amendments in the group. They are drafted fairly simply and straightforwardly. The Minister has not given us any reason, good or bad, why he will not accept them. We expect a bad reason if he is not accepting them

The Minister admitted previously that Ministers in the Dail would have a serious conflict of interests if they also served simultaneously in the Assembly or the United Kingdom Parliament. Only the surface of that iceberg has been explored. The same must be true of all the officers mentioned in our amendments. It is pointless to say "Leave it to the Assembly; leave it to the electorate" when we have seen the wheeling and dealing by Government to avoid the IRA bombing some place or shooting someone or breaking their ceasefire. Mind you, whenever people are shot—a gentleman was shot at Portadown not so long ago—we are told that the people who shot them have not broken their ceasefire. People were murdered by the IRA; we are told that the IRA has not broken its ceasefire. I presume that that is looked upon as house-keeping. That is fairly bloody house-keeping, and a murderous house-keeping. It costs people their lives and causes a great deal of misery, but the IRA is still on ceasefire.

In those circumstances, I have great difficulty in accepting what the Government say. I believe that they are wheeling and dealing and doing everything that they can to buy the IRA off, and I believe that the Bill is part of that buying off. We shall see the Royal Ulster Constabulary wrecked. We have seen the prisoners let out. We have seen the proposal to let Sinn Fein-IRA in to make use of the facilities of the House and to collect, not only their salaries but 100,000 quid to run their propaganda machine back home. We have heard all the talk about the border observation posts going. We have seen gun running and smuggling—

The First Deputy Chairman: Order. The hon. Gentleman is definitely straying from the amendment. Even allowing for the long hours that we have worked, I cannot allow him to stray so far.

Mr. Ross: I am sorry that you take that view, Mr. Martin. I was trying to explain to the House why the Government are not accepting the amendments. There must be something in the amendments that is offensive to the IRA; otherwise, they would be accepted.

Dr. Julian Lewis: Is not another possibility that the Government genuinely believe in what they are doing? It is possible to believe in two contradictory views simultaneously. It is called doublethink, which was invented by George Orwell, the 50th anniversary of whose death we are marking. Does that explain why the Government can accept the principle in some amendments and reject the same principle in others?

Mr. Ross: I read Orwell as a young man and found it interesting. Ministers should go back and read his books again, as that might give them an understanding of themselves and the problems with their own thinking. I do not want to trespass on your goodwill, Mr. Martin, so I had better move on.

The Government have swallowed all of those things that I mentioned earlier, at a cost of several hundreds of millions of pounds of oil revenue alone. That has been swallowed in an effort to keep the IRA on board. We should not pay the price that the IRA are evidently demanding. The IRA should accept the standards that normal, civilised folk accept. They should leave their thuggery, violence and threats behind. They should produce their weapons, dismantle their terrorist infrastructure, accept the rule of the Queen's law and pinpoint the bodies of the disappeared. The last point is another matter that is coming up again, although not in the Bill. However, it is relevant, as many people in Northern Ireland are concerned about it.

If the IRA left behind their embittered past and their hatred of all things British, perhaps my party might begin to treat them as a normal political party. As it is, we have to try to keep those in the IRA at arm's length to ensure that they do not get into a position where they can inflict more damage on the constitution of this country and its institutions. That is why the amendments have been tabled.

Mr. George Howarth: I am tempted to be drawn into the discussion about the works of George Orwell—simply to say that a text that the hon. Member for East Londonderry might have read sums up a little of what has taken place in the Chamber these last hours. It is "Homage to Catalonia" in which Orwell, who fought in the Spanish civil war, described the experience of trying to fight alongside the anarchists when nobody seemed to be in control. The anarchists had taken over the war and were not making a great deal of progress. I wonder whether Opposition Front Benchers might care to reflect on "Homage to Catalonia" and the lessons that they could learn from it.

Mr. Tim Boswell (Daventry): The Minister will notice that I am temporarily in charge of our affairs, and it seems to me that we may be belated in our historical references. Was it not the white rabbit in "Alice in Wonderland" who had learned to believe six impossible things before breakfast? That seems to be exactly relevant to the situation in which the Committee finds itself at this hour.

Mr. Howarth: I do not know whether the hon. Gentleman is occupying the Front Bench or has stepped through the looking glass. In any event, he should consider looking at his own reflection rather than try to cast doubt on what we are doing.

6.30 am

Mr. William Ross: The Minister referred earlier to the Spanish civil war. It is a subject that I have not studied; perhaps he could recommend a good book.

The First Deputy Chairman: Order. That can be done in the Tea Room, but certainly not here.

Mr. Howarth: The hon. Member for East Londonderry is capable of finding his own reading material without my help.

I am grateful to the right hon. Member for Upper Bann (Mr. Trimble) and to his colleagues for drawing attention in the amendments to the fundamental difference between the Statutory Committees of the Northern Ireland Assembly and Committees in the devolved Administrations in Scotland and Wales. They will be aware that the Statutory

[Mr. Howarth]

Committees in the Northern Ireland Assembly are entirely different. In addition to the scrutiny role that the Committees of this House and other legislatures have, they have an important role in developing policy. They do that in partnership with Ministers, and that point is set out clearly in the Good Friday agreement and in section 29 of the Northern Ireland Act 1998.

It would be right to accept in principle amendments Nos. 7 and 9 and to include within the offices of the Assembly which may not be held by the Irish Government the positions of Chairman and Deputy Chairman of the Statutory Committees of the Northern Ireland Assembly. As drafted, the amendments apply only to the proposed new section 19A(1), covering the position in which a Member of the Northern Ireland Assembly is nominated to serve as the Chairman or Deputy Chairman. To have the desired effect, the proposed section 19A(2), will also require amendment to cover the situation in which a serving Chairman or Deputy Chairman becomes a Minister in the Irish Government. The Government will therefore wish to table the necessary amendment when the Bill proceeds to another place, to cover the issues raised by the two amendments before us.

I do not think that it would be right to extend the Bill to add further to the list of offices that may not be held, hypothetically, by Irish Ministers. There is, however, a fundamental difference between holding ministerial office in the Northern Ireland Executive or serving as the Chairman or Deputy Chairman of an Assembly Committee and serving as the Presiding Officer or Deputy Presiding Officer of the Assembly. While Northern Ireland Ministers and Chairmen and Deputy Chairmen of Committees are appointed under the d'Hondt system, the Presiding Officer and Deputy Presiding Officer are elected by the Northern Ireland Assembly, which can therefore judge for itself whether any individual proposed for such an office is likely to be affected by a conflict of interest.

It is appropriate that the Assembly should have the freedom to make up its own mind, and amendment No. 21 would prevent that. Similarly, this House should have the freedom to select its own Speaker. Therefore, new clause 3 should be rejected. Amendments Nos. 14 and 18 should also be rejected. As I have said, Statutory Committees in the Northern Ireland Assembly are fundamentally different from those in other legislatures which do not have the same statutory role in the development of Government policy. It is not therefore necessary to prevent the Chairmen and Deputy Chairmen of Committees in the legislature of Ireland from serving as Ministers in the Northern Ireland Executive.

Mr. Forth: I am sure that we are all grateful to the Minister for taking the trouble in his courteous way to guide us in the debate at this relatively early stage. Having cleared the ground in our deliberations as a Committee, we are now starting to reach the meat of things. It is a relief to have got the preliminaries out of the way. I am delighted that we can now get down to the nitty-gritty—I have been waiting for this moment for some time.

The Minister was, in fact, less helpful than he might think he was. He helpfully indicated that the Government were prepared to accept at least the principle of two or three of the amendments, for which I suppose we should all be grovellingly grateful.

Mr. William Ross: We should never be grovellingly grateful to a Minister. We should be thankful for his good sense.

Mr. Forth: That is certainly a different way of looking at things. Typically, my hon. Friend is far more charitable than I feel inclined to be at this stage in the proceedings.

It is sad that the Minister resorted to the sort of argument that he has employed throughout our debates—one that is almost entirely false. I shall return to that matter later. First, I shall go carefully through the amendments and examine the different meaning and relevance of each one. The Minister acknowledged that they are all different by stating that he was sympathetic to some of them, but that he would reject others. That proved that, although the amendments are grouped, each contains principles and suggests approaches of which we should be separately aware.

The essence of clause 2 is that it makes an important distinction between those who hold political office, either elective or appointed, in the Republic of Ireland, and those who are, in their different ways, to participate in the new Northern Ireland Assembly. It is important that we have clear in our minds the lines of distinction that we wish to draw, and that we decide whether we are willing to contemplate those lines being blurred.

The thrust of much of our argument is that it is not only legitimate but essential that we maintain a clear distinction in our minds, in practice and in the Bill, between different nations, different sovereign states and different countries. It is of no consequence that those countries might share interests in the EU—that has no direct bearing on the Bill.

I do not believe that the creation of the Northern Ireland Assembly and its various posts should be sufficient to persuade us that there should be a crossing of the boundaries that we have hitherto held to be important in distinguishing nations and their identity, and politicians and their responsibilities. We have touched on that issue in previous debates, albeit from a different angle. Now, we clearly see that the issue is whether someone who holds office in the Republic of Ireland should ever have the opportunity to hold further office, in a different capacity, in the Northern Ireland Assembly.

The Minister has correctly pointed out that some of the descriptions are slightly strange to us—for example, the posts of Presiding Officer and Deputy Presiding Officer. He helpfully told us that the roles of the Committees is different: Statutory Committees have both a scrutiny role and a policy development role—in partnership with Ministers, he added. Ministers of the current Government do not like to let too many sentences pass before slipping in the word "partnership". It gives them a feeling a security—it is a device to make Ministers feel that they are doing good things, that they are on-message and that everything will work out well. Partnership is a word they like to use as often as possible.

I suppose that it was innocent of the Minister on this occasion to tell us that the Statutory Committees in the Northern Ireland Assembly had not only the scrutiny role but the policy development role, in partnership with Ministers. He was at pains to say that. I have no objection to the word, but I think that it is usually fairly meaningless. The real test is whether the Committees work effectively and produce results.

Surely the important point is that the role of the Statutory Committees in combining scrutiny and policy development makes them particularly vulnerable to infiltration by politicians from an altogether different country. We must be aware of that as we pick our way through the complexities of the amendments. Time and again, we must ask ourselves how far, or whether, we believe that it is or is not compatible for politicians from the Republic of Ireland—a separate, independent country—to have the opportunity to play any role in the new arrangements that are emerging and developing in the Northern Ireland Assembly.

We have the Presiding Officer and his Deputy and the Chairman and Deputy Chairman of Statutory Committees, who must be the subject of our considerations. On the other side of the coin, we must consider whether different sorts of people from the Republic of Ireland are, in their different ways, able to insert themselves into the political process in part of the United Kingdom. Amendment No. 14 refers—I must use the words because they are used in the amendment—to the

"Chair or Vice Chair of a Subject Committee in the legislature of Ireland."

Amendment No. 18 refers to

"a Chair or Vice Chair of a subject Committee."

I find those words difficult and distasteful, but I want to remain faithful to the amendments. I shall have a quiet word with those who wrote them later about using such ghastly forms of words. However, I suppose that we know more or less what we are talking about.

The issue is whether the Committee believes that it is reasonable to expect politicians holding either legislative or executive office to be doing so simultaneously in the Republic of Ireland and in the Northern Ireland Assembly. It is a fairly straightforward question and I cannot understand why the Minister is unable to face it and accept the thrust of the argument.

If we want to see the Northern Ireland Assembly as a new and valid body to which people in Northern Ireland will look to reflect their new identity in the sort of world that we all want to see developing there, I have serious doubts about whether it will help the process if we allow, encourage or permit participation by political figures from a different country altogether. My argument is that it will distinctly hinder the process. In blurring these hitherto well-understood political distinctions between one country and another and their respective institutions, we are getting ourselves into some considerable dangers. The amendments are entitled to somewhat closer consideration than it would appear the Minister has been prepared to give them.

New clause 3 takes us again into different territory. It makes an explicit reference to the Speaker and Deputy Speaker of the House of Commons, and a different argument arises. The Minister touched on a part of it, and that was a reflection of an earlier debate. He said that surely the Members of a body—the Assembly or the House of Commons—should be free to choose or to elect anyone they saw fit to hold an office such as the Presiding Officer or the Speaker, for example. That is something on which we should reflect. It is a seductive argument and it plays to our vanity that we in this place should feel secure in being able to choose anyone for those offices.

6.45 am

I exposed the Under-Secretary's fallacious argument earlier when he claimed that the electorate should be free to elect anyone they want to a body, completely ignoring the House of Commons Disqualification Act 1975. I won that argument and the Under-Secretary lost it comprehensively. He has not yet come to terms with that. We could take the argument forward and claim that it would be legitimate, especially in the formative stages of the new Northern Ireland Assembly, for the House, as the Assembly's creator, to protect Assembly Members, even from themselves and their potential early misjudgments, for example, in selecting a Presiding Officer. Although it is tempting to say, "Off you go, new democratic body. Do your own thing and take your own responsibility," I tentatively suggest that the Assembly is not ready for that in its initial stages. It may be incumbent on us to consider that and decide whether we have an obligation to examine those matters carefully.

Mr. Swayne: I agree with my right hon. Friend. We would fail in our duty if we did not take that opportunity. However, new clause 3 refers to the House of Commons, and would protect us from ourselves. I am not sure whether that is legitimate.

Mr. Forth: It is not always a bad thing. Perhaps members of the Committee, with their combined sagacity, should protect our colleagues who have not seen fit to participate in the debate as fully as some of us. We have taken the trouble to examine the Bill and digest its contents. It may surprise my hon. Friend to realise that we took the new clause more seriously than he thought at first blush.

The new clause develops a theme introduced in other amendments. It would ensure that

"No person who is a member of the legislature of Ireland . . may be elected as Speaker or Deputy Speaker"

here. That makes the large assumption that such a person would be elected here in the first place. Unfortunately, so far, we must take that as read.

Mr. Chope: The current Prime Minister views the selection of the Speaker of the House of Commons as within his powers of patronage.

The First Deputy Chairman: Order. We cannot discuss those matters.

Mr. Forth: Certainly not, Mr. Martin. It is tempting to try to protect ourselves from the Prime Minister, but he is here so rarely that I do not worry about his influence on the selection of the Speaker or any other matter to do with the House of Commons. That is one of the benefits of the Prime Minister's almost complete absence from the Chamber. My hon. Friend can rest assured on that point.

We have to make a judgment about how far it is proper and profitable in the context of the Bill and the amendments to try to protect perhaps even ourselves, and whether we should provide some assurance or protection to Members of the Northern Ireland Assembly, which is still very new. Its existence is, regrettably, a matter for doubt and speculation.

[Mr. Forth]

Given the uncertainties that I have outlined, there is a strong argument for saying that we are obliged to provide as much of a framework, and as much assurance and proper protection as we can to the Assembly. That applies especially as the role of the new Committees, Presiding Officers, Chairmen and Vice Chairmen has yet to develop, as the Under-Secretary helpfully told us. We do not have a full idea of them at this stage because the Assembly is new. I include even ghastly mechanisms such as d'Hondt, which roll off ministerial lips so readily. The Government are ever so familiar and comfortable with our old friend d'Hondt—even though the Home Secretary can barely mention the name without giggling. On that, I am more with the Home Secretary than with some other Ministers. The Under-Secretary of State is obviously a sophisticated and urbane man who is used to moving in European circles. He uses words such as "d'Hondt" with great aplomb. I would not be surprised if he even knew how d'Hondt works. That is one reason why the amendments are so important.

Given the novelty of all the processes, procedures and institutions, it is incumbent on us to do everything possible to provide proper protection. I am much in favour of all the proposed measures. The Minister helpfully intervened early in the debate to give his view, but he has yet to hear the full panoply of our arguments. I am just providing a taster of the arguments that my right hon. Friends might want to deploy.

I hope that the Minister will think again in the light of our arguments. I was disappointed that he only went so far as saying, "We might accept the principle of one or two amendments and give the usual undertaking about returning to the question at another time, in another place." The Committee must decide whether it is satisfied with that response.

Although we may trust the Minister totally, it cannot be guaranteed that he will be in full control when the proposals go to the other place. Given the turmoil at the other end of this building, nothing can be guaranteed. A ministerial undertaking that something will be sorted in another place, given recent encouraging events there, is no guarantee. It may be that Governments could make such a guarantee in the good old days, but they cannot any more. I am happy to report that, under the allegedly temporary dispensation, the Government, it appears, cannot rely on delivering anything in another place. That makes us feel doubly nervous and suspicious of what the Minister has said, rather than reassured.

I am looking for something very different from the Minister at the conclusion of this debate. I want him explicitly to accept at least two of the amendments—and preferably to accept them all, for the reasons I have outlined.

Mr. Chope: I follow my right hon. Friend in discussing new clause 3, which is the most important of the new clauses and amendments in this group. The independence of our Speaker and the Speaker's role under our unwritten constitution are fundamental to our understanding of the importance of the proposed new clause.

In the first constituency that I represented—Southampton, Itchen—I was fortunate to follow in the footsteps of a distinguished former Speaker, Horace Maybray-King. He was originally a Labour Member of Parliament for Southampton, Itchen, but, as soon as he became Speaker, he stood as an independent. The prospective Conservative candidate was not permitted to stand against Horace Maybray-King because the convention is that a Speaker should be allowed to stand as an independent and be elected.

Maybray-King was still alive when I was elected in 1983. I remember him impressing upon a group of my Young Conservatives the important role of the Speaker in defending our rights under the constitution. He had been a Labour man originally, but was then an independent because he had assumed a new role. To reinforce his independence, we even passed a special Act of Parliament to provide a pension, not only for his first wife, but for his last wife—he certainly enjoyed the company of women. When he visited my Young Conservatives he was given a lift by the lady president and his first question to her was whether her husband was still alive. His reputation was such, but he commanded tremendous respect as an independent upholder of the traditions of the House.

Mr. Robathan: Does my hon. Friend think that Horace King would have been happy in the Labour party under the new Labour regime? Would he have wanted to remain in the Labour party or become an independent?

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. We cannot have a biography of Horace King this morning. The hon. Member for Christchurch (Mr. Chope) referred to him, which is fine, but we must discuss the amendment.

Mr. Chope: Absolutely, Mr. Martin. In deploying my argument in support of the significance of our unwritten constitution and the office of Speaker, I refer to a lesson I was taught by another distinguished former Member of the House, the late Enoch Powell. I had the privilege of serving with him on the Procedure Committee in 1983–84. The first thing that he impressed on me was that, in the absence of a written constitution, the procedures of the House are our constitution. They are the ultimate bulwark that defends our liberties and protects us from oppression. The constitutional position is very different from that of a Speaker of a Parliament in a country with a written constitution. In the present circumstances, Madam Speaker is the ultimate arbiter on procedure, so it is of paramount importance that she is independent and seen to be independent.

Sir Michael Spicer (West Worcestershire): Is not great force added to my hon. Friend's argument about the importance of the Speaker by the fact that the Political Parties, Elections and Referendums Bill is currently going through the House and will give the Speaker enormous new powers to control the referendum process. Would not it be extraordinary if those powers were given to some foreigner?

Mr. Chope: I must be careful about using the word "foreigner", because it might be misinterpreted, but it would be unconscionable if those powers were given to a member of the legislature of another country. That is what the amendment is about and we must face up to that problem. We expect our Speaker to be independent and

to give up all party-political positions in our legislature, but if the Speaker was also a member of a foreign legislature, he or she would fulfil a party-political role in it. Even if such a person's role was not party political, a conflict of interest would be seen to be involved.

The great European debate has already been referred to, as has the fact that Ireland is a net recipient of aid from taxpayers while this country is a gross donor of aid to other European countries, including Ireland. The North Atlantic Treaty Organisation is frequently debated in the House. How could we be assured of the impartiality of the Speaker if that person fulfilled a representative role in a country that was not a member of NATO, while purportedly being an independent defender of our liberties in this country? It would be intolerable. Why will the Minister not accept the new clause? The only reason he gives is that he believes that Members of the House of Commons should have the freedom to choose.

7 am

Mr. Robathan: Can my hon. Friend enlighten us on the tradition in the Irish Parliament for the behaviour of the Speaker or Deputy Speaker, so that we may understand what sort of behaviour to expect from a Speaker or Deputy Speaker who is also a Member of the Irish Parliament?

Mr. Chope: Not only have I not visited the Irish Parliament; I have never visited southern Ireland, so it would be difficult for me to speculate about the behaviour of individual Members of Parliament within the Irish legislature, let alone the Speaker.

I should like to develop my argument. I think that you, Mr. Martin, commented on this matter when I intervened in the speech of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). We now have a situation in which the Prime Minister has more patronage than he has ever enjoyed before. It has been a traditional right of the House of Commons to elect its Speaker on the basis that each Member of Parliament makes a private, individual choice, irrespective of the wishes of the Government or Opposition Whips. But rumours are rife, particularly speculation that Madam Speaker may be thinking about retiring and that, for example, the right hon. and learned Member for North-East Fife (Mr. Campbell) may be put up and supported by the Prime Minister as part of a deal.

The First Deputy Chairman: Order. The hon. Gentleman cannot stray into that matter. It has nothing to do with the amendment, and he should not speak about it. I will rule him out of order if he continues.

Mr. Chope: Perhaps I may explain that I am not seeking to widen the debate too far. What I am seeking to do is to point out that there is the perception at the moment that the Executive has a role, and seeks to have a role, in the election of the Speaker.

The First Deputy Chairman: That has nothing to do with the amendment. The hon. Gentleman knows that, and he will not discuss that matter.

Mr. Chope: The reason why there is some relevance in my submission is that the Minister says that the House should have the freedom to choose. In supporting new clause 3, I am arguing that there should be a legislative bar on any member of a foreign Parliament standing as a candidate for Speaker of the House of Commons. The Minister asks us to trust the House, but it is relevant to point out that it is hard to accept that the Executive does not seek to participate in the process for election of the Speaker.

The First Deputy Chairman: Order. That has nothing to do with new clause 3, which says:

> "No person who is a member of the legislature of Ireland . . . may be elected as Speaker or Deputy Speaker of the House of Commons".

It has nothing to do with the process of electing a Speaker, and the hon. Gentleman should not stray into that matter. I told him that I will rule him out of order if he does so. If he wishes to continue, he will make no mention of the matter that he has already discussed.

Mr. Clappison: On a point of order, Mr. Martin. I seek your guidance on a matter that is troubling me, in view of the turn that events seem to be taking. It is now five minutes past 7. I am very interested in this debate, and may wish to take part in it later this morning. However, under the new dispensation, a debate in Westminster Hall will start at 9.30, and I hope to take part in that as well. Obviously, I shall have difficulty in being in two places at the same time. There is an additional difficulty: as I understand it, as far as this debate is concerned, we are still in Tuesday, whereas the debate in Westminster Hall is taking place on Wednesday, and I shall have difficulty in taking part in a debate on Tuesday and Wednesday. May I have your guidance, Mr. Martin, as I do not think that such a situation has arisen before?

The First Deputy Chairman: The Chairman of Ways and Means made the position clear in regard to Westminster Hall. There are precedents.

Mr. Chope: New clause 3 would prevent the Executive of the United Kingdom from being in a position to do a deal with the Government of Ireland that would involve the election of a Member of the Irish Parliament to the post of Speaker of this House of Commons. I want to guard against that hypothetical situation, which is why I support so enthusiastically new clause 3, which I think goes to the very root of our constitution.

Mr. Swayne: The assurances given by the Under-Secretary of State for Northern Ireland would have been more believable had he arranged our affairs so that we might have a Report stage. In that event, they might have been given some credulity, but the vague offer the Minister gave us about another place I found unsustainable.

I support entirely the practical objectives enunciated by the hon. Member for East Londonderry (Mr. Ross), but I differ in my estimate of the impact of the amendments. I am profoundly at odds with my hon. Friend the Member

[Mr. Swayne]

for Christchurch (Mr. Chope) in my estimate of the impact of new clause 3. I believe that the new clause is a wrecking amendment in every sense of the term. It wrecks the principle of the Bill, and it wrecks this Chamber. Wrecking the principle of the Bill might have a certain attraction, but the principle of the Bill is that Members of another Parliament might serve in this sovereign Parliament.

I believe that new clause 3 offends against that, because in effect it says that those Members of this Parliament are not real Members of this Parliament. It introduces into this Parliament a concept that all Members are not equal—that they do not all have the same rights. They do not all at least aspire to the possibility of being elected Speaker.

I remember, in the last Session, having a debate that introduced precisely such a concept. There was a suggestion on these Benches—I mention this only in passing—that Members with Scottish seats should not vote on certain issues. Many Members reacted to that with horror and there was unease on the part of some of my hon. Friends. We did not like the prospect of introducing the concept of Members who had different rights. We are all equal Members of Parliament.

I therefore caution Members who are enthusiastic about new clause 3 that they are introducing a novel and unwelcome concept. I entirely understand their motive. The motive of protecting the office of Speaker from being held by a member of a foreign Parliament is an entirely worthy objective, although I see no practical possibility of that happening. I therefore do not think that we should pollute our constitutional theory in an obscure attempt to prevent it.

I am sure that the principle that I have enunciated applies, at least in some respects, to the other amendments. Chairmanships of subject committees in the Northern Ireland Assembly would probably benefit from the same principle. I am sure that any Member of such an Assembly should be able, by virtue of being a Back Bencher, to hold the office of Chairman of a subject committee. Therefore, to reintroduce a distinction between Members of Parliament is entirely invidious. We have before us an offensive Bill with an offensive principle, but we should not pollute our Parliament and arrangements in trying to work around that principle.

Mr. Robathan: I am interested in what my hon. Friend has said. He is arguing strongly against the new clause. I point out further that the new clause is defective because, although it will not allow a Member of the Irish Parliament to be elected as Speaker or Deputy Speaker, it will perversely—it is a great defect—allow the Speaker or Deputy Speaker, having been elected here, to become a member of the Irish legislature.

Mr. Swayne: I am not sure that it would. My hon. Friend is harking back to amendments on reciprocity, which would have been necessary to satisfy that condition. I will not be led down that road because I am sure that it would not be conducive.

Mr. Robathan: No, it has nothing to do with reciprocity. It is entirely within the new clause, which says:

"No person who is a member of the legislature of Ireland . . . may be elected as Speaker or Deputy Speaker",

but it does not say that the Speaker or Deputy Speaker of the House of Commons might not then become a member of Ireland's legislature.

Mr. Swayne: That is true, but, as it is not possible for a member of the UK legislature to become a member of the legislature in Ireland, the possibility does not arise. Therefore, that is not a legitimate concern.

I have exhausted what I wanted to say. I simply offer a word of caution. I support the practical intent of the new clause, but the theory is abominable.

Mr. Roger Gale (North Thanet): I know, Mr. Martin, that in your other capacity as Deputy Speaker in the House, you take the independence of the Speakership and Deputy Speakerships seriously. It will not surprise you to know that those of us who, in a minor capacity, have the duty and privilege to chair some of the House's proceedings regard the independence and impartiality of the role of Chairman equally seriously.

I wish to be brief, but I want to raise an important point. To some extent, it reinforces the point made by my hon. Friends the Members for Christchurch (Mr. Chope) and for New Forest, West (Mr. Swayne).

As new clause 2 stands, a Minister or junior Minister ceases to hold office on becoming a Minister of the Government of Ireland, but the Speaker of the House does not, as I understand it, hold an office under the Crown. The Speaker is appointed by the House of Commons. Therefore, as things stand—I ask the Minister to address the issue seriously—clause 2 will require a Minister to resign if he or she becomes a Minister in the Government of Ireland, but it cannot require a Speaker of the House who happens to be an Irish Member to resign as Speaker, if he or she also becomes a Minister in the Government of Ireland.

Ministers in the Government of Ireland are, properly, partisan. They are appointed by political parties. It is very unlikely, but not inconceivable, that the Speaker of the House of Commons, who is non-partisan, as tradition properly has it, could become a partisan Minister in another Government. Conversely, a partisan Minister, properly appointed, of another Government could be elected, gerrymandered in or appointed as Speaker of the House of Commons. That cannot be right. You in your role, Mr. Martin, and I occasionally in mine, surely cannot accept the concept that we have someone who has one foot in a partisan camp, but another in a non-partisan camp.

7.15 am

We come now—it is the thrust of my argument—to new clause 3, which, if passed, would obviate that situation. The new clause would simply state, "You cannot do it." Superficially, that solution is very attractive, as it would get rid of the problem. The new clause would ensure that the type of situation that I have just described—in which a partisan person has simultaneously to be a non-partisan person, wearing only half a hat—could not develop.

As my hon. Friend the Member for New Forest, West said, if we go down that road, we shall immediately create two classes of hon. Member: one class of people who can be selected and elected by their peers to become the holders of what all hon. Members regard as one of the most dignified and prestigious offices of the land—the Speakership of the House; and another class of people who, although they sit on these same green Benches and are properly elected by an electorate who are allowed, under the Bill, to elect them, cannot hold that office. Are we seriously saying that we shall legislate to create a situation in which that is possible, even in theory? It cannot be right.

We cannot have two groups of hon. Member, so that Members in one group are able to become Speaker, whereas Members in the other are not. We cannot have more than one class of Member—one of which is able to hold office only in this place—or of Minister, one of which would have to resign if he or she became a Minister in another Parliament. In another group, those who hold an office that is not an office under the Crown, but who are appointed by the House of Commons, would be able not only to occupy the Chair, but, simultaneously, to sit as a partisan Minister in another Parliament.

The provision is absolute nonsense, and the House cannot let it pass. When we vote on clause 2 stand part, I shall have to vote against it on principle alone.

Mr. William Ross: I had not realised that we would run out of speakers to the amendment so quickly, but I have been thinking seriously about some of the comments made earlier by the Minister. Various questions remain unanswered.

I do not know how on earth we could go along with the idea that the office of Chair or Vice-Chair could be held by a person who is also a Minister. Currently, the legislation would make that possible. It would be quite wrong to have someone serve both as Chairman or Vice-Chairman of a Committee and as a Minister. I do not know how on earth that could be acceptable to anyone. The Minister gave his views on the matter, but he did not convince me that his views were reasonable.

The Minister is also refusing to accept a reasonable proposal preventing the Presiding Officer and Deputy Presiding Officer from serving as a Minister. I do not know how on earth we could allow them to serve as a Minister. Although those Members, as Presiding Officer and Deputy, would have their own particular role to play and very considerable centralising powers, we are being told that they should also be able to hold down a ministerial post. Allowing them to do both would, among other things, upset the balance.

The person serving both as the Chair or Vice-Chair and as a Minister would upset the balance under the d'Hondt system. If we were to allow it, it would cause grave problems. The Minister said that the matter is for the parties to decide for themselves. However, considerations of political advantage may play a role in a decision on making a Minister the Chair or Vice-Chair. The same would be true of the posts of Presiding Officer and Deputy. It would certainly reduce the number of posts. There is no need for 12 Ministers in Northern Ireland. I see no good reason to go down that road. The Minister will have to give much better reasons for refusing the amendment than he has done so far.

Clause 2 provides that a Minister in the Irish Republic cannot take up a similar post in the Northern Ireland Assembly, although a junior Minister can. Such junior Ministers are not banned at all, unless the word "Minister" is a generic term covering all levels of ministries in Dublin. However, that cannot be the case, because the term "junior Minister" appears elsewhere in the Bill. If it appears in one place, there is no reason why it should not appear in another.

We must not allow junior Ministers in the Irish Republic to become Ministers in the Northern Ireland Assembly. The evils that would follow from that have been touched on in earlier debates. I can assure hon. Members who have just arrived and are no doubt amazed to see us that we are still here only because the Bill is so illogical that it could never be accepted by Northern Ireland Members, or by Conservative Members.

We must not allow the Minister to leave without telling us why the Government are not preventing junior Ministers in Dublin from being Ministers in Northern Ireland. That would lead to a form of joint rule, control and authority in Northern Ireland which would be anathema to the Unionist population there. If such a possibility were permitted even to appear on the face of the Bill it would have serious consequences for the process of establishing and maintaining a devolved Administration in Northern Ireland. It could also upset the IRA surrender policy that the Government have pursued so assiduously, and have the most serious consequences for the lives and liberties of people in Northern Ireland.

The potential for joint control could also be used by the Government of the Irish Republic to damage the economy of Northern Ireland, and to impose their standards on matters such as abortion and divorce. It could be used by the Irish Government to impose the Irish language on us even more than at present. It could also cause mayhem in the cross-border bodies.

For example, a junior agriculture Minister in the Republic could become a Minister with similar responsibilities in the Northern Ireland Assembly. He could do a huge amount of mischief. The same possibility would open up if the junior Minister so elected had responsibility for finance and taxation and decided that it would be a good idea to change the tax on fuel oil in Northern Ireland to the same levels as applied in the Republic. That would cause a deliberately fomented clash between central Government in London and the Assembly in Northern Ireland. Moreover, the same individual might decide to bring the vehicle excise duty into line with that in the Irish Republic.

Those two latter points would, of course, have been widely welcomed by people in Northern Ireland since they think that tax, fuel and vehicle excise duty costs are far too high. They would ask themselves, "Why should we not reap the benefits of this?" In pursuing that populist course, the Minister would be driving a wedge between Northern Ireland and the rest of the United Kingdom.

Those items are a result of the Government's failure to deal adequately with the problem. I am curious as to why they decided not to accept the very sensible amendments in the name of my hon. Friends and myself, which were supported by the Conservative spokesmen. I cannot for the life of me work out why amendments Nos. 12 and 17, on junior Ministers, were not called. The wording is much the same in many of the amendments, and someone may

[Mr. William Ross]

have become confused and decided that the same issue was being described in two different ways. That is not so, as a quick look at the amendment paper will reveal. The amendment was very different; it was aimed directly at junior Ministers. One way or another it will be appreciated that I have a number of concerns that have not been dealt with adequately.

I had to leave the Chamber for a short time for a bite to eat. It is a very long time since I had my supper, and it is breakfast time now. So I went off and satisfied the inner man and, as a consequence, missed a valuable contribution that may well have addressed these matters. I deeply regret that, and am grateful to those who have been expressing concerns while I was absent from the Chamber. I am back now, and I hope that the Minister is prepared to take my remarks on board.

Mr. Swayne: Before the hon. Gentleman concludes, will he address the concern arising from new clause 3? While the objective of the new clause was agreed to, there was a belief, certainly on my part, that it would introduce the principle of two classes of Member in this Chamber, which is not acceptable.

Mr. Ross: That is perfectly correct; I indicated earlier that the element of having two classes might make the Bill hybrid, although I am not sure. Hybridity is difficult to define, but I understand that experts recognise it as soon as they see it. It is like seeing one's wife, mother or father a long distance away; we glance at them and know who they are but if we had to describe them we could not. Hybridity, while recognisable, is difficult for the layman—like me—to define.

Mr. Gale: I am sorry that the hon. Gentleman was briefly absent from the Chamber while we were discussing this. Is the Bill not already hybrid, in the sense that clause 2(2) creates a situation in which the Speaker of the House of Commons could be an office holder, and therefore partisan, in another House?

Mr. Ross: That is the difficulty. One of the Deputy Speakers concluded earlier that that was not the case. However, if he were to consider the points that have been raised since he made that decision, he might be in time to change his mind. I hope to have a chance, later in the day, to examine the issue more closely to see whether there is a danger of hybridity. The Bill would then have to go through the peculiar procedure necessary for that type of Bill. There would have to be a Joint Committee of both Houses. The matter raises an interesting question.

7.30 am

However, the hon. Member for New Forest, West (Mr. Swayne) was more concerned that there would be two classes of person in the House. One group would be eligible for the office of Speaker or Deputy Speaker, but the other would not. There would be two different classes in any case, as some individuals would also be members of another legislature. They would have duties, concerns and responsibilities in that regard which would inhibit their capacity fully to perform their duties in this place.

That would give rise to a grave difficulty. Indeed, that difficulty springs from the intention of the Bill to allow outsiders to become Members of the House while they are members of another legislature. That is a basic flaw in the Bill and we should acknowledge it.

The Bill has great flaws. The Minister has not satisfied hon. Members—he certainly has not satisfied me—by what he said earlier. He has not adequately explained why it is possible for the Government to accept amendments Nos. 7 and 9, but not to accept other amendments, even though they are similar. He has given an extremely inadequate explanation as to why he refuses to accept amendments Nos. 14 and 18.

Mr. Jonathan Sayeed (Mid-Bedfordshire): I am grateful to the hon. Gentleman for tabling the new clause, because it demonstrates the absurdity of the Bill. Was that why he tabled it?

Mr. Ross: I thought that the Bill was absurd, that it fell far short in the expertise of its drafting, and that it fell below the philosophical standards to which we are accustomed. However, I realise that the Government have a huge majority. In Northern Ireland, we have the word "thrawn"; it means being awkward for the sake of it. That describes the attitude of the Government. They have a huge majority; their followers expect to be able to sweep every measure through the House, so the Government have become careless.

The Bill is careless and badly drafted; it fulfils no useful purpose. As it is wrong and the Government are intent on putting it through, we should try to improve it.

Mr. Sayeed: The hon. Member has been a Member of the House for many a year. Does he believe that the Bill would have been presented in this form, if, for example, Walter Harrison or Michael Cocks had still been Whips?

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): Order. The hon. Member for East Londonderry (Mr. Ross) should not answer that question; he should return to the amendment.

Mr. Ross: Fond as my memories are of the two gentlemen in question when they were Members of the House, I will not follow up the question put by the hon. Member for Mid-Bedfordshire (Mr. Sayeed), other than to point out that if Mr. Harrison were still a Whip, there would not be so few Labour Members in the Committee—they would all be here. They would all have to answer to him—heaven help them if they were missing.

I am sure, Mr. Lord, that you recall Mr. Harrison as well as I do. He was a most remarkable man. I found him most congenial, but of course he was not my Whip. I got on well with him. He was a man of high moral and religious standards, having—

The Second Deputy Chairman: The hon. Gentleman is now doing precisely what I asked him not to do. Will he please address the amendment?

Mr. Ross: Of course, Mr. Lord. However, I hate to leave the subject of Mr. Harrison because I had such high

regard for him. We all like to remember our departed friends—departed only from the House, not in any other sense.

The Bill is a bad one. We have endeavoured to improve it with these amendments and others. The Government know that all the amendments are perfectly acceptable, but they cannot admit that they got it so wrong. It is only because they are forced by logic—a rare matter in government—to admit that the principle behind two of the amendments would improve the Bill that they are prepared to accept them. They therefore want to accept them, but they are not prepared to accept the same principle in regard to the other amendments. We heard the very weak argument that the Minister made against these sensible amendments.

I believe that the Minister should reconsider and I should be grateful, Mr. Lord, if you would advise me, because I need some advice. As you say, I have been in the House for a long time. However, as I have not been a member of one of the main parties, it has not been my responsibility to ask questions of the Chair and to discover how these different amendments will be dealt with. As has been said, the Government accept the principle underlying amendments Nos. 7 and 9. Will they accept those two amendments as they stand? If they accept those, does it mean that we must have a series of Divisions on them? What is the position regarding amendments Nos. 21, 14 and 18 and new clause 3? May we have separate Divisions on those amendments? I should be grateful if you would let me know how it is proposed to deal with this matter.

The Second Deputy Chairman: As the hon. Gentleman has said, he has been a Member of the House for a long time. He therefore knows exactly how we deal with these amendments. He should address his amendments, not the procedures of the House.

Mr. Ross: The problem is, Mr. Lord, that the procedures of the House will determine whether we can have a separate Division on each amendment, so I am just serving notice that we want separate Divisions on them.

There is also the question of amendments Nos. 7 and 9. I want to know whether the Minister is prepared to accept the wording of those two amendments, or whether he will go away, think about them and come back with a different wording at a later stage—either by tabling a manuscript amendment on Report, or by taking care of the matter in another place.

There is much more that one could say on these matters, but I think that, in these few minutes, I have addressed the thing as best I can. I would leave it there, and I should be grateful if the Minister replied.

Mr. George Howarth: I have listened carefully to the hon. Gentleman, as I always do, and he has not asked me to cover any ground that I have not covered already or that, as in the case of hybridity, has not been ruled on by the Chair. Fascinating though some of the points that the hon. Gentleman raises are, I would be in danger of tedious repetition if I discussed them and, mindful as I am of the previous strictures from the Chair, I do not intend to do so. With the assurances that I have given on amendments Nos. 7 and 9, which the hon. Gentleman is well aware of, I would recommend that the Committee oppose these amendments.

Mr. Gale: I am sorry, Mr. Lord; I was hoping to catch the Minister before he sat down. I should like to ask him two absolutely straight questions, to which there are yes and no answers. One: is the Speaker of the House of Commons the holder of an office under the Crown—yes or no? Two: if not, is it, under the Bill, technically possible for the Speaker of the House of Commons to be a Minister in another Parliament—yes or no? If so, we could not possibly support clause 2.

Mr. Howarth: The hon. Gentleman is well aware of the answers to his questions. He has checked the matter out. I will not be involved in any games that he might be playing. The Speaker of the House, as the hon. Gentleman well knows—I recall that he is a member of the Chairmen's Panel—is elected by the House and the House alone. When the Bill comes into force, technically speaking, the Speaker of the House could serve in another legislature and could, technically, hold office in that legislature, but I think that any Speaker who contemplated taking such action might find it difficult to gain the support of the House.

Mr. Gale: Forgive me, Mr. Lord, but I do not know of any procedure—you will correct me if I am wrong—for removing a Speaker from office during their holding of that office, and if, as we have now agreed, the Speaker is not a Minister under the Crown, the Speakership is not covered by clause 2(2). That must be nonsense, because it means that the Speaker could hold a non-partisan office and a partisan office simultaneously.

Question put, That the amendment be made:—

The Committee divided: Ayes 33, Noes 202.

Division No. 45] **[7.40 am**

AYES

Atkinson, Peter *(Hexham)*
Beggs, Roy
Bercow, John
Boswell, Tim
Brooke, Rt Hon Peter
Bruce, Ian *(S Dorset)*
Chope, Christopher
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Donaldson, Jeffrey
Gale, Roger
Heald, Oliver
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Key, Robert
Lait, Mrs Jacqui
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
McLoughlin, Patrick
Maginnis, Ken
Oaten, Mark
Randall, John
Ross, William *(E Lond'y)*
Russell, Bob *(Colchester)*
Sayeed, Jonathan
Spicer, Sir Michael
Swayne, Desmond
Syms, Robert
Taylor, John M *(Solihull)*
Tredinnick, David
Wardle, Charles

Tellers for the Ayes:
Mr. Eric Forth and
Mr. William Thompson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Atkins, Charlotte
Barnes, Harry
Battle, John
Beckett, Rt Hon Mrs Margaret
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Blears, Ms Hazel

Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Hinchliffe, David
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Iddon, Dr Brian
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kidney, David
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rammell, Bill
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stringer, Graham
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverhton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Mike Hall and
Mr. Clive Betts.

Question accordingly negatived.

7.45 am

Mr. William Ross: Mr. Lord, I beg to ask leave to withdraw amendments Nos. 7, 14, 18 and 9, but to move new clause 3 separately as it deals with an entirely different matter. The new clause deals with the Speaker, you and your colleagues in this House, and you are of far more importance than any of the subjects covered by the other amendments.

The Second Deputy Chairman: There is no need for the hon. Gentleman to seek leave to withdraw the amendments. As for the new clause, we have had a wide ranging debate and I am satisfied that there is no justification for calling any more separate votes.

Mr. Forth: I beg to move amendment No. 3, in page 1, line 16, at end insert—

'or a member of either House of the legislature of the Republic of Ireland'.

The Second Deputy Chairman: With this, it will be convenient to discuss the following amendments: No. 4, in page 1, line 18, at end add—

'or a member of either House of the legislature of the Republic of Ireland'.

No. 33, in title line 7, after 'Government', insert—

'or members of the legislature'.

No. 5, in title line 7, at end insert—

'or members of the legislature of the Republic of Ireland'.

Mr. Forth: The amendment takes us into a completely new subject. We can put behind us the debates of the past few hours and march boldly into new territory, which is both deliberate and proper. Until now, we have been considering in some, although not excessive, detail the relationship between the Executive of other Parliaments and the institutions of the United Kingdom, especially

those of Northern Ireland. However, I want to extend the logic of that argument to encompass Members of the legislature of the Republic of Ireland.

Mr. Clappison: On a point of order, Mr. Lord. I apologise to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) for not having raised this matter before he started to speak.

Mr. Lord, I do not believe that you were in the Chair about an hour ago, when I raised the issue of this morning's sitting in Westminster Hall. My question about the fate of that sitting was satisfactorily resolved at that time. The guidance that I was given—that the Westminster Hall sitting would proceed, even though the Committee of the whole House continued to sit—was helpful to me as one who is interested in this morning's proceedings in both Westminster Hall and the Chamber. However, a further issue has since occurred to me, Mr. Lord, on which I seek your guidance. What will the position be if a Division is called in the Chamber and the sitting at Westminster Hall is proceeding? Will the Westminster Hall sitting be suspended?

The Second Deputy Chairman: I can deal with that quite quickly. That will be a matter for the Deputy Speaker at Westminster Hall at the time.

Mr. Forth: I am advancing an argument that is exactly parallel to the argument about whether it was legitimate, valuable and acceptable for members of the executive branch of government in another country to be able to participate either in the House of Commons or in the Northern Ireland Assembly. The parallel argument must now be raised in relation to Members of the legislature of the Republic of Ireland and their eligibility for this place or the Northern Ireland Assembly.

I concede that, in some ways, the arguments are rather different because there is a difference in kind between the Executive and the legislature, but I want to advance the case that arguments about conflicts of interest are equally legitimate, as are the arguments about the demands of time and of place. As we know, it is impossible for a person to be in two places at once. My hon. Friend the Member for Hertsmere (Mr. Clappison) illustrated that in his point of order. The fact that he cannot be in Westminster Hall and in the Chamber simultaneously neatly illustrates in a timely way how much more difficult it would be for any hon. Member to serve in the legislature of the Republic of Ireland and the Northern Ireland Assembly or the House of Commons at the same time.

Mr. John M. Taylor (Solihull): Does my right hon. Friend agree that it is even more difficult for my hon. Friend the Member for Hertsmere (Mr. Clappison), given that it is Tuesday in the Chamber and Wednesday in Westminster Hall?

Mr. Forth: My hon. Friend may not believe this, but we have had rulings that there is no problem with that. We have a bifurcation of time in this legislature. It appears that the occupants of the Chair are comfortable with the fact that it is one day in the Chamber and a completely different day in Westminster Hall, which is a few hundred yards away. I have an intellectual difficulty with that concept. My hon. Friend, who is much more intellectually gymnastic than I am, may be comfortable with the concept of two separate time zones in one building.

Mr. Taylor: There is no problem, but can my right hon. Friend tell me where the date line is?

The Second Deputy Chairman: I would be grateful if we could return to the amendment that is being moved by the right hon. Member for Bromley and Chislehurst (Mr. Forth) and not continue to deal with matters in Westminster Hall, which the Chair has already dealt with.

Mr. Forth: Indeed, Mr. Lord. You will have to forgive my disorientation, which is obviously natural following that short exchange with my hon. Friend the Member for Solihull (Mr. Taylor). I shall do my best to gather my thoughts quickly.

The argument is essentially about whether our debates about the executive branch and the legislature in different countries can be comfortably and credibly carried forward to a similar argument involving different legislatures. That is the thrust of the amendment.

It is patently the case that there is a real difficulty in terms of Members doing justice to their duties in the legislature as well as doing justice to those whom they represent in an elected sense. However, how much more is there a problem with a potential conflict of interest? Knowing as we do the wide variety of matters that are dealt with in the natural course of events in legislative bodies—I include the Northern Ireland Assembly in a broad definition of a legislative body, and I hope that the Committee and the Minister will accept that for the sake of the argument—how much more is it possible that there will be almost daily contradictions and conflicts between matters being dealt with in the legislature of the Republic on the one hand and by the Northern Ireland Assembly on the other? That would certainly apply to the House of Commons.

8 am

Mr. Sayeed: It is a matter not simply of legislatures, but of different constituencies. Let us suppose that my right hon. Friend was Member of Parliament for an English constituency and an Irish constituency, and both constituencies were bidding for investment from the same company. He would have to speak for both constituencies. That would be absurd.

Mr. Forth: My hon. Friend has anticipated my line of argument, but I am grateful to him because he has brought into sharp focus the point that I wanted to make. He illustrated the inherent conflict of interest that must exist when the same person tries to be a representative in two different legislative or deliberative bodies.

That problem would arise not only in the particular circumstances that my hon. Friend outlined, but in a range of others, especially if the legislative bodies considered international conflicts or, if both legislatures were members of the European Union, ways of dealing with European law. Genuine difficulties emerge when we consider the concept of elected Members simultaneously serving in two legislative or deliberative bodies in two separate sovereign states.

[Mr. Forth]

The Government have a problem in getting to grips with the difficulties. We have already found it difficult to persuade the Under-Secretary that it is legitimate for a law-making body such as the House to try to identify people who may be disqualified from standing for elective office. I have had a running debate about that with Ministers throughout our proceedings. Ministers have claimed time and again that we must allow the voters to decide. I replied time and again that the House of Commons Disqualification Act 1975 identifies groups of people who may not serve in the House of Commons for legitimate reasons. Those groups include civil servants, members of the judiciary and the armed forces. The principle that it is our duty properly to restrict the sort of people who may be eligible to stand for election to a legislative or deliberative body is therefore long established.

Even if I cannot persuade Ministers of the existence of that well-entrenched body of law, or persuade the Under-Secretary to tell me whether he intends to repeal it, we have established the argument that it is the Committee's proper responsibility to consider whether one person can properly make decisions in more than one legislative body. My answer to that is no. The reason was shown by the specific example that my hon. Friend the Member for Mid-Bedfordshire (Mr. Sayeed) gave.

I do not want to weary the Committee with a long list of examples, although it would be easy to do that. However, we can all imagine cases in which those who served in the legislative assembly of the Republic of Ireland and in the House of Commons would quickly find themselves in an impossible position—physically, temperamentally, in terms of policy and, above all, loyalty. Hon. Members who wanted to take their seats in the House of Commons would have to swear the Oath of Allegiance. I am told that there is no parallel oath in the legislature of the Republic of Ireland, but there is something with similar force. Any Member who sought to represent voters in two different legislative bodies—

Mr. William Ross: Will the right hon. Gentleman allow me to intervene?

Mr. Forth: Yes.

Mr. Ross: The right hon. Gentleman has omitted two important elements. The procedures and rules of the two establishments would be totally different. In the short debate on the last group of amendments, we discussed whether there could be a series of votes or only one vote. I have been in the House a long time, but I am not totally clear about that the present rules. The rules change and someone who is absent for a month or two could return to the House and be caught flat footed—as I was this morning.

Mr. Forth: My hon. Friend is more right than even he knows. When I was in the European Parliament many years ago, I served on the rules and procedure committee. That body's rules were in developmental mode at the time, but it had a slim body of rules that served as our bible and worked well. By coincidence, I was recently appointed to the Procedure Committee so I am aware of the problem. It is made worse by the Government changing the rules of almost everything in the name of modernisation. I have not quite got to grips with how that benefits the House, but there is a fetish among most Government Members for doing almost anything that wrecks our traditions and long-standing practices in the name of modernisation.

I am sure that that phase will pass, but it is particularly tiresome because familiarity with the rules and environment is important to the effectiveness of the House collectively and of individual Members. As my hon. Friend rightly pointed out, my effectiveness as a Member of the House depends to a large extent on my familiarity with the way the House works, its written rules, ambience, customs and traditions. It would be difficult to shuffle between two completely different legislative bodies that would almost certainly take a different approach to most things. One example is the seating arrangement in this Chamber compared with the ghastly hemicycles that are adopted more and more in a pseudo-continental sense. Something as simple as that can be very disorientating to legislators who want to concentrate on the subject matter rather than worry about the seating configuration. I am grateful to my hon. Friend for that example.

It is difficult enough for right hon. and hon. Members fully to discharge all their responsibilities to their electorates in terms of balancing constituency work with work in the House and so on. How much worse would it be to contemplate serving two different bodies in two different sovereign national countries.

Mr. Peter L. Pike (Burnley): Did the right hon. Gentleman give up his seat for Birmingham, North in the European Parliament as soon as he was elected Member of Parliament for Mid-Worcestershire?

Mr. Forth: I welcome the hon. Gentleman to the Chamber. It is good to see a smiling face. I hope that he will participate fully in these debates. I promise him that there is lots of meaty stuff still to come. We have a long way to go even before Third Reading—and I promise that that will be a corker. We have lots and lots to say on that. We are not there yet, but we are making good progress.

The hon. Gentleman asked me about the period of overlap between the time that I had the honour to be an MEP and receiving the even greater honour of being elected to this House. There was a year in which I was a Member of both Houses.

I am grateful to the hon. Gentleman as it had not occurred to me that I have direct personal experience of the dual mandate. That is unusual but not unique, as the dual mandate has been held by a number of other colleagues. I almost certainly did not do justice to either job and the guilt is with me even now. I had to carry all those extra expenses back and forward to the bank and also had to carry extra salary—a third extra—on my slender shoulders for that whole year. Worst of all, I did not know where I was or what I was doing. When I was supposed to be here people thought that I was in Strasbourg and when I was supposed to be in Strasbourg people thought that I was here. Who knows where I was in the meantime?

The hon. Gentleman has allowed me to illustrate the point from my direct personal experience. A humble, simple politician cannot possibly do justice to two

demanding jobs and that, better than anything else, shows the force of my amendment. Surely we have to face up to the problem and cut through it.

Mr. Clappison: My right hon. Friend has been addressing the problem of serving in two legislatures at the same time and his rather lucid argument has rather taken me away from the point of his amendment. It would prevent somebody who serves in the Irish legislature from becoming a Minister in the Northern Ireland Assembly. He referred to the problem of expenses and salaries. When people become Ministers here or in Northern Ireland they have to give up their outside interests and outside remuneration. Members of the Irish legislature receive remuneration as such. Can he turn his mind to that? Can somebody who is being paid as Member of the Irish legislature serve as a Minister in Northern Ireland? Would that be right?

Mr. Forth: My hon. Friend rightly raises another dimension to the problem. We shall touch on pay and provisions somewhat later in our proceedings, and I am sure that a lot of us cannot wait to get there because they will raise some really interesting problems, but he has given us a taster. We know how difficult it is to deal with the anomalies, conflicts and overlaps that can arise when a Member of the House becomes a Minister or has a dual mandate for the House and another representative body, whether it be the European Parliament or one of the new Assemblies. That would all be bad enough, and we have to devise rules to work our way through it, but how much more difficult would it be when a conflict arose because someone could sit in one legislature and be a member of the Executive in another? There would be a conflict of duty and responsibility and also simple pay and provisions difficulties—how would one be reimbursed for making a journey between the two, for example?

That is a fair and legitimate question. Reimbursement for travel between the House and a constituency is fairly straightforward as is reimbursement for travel between London and Strasbourg, as those of us who have served in the European Parliament know. My hon. Friend the Member for Solihull, who is sitting beside me, has also served there. That can be dealt with, but we may add yet another dimension to the difficulty and I am pretty sure that Ministers have not given those matters a single thought.

The lack of thought on the Bill has become more and more obvious as the proceedings have unwound and we still cannot understand the motivation behind it. Hints are coming through, however, and it apparently relates to pressure being put on Her Majesty's Government by the Irish Government and Sinn Fein. Our Government, regrettably, have seen the need to accede to those requests without getting anything in return. There is a problem there and we have to get to the bottom of it.

That would be bad enough, but, as our proceedings continue, the evidence grows that the Government have not properly considered the details of the Bill. A moment ago, the Minister had to concede to my hon. Friend the Member for East Londonderry (Mr. Ross) that they will have to make changes. He has not told us quite what, but said, "Trust me, I'll do it." That is all we have, but the mere fact that he has said it shows that there has been a lack of thought on the Bill.

8.15 am

Mr. William Ross: I thought from the way in which the Minister was shaking his head that he was already beginning to resile from the undertaking on the principle of amendment No.7 He is shaking his head again. Perhaps he cannot make up his mind. Maybe he would like to explain exactly what the position is.

Mr. George Howarth: I was shaking my head because I do not think I ever used the words "Trust me". What I said was that there was a commitment to introduce amendments in another place covering amendments Nos. 7 and 9.

Mr. Forth: That is what worries me, because these days when a Minister says "I will deliver these amendments in another place" I am not sure how certain the Minister can be of his capability to deliver them in another place. That is an issue which we may have to come to—not now, I accept, although it is somewhat relevant. The Committee of which I am now a member, the Procedure Committee, might have to look at this. Until now, we have been lulled into a false sense of security when a Minister says,"I can't do it here for procedural reasons, but I undertake to bring the amendment forward in another place, so it's all right." But, given what happened very recently in another place, I am not sure that the Government can guarantee to deliver on that.

Mr. Sayeed: As I understand it, the Minister was not saying that he would bring forward the amendment in another place, for procedural reasons. Is it not simply that if he has to bring it forward here we have to have a Report stage?

Mr. Forth: I had spotted that, and I suspect the Minister had as well. The Government are trying to duck the Report stage of this Bill. They are trying yet again to pull the wool over our eyes. They tried it by rushing through Second Reading, allowing no time for amendments between Second Reading and this Committee stage. There would be no time between Committee and Report stage, although we have had an indication—I will not call it a helpful indication—from one of your colleagues, Mr. Lord, that manuscript amendments might well have been accepted in these circumstances. This is no way to legislate.

We are talking about a very serious matter, bearing on some very serious constitutional issues, and we are having to stumble along, being given half-hearted assurances by the Minister, who does not seem quite sure whether he has given them or not. Now he is telling us that, if we hold our breath, shut our eyes and pray, the amendments might bob up in the other place and the Government might get them through. That is no way to make the law, no way to change fundamentals of our constitution, which is what is involved here. We are talking about potential eligibility for membership of the House of Commons, yet we are expected to do it on a wing and a prayer.

Mr. William Ross *rose—*

Mr. Forth: I will give way, but I am anxious to draw my remarks to a conclusion.

Mr. William Ross: The right hon. Gentleman is doing very well. There is quite a lot that he could address yet.

[Mr. William Ross]

The right hon. Gentleman mentioned the possibility of manuscript amendments. How on earth can anyone put down an amendment until we know the form in which the Bill ends this part of its passage? Only when we reach the end of the Committee stage shall we know whether any amendments have been made. We then need time to look at the shape of the Bill and decide what, if any, amendments we need. Already some amendments have been promised, which would colour our thinking. How on earth could we put down manuscript amendments?

The Second Deputy Chairman: Order. Before the right hon. Gentleman responds to that, may I remind him that he himself has already said that that matter has been dealt with?

Mr. Forth: We have been told the way in which it will be, Mr. Lord, and I will not pursue the matter, following your guidance.

I think we have said enough to illustrate that we are potentially in very real difficulty here, unless we are prepared to face squarely the sort of difficulties that I have been describing and have the determination to do something about them.

Mr. Sayeed: In his distinguished career as a Minister my right hon. Friend had to hold very private discussions within his Department where policy and a negotiating stance were decided upon. Ministers in the Irish Parliament obviously have to do the same. If he were a Minister there how would he be able to come to a different Parliament with which negotiations and discussions might have to take place and be able to keep his tongue still?

Mr. Forth: I freely concede that the difficulty my hon. Friend suggests is a real one. It arises from the confidentiality of so much of what Ministers have to do. We of course operate in a very open environment; most of the time we are open to scrutiny and under the public gaze. But Ministers are in a different category altogether. The mixing of the two environments could create real problems.

Mr. John M. Taylor: Does not my right hon. Friend personify an even greater problem, in as much as he is a Privy Councillor. How does he cope with that one?

Mr. Forth: That is something we have all missed: I am grateful to my hon. Friend for having raised it, and I feel humbled by the fact that he has. I had not spotted it myself. Perhaps the Minister should think about whether membership of the Privy Council would have a bearing on eligibility for membership of a body outside the Commons; and about whether the equivalent obtains in any other legislature. The Oath that we take is a sacred one, and I shudder to think that anything might compromise it. So my hon. Friend is definitely on to something which we must attempt to clarify, even within the ridiculously short amount of time allotted to us.

Mr. Gale: I should like to take my right hon. Friend back to the amendments under debate. I am conscious that he has been slightly distracted from the purposes of amendments Nos. 3 and 4, but I have been studying them carefully, and I cannot understand how they deal with the problem my right hon. Friend referred to earlier concerning multiple seats and mandates.

I think I am right in saying that the hon. Member for North Antrim (Rev. Ian Paisley) is currently a Member of the European Parliament, of this House, and of the Northern Ireland Assembly. Under this legislation, it would be perfectly possible for the reverend doctor to go on to become a Member also of the Parliament of the Republic of Ireland—and probably of the Scottish Parliament, too. I cannot see how either amendment even begins to deal with that difficulty.

Mr. Forth: A number of points were wrapped up in my hon. Friend's succinct presentation. The hon. Member for North Antrim (Rev. Ian Paisley), because he was born in Northern Ireland, is eligible for the Republic's legislature; but only by dint of the fact that he was born in Northern Ireland. That bestows on him a privilege that those of us who were born on the mainland do not have.

I want to reassure my hon. Friend the Member for North Thanet (Mr. Gale). Our main concern has focused on a clash of loyalties in sovereign Parliaments, of which ours is still, I hope, one. The other bodies that my hon. Friend mentioned are not: the Assembly in Northern Ireland is a subsidiary body, and the European Parliament is mercifully not a sovereign body, and I hope it never will be. Therefore, it is possible and perhaps even proper for an energetic individual of the type that my hon. Friend mentions to serve with distinction in an Assembly such as that in Northern Ireland, in a Parliament such as that in Strasbourg and in the House of Commons. We may not see much of the individual in any one of those places, but that is okay.

It is possible, but only because the Irish allow it, for that same individual, by dint of having been born in Northern Ireland, to be both a citizen of the United Kingdom and eligible for election to the legislature of the Republic of Ireland. It is a complicated set of circumstances, but I think that I have it right. In mentioning that example, unusual though it is, my hon. Friend may have neatly wrapped up most of the arguments. I do not at this stage want to argue about whether one can have dual or triple mandates in the House of Commons, the European Parliament and the Assembly. That may be for another day. I do want to advance the argument that it is wrong for anyone to seek to serve in the legislature or Executive of both this country and a sovereign country with different interests at one and the same time.

That is the essence of my argument. I hope that the Committee will accept it.

Mr. William Ross: On multiple representation, the right hon. Gentleman has mentioned single, double and treble mandates, but the quadruple element still remains for the hon. Member for North Antrim (Rev. Ian Paisley) and, indeed, for the hon. Member for Foyle (Mr. Hume). For different reasons, both are likely to get elected to both Scotland and Dublin. One is likely to be elected to Dublin because of his Irish nationalism, the other because of the

fact that people might want a totally honest face down there. In Scotland, both would enjoy quite large support from disparate elements of the population.

Mr. Forth: I concede that those are all possibilities. It simply illustrates the nonsense of a multiplicity—a plethora even—of representative bodies, which seem to be sprouting before our disbelieving eyes weekly, if not monthly. I hope that my party will have the courage to say to the electorate at the appropriate time that we do not regard that as irreversible and that we believe that the number of representative bodies at any one time should be discussed, debated and considered. That would be my devout hope.

I hope that I have said enough.

Mr. Bercow: Will my right hon. Friend give way?

Mr. Forth: It must be the last time.

Mr. Bercow: My right hon. Friend's generosity is boundless. Does he agree that dual, triple or indeed quadruple mandates are problematic on either score? If the Member concerned is sufficiently energetic to be able to participate in the deliberations of all the legislatures of which he is a member, he is almost certainly repeating daily the conflict of interest that many of us find so repugnant. If he is not doing so because he lacks energy or the flights do not permit him to be in the relevant place at the right time, he is thoroughly ineffectual. Either way, it simply does not work.

Mr. Forth: My hon. Friend is forcing me unwittingly to agree with the Minister, which pains me at this stage of the proceedings. By my reckoning, I have spent the best part of 15 hours disagreeing with the Minister and feeling comfortable about it. Now, at this advanced hour in the Committee stage, I am about to agree with him. I hope that it does not put his career at risk. Here, his point about leaving it to the people has validity. If those who have elected the individual with the multiple representation are prepared to put up with that and to accept, as must be inevitable, that the individual cannot possibly give as much time, dedication and involvement to each of the bodies in which he is serving, that must be a matter for them. Our role is to satisfy ourselves on the qualification point. We must then leave it to the electorate to make their judgment on the representational point.

Dr. Julian Lewis: I am sorry that the 15 hours appear to be taking their toll on my right hon. Friend's memory because I thought that I had dealt with that point thoroughly in an earlier intervention. I pointed out that, if people are elected to those multiple positions on proportional representation list systems, there is no way that the electorate can punish them because, if they are placed high enough on the list, it is the people lower down the list who will take the punishment. For all their abuses, those high enough on the list will continue to be elected.

Mr. Forth: I am grateful to my hon. Friend. In the good old days, if memory serves—it is failing a bit because I am old man and I have been on my feet for quite a long time—we were able to be elected to single Member constituencies in the European Parliament, single Member constituencies in the House of Commons and, in the really good old days, single Member constituencies in Northern Ireland. Now, of course, the Government are undermining all that, and that is where my hon. Friend's point comes in. Shall we call it a draw, and perhaps give it some further thought?

8.30 am

Mr. Gale: My right hon. Friend's memory really is failing him. Although I do not wish to quarrel with him this early in the morning, it was only a relatively few moments ago when my hon. Friend the Member for Hertsmere (Mr. Clappison) made the point on Westminster Great Hall and the House and my right hon. Friend agreed with him, saying that it proved the point that we are having difficulty in being in two places at once.

At 9.30 tomorrow morning—in today's terms, given the insane way in which we are required to operate—I should like to be in Westminster Great Hall, where a debate on education is being held that directly affects the future of grammar schools in Kent. At the same time, however, I should like to be in the Chamber, quite properly continuing and participating in this debate. If I and my hon. Friends cannot be in two places at the same time today, I fail to see how we shall be able to be in Strasbourg, Dublin, Scotland and Lord knows where else at the same time. I also do not understand how amendments Nos. 3 and 4 remotely deal with the problem.

Mr. Forth: They do not, because they were not designed to. However, all those points are perfectly valid and strengthen the general thrust of my remarks. However, I am saved all that embarrassment, because I have made my own personal decision that I shall not honour Westminster Hall with my presence at all. I do not want to give it any encouragement or support, because I do not want the so-called experiment to be declared a success at some time in the future and be made permanent. However, we can address that issue later and separately.

I have done my best to make a modest pitch for my modest but important amendments. I hope that the Committee will be able to agree with me, as I really believe that the provision, if it were included in the Bill, would strengthen it and make it more credible, and would move the Bill some way from being totally inadequate to being just about acceptable.

Mr. Maginnis: On a point of order, Mr. Lord; I wonder whether you could help me. I spent all of yesterday—which is still today—first, considering the Terrorism Bill in Committee, and, secondly, in this Committee. In the debate on clause 3, I had hoped to be able to deal with the Bill's financial aspects.

The Second Deputy Chairman: Order. We have already dealt with clause 3.

Mr. Maginnis: Further to that point of order, Mr. Lord. My difficulty is that, after waiting all night to speak to

[Mr. Maginnis]

the clause, I now find it impossible to address the issue of the Bill's financial aspects in relation to added costs to the House.

The Second Deputy Chairman: Order. Will the hon. Gentleman repeat the precise clause or matter that he is dealing with?

Mr. Maginnis: The issue pertains to the demands that would be made by Members of the Dail who come to the House and insist that we use the Irish language.

The Second Deputy Chairman: Order. I repeat my request to the hon. Gentleman. Will he tell the Committee which amendment or new clause he is speaking to?

Mr. Maginnis: Mr. Lord, I am sorry if I do not make myself clear. My difficulty is that there is no provision in the Bill to address a finance issue that needs to be addressed.

The Second Deputy Chairman: Order. I am sorry to stop the hon. Gentleman from speaking, but unless he is dealing with a matter that is immediately before the Committee, I cannot allow him to continue. I shall now put the amendment.

Mr. William Ross *rose—*

The Second Deputy Chairman: Is it a point of order?

Mr. Ross: No; I was hoping to speak to the amendments. However, before I do so, I should say that I thought that my hon. Friend the Member for Fermanagh and South Tyrone (Mr. Maginnis) said that he was speaking to clause 3.

Mr. Maginnis: Yes.

Mr. Ross: I also believe that you, Sir, mistakenly mentioned clause 3—which we have not reached yet. This group of amendments—

The Second Deputy Chairman: Order. That was my mistake. I assumed that the hon. Gentleman was referring to new clause 3, and we have dealt with that already.

Mr. Ross: Clause 3 is a repeal clause, so is not really relevant to what my hon. Friend said about new clause 3.

There are four amendments in the group. Amendment No. 33 is in my name and the names of my hon. Friend the Member for West Tyrone and the hon. Member for Macclesfield. The other amendments were tabled by the right hon. Member for Bromley and Chislehurst, and are supported by me and my hon. Friend the Member for Belfast, South (Rev. Martin Smyth). They would prevent people from holding multiple seats in various legislatures, and are worthy of careful consideration for that reason.

The amendments to which I have put my name seek to implement our opinion that a conflict of interests would exist if a Member of a foreign legislature were allowed to take decisions that impinged on the social and economic issues in Northern Ireland and its constitutional future, and on the long-term prospects of its citizens. I have already spoken about the effect that that would have on social matters such as divorce, and on all social legislation. The question of constitutional objectives would become deeper and more bitter if Members of a foreign legislature were involved. Would the Queen's law run in such circumstances, or would Irish opinion prevail?

Those questions are all covered by the amendments, and they cannot be avoided. The amendments are at the heart of our contention that the Bill implies a measure of joint authority. They are therefore essential in order to prevent that coming about.

Yesterday, the Minister agreed that a conflict of interest existed when Ministers were involved. The Dublin Government, like this Government, have a system of collective responsibility, but the system in Northern Ireland is far from the concept of a normal Executive as it is understood here or in Dublin. The Northern Ireland Executive has 10 Members, each of whom has the capacity for independent action, as I shall illustrate later. Of course, a party system also operates, with the same slight differences of opinion that occur anywhere else.

Because the 10 Members of the Executive are effectively free agents, the Northern Ireland Executive does not follow a Cabinet system. Members who are not Ministers have to go along with party policy, much as we have seen here in the past few hours.

Let us suppose that the Cabinet in Dublin decides on a course of action and tells those of its Members who happen to be with the Northern Ireland Executive or Assembly that they will be expected to follow the policies laid down by the party. The first loyalty—even of those elected under the single transferable vote system—would have to be to the party. The party Whips would make their lives a misery, as hon. Members here will recognise.

The Members about whom I am speaking will be required to implement the decisions taken by the party in Dublin, over which the electorate in Northern Ireland have no control at all. The amendments seek to prevent that from happening. Those people will be loyal party members. It matters not whether they are members of Sinn Fein-IRA, Fianna Fail, Fine Gael—they are all bound by their party's decisions and by the policy of the Executive in Dublin. There is no question in the wide world but that they and their colleagues in the STV constituency support the party line because of the real electoral dangers to themselves if they do not.

An interesting aspect is that Sinn Fein-IRA is the only political party to operate in both jurisdictions. Its members always take an all-Ireland view, so they have a certain advantage in the collection of money, for example. They do not have to account for it to this place under the legislation covering the funding of political parties. There is a real difficulty here for everyone concerned, and that alone should be sufficient to convince any reasonable man. Sadly, the Minister and his colleagues are proving themselves to be most unreasonable men in this respect. Any reasonable man would recognise the glaring conflict of interest and the conflict that would arise for citizens. Any reasonable man would also recognise the dangers inherent in igniting, in even fiercer form, all the problems that we have had because of Northern Ireland's constitutional position in the recent past. I think that that

has been snowed under only temporarily by the spin doctors and do-gooders, and that it will come back to the surface again.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) told us of his difficulties when he served in this sovereign Parliament and in the European Parliament at the same time. I can appreciate the difficulties that the right hon. Gentleman experienced in those circumstances. He had to fly hundreds of miles to and from the European Parliament, he had to get to his constituency of Birmingham North and he had to get to his parliamentary constituency. He was in quite a different position from the hon. Member for Foyle (Mr. Hume) and the hon. Member for North Antrim (Rev. Ian Paisley), who were mentioned earlier. They represent all of Northern Ireland, so all Northern Ireland is their constituency. Their parliamentary constituency lies within it, and so does their European constituency. In contrast, the constituencies of the right hon. Gentleman did not coincide, so he had a great deal of travelling to do.

When I first came to the House, I was an elected member of my local council.

The Second Deputy Chairman: Order. The right hon. Member for Bromley and Chislehurst (Mr. Forth) must not pass in front of the hon. Gentleman who is addressing the Chair.

Mr. Ross: Instead of being tied up in Parliament and in Europe, I was tied up in Parliament and my local council, which had a narrow majority. I therefore gave my party and council friends an undertaking that I would be present at every critical time. I was in that position for about 18 months until the council elections took place. I always believed that it was impossible for me to give up my council seat, and I could not very well give up my parliamentary seat. Therefore, it was essential that I attended both bodies as and when the necessity arose. It caused me a great deal of difficulty. I can sympathise with the right hon. Gentleman because of my own minor problems. The whole idea of a dual or a triple mandate is nonsense; it is not physically possible to hold such a mandate.

The right hon. Member for Bromley and Chislehurst and others referred to the problems that we encounter when procedures change. Sometimes, I think that our procedures change whenever Back Benchers catch up and make use of them. Governments decide that it is not good for Back Benchers to be doing as well as the Whips and that they can snarl this place up. Indeed, we shall be lucky to escape some change in procedures as a result of the past few hours. I hope that the right hon. Gentleman will ensure that the Procedure Committee jealously guards of the rights of Back Benchers and that he will ensure that none of those changes are made. The Committee should try to reimpose on the Executive the authority of the House—

8.45 am

The Second Deputy Chairman: Order. The amendment does not deal with the procedures of the House of Commons. Furthermore, we have heard sufficient examples of people who serve in different legislatures. I shall be grateful if the hon. Gentleman will direct his remarks precisely to the amendment.

Mr. Ross: I appreciate the point that you make, Mr. Lord. We have largely thrashed that horse; we have reached a clear understanding of the matter.

The Bill is nonsense in the eyes of everyone in Northern Ireland, with the sole exception of Sinn Fein-IRA, who clearly want it—

The Second Deputy Chairman: Order. The hon. Gentleman is veering towards a Second Reading speech. Will he please come back directly to the amendments before the Committee?

Mr. Forth: Keep it for Third Reading.

Mr. Ross: As the right hon. Gentleman observes, we can raise those issues on Third Reading.

The IRA welcomes the Bill because its members can see its possibilities. The amendments would diminish those possibilities. For that reason alone, I support the amendments and hope that the Minister will accept them. The IRA would be very much put out if the amendments were accepted; they would cause the organisation problems. That is a good reason to accept them.

The debate illustrates the problems for a Member of the Dail and of the Northern Ireland Assembly or the Executive. Hon. Members should not forget that, often, because of problems in the Dail, majorities are narrow. Governments exist on a knife edge and can change, without an election, as a result of a few people crossing the Floor.

The same problem is imminent in the Northern Ireland Assembly. In some ways, the Assembly is worse off because of its structures—Committees, Ministers and so on. I suppose that Ministers are supreme, but an interesting series of events has taken place during the past few days, which show the necessity for the amendments. The Health, Social Services and Public Safety Committee has taken certain decisions in relation to the location of maternity services in Belfast. My impression is that the Committee is trying to bounce the Minister, but the Minister, who is a Sinn Fein Member, is saying, "I shall make the decision." There is already the possibility of a clash between the Minister and the Committee.

How much worse will that be if we take the route mapped out by the Bill? It is because I fear those dangers that I ask the Government to prevent them by accepting these sensible amendments.

Mr. Patrick Nicholls (Teignbridge): Sometimes it is a good idea to come to the House early because one finds that interesting things have been going on, which deserve a wider audience. I saw that the House was still sitting, and I thought that there might be a filibuster; I cannot imagine why I would think that. However, a few moments ago I picked up the amendment paper.

We may hear in a few moments whether the Minister will oppose amendment No. 3, which is just about as sane and sensible an amendment as one could want. It is all about who one owes one's loyalty to. It is about whether

[Mr. Patrick Nicholls]

one can serve two masters. It is about whether one can serve two legislatures. Ultimately, it is also a question of how many salaries one seeks to draw.

I do not see how one can draw a distinction between being a member of a legislature and being a Minister of that legislature. Different countries have their different traditions, but it is common to most legislatures, and it is certainly common to the legislatures of Northern Ireland, of Great Britain and Eire, that the Ministers are drawn out of the Parliament. That is what it is all about under our democratic system: it is about drawing Ministers out from the legislatures in which they sit.

I do not understand how one is to have a system that properly distinguishes between being able to be a member of a legislature and a Minister in it on one hand or saying that that would not be appropriate, and then at the same time not extending that to cover a Minister of either House as well. It seems to me that those things stand or fall together. I find it remarkable if we are about to hear that the Minister could possibly be resisting that. The two things hang together. For the reasons that the hon. Member for East Londonderry (Mr. Ross) has given, the clause presents irreconcilable conflicts of interest.

If the Minister, in good faith, expects the Bill to proceed—as I expect he did expect it to proceed—in a fairly straightforward manner, he will have to address the issue of those conflicts of interest. There is no tenable argument against the amendment. I can see the Minister thinking about that now. He has had long enough to think about it. Amendment No. 3 should be accepted.

Mr. Gale: I shall speak very succinctly to amendment No. 3 only. I agree entirely with my hon. Friend the Member for Teignbridge (Mr. Nicholls). I cannot see how the Minister, if he pursues any sense and logic through this peculiar piece of legislation, can possibly reject amendment No. 3. We have heard earlier this morning that it is possible for a Speaker of the House of Commons to be a Minister in southern Ireland. We have, as far as I can see, created a situation where, under clause 2, we are preventing a Minister in the Irish Republic from being a Minister in the Northern Ireland Assembly, while it is perfectly possible for a Secretary of State or a Minister of State for Northern Ireland in this Parliament to be a Minister in the Irish Republic. There does not seem to be any logic there. The Minister should think that one through.

Yet again, under clause 2, we are creating two tiers. We are creating a tier of people who, if they are Ministers in the Irish Republic, cannot be Ministers in Northern Ireland, and a tier of people who are Ministers in the House of Commons, who are Ministers in Northern Ireland and could be Ministers in the Irish Republic. Where is the logic in that?

If there is any logic in this at all, surely it must be the case not only that anyone who is a Minister in the Irish Republic cannot hold ministerial office in Northern Ireland, but that any member of either House in the Irish Republic cannot hold office in Northern Ireland. That is precisely what amendment No. 3 says. I should be very interested to know on what basis of logic—if there is any at all in these arguments—the Minister can possibly reject that amendment.

Mr. Simon Hughes: On Second Reading, I said that we were bound to come to this issue because it is, as it were, halfway between whether one can be in two legislatures at once—the Government's proposition—and whether one can be in two Governments at once, which no one has argued should be the case. Therefore, this is probably the one area of the Bill that is not approached as a question of principle.

My party's position is that there is not the same conflict of interest if one is a member of both legislatures and becomes part of the Administration of one, as clearly there would be if one were in both Administrations. The Bill does not argue that there should be no dual mandate. We could debate dual mandates within the UK, and within the UK and the European Parliament, or between two legislatures—including two Commonwealth legislatures, as, under existing legislation, one can be a member of two Commonwealth legislatures at the same time.

We have accepted that the Bill does not seek to address that wider issue. There should be a debate about that matter, but I accept the point made by the Under–Secretary earlier that if we were to debate a change to the dual mandate rule in the Commonwealth, we ought to do that after consultation, and not suddenly put it on the agenda here without having raised it with Commonwealth partners.

Mr. Clappison: I note the hon. Gentleman's point about the distinction between being a Minister in both countries and being a member of a legislature in one and a Minister in another. However, is it possible to draw a neat and tidy line between being a member of a legislature and being a Minister? What about those who fall somewhere in between—those who may have the expectation of becoming a Minister, and do not wish to do anything to prejudice that ambition? What about those who may hold some office in between being a member of a legislature and being a Minister? We are familiar with that scenario in this House. Surely, somebody in that situation would have a conflict of interest—even though it was not immediately apparent to people on the outside.

Mr. Hughes: I understand that point. This debate concerns the most finely balanced issues. Clearly, someone who serves in the Dail and in either the Northern Ireland Assembly or the UK Parliament might well aspire to be in government. That might not be made public because they might be waiting to see which legislature offers the best opportunity first, so there is a potential hidden conflict of interest.

There is also a conflict of interest, of a type, if one is in the Government in one place—be it the Northern Ireland Assembly or the UK Government—and only in the legislature of the other because, by definition, one has a prior duty in the Administration which is in addition to one's duty as a legislator. It cannot be argued that it would be constitutionally justifiable for somebody to represent the UK Government—or the Northern Ireland Assembly, the Scottish Parliament or the Welsh Assembly—while seeking to speak for the Government of Ireland. Clearly, that must be precluded.

Mr. Gale: So far, the Minister has agreed that the points that I have raised in relation to the Speakership are right. However, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) has not taken on board my earlier point. This clause bars Ministers from the Irish

Republic from holding office in Northern Ireland; it does not appear to bar Ministers from the UK House of Commons from holding office in Ireland. It does only half the job, if it does the job at all.

Mr. Hughes: The hon. Gentleman is correct, and our subsequent debates will address that point. I support the implication of his intervention, which is that it should not be possible to be a Minister in both legislatures, and my party has tabled a new clause to that effect. I hope that it will be accepted when we reach that debate. If the hon. Gentleman bears with our proceedings, he will be able to argue his case. I hope that he will support the new clauses then.

9 am

Our view is that, on the more limited point, the hon. Gentleman is right. The amendment is simply about whether one can be in the legislature of Ireland and a Minister—the First Minister, Deputy First Minister, a junior Minister or nominated to hold ministerial office—in the Northern Ireland Assembly. That does not raise the same constitutional objection as the point that the hon. Gentleman properly raised. We shall not support the amendments, but we shall support the later new clauses and amendment that will prevent coterminous ministerial office in both sovereign Governments or in the Government of Ireland and the Northern Ireland Assembly.

Mr. Swayne: I do not wish to rehearse the arguments that have been well rehearsed in the past hour. Instead, I wish to focus the Minister's mind so that he can deal with the principal question when he replies.

We have dealt with the physical practicalities of dual mandates and with the principle of the desirability of holding such mandates. Much of the complaint that was made by the hon. Member for East Londonderry (Mr. Ross) was conceded on Second Reading. The amendments give us the opportunity to correct one of the more glaring problems that remain—the possibility that a Minister of the Crown serving in the Assembly in Northern Ireland can, at the same time, be a Member of either House in the Irish legislature. That absurdity would be closed off by the amendments.

It is absurd because if someone discharges his responsibilities to the Crown and pursues, protects and defends the interests of Her Majesty and the people of Northern Ireland, how can he discharge his responsibilities to the legislature of the Republic of Ireland and to his constituents there? That problem spans almost every sphere of Government activity. For example, it covers the differences in agriculture and the differential interests between the United Kingdom and the Republic of Ireland when they negotiate in Brussels.

My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) told us of his experience as a Minister in the councils of Europe and of the difficulty that he had in squaring the interests of the United Kingdom with what he scathingly described, in some cases, as the activities of Irish Ministers. One must not be so scathing, because, after all, they were only defending the interests of the Republic.

Dr. Julian Lewis: I agree with every criticism that my hon. Friend has made of what would happen if the amendments were not accepted. In an intervention on the hon. Member for East Londonderry (Mr. Ross), my hon. Friend accused him of moving a wrecking amendment. However, if the amendments were accepted, as I hope they will be, would they not be wrecking amendments? What be would left of the Bill if the absurdity is rectified?

Mr. Swayne: My hon. Friend is mistaken. I was honest in describing it as a wrecking amendment because it would undermine the principle of the Bill that had been conceded on Second Reading. However, this amendment would remedy a problem that we had with conceding the principle on Second Reading. It tightens up the Bill and thereby improves the Bill's quality by removing a dishonest possibility. I use that phrase because I do not believe that Ministers of the Crown can discharge their responsibilities to the Crown while simultaneously serving the interests of the Republic of Ireland responsibly, as a Member of its Parliament.

I have already mentioned agriculture, which spans every sphere of Government activity. It is highly pertinent to consider the implications of the Bill in the context of economic activity. The Republic of Ireland is now part of the eurozone, whereas the United Kingdom, including Northern Ireland, is not. That creates divergent interests between the spheres in which such a Minister would operate. It would be truly impossible for him responsibly and honourably to discharge his responsibilities to both sets of constituents.

Another sphere in which that would be impossible is defence. The United Kingdom—and, by implication, Northern Ireland—is part of NATO, whereas the Republic of Ireland has always been neutral. It is monstrous to suggest that, given those stances in international affairs and defence capabilities, one could expect a Minister in the Northern Ireland Executive—a Minister discharging responsibilities to the Crown in defence matters—honestly to represent the interests of the Republic of Ireland.

That problem would be remedied by the amendments. I hope that the Minister can explain why he will not accept the amendments, but I would prefer him to explain why he will.

Mr. Sayeed: It has become clear during this debate that there are a series of anomalies within the Bill as originally drafted, that there are contradictions inherent within the Bill, and that absurdities may occur because of the Bill. My question to the Minister is simple: when he was going through the Bill with his civil servants and other Ministers, did they spot those absurdities and notice those contradictions? If so, how did they answer them at that time, to themselves, and will the Minister tell the Committee what those answers were?

Mr. George Howarth: Before I deal with the amendment, I should like to comment on remarks made by the hon. Member for Teignbridge (Mr. Nicholls), who readily conceded that, late in the day, he had walked in,

[Mr. George Howarth]

picked up a copy of the Bill, looked at the amendments and framed his remarks accordingly. He based his remarks on the principle he enunciated at the start of his brief contribution: that one cannot serve two masters.

Mr. Nicholls: I wondered how the Government could so mishandle their legislation that it was necessary for my right hon. and hon. Friends still to be probing matters so late into the night. When I looked at the amendment the Committee was debating, I could see what the Minister was up to. That is why I came to the Chamber and made my speech.

Mr. Howarth: I am grateful for that further clarification, but I note that the hon. Gentleman does not deny that he based his remarks on a principle he holds important: that one cannot serve two masters. The Committee might be interested to learn that, in the most recent edition of the Register of Members' Interests, under the heading "Remunerated employment, office, profession, etc.", the hon. Gentleman lists no fewer than eight such interests. He is quite within his rights to have such interests and he has quite properly registered them. However, we are bound to ask, how many masters does he serve? We addressed the principle behind the amendment—

Mr. Nicholls: Much as I have always liked the Minister, I have never given great credit to his intellect. Perhaps he cannot understand the difference between having different sources of remuneration and owing allegiance to two different heads of state. Even by his standards, that was a ludicrous contribution.

Mr. Howarth: I am none the wiser as to how the hon. Gentleman sorts out the different principles in different contexts. I shall leave it to the Committee to judge why and how he chose to advance the argument about two masters.

We addressed the principle behind this amendment in the context of an earlier amendment, which was tabled by the right hon. Member for Upper Bann (Mr. Trimble). Amendment No. 3 is not entirely new territory, as the right hon. Member for Bromley and Chislehurst (Mr. Forth) tried to argue. We covered some of the same ground earlier. In saying that we could not accept the earlier amendment, I set out the Government's position on potential conflicts of interest. We recognise that a potential conflict of interest might arise, were an individual to be a Minister in the Irish Government and in the Northern Ireland Executive. Any Minister must have regard not only to his own constituents, but to the interests of all those in the jurisdiction for which he has responsibility. As a result, it may well be that genuine conflicts of interest arise in those circumstances.

In the rest of the United Kingdom, we can look to the Prime Minister or, for that matter, to the First Minister, whichever may be appropriate, to resolve conflicts of interest. By using his discretion in appointing and dismissing, he has the power to control the situation. No leader of a Government will want in his Government a Minister who is not committed to the interests of all the people he is charged to serve. Elsewhere in the United Kingdom, Ministers serve at the discretion of the leader of the Administration.

Uniquely in Northern Ireland, the First and Deputy First Minister do not have discretion to appoint or dismiss all the members of the Executive. Those members are selected under an automatic proportionate system, as the right hon. Member for Bromley and Chislehurst said, which is the d'Hondt formula. That is why the Government believe that it is right that the clause makes special provision to ensure that an individual may not be a Minister in the Irish Government and in the Northern Ireland Executive.

Mr. Sayeed: I thank the Minister for his courtesy. Does he understand that it is not necessary to be a Minister to have a conflict of interest? All that is necessary is to have two sets of different constituents. As I suggested to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), someone may have two constituencies, one in Ireland and one in England, and be trying to bid for the same contract. In that position, it is not possible to serve two masters effectively.

Mr. Howarth: The hon. Gentleman was perhaps a little precipitate in intervening, because that is the next point in my speech.

I explained in the earlier debate that we do not accept that conflicts of interest necessarily arise where an individual is simply a Back-Bench Member in one jurisdiction but a Minister in the other. Our position, which I have repeated—the right hon. Member for Bromley and Chislehurst and I will have to differ on this point—is that, in such cases, it is a matter for the relevant electorate to decide at whatever point the person concerned submits himself either for election or re-election. They have to decide whether they consider that it is an appropriate thing to.

These amendments turn on the same general issue. The effect would be to prevent an individual from becoming a Member in Northern Ireland, not only if he were a Minister in the Irish Government but if he were a Back-Bench Member in either the Dail or the Irish Senate.

9.15 am

It will therefore be no surprise that we oppose the amendments for almost exactly the same reasons as we gave in an earlier debate. I will not repeat those arguments in detail because we have heard them time and again.

I draw the Committee's attention to a further issue to which the amendments give rise. The amendments would disqualify even a Member of the Irish Senate from being a Minister in Northern Ireland, even though that is possible under the Northern Ireland Act 1998. The official Opposition, including the right hon. Member for Bromley and Chislehurst, did not oppose that measure. Yet the right hon. Gentleman would now reverse that legislation. Section 36(5) of the Act removes the provision for disqualification from the Assembly of Members of the Irish Senate. Parliament made no provision to prevent Members of the Irish Senate from taking up ministerial positions in Northern Ireland. Of course, none of the Northern Ireland Ministers are currently Members of the

Irish Senate. None the less, the amendment would remove an existing right, and not merely constrain the extension of a right.

The Government believe that the House made the right decision last year on the Northern Ireland Act 1998. We oppose the amendment for that reason, and because of the general issues to which I referred.

Mr. Forth: The Under-Secretary's response was perhaps predictable, but it is nevertheless disappointing. He suggests that we must agree to differ. However, it is sad that we have been unable to persuade him of our case over hours of debate in the Chamber on many different amendments.

Mr. Swayne: The Under-Secretary refused to tackle the arguments. He claimed that he had done that in earlier debates. We failed to convey to him the difference in the nature of this debate, which covers Ministers and legislators, rather than mere legislators, which earlier debates tackled. The Under-Secretary did not even address the arguments. That is why his response was so disappointing.

Mr. Forth: I agree with my hon. Friend, but I suspect that the Under-Secretary does not perceive the force of the argument. He does not want, cannot or is not allowed to acknowledge the difficulties that will inevitably arise when tensions occur. At worst, that could undermine the effectiveness of the Northern Ireland Assembly and sour relations between the United Kingdom and the Republic of Ireland, entirely foreseeably.

However, there is an underlying principle, which bothers me. There is an increasing erosion of nationhood, identity, borders and institutions because of the European Union, and we are now considering another influence, which erodes those institutions in a similar way. That is an inherent part of the debate and the anxiety, which many of us share.

Mr. Gale: On a point of order, Mr. Lord. I apologise to my right hon. Friend and to you for raising this point of order now. I would ordinarily have done my right hon. Friend the courtesy of waiting until he had finished speaking, but I suspect that we are heading for a Division. I do not know of any procedure for raising a point of order during a Division in Committee, although such procedure exists for the Floor of the House.

I was not present when the Chairman of Ways of Means made his ruling, but I understand that he ruled that it was entirely proper for sittings to take place in Westminster Hall when the House was sitting. The order that the House made on 24 May 1999 allows for Westminster Hall to sit on Thursdays from 2.30 pm for up to three hours while proceedings take place on the Floor. A precedent exists, and I understand the reason for the ruling of the Chairman of Ways and Means.

The motion passed on 24 May states that on days that the House shall sit, there shall be a sitting in Westminster Hall on Tuesdays between 10 am and 1 pm and on Wednesdays between 9.30 am and 2 pm. You may think that this is esoteric, Mr. Lord, but I have consulted "Erskine May" and the precedent is clear. While the day's sitting continues, the House of Commons is sitting, in this case, on Tuesday.

While this House is sitting on Tuesday, I fail to see how a sitting deemed by order of the House on 24 May to start at 10 o'clock on Tuesday—because it is still Tuesday—can or should be allowed to proceed at 9.30am in Westminster Hall. I am certain that when the Chairman of Ways and Means made his ruling, he did not take that into account. I understand why. The fact is that we are sitting on Tuesday, not Wednesday, and Westminster Hall cannot—

The Second Deputy Chairman: Order. I am sure that the Chairman of Ways and Means was well aware of all the background when he made his ruling. I believe that he has already dealt with that matter.

Mr. Clappison: Further to that point of order, Mr. Lord.

The Second Deputy Chairman: Order. I do not think that there can be anything further to that point of order.

Mr. Clappison: It is a separate point of order, Mr. Lord. We are very close to 9.30am and my right hon. Friend is about to conclude his remarks.

Mr. Forth *indicated assent.*

Mr. Clappison: There will be a Division and it is likely that it will coincide with the beginning of the sitting in Westminster Hall. In those circumstances, what is to happen to those of us who wish to take part in the Division and travel in time to Westminster Hall tomorrow?

The Second Deputy Chairman: Order. I do not know whether the hon. Gentleman has been in and out of the Chamber this morning but I have already ruled on that point. It will be entirely for the occupant of the Chair in Westminster Hall. We have now dealt adequately with that point of order.

Mr. Forth: We are facing a combination of factors that are conspiring to make it difficult for us to be persuaded by the Minister, to whom many of us have listened over a long period.

Mr. Swayne: That is not entirely true. The Minister has been very sparing with his words at the Dispatch Box. We wished to listen to him a great deal more than we have been able.

Mr. Forth: That must be a matter of judgment. I do not want to fall out entirely with the Minister quite yet because I still nurture the hope that we may be able to persuade him.

Mr. Simon Hughes: I believe that I am correct in saying that the longest speech so far in Committee has been a ministerial speech.

Mr. Forth: There is a nugget of information to treasure. It will be interesting, when *Hansard* finally appears, to see what information was imparted during that

[Mr. Forth]

lengthy ministerial speech. I am grateful to the hon. Gentleman. Perhaps we should run an eye over the proceedings, to see where the balance lies.

We have tried hard, and happily there is much more to be considered in Committee. We are only part way through the proceedings. To date, we have not been able to persuade the Minister to accept any of the important and fundamental points made in a series of debates.

Mr. Nicholls: Does my right hon. Friend agree that the points of order, which were properly ruled upon, show that even in this House there can be extremely difficult conflicts of interest over where one should be debating? In a few moments my right hon. Friend, who I believe is a great devotee of Westminster Hall—

The Second Deputy Chairman: Order. That point of order has nothing to do with the amendment before the Committee.

Mr. Forth: My hon. Friend's point and my personal circumstances of some years ago illustrate that such conflicts arise more often than might be anticipated. We should have been able to draw the Minister's attention to that in persuading him that something should be done.

It is increasingly likely that the Bill will have no Report stage. It will have been shoved all the way through Committee without amendment. I regret that that is how things look, although there is still hope. The Bill will pass through this House unamended—hardly touching the sides in parliamentary terms—and go to the other place—over which, I am happy to say, the Government do not have any control. There is a real risk that this important and controversial Bill will end up unsatisfactory, unsound and unsafe. If it does, the Committee will have failed to do its job.

Mr. Simon Hughes: Unusually, the right hon. Gentleman has missed a trick because the Home Secretary was in the Chamber and I had hoped that he would catch him. Over the past 12 hours, the Home Secretary and the Secretary of State for Northern Ireland, who are in charge of the Bill, have been here. Had the right hon. Gentleman been really quick he could have asked the Home Secretary whether he at least could explain why we are considering the Bill so urgently. Sadly, he may have to wait until the Secretary of State for Northern Ireland reappears to ask that question.

The Second Deputy Chairman: Order. I should be grateful if the right hon. Member for Bromley and Chislehurst (Mr. Forth) did not stray down that route and devoted his attention to the amendment.

Mr. Forth: I have not left the Chamber for 16 hours so the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), who understands these matters, will perhaps forgive me if I miss the occasional opportunity. I am still doing my best and if he looks at the amendment paper he will find that there are many exciting opportunities still to come.

I give you, Mr. Lord, a little advance notice. I hope that you agree that a brief debate on clause 3 stand part is appropriate, for example, because we have not yet touched on that subject. There is something for us all to look forward to and there are many more goodies to come. The highlight of the debate—the bonanza—will of course be Third Reading, when we shall all have an opportunity to review where we have arrived at—in order and with your guidance. We could perhaps exchange ideas about how the Bill could be dealt with, even at that late stage, but I am anticipating myself and the proceedings.

Mr. William Ross: My right hon. Friend talks about Third Reading, but we should have a detailed look at my new clauses on salaries and allowances before that. We could not possibly allow them to pass us by.

The Second Deputy Chairman: Order. First, we should deal with the amendment.

Mr. Forth: Certainly, but I make a plea. The Committee should give the Government yet another chance to improve the Bill by supporting the amendment. I hope that it will do so, but, as my hon. Friend the Member for East Londonderry (Mr. Ross) said, this will not be the last chance to make improvements.

Question put, That the amendment be made:—

The Committee divided: Ayes 13, Noes 234.

Division No. 46] **[9.28 am**

AYES

Beggs, Roy
Chope, Christopher
Forsythe, Clifford
Gale, Roger
Hunter, Andrew
Lewis, Dr Julian *(New Forest E)*
Mawhinney, Rt Hon Sir Brian
Nicholls, Patrick
Ross, William *(E Londy)*
Spicer, Sir Michael
Swayne, Desmond
Thompson, William
Wardle, Charles

Tellers for the Ayes:
Mr. Eric Forth and
Mr. David Maclean.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Ashton, Joe
Atkins, Charlotte
Barnes, Harry
Battle, John
Beckett, Rt Hon Mrs Margaret
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Breed, Colin
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*

Cummings, John
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Simon *(Southwark N)*
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kemp, Fraser
Kidney, David
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rammell, Bill
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stringer, Graham
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Mike Hall and
Mr. Kevin Hughes.

Question accordingly negatived. nil

THE CHAIRMAN, *being of the opinion that the principle of the clause and any matters arising thereon had been adequately discussed in the course of debate on the amendments proposed thereto, forthwith put the Question, pursuant to Standing Order No. 68,* That the clause stand part of the Bill:—

The Committee proceeded to a Division.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): In view of the delay in the Division Lobby, I would ask the Serjeant at Arms to investigate.

The Committee having divided: Ayes 228, Noes 22.

Division No. 47] **[9.42 am**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Ashton, Joe
Atkins, Charlotte
Barnes, Harry
Battle, John
Benn, Hilary (Leeds C)
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Canavan, Dennis
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cooper, Yvette
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Davey, Valerie *(Bristol W)*
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank

Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kidney, David
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Terry *(Worsley)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
Mactaggart, Fiona
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rammell, Bill
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stringer, Graham
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Mrs Betty *(Conwy)*
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mr. Graham Allen and
Mr. Gerry Sutcliffe.

NOES

Allan, Richard
Ashdown, Rt Hon Paddy
Beggs, Roy
Brake, Tom
Breed, Colin
Campbell, Rt Hon Menzies *(NE Fife)*
Cotter, Brian
Forsythe, Clifford
Foster, Don *(Bath)*
Gale, Roger
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Keetch, Paul
Lewis, Dr Julian *(New Forest E)*
Mawhinney, Rt Hon Sir Brian
Nicholls, Patrick
Ross, William *(E Londy)*
Russell, Bob *(Colchester)*
Sanders, Adrian
Thompson, William
Tyler, Paul
Willis, Phil

Tellers for the Noes:
Mr. Eric Forth and
Mr. David Maclean.

Question accordingly agreed to.

Clause 2 ordered to stand part of the Bill.

Mr. Simon Hughes: On a point of order, Mr. Martin. I wonder whether you can help us. I am aware that sometimes the Chairman of a Committee knows what the Speaker or the Deputy Speaker might know. Have any amendments been tabled yet for Report? Could they have been? Is it in the mind of the Speaker or the Deputy Speaker to allow a Report stage? I ask that for the convenience of all hon. Members, so that we know what lies ahead.

Secondly, has there been any indication of when this matter is expected to be considered in the other place? That, too, may govern how we want to organise ourselves today, especially with regard to whether we sit beyond 2.30 pm.

The First Deputy Chairman: Perhaps I can help the hon. Gentleman by saying that there will be a Report stage only if the Bill is amended. It has not so far been amended. The question of the other place is nothing to do with these Committee proceedings.

Mr. Robathan: On a point of order, Mr. Martin. When the Select Committee on Modernisation set up the sittings in Westminster Hall that coincide with those in the Chamber, do you know whether it considered the problem before us?

The First Deputy Chairman: There is no problem before us. I am going to put the Question that clause stand part. There is absolutely no problem in this Committee.

Clause 3

CONSEQUENTIAL REPEAL

Question proposed, That the clause stand part of the Bill.

Mr. Forth: We have had some interesting debates. They have been a bit fragmented, which is natural. But now we can get our teeth into a clause with some real issues in it. I am sure that my right hon. and hon. Friends

will agree that the clause requires particularly close attention. I suspect that many of my colleagues will want to have their say about it.

The clause is deceptively simple. At first reading, it looks like a straightforward matter that can be dispensed with readily, allowing us to move on. Of course, we want to move on; I cannot wait to get to Third Reading. There is a really big speech in me and I am desperate to make it. These matters are almost distractions, albeit important ones.

Clause 3—seductively inoffensive as it appears—contains some real issues. For the first time, we can concentrate our minds on the Irish Senate. I feel more comfortable with that nomenclature. I cannot be doing with all the funny wording in the Bill; if I tried to pronounce it, I should probably get it wrong. If you will indulge me, Mr. Martin, I think that "Irish Senate" will do.

Clause 3 refers to section 36(5) of the Northern Ireland Act 1998—a copy of which I have before me.

Mr. Peter Bottomley (Worthing, West): If we are proposing to repeal that subsection of the Act, will my right hon. Friend tell us whether other parts of the section should be considered? Is subsection (5) the only one that could possibly be described as redundant because it is covered elsewhere?

Mr. Forth: That is an important question, which my hon. Friend put with typical incisiveness. Section 36 of the 1998 Act is headed "Disqualification". If I may briefly digress, that has a bearing on some of our previous debates. For the past 17 hours, Ministers have been at pains to tell us repeatedly that disqualification is a chimera because such matters should be left entirely to the electorate.

However, section 36 of the Labour Government's 1998 Act sets out disqualification provisions. When I referred earlier to the House of Commons Disqualification Act 1975, I would have understood if Ministers had used as their excuse the fact that it was an old Act. However, their own 1998 Act covers disqualification.

Mr. Brady: I hope that my right hon. Friend will not let the Government off quite that lightly, because the 1975 Act was also passed by a Labour Government.

Mr. Forth: I suspect that, if we were to pursue the matter—although I shall not do so—Ministers would claim that the 1975 Act was old Labour and that the 1998 Act is new Labour. We are considering new Labour disqualification.

In order to set the scene and to make a telling point to the Under–Secretary of State for the Home Department, I note that section 36(3) states:

"A person who is Her Majesty's Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland is disqualified for membership of the Assembly for a constituency comprising the whole or part of the county or county borough."

That disposes of the specious argument, which we have heard again and again for the past 16 or 17 hours, that we must leave all those matters to the electorate. However, the new Labour Government's own Act, bearing on Northern Ireland, contains a disqualification of Lord Lieutenants—

Sir Patrick Cormack: Lords Lieutenant.

Mr. Forth: I stand corrected. I have been in the Chamber for a long time and my hon. Friend must forgive me.

Mr. Bercow: My right hon. Friend poses the Committee what seems to be a puzzling conundrum. Does he agree that, by and large, the ministerial offender who is most at fault on the subject of "leave it to the voters" is not the Under-Secretary of State for the Home Department, who is currently sitting on the Treasury Bench, but the Under-Secretary of State for Northern Ireland? During the passage of the 1998 Act, was not the present Under-Secretary of State for Northern Ireland a Home Office Minister? He has only recently been transferred—I think, without fee—to the Northern Ireland Office.

The First Deputy Chairman: Order. The clause is extremely narrow. I cannot allow those matters to be discussed.

Mr. Forth: I am grateful for your advice, Mr. Martin. It leads me directly to section 36(5) of the 1998 Act, which is referred to in the clause. It states simply:

"A person is not disqualified for membership of the Assembly by virtue of subsection (1) by reason only that he is a member of the . . . Senate of Ireland".

There "Senate" is in English, which helps me.

We are confronted with, on the face of it, a simple question: should Members of the Senate of Ireland be disqualified and, if so, from what? That is a new question for us to face, because I think that I am right in saying—although I have been in the Chamber for so long that I have not been able to do as much research as I should have liked—that the Irish Senate is not a directly elected body but almost entirely appointed. It is a sort of Irish Tony's cronies.

Rev. Martin Smyth: That is not completely correct, because I believe that some of the Members are elected by the universities.

Mr. Forth: I am not sure that I would count that. I believe that my general point stands.

Here we have the opportunity to seek to draw a distinction, if such a distinction should exist in this case, between elected representatives in assemblies, and Senators, who are not necessarily elected. I want to develop that argument in the context of whether there should be a disqualification across a national boundary.

Sir Brian Mawhinney: I was going to offer my right hon. Friend some comfort by reminding him that Gordon Wilson of Enniskillen, whose daughter was killed in the Enniskillen bomb and who, with great Christian grace,

[Sir Brian Mawhinney]

forgave those who caused her death, was appointed to the Irish Senate subsequently; so at least some Members of the Senate are appointed.

Mr. Forth: The appointment of that individual also illustrates two or three of the themes of our debates, as my right hon. Friend knows. First, it shows that someone who is born in Northern Ireland has a unique distinction and qualification south of the border. Secondly, that it is by dint of a decision of the Parliament of the Republic of Ireland that these things happen. I have no problem with that, and I have made no argument with the Irish over that decision. We are talking about what decisions we should take here, in this sovereign Parliament, about whether we believe that politicians of whatever kind should be able to cross our border into part of our United Kingdom and play a part in a representative body.

The interesting thing about clause 3 is that here, for the first time, we can focus—and I want to be very focused on this because if I was not, I would fall over—on the fact that we are talking now about the Senate, a non-elected body. The question that we must ask ourselves, in the context both of clause 3 and of the 1975 Act, is whether we believe that the fact that the Senate is not directly elected should lead us to treat it any differently from a political body composed of elected members.

That is a very real question, for many reasons. Earlier, we considered some of the conflicts that could arise as between elected members of one body and elected members of another. We did so in some detail, but not as much as I should have liked. In my opinion, we have skipped lightly over the Bill. We have done our best, but time has not been generous to us. However, we have dug up, discovered and examined several of the conflicts that could arise. There have been obvious conflicts of time and place. There have certainly been conflicts of loyalty. We have even occasionally touched on the subject of oaths and whether oaths of loyalty or their equivalent would create difficulties for elected members in two different bodies trying to square the circle and discharge their responsibilities in the fullest possible sense.

Of course, the question may be different—I pose it as a question because I still have not resolved the matter in my mind—for a Senate-type body or a body of the Irish Senate type, which is largely appointed or delegated and not elected. One could argue that, because the body is not elected, and because it has therefore a different role and different responsibilities—

Mr. Mike O'Brien: I intervene at this point to agree with the right hon. Gentleman that this is indeed a very narrowly drawn clause. As he has pointed out, we have dealt with the points that arise from it because this is consequential upon clause 1, where the issues have already been discussed.

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): I call Mr. Forth.

Mr. Forth: Thank you, Mr. Martin. I prefer your guidance to that of the Minister in these matters. I will overlook his impudence, as I am sure you will, since you are a generous chap.

If the Minister wants to skate over this point, that is a matter for him. However, that will simply reinforce the view that we have held increasingly during these proceedings—that Ministers are not prepared to look seriously at their own Bill.

Mr. Robathan: Does not the clause show how the Government overlook things and get things badly wrong? We were told that the question of allowing members of the legislature in Ireland to sit in our Parliament was considered at the time of the Belfast agreement and the Northern Ireland Act 1998. Yet within 18 months of that Act becoming law, we are being asked to change it. Surely that shows how little faith we should have in Ministers who do not consider the details of their legislation.

Mr. Forth: With his usual perspicacity, my hon. Friend has anticipated one of my next arguments. I am only in my preamble, and there is a lot more to come.

Mr. Peter Bottomley: What would happen if the Government were to change their mind again and repeal what will become the Act, and then reinstate section 36(5) of the Northern Ireland Act 1998? If the Government have not considered that, we ought to get a policy statement. Perhaps the Minister should be consulting his advisers and finding out what his view ought to be, let alone what it actually is.

The First Deputy Chairman: Order. I would point out to the right hon. Member for Bromley and Chislehurst that I have already stated that this is a narrow clause. The reason why it is a very narrow clause is that it is a consequential clause, because the Committee has already agreed to clause 1. In effect, this is a consequential amendment. Therefore, we cannot go over all the arguments put with regard to clause 1 again.

Mr. Bottomley: On a point of order, Mr. Martin. If my intervention on the speech of my right hon. Friend the Member for Bromley and Chislehurst prompted that ruling, I apologise. I was hoping to ask what happens if the Bill becomes an Act and is later repealed. Were clause 3 not to stand part of the Bill, the qualification for a Member of the Senate to come in would still apply. If I trespassed over ground that has been covered before, I apologise.

The First Deputy Chairman: I stress that it is a small point that the hon. Gentleman makes—it is not a point that we can make a meal of at this time.

Mr. Forth: Indeed, Mr. Martin. The distinction in my mind is that whereas clause 1 refers in a generic sense to the Northern Ireland Assembly disqualification, clause 3 focuses specifically on the Senate. There is an opportunity under clause 3 for us to consider whether the Senate should be treated differently from or the same as the Assembly. That is a crucial difference, especially given the fact that the Senate is of a different political nature.

Mr. James Gray (North Wiltshire): My right hon. Friend might value the information that the Irish Senate

consists of 43 members elected to represent five vocational panels, six members elected to represent Irish universities and 11 members appointed by the Prime Minister.

Mr. Forth: I hesitate to explore that matter further. However, I suspect that the use of the term "elected" is rather loose, as I doubt whether they are directly elected. I do not want to get distracted in that way, as I wanted to take a succinct look at the matter. I wanted to set the stage for the debate, rather than hog the time. As you know, Mr. Martin, I try never to do that. I am trying to draw out the main themes of the debate in the context of section 36(5) of the Northern Ireland Act 1998.

10.15 am

I was briefly considering the difference in treatment that the Committee might have to consider. A political body that is elected and which is therefore fully comparable to the House and to the Northern Ireland Assembly even though it is peculiarly elected by the gentleman called d'Hondt, about whom we keep hearing but none of us fully understand—

Mr. Peter Bottomley: He is dead.

Mr. Forth: Well, the dead d'Hondt—or the late Professor d'Hondt, if one wants to be more gentlemanly about it.

Consequential or not, the Irish Senate is referred to separately in clause 3 because it was dealt with separately in the Northern Ireland Act 1998. That means that we must give it proper and separate consideration. It might have been treated separately because it is, in substance, different from the other bodies that we have considered. It is certainly separate in the context of the Bill.

Rev. Martin Smyth: I am a former graduate of Trinity college, but a much earlier graduate, Edmund Burke, gave us the guideline that Members should come to the House not as delegates but as representatives. Is there not a difference between those, such as Gordon Wilson, Dr. Robb and others, who were appointed to the Senate by the Taoiseach and those who were elected? Where does the loyalty of those appointed by an individual lie?

Mr. Forth: These are vital considerations. An interesting and respectable publication has fallen conveniently into my hands. It was produced by the constitutional unit of the UCL school of public policy, so I suppose that it can be trusted. I shall quote it briefly because I am sure that the Committee wants to understand the context:

"The Irish Senate is a weak second chamber within a relatively weak Parliament."

That is not very complimentary. Are its Members the people with whom we are supposed to be playing transfer? It adds:

"Its powers were weakened under the new constitution of 1937. It has only 90 days to consider any legislation that comes from the Dail, which in turn may overturn any amendments after a further 180 days. The Senate has no powers over financial legislation and no power to appoint or dismiss the Government."

That illustrates that we are dealing with a political body that is quite different from the elected Assembly in the Republic of Ireland and from the unicameral Assembly in Northern Ireland. It is different again from the combination of the House of Commons and the new transitional House of Lords, whose final composition we do not yet know.

Mr. David Maclean (Penrith and The Border): My right hon. Friend suggested that the Senate was not elected in the normal sense. The excellent constitution unit booklet shows that it is made up from five vocational groups, it is voted through by the out-going Members of the previous Senate, by some people in local councils and by Members of the lower House. It is very much an old boys' and old girls' network who put in their own placemen from their own vocational groups. He is right to suggest that it is not an elected Assembly.

The First Deputy Chairman: Order. This is a convenient point to stop the right hon. Gentleman. Once again, I make it clear that such arguments could have been made on clause 1. If my memory serves me correctly, they were made on clause 1. *[Interruption.]* Order. I have as good a memory as any other hon Member. That is why I am in this job.

Clause 1 refers to the "member of the legislature". That includes the Senate as well as the Dail. This is a technical and consequential clause, and we are narrowly constrained by it. We cannot talk about the make-up of the Senate in this debate.

Mr. Peter Bottomley (Worthing, West): On a point of order, Mr. Martin. Your remarks are helpful, but will you confirm that clause 1 provides for the removal of a disqualification, whereas clause 3 provides for the removal of a qualification, and that there is, in some sense, a difference between the two, even though they appear to be the reverse of each other? Although the clauses are different, the arguments are not identical, and it is relevant to note the distinction between the two clauses.

The First Deputy Chairman): It is not my obligation, but the Minister's, to explain the Bill to the Committee. If the Minister were to start to explain clause 1 in great detail, I would rule him out of order, because we moved on from clause 1 after having a lengthy debate on it. The right hon. Member for Bromley and Chislehurst (Mr. Forth) must speak only to clause 3. If he or any other hon. Member who intervenes during his speech strays from the confines of that narrow clause, I shall have to intervene. I do not like having to intervene, because it disrupts the flow of the right hon. Gentleman's speech.

Mr. Nicholas Winterton: Further to that point of order, Mr. Martin. You have referred to matters that should have been debated and answered during the debate on clause 1, but what if it is the view of the Committee—at least, those on the Opposition Benches—that those matters were not properly dealt with at that time? Is it not the right of the Committee to probe such matters during debate on a later clause, even though that clause is rather tightly drawn, as you have rightly pointed out?

The First Deputy Chairman: We have to keep within the narrow confines of clause 3. My remarks might be construed as implying that clause 1 offered greater opportunity and scope to debate the matters to which the hon. Gentleman refers. Therefore, in a sense, hon.

[The First Deputy Chairman]

Members have missed the boat by waiting until clause 3 stand part to raise matters that they should have raised in connection with clause 1.

Mr. Brady: On a separate point of order, Mr. Martin. You have, rightly, drawn attention to the Bill's description of the clause as consequential. However, my reading of the two clauses reveals no inconsistency between the provision removed under clause 3 and that which is proposed under clause 1. Surely, clause 3 is not strictly consequential, given that there is no need to remove it from the other legislation?

The First Deputy Chairman: I can concern myself only with clause 3. I used clause 1 as an example, but said that we had now moved on from that clause to clause 3, which is narrowly drawn. I am sure that the right hon. Member for Bromley and Chislehurst has got my point.

Mr. Forth: I have indeed, Mr. Martin—indeed, how could I fail to do so? I am a simple man and can only tell these things as I see them. It complies with your guidance to say that it struck me that there had to be a clause 3 to determine the treatment of the Irish Senate within the overall framework of the Bill. If that determination had been unnecessary, clause 3 would have been unnecessary. My view is that clause 3 is necessary because of the provision in the Northern Ireland Act 1998, which, in turn, singles out the Irish Senate, albeit for different reasons.

Mr. Peter Bottomley *rose—*

Mr. Forth: Have I upset my hon. Friend?

Mr. Bottomley: No, I am not upset; I just think that my right hon. Friend is wrong. If the Government had not proposed clause 3—we have yet to hear why they thought it essential to do so—the result would have been belt and braces, with all sorts of reasons given as to why a Member of the Senate should be able to be qualified. The question of whether Lords-Lieutenant should be able to do certain things is another matter. However, I do not believe that clause 3 is necessary—it is matter of choice. The question of why that choice was made is one that my right hon. Friend should ask. If I have misunderstood his remarks, I apologise.

Mr. Forth: My hon. Friend is, as ever, helpful, in that he has got to the point quicker than I would have done. That is, of course, a good thing, which we all want.

Sir Brian Mawhinney: On a point of order, Mr. Martin. I wonder whether you can help the Committee. Westminster Hall has now started Wednesday's business. Before the commencement of the Westminster Hall experiment, Tuesday's business in this place continued until 2.30 pm, when Wednesday's business began. Can you help us by telling us whether we are now in Tuesday's business or Wednesday's business?

The First Deputy Chairman: I can assure the right hon. Gentleman that we are in Tuesday's business. What goes on outside the Chamber has nothing to do—*[Interruption.]* Order. I would appreciate being able to answer the right hon. Gentleman. I shall then take other points of order. What goes on outside the Chamber is nothing to do with us. This is a Committee of the whole House.

Sir Brian Mawhinney: That is a helpful ruling, Mr. Martin, but will you go one step further to remove a continuing confusion that I at least have? My understanding was that Westminster Hall was but an extension of the Chamber, and that the rules setting it up in effect moved Wednesday's business from the Chamber to Westminster Hall, but did not establish a separate entity. In that sense, it is but an extension of this place. Therefore, I remain confused because Westminster Hall is on Wednesday's business and we are on Tuesday's business, though it is but an extension of us.

Several hon. Members *rose—*

The First Deputy Chairman: Order. I cannot go into the business that is taking place in Westminster Hall. I have instructions to take the business of the Committee and to be its Chairman. That is what I must do. If the right hon. Gentleman has any concerns about what is going on in Westminster Hall and feels that perhaps it is a breach of the rules of the House, he can take up the matter with the Chairman of Ways and Means. He is entitled to do that.

Mr. Peter Bottomley: On a point of order, Mr. Martin. Your advice about taking up the matter with the Chairman of Ways and Means is useful. However, I wish to raise a different matter.

We have a dilemma that we share with other parts of the House. The words that are being said in Westminster Hall will be recorded in the *Official Report*. The question is which day they will be reported under. If, for example, this debate continues and we lose Wednesday's business, there will not be a Wednesday's *Official Report*. It may be that what is said in Westminster Hall on a Wednesday will be reported on a Tuesday in the *Official Report*; or it may be that it will have to be reported on a Thursday when the House comes back.

Obviously these are not matters for you, Mr. Martin, as Chairman of the Committee. However, it might be helpful if some of these matters could be considered. Whatever decisions have to be taken during the next day or two, or this day, should not be regarded as precedents if they involve matters that should be referred to another Committee or for deeper consideration. We should understand that what is happening now is provisional and that what is happening apparently at Westminster Hall on a Wednesday might be taking place on Tuesday, Thursday or Wednesday.

The First Deputy Chairman: This is a Committee of the whole House. The best that I can say to the hon. Gentleman is that his voice and concerns have been heard. That is the best way I can put it.

Mr. Nicholas Winterton On a point of order, Mr. Martin. I think that all hon. Members on both sides of the Chamber recognise the difficulties in which you find yourself as a result of the point raised by my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney). However, I must support what he said. Westminster Hall is an extension of the Chamber.

May I press you a little further, Mr. Martin, because you are supposed to safeguard the rights of the House of Commons and the rights of Members? Could you, as Chairman of the Committee, seek to make inquiries as to whether it is in order for Westminster Hall to be sitting at this time?

The First Deputy Chairman: I have no difficulties with that. I am here to chair a Committee of the whole House. As the hon. Gentleman said, hon. Members have rights, including a right to be heard in such a Committee. Westminster Hall has its own rules and it is not for me to concern myself with what is happening there. My current duty is to chair the Committee of the whole House. If many hon. Members make points of order about Westminster Hall, we shall be in danger of departing from the Committee's business. I can say no more about Westminster Hall.

10.30 am

Mr. Bercow: On a point of order, Mr. Martin. I am sorry to trouble you, but it is important for the constitutional position to be clear, especially to new Members. My right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) said that Westminster Hall was not separate from, but was an extension of, the House. That point is underlined by a simple occurrence that we witness daily: the *Official Report* of the debates in the Chamber and in Westminster Hall are reproduced in the same volume. Does not that testify to the fact that they are one entity?

The First Deputy Chairman: All the rules and conventions for Westminster Hall have been agreed by the House. The hon. Gentleman should bear it in mind that we are now in a Committee of the whole House and we must get on with the Committee's business.

Mr. Maclean: On a point of order, Mr. Martin.

The First Deputy Chairman: I hope that it is not about Westminster Hall.

Mr. Maclean: I am afraid that it is a related point. You rightly ruled that we should take up the matter with the Chairman of Ways and Means. However, it is difficult to do that while participating in the debate in Committee. Hon. Members in Westminster Hall may also want to participate in our debate—

The First Deputy Chairman: Order. I am sorry to cut the right hon. Gentleman short, but when I told the right hon. Member for North–West Cambridgeshire to take up the matter with the Chairman of Ways and Means, I did not expect him to go to Westminster Hall, and take the Chairman from the Chair for a discussion. He and other hon. Members can arrange to meet the Chairman of Ways and Means to discuss the matter.

Mr. Robathan: On a point of order, Mr. Martin. My point is about the good standing of the House. I know that you and your colleagues—indeed, the Speaker herself—take seriously the standing of the House, which is the mother of Parliaments, and respected throughout the world. Do we not look ridiculous if we are sitting in two different places on different days, which are really the same day?

The First Deputy Chairman: That matter has been covered. The House has considered those issues.

Mr. Fabricant: On a point of order, Mr. Martin. To my surprise, the Table Office says that today is Wednesday, whereas you have ruled that it is Tuesday, regardless of events in Westminster Hall. Surely the Table Office should remain closed until Wednesday's business begins.

The First Deputy Chairman: Today is obviously Wednesday. *[Interruption.]* Order. I told the Committee that we were dealing with Tuesday's business because the sitting has been unbroken. We remain in Tuesday's sitting.

Mr. Fabricant *rose—*

Mr. William Ross *rose—*

The First Deputy Chairman: Order. I have made my ruling. We must return to the business of the Committee. Did the hon. Member for East Londonderry have a point of order?

Mr. Ross: I am not sure whether it is a point of order or a point of clarification. You told us earlier, Mr. Martin, that we were in a Committee of the whole House. However, with the best will in the world, it is impossible for the whole House to be present. Half the hon. Members are in Westminster Hall.

The First Deputy Chairman: We are in a Committee of the whole House in the sense that all hon. Members can be here if they wish. Attendance has nothing to do with the Chair. The important thing is that I am here, and so is the hon. Gentleman.

Mr. Forth: I will express my gratitude to my hon. Friend the Member for Worthing, West (Mr. Bottomley) in his absence, so that it can be reported to him and he can read it in *Hansard*. He unerringly put his finger on a point that I had not quite zeroed in on, when he pointed out the blindingly obvious. The Government are making a discretionary change that, if they had not made it, would have left the status quo ante. That simple matter leads us directly to consider a positive act by the Government in seeking to change the status in of the Irish Senate in the Bill.

You are right, Mr. Martin, to remind me that the debate is narrowly drawn. I will not explore the composition of the Irish Senate, however fascinating that may be, but I thought it legitimate to point out that the Senate's unelected composition might give it a different relationship with the Northern Ireland Assembly and House of Commons.

Mr. Bercow: My right hon. Friend seems to be embarking on an exposition that focuses on an argument between form and substance. Heeding your exhortation, Mr. Martin, that my right hon. Friend and I should not discuss the make-up of the Irish Senate but could more

[Mr. Bercow]

profitably focus on the fact that it is not the means of getting into the Irish Senate that matters but the rights and powers that somebody, once there, can exercise—

The First Deputy Chairman: Order. I will not even allow the right hon. Gentleman to answer. The right hon. Gentleman was a Minister and knows full well what I mean when I say that this is a narrow and consequential motion.

Mr. Forth: Of course I accept your guidance, Mr. Martin, but the provision does seek to change the status of the relationship of the Senate and its members. If clause 3 did not exist, that status would remain the same, as determined by the Northern Ireland Act 1998. The Government, in a positive act, decided to introduce clause 3—which overturns the 1998 Act and alters the status of the Irish Senate. I submit that the Committee is obliged to focus on that issue and ask whether it is content.

If we vote against clause 3 stand part, that would leave the requirements of the 1998 Act intact—which would in turn allow members of the Irish Senate to be members also of the Northern Ireland Assembly.

Having set the scene, and taking the hint that my mind is giving me, I will invite my right hon. and hon. Friends to debate the matter. I have not made up my mind. I have not come down on one side of the argument rather than the other.

Mr. Maclean: Will my right hon. Friend give way?

Mr. Forth: I will—but with some reluctance because my mind is mud.

Mr. Maclean: Because of the points of order, I rather lost track of the central thrust of my right hon. Friend's argument. I was hoping that before he sits down, he will, within order and without repeating himself, give a brief synopsis that I can explore in more detail.

Mr. Forth: I was trying to do that and had just about got there when my hon. Friend the Member for Worthing, West—no doubt trying to be helpful—almost threw me off track. I will try and boil it down as simply as I can for my right hon. Friend the Member for Penrith and The Border, because I know he likes it that way.

Clause 3 seeks positively to alter the status quo prevailing before the Bill, as laid down in the Northern Ireland Act 1998—which provided for disqualification.

Our decision at its simplest—although it cannot be treated too simply—is whether to accept the change in the clause. I hope that that is simple enough for my right hon. Friend the Member for Penrith and The Border, because I am unlikely to have another go at it. That is the way I see things. A lot of useful debates have led up to this focused discussion, which will allow us to consider the Senate and its relationship with other bodies. I look forward to the debate that will follow my brief introductory remarks.

Mr. Mike O'Brien: The clause is narrow and consequential. It provides for the repeal of section 36(5) of the Northern Ireland Act 1998, which allows a Member of the Irish Senate to be a Member of the Northern Ireland Assembly. [HON. MEMBERS: "Slow down."] Clause 1 has the same effect. As section 36(5) is no longer needed, we have in that sense already discussed those issues.

The First Deputy Chairman: I call Mr. Simon Hughes.

Mr. Simon Hughes *rose—*

Mr. Maclean: On a point of order, Mr. Martin. Is it in order for the Minister to jump to the Dispatch Box, gabble incoherently for 30 seconds and sit down without explaining the clause or taking interventions?

The First Deputy Chairman: What the Minister says is absolutely nothing to do with me. I am not responsible for his speech.

Mr. William Ross: On a point of order, Mr. Martin. We all have a problem: the Minister talked so fast that we do not know what he said. *[Interruption.]* I am not sure that *Hansard* will pick it up either, and civil servants will probably be sent to check his remarks. Even they might not know what he said. With great respect, I suggest that he repeats his speech.

The First Deputy Chairman: The delivery of the Minister's speech is absolutely nothing to do with the Chair.

Dr. Julian Lewis: Further to that point of order, Mr. Martin. Is not it part of the rules and procedures of the House that a Minister should at least be intelligible to other Members? Unlike him, I have been here all night. Nevertheless, my faculties are still sharp enough to enable me to distinguish one word from another, if they are distinguishable. His were not.

The First Deputy Chairman: The Chair is not responsible for whether hon. Members understand one another. That is not a matter for me.

Mr. Nicholls *rose—*

Mr. William Ross *rose—*

Mr. Bercow *rose—*

The First Deputy Chairman: Order. I hope that hon. Members do not intend to raise points of order on the Minister's speech.

Mr. Bercow: On a point of order—

The First Deputy Chairman: Order. Please sit down, Mr. Bercow. I hope that these points of order are not on the Minister's speech because we have had a series of them about that.

Mr. Nicholls: On a point of order, Mr. Martin. As you have so rightly said on so many occasions, hon. Members have to take responsibility for what they say, but I did not hear what the Minister said and neither did my

hon. Friends. You must have heard what he said, otherwise you would be as angry as we are. Can you tell us what he said, because clearly he cannot?

The First Deputy Chairman: That is not a matter for the Chair.

Mr. Bercow: On a point of order, Mr. Martin.

The First Deputy Chairman: Order. Listening to these points of order is becoming tiresome. I hope that this one is not on the Minister's speech.

Mr. Bercow: My point of order is not to do with understanding the Minister; it is quite different and separate.

The First Deputy Chairman: I have made my case on the Minister's contribution. You must resume your seat, Mr. Bercow. I call Mr. Simon Hughes.

Sir Brian Mawhinney: On a point of order, Mr. Martin.

The First Deputy Chairman: Order. I say to the right hon. Gentleman that I have a responsibility to allow the Committee to flow properly.

Sir Brian Mawhinney: On a point of order, Mr. Martin. In response to an earlier point of order, when I sought your guidance, you invited me to take advice from the Chairman of Ways and Means about the fact that we are on Tuesday's business and the extension of the Chamber—Westminster Hall—is on Wednesday's business. I believe that I can accurately reflect the remarks of the Chairman of Ways and Means. He said that this situation is not covered in Standing Orders, that it would be in the spirit of the Westminster Hall experiment to continue, albeit on different days, and that no doubt the Modernisation Committee would wish to review the matter in the context of the overall experiment.

Having reported back on doing what you suggested I should do, Mr. Martin, I wish to raise the following point of order. Given that this matter is not covered by Standing Orders, is the Chair content that it has all the powers necessary for the proper conduct of this business, in view of the ambiguity that has arisen?

The First Deputy Chairman: I am not responsible for Westminster Hall; I am responsible for this Committee of the whole House. If the right hon. Gentleman has any problem about Westminster Hall, this is not the time and place to raise it. I have devoted some 20 minutes to the question of Westminster Hall. I really cannot take any more points of order about it.

10.45 am

Mr. Simon Hughes: Mr. Martin, at last! Good morning. I imagine that even that early contribution may be controversial.

Points of order have been perfectly properly raised about the links between here and Westminster Hall. We are now into a debate that the right hon. Member for Bromley and Chislehurst (Mr. Forth) introduced on whether people in the Irish Senate could also be Members of the Northern Ireland Assembly. I have to reflect that the one question that still remains unanswered in all this is why these sorts of issues—in what is, by any definition, a relatively modest Bill—should have taken—

Mr. William Ross *rose—*

Mr. Hughes: I say to the hon. Gentleman that it is a modest but important Bill, as I indeed said on Second Reading. We wonder why it should have detained the House on Monday and the Committee for a very large part of Tuesday and for another period, either Tuesday or Wednesday, which is a matter yet to be resolved.

Mr. Ross: This allegedly modest Bill has vast consequences. That is why we have been here since 4 o'clock yesterday afternoon. That is why we were here until 7 o'clock the night before. We have been on a very restricted timetable. Will the hon. Gentleman please remember that that which appears modest is in fact most immodest?

The First Deputy Chairman: Order. I will not tolerate such behaviour. Perhaps I was distracted because I was speaking to another hon. Gentleman. I do not want to hear any comments about the Bill in its entirety. We are speaking about a very narrow matter.

Mr. Hughes: Having also laboured through Monday and Tuesday, and whatever it is now, I certainly do not intend to go over what is already on the record, such as my contribution on Monday, when I said what sort of Bill it is.

We have a clear position—which we addressed on Monday—which relates specifically to the clause, namely, that it is right that Members of the Irish Senate should be able to be Members of the Northern Ireland Assembly. It is one of the anomalies that we have inherited and has been the position for quite some time. As Ministers and colleagues have said, there have been Members of this House who have been Members of the Senate of the Irish Parliament. Indeed, the law was changed some 10 years ago to accommodate that fact.

The second point is that it was clearly illogical to have legislation—why it should come up to be debated now is a separate question—that said that if one was in the Irish Senate one could be in the Northern Ireland Assembly, but if one was in the other House of the Irish Parliament one could not. Therefore, it was perfectly proper that a Bill should come before us addressing both issues, and this Bill, in fairness to the Government, does address both. It retains the right of a Senate Member to be in the Northern Ireland Assembly and it adds the right of a Member of the Dail to be in that Assembly.

Mr. Brady: Whether correct or not, surely there is an argument that there is a distinction, in that a Member of the Senate does not have all of the constituency responsibilities that a Member of the Dail may have, and therefore the effect in terms of conflict of interest and conflict in the daily workload of a Member might be very different.

Mr. Hughes: The hon. Gentleman is half right. As we learned from a mini-seminar earlier, certain Members of

[Mr. Hughes]

the Senate are elected—those who come from the university electorate in Ireland—and there are certain Members of this Parliament who are not elected, not at this end of the building but at the other end. In that sense, both Parliaments have unelected and elected Members; both Parliaments contain Members with constituents and Members without them. Therefore—if the hon. Gentleman is making a Westminster Parliament point in comparison to a Dublin Parliament point—there is no logical reason for there not to be a parallel view on whether people can be members of both legislatures. Clause 3, however, does not deal with that point. It deals only with the Northern Ireland Assembly and the Dail point, which is different.

Mr. Brady: Nevertheless, it is not anomalous, as the hon. Gentleman suggests, that the legislation as it stands should remain. Is he arguing that, merely because some members of the Irish Senate have been elected, they have a responsibility to represent their constituents as Members of this House have a responsibility, or is it simply that they are selected to be Members of the Assembly by virtue of an election, but then sit there without a responsibility to represent people?

Mr. Hughes: I will no go far down that road, but I will say that before the hon. Gentleman was born—indeed, before I was born—the House contained people who had been elected to represent university seats, as the Irish Parliament still does. That was the last unusual way in which the franchise was altered for the purposes of this place. In this instance, however, I think that we should focus on the narrower question of whether it is right to have legislation that enables Members of the Senate also to be Members of the Northern Ireland Assembly.

By passing clause 1, we have already said that Members of the Northern Ireland Assembly and Members of the United Kingdom Parliament should not be disqualified from membership of the Irish Parliament. It follows from that that clause 3 is logical: without it, the same provision exists in two separate Acts, which is surely a nonsense.

Mr. Nicholls: I do not want to misrepresent the hon. Gentleman, at least on this occasion, but does he really feel that he is on safe ground in praying in aid the university example that used to exist in this country? Even in the case of those with a dual franchise, members of the legislature had sworn allegiance to the same head of state. Will the hon. Gentleman turn his mind to the unanswerable conflict that must permeate this and every other debate on the Bill? We are talking about people swearing allegiance to two different heads of state, and that is why the whole Bill fails.

Mr. Hughes *rose—*

The First Deputy Chairman: Order. I hope that the hon. Gentleman will not reply to that point because it goes wide of the clause that we are discussing. So far, the hon. Gentleman has remained in order and I would not like him to stray as a result of that intervention.

Mr. Hughes: Let me say gently to the hon. Member for Teignbridge (Mr. Nicholls) that, had he laboured as long on the Committee as some of us, he would know that we have already been around that course—as you rightly pointed out, Mr. Martin.

Mr. Swayne: Will the hon. Gentleman give way?

Mr. Hughes: I will give way for the last time.

Mr. Swayne: The hon. Gentleman says that it is anomalous for the same provision to be made in more than one statute. I suggest that that is not unreasonable, and I shall give just one example. The Protestant succession is enshrined in no fewer than six Acts of Parliament that would have to be repealed were a change to be made.

Mr. Hughes: I did not know that, but I am willing to take it as read for the time being. Perhaps the Government will come up with another little constitutional four-clauser to deal with the Act of Succession, and that will be proposed as a modest amendment to the Bill. Once we have looked at it we may discover, as the hon. Member for East Londonderry (Mr. Ross) has suggested, that it is not such a modest amendment after all.

Mr. Maclean: Will the hon. Gentleman give way?

Mr. Hughes: Only as an absolute exception, because the right hon. Gentleman is a right hon. Gentleman.

Mr. Maclean: I am grateful to the hon. Gentleman. This is one of the few occasions in this Parliament on which Her Majesty's Privy Councillorship has come in handy.

Does the hon. Gentleman believe that clause 3 is redundant, in that it replicates a provision that already exists in clause 1? Does he wish it to be removed because it is redundant, or does he believe that it is incompatible with other provisions? I could accept the removal of clause 3 if it were inconsistent or contradictory. Why does he think it necessary to remove it if it is compatible, but merely redundant?

Mr. Hughes: The answer is that clause 1 does not deal with section 35 of the Northern Ireland Act 1998. In fact, it deals only with two other Acts—

Mr. Robathan: On a point of order, Mr. Martin. Clause 3 deals with section 36(5), not section 35. It is important to get that right.

The First Deputy Chairman: That is not a point of order, it is a point of debate.

Mr. Hughes: It was not a point of order, but I stand corrected. Section 36(5) is repealed by clause 3 and is not dealt with in clause 1, which deals only with the two disqualification Acts. Although it deals with the same Act—the 1998 Act—clause 2 does not deal with that

provision. However, amending the disqualification Acts means that we do not need the Northern Ireland Act provision.

The three lines reveal that the Government have no coherent constitutional agenda.

Mr. Maclean: That is just like the Liberal Democrats.

Mr. Hughes: It is absolutely not like the Liberal Democrats.

If the Government bring before Parliament a Bill to change the constitutional position of Members of the Senate and Northern Ireland Assembly, and have to come back to the House less than two years later to look at the legislation again, that suggests that it was not a thought-through, planned element of the constitutional jigsaw.

Mr. William Ross: Will the hon. Gentleman give way?

Mr. Hughes: Not for the minute.

The complaint that I made on Second Reading applies specifically to the clause—namely, it is here because the Government self-evidently have come belatedly, and for no reason yet given, to get us to amend the constitution—which may be logical in itself, but would more logically have been done by looking at the same time at Northern Ireland and its relationship with the other four parts of the United Kingdom and with Ireland. We should do it all together. We are not doing so. It does not help constitutional logic and order to come back time after time, taking one bit of constitutional change at a time. I hope that the Government have more coherence in future.

Mr. Winnick: On a point of order, Mr. Martin. I have been here all night. My commiserations go to you and to your colleagues. I do not need any lectures from Opposition Members.

The point of order that I want to raise is simple. On a number of occasions, Madam Speaker has expressed concern about how the public view the House. I wonder how people will view the House when they see how the debate has been prolonged. It is an important Bill—I do not deny that for one moment—but it need not have gone all through the night and still continue now. It does the House no service for the public to see a Tory-organised filibuster, which brings discredit on the House.

The First Deputy Chairman: That is not a point of order.

Mr. MacKay: Further to that point of order, Mr. Martin.

The First Deputy Chairman: Perhaps the right hon. Gentleman missed what I said. It was not a point of order.

Several hon. Members *rose—*

The First Deputy Chairman: Order. I call Mr. Ross.

Mr. William Ross: The hon. Member for Walsall, North (Mr. Winnick) said—

The First Deputy Chairman: Order. Does the hon. Gentleman want to contribute to the debate?

Mr. Ross: I want to raise a point of order, Mr. Martin.

The First Deputy Chairman: The hon. Gentleman may continue.

Mr. Ross: The hon. Member for Walsall, North (Mr. Winnick) said that it was a Tory-organised filibuster. This Bench is occupied not by Tories or Conservatives, but Ulster Unionists.

The First Deputy Chairman: I have just stated that it was not a point of order.

Mr. Thompson: I welcome the debate on clause 3. However, it is unfortunate that it is the third clause in the Bill. It would have been better if it had been the first and that the Bill contained no other clauses. If that had happened, this Bill would have been a proper Disqualifications Bill.

11 am

The clause would repeal section 36(5) of the Northern Ireland Act 1998. As the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) said, the fact that, two years after passage of that legislation, the Government are seeking to repeal section 36(5) is a reflection on their planning. The provision was included in the 1998 Act to deal with an anomaly.

Mr. William Ross: My hon. Friend, like the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), is saying that two years have elapsed since passage of the 1998 Act, but that is incorrect. The Act received Royal Assent on 19 November 1998. Therefore, within 13 months Ministers had already started the process of amending the Act.

Mr. Thompson: I thank my hon. Friend for his very useful intervention. The time elapsed has, therefore, been only one and a half years.

The provision was intended to deal with an anomaly. One might therefore ask what abuse it was supposed to deal with and what was happening that required its introduction. It was introduced because the hon. Member for Newry and Armagh (Mr. Mallon) had been appointed to the Senate, but subsequently discovered that he would have to resign from it to become a Northern Ireland Assembly Member. The provision was therefore included in the 1998 Bill to facilitate the minority in Northern Ireland and to ensure that, in future, other hon. Members could be so appointed.

The issue arises because the Republic of Ireland still claims that Northern Ireland is part of its jurisdiction. Therefore, the Republic exercised what it considered to

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be its right to appoint people from Northern Ireland to its Senate—to give the impression, of course, that it is an all-Ireland Government.

Mr. Fabricant: We all realise that the Republic of Ireland's constitution has been changed and that it now makes no claim on the territory of Northern Ireland. Is the hon. Gentleman saying that it is still claiming jurisdiction, but not territory?

The First Deputy Chairman: Order. The hon. Gentleman's intervention is really going well beyond the scope of clause 3. I also remind the hon. Member for West Tyrone (Mr. Thompson)—he was in the Chamber when I made the initial ruling—that we cannot get into the detail of the Senate, how it is elected and why the legislation was introduced. Not only was the substance of clause 3 debated in clause 1, but it is a consequential repeal. The clause's substance is therefore very narrow indeed.

Mr. Thompson: I listened to your ruling on the matter, Mr. Martin, and I am conscious that I have to walk a very narrow and straight path. Many of us, however, have found it difficult to keep to the straight and narrow.

The Government, by introducing this Bill and including in it more than one clause, are increasing the anomalies and creating one even greater anomaly. I therefore believe that, in passing the Bill, rather than making the situation better, we shall be making it worse.

The provision's inclusion in the 1998 Act was an act of appeasement by Ministers. This Bill, however, is an even greater act of appeasement.

The First Deputy Chairman: Order. I do not like to interrupt the hon. Gentleman, but he cannot talk about the Bill in its entirety. Has he now finished?

Mr. Thompson: I have, Mr. Martin.

Mr. MacKay: I rise to say a few brief words about clause 3. You have ruled, Mr. Martin—and rightly—that the clause is closely related to clause 1. Some would say that it is consequential to what we have decided in that clause. However, the clause would repeal section 36(5) of the Northern Ireland Act 1998, so it is worth pausing this morning—unless this morning turns out to be this evening, Mr. Martin, according to your ruling—to look at what that section did.

The hon. Member for Newry and Armagh (Mr. Mallon) is a politician for whom I have the highest regard. The Under-Secretary of State for Northern Ireland and I have, rightly, commended the First Minister on a number of occasions in our deliberations, and it would be wrong of me not to take this opportunity to state that we hold the Deputy First Minister in equally high regard. I see that the Under-Secretary is nodding his agreement with that. Together, the First Minister and the Deputy First Minister are taking the Executive forward. We hope and pray that a real start will be made to decommissioning in the few days left of this month, and that they can continue their work.

However, the hon. Member for Newry and Armagh sat in the Senate of the Irish Republic. After being elected to an earlier Northern Ireland Assembly, he was subsequently debarred. At the time, hon. Members of all parties considered that to be a great pity. It would have been a great shame if his excellent work in the current Assembly and the Executive had not continued.

We have nothing but the highest regard for the hon. Gentleman, but we should judge not an individual, but the rights and wrongs of whether a Member of the Irish Senate should also sit in the Northern Ireland Assembly. I seem to recall that you, Mr. Martin, were involved, as was I, in the progress through the House of the 1998 Act. The circumstances then were not dissimilar to those that obtain now. We were rushing the legislation through, and we were right to do so. That piece of emergency legislation was an essential part of the Belfast agreement process. It has worked most satisfactorily, and only last month spawned the Executive. We all hope that that will remain in being, although that depends on the paramilitaries fulfilling their part of the bargain and starting decommissioning.

The First Deputy Chairman: Order. The right hon. Gentleman is going wide of what I have already stated is a very narrow clause.

Mr. MacKay: As always, I am obliged to you, Mr. Martin. I was making a passing reference to the establishment of the Assembly as a means of making the point that section 36(5) was ill-thought-out by the House. I make no special complaint about that, as I know that the legislation was being rushed through at the time.

If I may say so, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) succinctly made the point that it is anomalous to allow someone from the Irish Senate to sit in the Northern Ireland Assembly but not in the other part of the Dail which, as he rightly said, is the fully elected part of the Dail. Either everyone should be allowed to sit, or no one.

The Under-Secretary of State for the Home Department and I have clashed in the nicest possible way about speedy legislation. That illustrates that even with the best will in the world, when it is necessary to have speedy legislation—*[Interruption.]* The hon. Member for Ellesmere Port and Neston (Mr. Miller) questions, from a sedentary position, whether this is speedy legislation. Without trespassing on your ruling, Mr. Martin, I feel that I must respond to the hon. Gentleman, who is now shaking his head as well. Yes, it is speedy—it is not normal to have a Second Reading followed the next day by the Committee stage, Report and possibly even Third Reading. It is normal to leave at least a week in between those stages of a Bill so that we can consider the amendments that have been tabled and the contributions made on Second Reading. That, if I may say so to the hon. Member for Ellesmere Port and Neston, who has not been in his place for most of the debate—

Mr. Andrew Miller (Ellesmere Port and Neston): Nor have Conservative Members.

Mr. MacKay: The hon. Gentleman says that nor have most of my hon. Friends, but they are not intervening from a sedentary position. If they did, I would make the

same point to them, because I believe that my criticism should always be even-handed, and I know that the hon. Member for Ellesmere Port and Neston would want nothing less.

I apologise, Mr. Martin, because the hon. Gentleman distracted me, and I fear that I am moving wide of the amendment.

Mr. Bercow: You, Mr. Martin, have already advised us that clause 3 is tightly drawn and that we should focus our debate exclusively on it. My right hon. Friend will recall that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth)—when he, rather briefly, set the scene for the debate—explained that he had not yet decided whether to endorse the clause. My right hon. Friend the Member for Bracknell (Mr. MacKay) first entered the House in 1977; he is a very experienced parliamentarian. I wonder whether he could explain the merits or otherwise—

The First Deputy Chairman: Order. Mr. MacKay.

Mr. MacKay: If my hon. Friend is patient for just a moment, he will have the answer. My precise and straightforward reason for rising is to comment on the clause. I shall not be tempted to do so in detail, because I sense that you wish the Committee to proceed, Mr. Martin. I see the hon. Member for Bradford, South (Mr. Sutcliffe) nodding, and I agree with him entirely. In an act of bipartisan conciliation, Whips and ex-Whips like to stick together.

I want to return to the point that I was making to the Under-Secretary of State for the Home Department. Our disagreement is over the speed of the Bill; the biggest disagreement is that we believe that rushing legislation by having a Committee stage straight after Second Reading results in bad legislation. Clause 3 repeals section 36(5) of the Northern Ireland Act 1998. I submit to the Under-Secretary that that measure was rushed, for understandable reasons, and we now have to repeal it. As the hon. Member for Southwark, North and Bermondsey clearly said in his helpful contribution, it was an anomalous piece of legislation. I ask the Under-Secretary to reflect on that when he replies to the debate.

Mr. Mike O'Brien: I am grateful to the right hon. Gentleman for allowing me to intervene. He has rightly said that the clause is a narrow and consequential one which merely removes section 36(5) from the 1998 Act. It has, essentially, the same effect as clause 1. We have had a prolonged debate on the clause, and we have spent about 18 hours, if not more, debating the Bill. Therefore, the right hon. Gentleman's claim that the Bill is being rushed through is increasingly untenable.

11.15 am

Mr. MacKay: I am not sure whether I can respond to much of the Minister's intervention; I suspect that I would be largely out of order if I did so. As you did not rule the Minister out of order, Mr. Martin, I am put in a difficult position, so perhaps I might trespass briefly in responding to him. Otherwise, his comments will be included in *Hansard*—

The First Deputy Chairman: Order. Perhaps I can help the right hon. Gentleman. The Minister was out of order in straying from the clause—*[Interruption.]* The First Deputy Chairman has been working such long hours that he is a little slower than he was last night. My ruling is that the right hon. Gentleman does not need to respond to the Minister because the Minister was out of order.

Mr. MacKay: I am grateful, Mr. Martin. As someone who has also been involved throughout the Committee's proceedings, I am sympathetic. All of us are slowing up; it is taking me longer than I want to reach my conclusion.

Mr. Crispin Blunt (Reigate): Does my right hon. Friend agree that it is a pity that the Minister is audible when he is out of order, but inaudible when he is in order?

Mr. MacKay: I like to think that I have a good relationship with the Minister, so it would be wrong for me to respond to my hon. Friend. It would be for the House and for you, Mr. Martin, to judge whether his observations are accurate. It would be wrong for me to comment.

Mr. William Ross: The right hon. Gentleman will have noted that the First Deputy Chairman said that he was a bit slow. That means that he is tired. At one time, there used to be only one Speaker, who had to sit in the Chair—without food—for hours. That was a cruel way to do business. I think that we are being cruel to the present occupants of the Chair. Would it not be a good idea if the business of the House were suspended for about an hour, to give them a rest?

The First Deputy Chairman: Order. That is not a matter for debate.

Mr. MacKay: You pre-empted me, Mr. Martin. I was about to say that I did not think it was a matter for me—it is a matter for you. The hon. Member for East Londonderry (Mr. Ross), who first entered the House in—

Mr. Ross: On a point of order, Mr. Martin. You ruled that my earlier remarks were not a matter for debate. However, I am concerned for your welfare. Perhaps you should reconsider my suggestion and suspend the sitting so that you can have a rest and a cup of tea.

The First Deputy Chairman: I am touched by the hon. Gentleman's concern for my welfare. However, it would best be served if the Committee remained within the narrow confines of clause 3.

Mr. MacKay: I am obliged to you, Mr. Martin. As you will have noted, I am desperately trying to conform to your ruling.

The crux of the point that I have been making is that section 36(5) of the Northern Ireland Act 1998, the repeal of which I am minded to support, was part of rushed legislation. A genuine misunderstanding has arisen,

[Mr. MacKay]

because if you are somewhat tired, Mr. Martin, the Under-Secretary must also be tired. He has been sitting on the Treasury Bench for about 15 or 16 hours—

Mr. Mike O'Brien *rose—*

Mr. MacKay: May I complete my point? I want to give way to the Minister, but I have been interrupted so often—*[Interruption.]* May I have some protection in order to complete the point?

There is a misunderstanding. The rushing of a Bill does not refer to the number of hours allocated for its debate; it refers to the time for reflection that is allowed between Second Reading and Committee.

The First Deputy Chairman: Order. The right hon. Gentleman is definitely straying away from the confines of clause 3.

Mr. MacKay: I wholly accept your comments, Mr. Martin. There was a misunderstanding that I needed to rectify, but I shall now give way to the Minister.

Mr. O'Brien: I am grateful to the right hon. Gentleman for allowing me to intervene. He has expressed his support for clause 3, which is consequential on clause 1. Does he also support clause 1?

Mr. MacKay *rose—*

The First Deputy Chairman: Order. The right hon. Gentleman does not need to indicate any support for clause 1. We have passed clause 1; that is done and dusted. We are now on clause 3.

Mr. MacKay: I am obliged, Mr. Martin, because I thought that we were on clause 3 and I thought that we had voted on clause 1—which would have given the Under-Secretary an answer. I want to help the Under-Secretary. I suspect that, at this very late hour of Tuesday—I believe that it has been ruled that we are still on Tuesday; it would be an early hour of Wednesday if we were in Westminster Hall—the Minister is trying to tease out of me why I voted against clause 1 yet am minded to support clause 3. He is probably about to say that there is a lack of logic.

It is very important that I put the record straight, because I would not want the Under-Secretary to think that there is a lack of logic, and I certainly would not wish it to be recorded in *Hansard*. My right hon. and hon. Friends voted against clause 1 because each of the essential amendments to the clause was ignored, with uncharacteristic arrogance, by the Under-Secretary and his counterpart at the Northern Ireland Office. I hope that I have put the record straight. Unless the Under-Secretary wants to intervene, I shall move on.

Mr. Brady: I do not believe that this is truly a consequential clause. Because the two are not exclusive, it is perfectly possible for the relevant clause of the Northern Ireland Act 1998 to sit alongside the new legislation that the Government are trying to put in place. You acquiesced in that point, Mr. Martin. Therefore, it is surely spurious to argue that we cannot take a different view on each measure.

Mr. MacKay: I am grateful to my hon. Friend. I want to be fair to the Under-Secretary because it is a very late hour in the debate and I may have been slightly careless and unfair by inferring what he was about to say, not relating what he had said. My hon. Friend makes a particularly good point because we lost the vote and, sadly, clause 1 was ordered to stand part of the Bill. Therefore, as we have clause 1—unamended, which we believe to be a grave mistake—there seems to be some merit in having clause 3.

Mr. Maclean: Will my right hon. Friend give way?

Mr. MacKay: Just a moment. I owe it to my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) to answer him fully. This clause is consequential. As we have clause 1, with all its warts—there are real warts because our amendments were not accepted—there is some merit in including clause 3 in the Bill as well, largely for the reasons that I have outlined.

Mr. Bercow *rose—*

Mr. Brady *rose—*

Mr. Maclean *rose—*

Mr. MacKay: I give way again to my hon. Friend the Member for Altrincham and Sale, West.

Mr. Brady: I may be prepared to concede, as my right hon. Friend argues so cogently, that this clause is consequential in the technical sense, but will he at least confirm that it is not necessary and that we could easily pass the Bill into United Kingdom law without it?

Mr. MacKay: I do not want to be drawn too far on that, because although I believe that the matter is in order I am not necessarily qualified to answer. I am not a parliamentary draftsman. However, if I was being asked my opinion—which I believe I was—I would say that the clause was probably unnecessary and that the Bill could have had at least one fewer clause, in which case we could have made more progress.

Mr. Nicholls: I am grateful to my right hon. Friend for offering an opinion as to whether the clause might be necessary, but will he concede that the person who is being paid to tell us whether it is necessary is the Under-Secretary, who, despite drawing a not inconsiderable salary, gabbled his way through what should have been a justification, so that we still have not heard the Government's justification in an audible way that is also in order?

Mr. MacKay: I do not want to pursue my hon. Friend's point, as that is a matter for others to decide. However, he makes an important point when he says that some people are paid to know the answers while others are not. Members of the shadow Cabinet are unpaid and receive no more than Opposition Back Benchers. The Neill committee or the Senior Salaries Review Body might

want to consider that matter. However, I will not trespass further on that point, although it is something about which I feel strongly.

Mr. Bercow: For the avoidance of doubt—and given the Opposition's commitment to legislation being as short as possible—will my right hon. Friend confirm that, in his judgment, no negative consequences would flow from a decision by the Committee to exclude clause 3 from the Bill?

Mr. MacKay: I hope that my hon. Friend will forgive me, but I am insufficiently professionally qualified to answer that. Nor do I have the financial resources, with the limited amount of Short money, to be able to be advised in the way that Ministers are.

Several hon. Members *rose—*

Mr. MacKay: I would like to answer the point that has been raised, rather than be interrupted. Unlike some hon. Members, I have not had any sleep for at least 36 hours, and I would appreciate taking one point at a time.

I should say that my hon. Friend the Member for Buckingham (Mr. Bercow) has been in the Committee throughout, and I do not wish to imply that he—unlike some hon. Members on both sides of the Committee—is a Johnny-come-lately to the Committee. My hon. Friends the Members for Buckingham, for Altrincham and Sale, West and for Blaby (Mr. Robathan)—along with my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney)—have been stalwarts throughout the debate.

I suspect that if we voted the new clause down, the Bill would be unaffected and there would be no negative consequences.

Mr. Mike O'Brien *rose—*

Mr. MacKay: The Minister, with the benefit of all his advisers and his considerable salary, wants to give us an answer.

Mr. O'Brien: I want to ensure that no hon. Members feel that they have been short-changed. Clause 3 provides for the repeal of section 36(5) of the Northern Ireland Act 1998, which merely has the effect of allowing a Member of the Irish Senate to be a Member of the Northern Ireland Assembly. Clause 1 has the same effect, so section 36(5) is no longer needed. Therefore, it is merely tidy draftsmanship to ensure that the Bill is clear.

Mr. MacKay: I am deeply grateful to the Minister for that intervention, which leads me to believe that it is safe to have the clause in the Bill. Equally, I say to my hon. Friend the Member for Buckingham that we are equally safe if we wish to remove the clause. My hon. Friend may have a dilemma as to which way to vote, but that is a decision for him. I am agnostic and relaxed about this matter.

Mr. Fabricant *rose—*

Mr. MacKay: My hon. Friend has been present throughout the Committee, so I am happy to give way to him.

Mr. Fabricant: My right hon. Friend shows characteristic generosity. He will be aware that, with all the resources available to it, even the Home Office's explanatory notes state that the clause is "no longer needed". Section 36(5) of the Northern Ireland Act 1998, which will be repealed by clause 3, is about the ability to allow a Member of the Senate only to become a Member of the Northern Ireland Assembly. What does my right hon. Friend believe was the original reason for that? Why were Senators allowed to become Members when Members of the lower House were not? We need to know that before we can make our decision on—

The First Deputy Chairman: Order. The hon. Gentleman does not need to know that.

11.30 am

Mr. MacKay: I shall not be tempted down that road, particularly as I commented on the speech of the hon. Member for Southwark, North and Bermondsey, who raised exactly the same point.

On balance, I am coming down in favour of supporting the retention of the clause. It was anomalous in the first place, as the hon. Member for Southwark, North and Bermondsey rightly pointed out, to allow a Member of the Senate, and not a Member of the elected Dail, to become a Member of the Assembly.

Mr. Maclean: Will my right hon. Friend give way?

Mr. MacKay: Certainly. I always like to give way to fellow Privy Councillors.

Mr. Maclean: I am grateful to my right hon. Friend. It is the second time this morning that being a member of the Privy Council has been of benefit to me.

I am worried that my right hon. Friend may have misguided himself. He has concluded that, because he lost his argument on clause 1, clause 3 is merely consequential and that it would be consistent to remove it. Does he think that it is essential to remove it, or does he think that it would be inconsistent with the purposes of clause 1 if it were to stay and that that would render the Bill unintelligible?

Mr. MacKay: I am at least grateful to my right hon. Friend for thinking that I have misled only myself, and not the House or other hon. Members. After all my years in the House, I would be hurt to the quick to think that a

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Privy Council colleague thought that I had misled the House and other hon. Members. I suspect that I mislead myself a lot of the time—

Mr. Tom Levitt (High Peak): That is a qualification for the right hon. Gentleman's job.

Mr. MacKay: As the hon. Gentleman says, it is almost a qualification. I am happy to agree with him.

Mr. Gray: On a point of order, Mr. Martin. I am concerned that two references have been made to the fact that privilege was given to members of the Privy Council when interventions were accepted. Am I not right in thinking that the Modernisation Committee recently ruled that no precedence should be given to members of the Privy Council?

The First Deputy Chairman: Order. I call the right hon. Member for Bracknell (Mr. MacKay).

Mr. MacKay: The hon. Member for High Peak (Mr. Levitt), who has taken an interest in the Committee in a quasi-professional capacity—he is a Parliamentary Private Secretary in the Home Office—almost suggested in a bipartisan spirit that misleading ourselves was the attribute of everyone in the House. However, I was saddened that he applied that attribute to Conservative Members only. I am sure that, on reflection, and in the spirit of the debate, he will wish to withdraw his remark.

I see no harm in the clause, but, equally, I see no harm in its removal from the Bill. I am agnostic. I started in that position and, after misleading myself several times during my speech, I remain in that position.

Sir Brian Mawhinney: On the ground that it is better to be safe than sorry, I shall declare an interest. The clause is about the Irish Senate. If my understanding is correct, I qualify to be appointed to the Irish Senate by virtue of my Belfast birth. That is not an honour that I have sought or, much less, turned down. However, under the Irish legislation that was in force when I was born, I may have an interest to declare. I say "may" because I am not clear about whether Ireland's repudiation of articles 2 and 3 of its constitution, which arose from the Belfast agreement, affects my status and my eligibility to be appointed. However, on the grounds that it is better to be safe than sorry, I draw that point to the attention of the Committee.

As my right hon. Friend the Member for Bracknell (Mr. MacKay) said, the issue we are debating arose out of the case of a real person, not a theoretical discussion. It was a matter of practical politics, because the hon. Member for Newry and Armagh (Mr. Mallon) was a member of the previous Assembly and was appointed to the Irish Senate. That fact in itself lends a degree of credence to—

The First Deputy Chairman: Order. I have said before that the substance of this matter has been debated in relation to clause 1. An argument such as that advanced by the right hon. Gentleman would have been perfectly acceptable in that context, but it is not in a debate on clause 3 stand part. Clause 3 is consequential on the Committee having approved clause 1.

Sir Brian Mawhinney: I am grateful to you, Mr. Martin. Not only do I take full note of and accept your ruling, but I offer you my assurance that I was not deliberately attempting to stray outside rulings that you and your colleagues have generously, graciously and, indeed, patiently given the Committee during the past few hours. I was trying to reassure the Committee and you that there is a matter of substance to be discussed, arising out of a real case.

It is interesting that the 1998 Act distinguished between the lower House and the Irish Senate. As the hon. Member for East Londonderry (Mr. Ross) pointed out, that matter was signed, sealed and settled 12 months ago and it has now been reopened. Were I to stray into the reasons for that reopening, you would rule me out of order, Mr. Martin, because we debated such matters—albeit unsatisfactorily—in relation to clause 1 and the amendments thereto.

Nevertheless, it is interesting that section 1(1)(e) of the 1975 Act—like my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), I happen to have a copy with me—makes no distinction between the two Houses. In the 1998 Act, which set up the Assembly, a distinction was made. It is that distinction that is addressed by clause 3, which repeals section 36(5) of the 1998 Act.

My right hon. Friend the Member for Bromley and Chislehurst helpfully directed the Committee's attention to the nature of the Irish Senate, and he compared it to the nature of the Dail and of the House of Commons. So as not to stray from your guidance, Mr. Martin, I shall rest my case on the erudite and convincing arguments that my right hon. Friend advanced at that time. The Committee is being invited to assume that it is acceptable for Members of the Irish Senate to have an involvement in our elected affairs, even though some of them may not have previous elected experience.

The clause refers to the Northern Ireland Act 1998, which in turn refers to the House of Commons Disqualification Act 1975. I remind the Committee of section 1(1), which states:

"Subject to the provisions of this Act, a person is disqualified for membership of the House of Commons who for the time being"—

I move on to paragraph (e)—

"is a member of the legislature of any country or territory outside the"—

The First Deputy Chairman: Order. I am sorry to interrupt the right hon. Gentleman again, but we debated

the matter that he is raising under clause 1. As I have said, clause 3 is narrow. All these matters have been debated under clause 1 and we cannot go over them again.

Sir Brian Mawhinney: I am extremely grateful to you, Mr. Martin. Actually, I was not going to debate the matter.

The First Deputy Chairman: Order. The right hon. Gentleman may not intend to debate it, but this is a matter of words. To make mention of the issue would bring him outwith the rules.

Sir Brian Mawhinney: I apologise, Mr. Martin. I want to stay inside the loop. Outside it is not where I wish to be, not least because that is a place of less influence than inside it—that is, unless the loop is round one's neck.

Clause 3 refers specifically to section 36(5) of the Northern Ireland Act. The first part of the section refers to the Northern Ireland Disqualification Act 1975. That is how I reached that piece of legislation. It refers to countries outside the Commonwealth. Were I to suggest that by clause 3 the Government were signalling their antipathy to the burgeoning debate about whether Ireland should or should not rejoin the Commonwealth, you, Mr. Martin, would rule me out of order, so I shall not do so—except to make the point that the thought occurred to me. As we have had difficulty—nay, I say charitably that it has been an impossibility—trying to ascertain what the clause is all about and what the Government are seeking to achieve from it, you will understand, Mr. Martin, that various interpretations have occurred to the Committee, even if it has not been possible to pursue them because of the rules of order, which I welcome and entirely accept.

Mr. Fabricant: My right hon. Friend has pointed to the connection between the two Acts that are referred to in the Bill. He has correctly identified the change that took place in the Northern Ireland Act 1998, which a year later we are repealing. What is it that necessitated the inclusion of the Irish Senate in the 1998 Act, which was not referred to previously and which we now see—

The First Deputy Chairman: Order. We cannot debate that matter.

Mr. Bercow: But we would like an answer.

Sir Brian Mawhinney: I agree with my hon. Friend the Member for Lichfield (Mr. Fabricant) and with my hon. Friend the Member for Macclesfield (Mr. Winterton), who interjected from a sedentary position. We cannot debate the matter but we would like an answer. When the Minister replies, he might be tempted to respond to the concern that both my hon. Friends have expressed.

11.45 am

We come to the question of why the clause is necessary. There is a prima facie case. The Government have tried to direct us along their road by including, in small type, in the margins of the Bill, the words "Consequential repeal". It is not the first rule of opposition to believe what the Government tell them to believe. If it were, there would be no Committee stage; we would simply nod legislation through on the inaudible say of the Under-Secretary.

The Government believe that clause 3 is simply consequential.

Mr. Brady: My right hon. Friend contradicts himself a little. First, he claimed that the Government said that the amendment was consequential. He now claims to know what the Government think. There is a major difference between what the Government think and what they say. Our debates have clearly revealed that they do not say what they think.

Sir Brian Mawhinney: My hon. Friend's preamble almost upset me. Like my right hon. Friend the Member for Bracknell, it would grieve me if my hon. Friends thought that I was misleading them or myself. However, I understand the point that my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) made. Today of all days—no, today is still Tuesday—but when we reach Wednesday, my local paper will reflect my hon. Friend's point. The Government say one thing and do another.

Whatever the Government believe, they want us to believe that clause 3 is simply a consequential repeal.

Mr. William Ross: Does the right hon. Gentleman realise that another anomaly has arisen about the day? It is Tuesday in the Chamber, but Wednesday in the Table Office.

The First Deputy Chairman: Order. The right hon. Gentleman will not want to comment on that, because he is considering clause 3.

Sir Brian Mawhinney: My self-discipline and anxiety to remain inside the Chair's loop is such that I would not have responded to my hon. Friend's valid point.

Mr. Bercow: My right hon. Friend's contention that the Government's description of clause 3 as consequential does not automatically mean that it is, is supported by clause 1. He will have noticed the wording in the margin, which states:

"Amendment of section 1(1)(e) of the Disqualification Acts."

However, on closer inspection, the clause provides for qualification in some circumstances, not disqualification.

Sir Brian Mawhinney: My hon. Friend makes an important point—

Mr. Mike O'Brien: On a point of order, Mr. Lord. The First Deputy Chairman ruled that the clause was consequential on clause 1. I am sure that you can confirm that and thus show that that is not only the Government's contention but that of the Chair.

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): Those matters can safely be left to the Chair.

Sir Brian Mawhinney: I am grateful for that ruling. I intervened earlier to try to reassure the Under-Secretary of State for Northern Ireland that our biting criticism of the Government's handling of the measure was not personal. However, given the intervention of the Under-Secretary of State for the Home Department, I shall

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not necessarily want to be so generous to him. The Chair dealt with the substantive point but I have been speaking a short time and at no point did the Chair tell me to sit down because my remarks were unacceptable or inappropriate in terms of order. When Mr. Martin drew boundaries around interventions made by my hon. Friends, the Minister heard me tell me Mr. Martin that I would not be tempted to go outside Mr. Martin's loop—precisely because I was making a determined effort to stay within the ruling of the Chair. I was addressing my remarks, all of them pertinent thus far, to clause 3.

Mr. O'Brien: Will the right hon. Gentleman give way?

Sir Brian Mawhinney: No, I will not give way.

Mr. Fabricant *rose—*

Sir Brian Mawhinney: Of course I will happily give way to my hon. Friend.

Mr. Fabricant: Would it be helpful to remind my right hon. Friend that on both occasions that the Minister intervened, Mr. Martin said that the Minister was out of the loop and out of order?

Sir Brian Mawhinney: My hon. Friend's point will be recorded in Tuesday's *Hansard* and the record will speak for itself.

Mr. O'Brien: Will the right hon. Gentleman give way now?

Sir Brian Mawhinney: Of course.

Mr. O'Brien: The right hon. Gentleman is being uncharacteristically personal. If he listened carefully to my attempted point of order, it related not to the comments of the right hon. Gentleman but to a point made by one of his right hon. Friends.

The Second Deputy Chairman: Order. Before the right hon. Gentleman responds, clause 3 does fit with clause 1, which has already been dealt with at some length. Clause 3 renders one section of the 1998 Act obsolete. It is purely and simply a tidying-up measure and should be dealt with in that way.

Mr. Bercow: On a point of order, Mr. Lord. A fog of confusion has descended on the Committee in the last few minutes as a result of the interplay of interventions and your ruling, which was intended to be helpful. Can we be clear that it is perfectly legitimate for the Committee to approve the Bill with clause 1 but to judge that it wishes to exclude clause 3? If that is not the case, what is the purpose of a clause 3 stand part debate?

The Second Deputy Chairman: Order. The hon. Gentleman has been here long enough to know that we deal with one clause at a time. The Committee has dealt with clause 1 and is now considering clause 3. I have explained the relationship between them and how tightly drawn is clause 3. I hope that all right hon. and hon. Members will heed my words.

Sir Brian Mawhinney: I am extremely grateful to you, Mr. Lord. You and Mr. Martin before you, have made it clear that clause 3 is tightly drawn. You added the observation that the clause is consequential. That is the Government's contention. We are debating, I hope while remaining in order, whether the Government's contention persuades the Committee to allow clause 3 to remain part of the Bill.

I am grateful for the Minister's intervention. I am sorry that he thinks that I was uncharacteristically brusque. I was seeking to encourage him to remain within the spirit that has pervaded the debates on this Bill since about 5.30 pm on calendar Tuesday. I take his remarks in that spirit and thank him for what I judge to be a new Labour apology.

My first point is that the clause has substance because the debate arose not from a theoretical discussion about constitutional history or propriety, but in the person of the hon. Member for Newry and Armagh (Mr. Mallon). That is a real issue, and I add my appreciation of the hon. Gentleman—with whom I have a personal friendship—to those already expressed. My second point, which has been commonly accepted on both sides of the Committee and which I believe to be in order, is that the clause refers to the 1998 Act, which, at the relevant point, refers to the 1975 Acts. Through that, we have traced to the Bill a divergence between the Irish Senate, on which it focuses, and the other House, which is elected, and the difference between the Senate and this House, which my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) so helpfully brought to the Committee's attention.

I return to my third point, which concerns whether the repeal of the clause is, as the Government would have us believe, a minor, technical measure consequential on clause 1, which we have already debated and voted on—it is part of the Bill, so I shall not stray into that territory—or whether other significance is attached to it that might persuade the Committee that it is worth retaining.

My right hon. Friend the Member for Bracknell (Mr. MacKay) said that he could see the Government's argument that the repeal is purely consequential, but asked whether it is necessary to keep the clause to maintain what the Government claim is the integrity of the Bill. I am not convinced that it is, so let us consider what would happen in the unlikely event—I grant the Minister that it would be unlikely—of their losing the vote on clause stand part. I assume that my right hon. and hon. Friends will ensure that a vote takes place.

If the clause is deleted, will the integrity of what the Government are trying to achieve be damaged? My judgment is that it will not. Clause 1—which we have debated and voted on and therefore cannot revisit—deals with the qualifications pertaining to membership of the House, but the Government have seen fit in clause 3 to draw special attention to the Irish Senate. I continue to ask myself why. Is it simply because the repeal is consequential or ought we to consider something further?

Mr. Fabricant: The Government's explanatory notes are brief and simply say:

"Section 36(5) of the Northern Ireland Act 1998 is no longer needed".

implying redundancy. To reply to my right hon. Friend's point, it may be safely assumed that if it is redundant, it does not matter whether the clause is repealed.

12 noon

Sir Brian Mawhinney: I am grateful to my hon. Friend, because he puts beautifully the idea that I have been struggling to convey to the Committee.

Our experience with this Government is that they say one thing and do another. Our experience of this Government in the context of clause 3 is that within 12 months they have changed their mind on a significant constitutional issue.

Despite our best efforts in always seeking to stay on the right side of you and your colleagues in the Chair, Mr. Lord, the Government have flatly refused to explain to us why we are now where we are. We cannot open that debate again; that is your ruling, and I accept it, so I will not try to reopen it. But this leaves my right hon. and hon. Friends with a difficulty.

In an earlier debate the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) encouraged the Minister to be open and explain what lay behind the Government's apparent volte-face in 12 months with respect to the Irish legislature, among other things. He has refused to do that. His refusal in this debate was, though clearly within order, edging towards contempt of the Committee.

Therefore, I hope, Mr. Lord, that you will understand that we might be persuaded when the Minister winds up that this is but a consequential amendment. All of us wish to make progress and get on to the meatier debates on clause 4 stand part and on the new clauses, not to mention Third Reading. So if the Minister took the advice of the hon. Member for Crewe and Nantwich, came clean with the Committee and gave us an explanation, we might accept his argument that this was a consequential repeal.

Mr. Nicholas Winterton: I am listening to my right hon. Friend with great care. He is certainly reflecting the unhappiness that I feel, because is it not right that members of Her Majesty's Opposition should seek whatever opportunity offers itself to try to find out what lies behind the Bill, its purpose? If the Government are not prepared to come clean with the Committee, despite the strictures of the Chair, has not the Committee a duty to seek every opportunity to ascertain precisely the objective and purpose of the Bill? The Government to date have not come clean with us.

Sir Brian Mawhinney: Mr. Lord, you would want me to respond to my hon. Friend by not going down the constitutional path that he has opened up, save perhaps to say that his point is valid and important, and that the matter that he raises is, frankly, impeding the Committee's understanding of clause 3 and consequently holding up our progress.

I reiterate that when the Minister winds up, he will find that I at least am willing to be persuaded that the clause is merely consequential. If he were to treat the Committee with contempt and not seek to respond to the serious points raised since his brief and unsatisfactory earlier intervention, we shall face a dilemma.

We suspect that, given the change in fundamental Government thinking between their Act of only 12 months ago and this Bill, there is more to this than meets the eye. Unless the Minister tackles that head on, I for one will want to listen to the other speeches made by my right hon. and hon. Friends and draw my own conclusion about how to vote when the matter is put to the vote.

Mr. Maclean: When I first looked at the Disqualifications Bill—an oddly named Bill, but perhaps we shall deal with that in the next clause stand part debate—and at clause 3, I looked, as one perhaps inevitably does, at the note in the margin, relating in this case to "Consequential repeal". It was tempting to assume that the clause was a tidying-up measure, consequent on some other aspect of the Bill; so I read the Bill more thoroughly. After I had read clause 1, clause 3 still did not make much sense unless I looked at precisely what it said. What it says is that it repeals section 36(5) of the Northern Ireland Act 1998.

I acquired a copy of the 1998 Act, and turned to section 36. As my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) said, that also refers to the House of Commons Disqualification Act 1975. The Act is relevant, but I do not need or wish to refer to it for the purpose of my remarks about whether we should retain clause 3.

Having skipped the clauses dealing with Lord Lieutenants and membership of the House of Commons, I came to subsection (5), which clause 3 of the Bill proposes to delete. It states:

"A person is not disqualified for membership of the Assembly by virtue of subsection (1) by reason only that he is a member of the . . . Senate of Ireland".

Mr. Robathan: Does not this narrow provision, entitled "Consequential repeal", illustrate very well the law of unforeseen consequences? The Government produced it only 15 months ago.

Mr. Maclean: My hon. Friend makes a valid point, but he has taken me 20 minutes ahead of my argument. I am grateful to the Government for allowing us to explore the issue, and for not forcing ruthless closures on such an important debate.

Clause 36(5) of the 1998 Act permitted a senator of Ireland to be a member of the Assembly. My hon. Friend asks whether this is indeed a consequential repeal, given that clause 1 of the Bill, which we have already amended, now permits members of the Irish legislature—members of the legislature of the Republic of Ireland—to be Assembly members. We must ask ourselves whether the provision is redundant because it says that members of the senate are no longer disqualified.

The Government say that the clause is merely consequential. They say that we no longer need legislation permitting members of the Irish senate to be members of the Assembly, because clause 1—which we dealt with earlier—covers all members of the legislature, which includes the lower House and the Senate. The Government may be saying, "We do not need clause 3,

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because it is already swept up in the more general terminology of the legislation." I am not sure. That is the key question with which I have been wrestling all morning while listening to the debate. I listened to my right hon. and erudite Friend the Member for Bromley and Chislehurst (Mr. Forth). It took a few minutes before he was able to encapsulate the essence of his concern. Towards the end of his excellent contribution, I thought that I was content with the Government's proposal that clause 3 should stay in the Bill and that it was merely consequential. Then I listened to the Minister, or I attempted to listen to him. He made the fatal mistake of taking a two-minute contribution and delivering it in about 20 seconds. None of us heard it. When we are dealing with an important clause, deleting legislation that the Government passed only last year and the Minister jumps to the Dispatch Box and does a 20-second gabble, I begin to smell some stinking fish.

Mr. Mike O'Brien: I have, I think, on three occasions repeated exactly the same phrases about the clause. I repeated them rather quickly because many hon. Members seemed to be taking their time unnecessarily. I then repeated them, using the same words, in two interventions. If the right hon. Gentleman had been listening on each occasion—it is important that hon. Members should listen to the debates, particularly those who have not been up all night—I am sure that he would have understood precisely what I said.

Mr. Maclean: I am sure that you, Mr. Lord, understood it precisely.

Mr. Bercow: I hope that my right hon. Friend will agree that, during our relatively brief deliberations, the Minister has fallen into the trap of arguing by advocacy, not by evidence. Does my right hon. Friend recollect that the Minister, during the whirring, washing-machine gabble of a response earlier, did nothing more than assert that clause 3 was consequential on clause 1? What he failed to do, which I was earnestly hoping he would do, was explain how the exclusion of clause 3 would have any deleterious consequence whatever.

Mr. Maclean: As usual, my hon. Friend is absolutely right in his customarily highly erudite intervention. He makes two valid points. The Minister did not explain why the clause was consequential. He merely asserted it. Well, that is the bit I heard—that it was merely consequential. He said that it followed on: if we enact clause 1, we will need clause 3. There we go. We must have it. It says so in the explanatory memorandum. In effect, he used exactly the same 20 words. He said it, so it must be the case, but there was no explanation from him as to—

Mr. David Ruffley (Bury St. Edmunds): Will my right hon. Friend give way?

Mr. Maclean: May I make the point and then I will give way to my hon. Friend.

In my limited understanding of the legislation, it seems that, if clause 3 were removed, that would keep extant in legislation section 36(5) of the Northern Ireland Act, which allows Members of the Senate to be Members of the Assembly. We would have two pieces of legislation: the 1998 Act allowing Members of the Irish Senate to be Members of the Assembly; and, if it were passed, the Disqualifications Bill, which allows members of the legislature of Ireland to be Members of the Assembly.

I cannot see anything inconsistent in that. I cannot see a potential judicial review case where learned judges will say that Parliament has passed obscure, contradictory legislation. I cannot see any Home Office lawyers advising that the House had introduced a fatal legal flaw because the new, inappropriately named Disqualifications Bill referred to the Irish legislature whereas the 1998 Act referred to the Irish Senate and they were incompatible. There would be no questions as to what to do, or calls for an amendment.

That is the question with which I wish the Minister had dealt. That is the point that arose when I studied clause 3 in detail, referred back to clause 1, which refers to the legislature, and then section 36(5) of the 1998 Act, which was passed only 12 months ago and which we are being asked to repeal.

12.15 pm

Mr. Oliver Letwin (West Dorset): My right hon. Friend is now approaching the kernel of the issue. Does he agree that, if every piece of extant legislation that is compatible with and reinforces a new piece of legislation were consequentially to be repealed by new legislation, we should have to go through the entire statute book and repeal great acres of it?

Mr. Maclean: My hon. Friend makes a valid point, specifically in relation to clause 3—which is what we are debating, as I should not wish to stray wider than the clause by giving more general examples. Nevertheless, it would be extraordinary for Government lawyers to advise Ministers that we must find every other bit of consistent legislation and repeal it.

What is vital is to repeal inconsistent legislation. If clause 3 were attempting to repeal a part of the 1998 Act that, hypothetically, deliberately disqualified a Senator of the Irish Republic, and if Ministers were leaving that on the statute book, of course there would be an inconsistency. The 1998 Act would be saying, "In no circumstances could a Senator be a Member of the Assembly", whereas the Bill would be saying that Members of the legislature can serve in the Assembly. Clearly that would be inconsistent. However, that is not the situation that we are dealing with.

We are dealing with what seems, prima facie, to be consistent and harmonious legislation. We do not need to repeal section 36(5) of the 1998 Act. I can see absolutely no necessity of repealing it. Technically and legally, it is not inconsistent with clause 1 of the Bill. Moreover, unfortunately, the Minister did not advise us otherwise. However, there is a good chance that we may receive better advice from the Under-Secretary of State for Northern Ireland.

I pay tribute to the Under-Secretary of State for Northern Ireland for the way in which he handles the Committee and the patience that he has in sitting through lengthy debates—some of which he may find tedious, although they are nevertheless important. He responds with grace and courtesy and he tries help the House.

I am certain that we should not now be having this debate, and that—having heard my right hon. and erudite Friend the Member for Bromley and Chislehurst—I would have been satisfied had we heard an explanation of the provision from the Under-Secretary of State for Northern Ireland. Even if he had read the same words—but at a decent speed—written by the Home Office, I might have been satisfied by his explanation. Unfortunately, I am not satisfied, because my concerns have been increased by the words in clause 3, by the recently passed words in the 1998 Act, and by the way in which the Under-Secretary of State for the Home Department handled the matter.

We must therefore ask ourselves why, if section 36(5) is not inconsistent with clause 3, the Government wish to repeal the section? Is there something deeper to the matter? What message do Ministers wish to send by repealing a non-inconsistent clause dealing with Irish Senators and replacing it with clause 3, which deals with Members of the legislature—who could, of course, be Members of either the upper or lower House? Are the Government trying to send a signal on the type of people whom they should like to be elected in future? Are they making an arm's-length judgment that they do not really want senators?

Mr. Ruffley: My right hon. Friend is developing an exceedingly powerful argument. May I draw his attention to the Minister's comments, on Second Reading, in which he refers to section 36(5) of the 1988 Act? Before explaining the need to repeal the section, he states that Members of both Houses of the Irish Parliament cannot become Members of this Parliament. However, he then states:

"Section 36(5) of the 1998 Act was the unique exception: that provision can now be repealed by clause 3. The Bill does not single out Northern Ireland for special treatment".—[*Official Report*, 24 January 2000; Vol. 343, c. 27.]

My right hon. Friend has argued that a message of some description was being passed, and I believe that it was contained in the Minister's next phrase, when he said—

The Second Deputy Chairman: Order. The hon. Gentleman has made enough of that point in a very long intervention.

Mr. Maclean: I think that my hon. Friend was coming to the nub of a very complex argument, although I accept that you, Mr. Lord, must keep the Committee in order.

I cannot accept the words in the margin of the Bill, nor the Government's garbled explanation that clause 3 is no more than a consequential repeal. We have not heard the Government's argument, but it might be that, if clause 1 deals with the legislature of the Irish Republic, specific reference to the Senate is not needed.

The Government could have chosen a different route. They could have retained a reference to the Senate and added the words "of the Dail" to the existing wording in section 3 of the 1998 Act. However, I cannot explore that fully without straying out of order.

I believe that the Government's decision to omit either reference must mean something. I doubt that the House will ever know what sort of cosy agreement they have reached with the Irish Government, but it seems that the people from the southern Irish legislature who they want to stand for election, or to serve in both Dail and Senate, or to come and serve here, are Members of the Dail. The Government must have spotted how awful it would be if Members of this House—elected, responsible to constituents, and who take an Oath of Allegiance to Queen and country—had to sit next to people appointed by the five old-boy networks that, with the university seats and some others, provide the membership of the Irish Senate.

The possibility exists that most of the members of the Irish legislature who come to this House could be Senators, and not come from the Dail. Members of the Dail might be too busy with their constituents to participate in the Parliament of another sovereign nation. On the other hand, the Senate is composed of the products of the five appointed, specific interest groups. Senators have a lot of time on their hands and may regard themselves as the ideal candidates to get a proper job here and work alongside elected Members.

Have the Government received any advice from the Government of the Republic of Ireland about permitting Members of either House of the Irish Parliament to stand for election to this House, or to the Northern Ireland Assembly? Senators are more likely than Members of the Dail to be interested in doing that. The Government may be trying to ensure that any Members of the Irish Parliament who end up on these green Benches making legislation for the United Kingdom are members of that lower House. They have greater respectability, because they at least have been elected to a Parliament. That is why the Government want to use clause 3 to repeal section 36(5) of the Northern Ireland Act 1998. They wish to delete the part of an Act that they passed only 12 months ago which refers to the Senate.

Mr. Swayne: Is that my right hon. Friend's estimate of what the Minister was telling us, at lightning, breakneck speed?

Mr. Maclean: We do not know—we just do not know. I am sure that with the leave of the House, the Under-Secretary of State for Northern Ireland, for whom I have the highest regard, will be able to stand up and, using the same notes—I know how the system works—read the Minister's speech again. We will not complain if the Minister reads the speech in his normal voice, at normal speed, or even if he speaks as quickly as I do. I appreciate that I may sometimes speak too quickly.

It would be better to hear the Government's view on this. I cannot accept that this is a straightforward attempt to tidy up the legislation using a consequential repeal. There is more to it than that. The legislation was initially rushed through at breakneck speed, yet throughout the night the Government have made no effort to advance the debate. Although I am grateful for the opportunity to discuss the measure, it is not a solution. We need more time—another day, in fact—in which to deal with clause 3.

Mr. Bercow: My hon. Friend the Member for New Forest, West (Mr. Swayne) made a helpful intervention a few moments ago. Would my right hon. Friend not agree that it is not merely a question of us tolerating hearing again what it is important for us to hear and understand—we are virtually in the position of kneeling and praying to hear it? The problem appears to be not merely that the

[Mr. Bercow]

Under-Secretary of State for the Home Department has absented himself from the Chamber—so, apparently, has his speech.

Mr. Maclean: I hope that my hon. Friend's point was in order, Mr. Lord. The Minister has prolonged the debate by the way in which he has treated the House. That was the Government's fault. The Minister has prolonged the debate by making me suspicious, and I am generally not a suspicious chap. The Government have an opportunity to allay my fears and those of my right hon. and hon. Friends that there is nothing more sinister in clause 3 than a simple repeal to tidy up the measure—something that lawyers might, in the normal course of events, advise Ministers to do. I hope that the Under-Secretary of State for Northern Ireland will be able to catch your eye, Mr. Lord and, in his customary courteous way, reassure us about my concern. I am concerned that there is more to clause 3 than meets the eye.

Mr. Nicholas Winterton: My right hon. Friend is making an extremely good point. He has highlighted the fact that it is the Government's fault that the Committee is not making faster progress on the Bill. Does my right hon. Friend agree that it is not simply that we expect the Government to present their reason for tabling the clause, but it is custom and tradition that Ministers reply to a debate and then respond to the many issues that are raised in their winding-up speech?

Mr. Maclean: I am sure that the Minister, as an honourable gentleman for whom I have the highest regard, has heard our comments and that, even now, he is champing at the bit to set my fears at rest.

12.30 pm

No doubt the Government will say that the Bill has been debated for many hours. That is not the point. There has been no gap between Second Reading and Committee, and between Committee and Report, for the Bill to be properly considered. That is my concern. Had there been sufficient time to consider the Bill, I might not have these fears about clause 3.

The Government must tell us whether, when section 36(5) of the 1998 Act is repealed, they would prefer to have more Members entering this House from the Irish lower House or from the Senate. Why remove a clause that makes specific reference to Senators, if the Government do not want Senators to enter the House? Why insert the new generic word "legislator", if they do not want Senators? If they simply want to ensure that there is a fair number of Senators—

The Second Deputy Chairman: Order. The right hon. Gentleman has been doing quite well so far, but he is now in danger of straying from the clause. Will he return to it?

Mr. Maclean: Thank you, Mr. Lord. I give way to my hon. Friend the Member for Lichfield (Mr. Fabricant).

Mr. Fabricant: I have followed the arguments of my right hon. Friend with considerable interest, especially his view that there is a Machiavellian plot—he may be right. However, because he was a Home Office Minister, running a Department with high standards, is he falling into the trap of ascribing the same high standards to the Under-Secretary of State for the Home Department? Might it not just be—

The Second Deputy Chairman: Order. The hon. Gentleman's point is not relevant to the clause.

Mr. Maclean: I hear your ruling, Mr. Lord. My hon. Friend made an interesting point, but I shall not take that route. I do not want to make comparisons between Ministers and myself. Under all Governments, civil service staff are generally excellent.

Will the Bill be rendered unworkable if clause 3 remains? That brings me to my next point, because, unless other points that are in order occur to me, I have finished exploring my concerns that the clause is slightly Machiavellian in that it implicitly excludes Senators of the Republic of Ireland, but not Members of the lower House, from sitting on the Benches in this place.

Mr. Gray: Does my right hon. Friend agree that there is a strong parallel between Members of the House of Lords, who legitimately sit in the European Parliament, and Members of the Irish Senate, who legitimately sit in the Northern Ireland Assembly?

The Second Deputy Chairman: Order. That is a Second Reading point. I should be grateful if the right hon. Member for Penrith and The Border (Mr. Maclean) would ignore it.

Mr. Maclean: I shall certainly ignore it in this debate, Mr. Lord. Perhaps it will also be relevant on Third Reading.

Are the Government saying that the Bill will be unworkable if clause 3 remains in it? We should delete inconsistent provisions in previous legislation and insert new clauses in the Bill to make it workable. I disagree with parts of the Bill, but I do not simply want to disagree with the clause. After we lost the argument on the other clauses and on the principle of the Bill—

Mr. Bercow: We lost the vote.

Mr. Maclean: Indeed. Having lost the vote on other parts of the Bill, I do not want to delete clause 3 if it would make the Bill unworkable. However, I have heard nothing from the Government to suggests that the legal advice to Ministers is that, if the Bill is to work, it is vital to pass the clause and thus to delete section 36(5) of the 1998 Act.

I want to try to winkle out whether that would be so. If we do not do so during this relevant debate on clause 3, we can bet our bottom dollar that even the bowdlerised and purged other place will want to pay proper attention to whether the Bill is technically workable.

The Minister must give us the information. Let us suppose that he is minded to accept the argument of my right hon. and erudite Friend the Member for Bromley and Chislehurst that clause 3 should be deleted. I may be tempted to support my right hon. Friend on that.

If the Committee deleted clause 3 from the Bill, would the rest of the Bill be unworkable? Would anything in clause 1 be unenforceable or unworkable? The Minister's assertions that it would be untidy to delete clause 3, or that it is consequential and needs to stand part of the Bill, would not constitute an argument. However, if the Minister tells me that unless clause 3 is enacted, the Bill becomes unworkable, unenforceable or contradictory, or that he will again end up on judicial review before their Lordships, I shall accept his argument.

Mr. Forth: Will my right hon. Friend give way?

Mr. Maclean: I give way to my increasingly erudite right hon. Friend.

Mr. Forth: My right hon. Friend should be grateful that I am on my feet and compos mentis—at least, I think I am. Will he hazard an explanation as to why Ministers, having listened to his questions, which are so germane to their Bill, are apparently prepared to sit, glued to their seats, with a smug, self-satisfied grin on their faces, and are apparently unprepared to offer the Committee any explanation to answer the questions that my right hon. Friend has posed? If they cannot respond at all, where can the Committee look for guidance?

Mr. Maclean: My right hon. Friend is absolutely right. I have no doubt that, in some quarters, in the next few hours or the next few days, Labour Members will complain that my speech was tedious. [HON. MEMBERS: "Never."] If either of the Under-Secretaries seek to catch your eye, Mr. Lord, to sum up the debate, and promise to take even five minutes explaining what is behind clause 3, reassuring my right hon. and hon. Friends and myself that there is nothing sinister, or simply giving us the legal advice that the removal of clause 3 would not render the rest of the Bill unworkable, I shall sit down immediately. I am talking merely to give the Ministers a chance to grab their notes and make that intervention.

Mr. Bercow: Will my right hon. Friend allow me?

Mr. Maclean: Yes.

The Second Deputy Chairman: Order. I think that the right hon. Gentleman is saying in his own way that he is buying time. [HON. MEMBERS: "No."] He is becoming increasingly repetitive. Unless he can move on to fresh ground, perhaps he should think about bringing his remarks to a close.

Mr. Maclean: You anticipate me, Mr. Lord.

Mr. William Ross: The problem is that some of us have very great difficulty in understanding the Bill, and we need it repeated from various points of view to get things absolutely clear in our minds. I fear that we are more obtuse than the Ministers.

The Second Deputy Chairman: Order. This is not a Second Reading debate. We are dealing not with the Bill but with a very simple clause.

Mr. Maclean: I had anticipated your intervention, Mr. Lord, because I said a few minutes ago that I would conclude on this point. I was certainly not buying time. I have given the Ministers a few opportunities to reassure me and I was trying to winkle out answers. If there was repetition, it was to try to make the point to the Government in different ways, and to give them opportunity after opportunity to reassure me that there is nothing Machiavellian in this—that there is nothing incompatible with the rest of the Bill if we delete the clause—and to give me the reassurances that I seek.

Mr. Bercow: Has my right hon. Friend noticed, throughout the deliberations over the past 20 hours or so, that Ministers have intervened several times, entirely properly, in the speeches of my right hon. and hon. Friends in order to clarify or rebut a point? Therefore, is it not entirely reasonable now to expect that they will intervene in my right hon. Friend's speech to give the commitment that we seek, or simply to nod the head?

The Second Deputy Chairman: Order. That point has been made ad nauseam.

Mr. Maclean: I was concluding my remarks. The Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien) has, indeed, intervened numerous times, usually to tell the Chair how to do its job. No Opposition Member would ever dream of doing so—especially not when you are in the Chair, Mr. Lord.

I am tempted to join my right hon. and erudite Friend the Member for Bromley and Chislehurst in challenging clause 3 standing part of the Bill and in voting against it, because I am no longer convinced that it is a simple consequential repeal. There is more to it than meets the eye, and I have been trying to find what lies behind it. Why is the deletion of the term "Irish Senate" done in this way, when it is not incompatible with keeping section 36(5) of the Northern Ireland Act 1998 and this clause in the Bill?

If the Minister can reassure me on that point, I may be persuaded to go into the Lobby with him. Otherwise, I shall have to conclude that my right hon. and hon. Friends have put their finger on the nub, that there is more to this than meets the eye and that we ought to reject clause 3.

Mr. William Ross: I have been here constantly for nearly 21 hours—very rarely leaving the Chamber. I have followed the debate as closely as anyone, and I am as dissatisfied now as I was when I first came in to the debate. If we carry on tomorrow, tomorrow will see me still here. That is a part of the duties of a Member of this House: to attend this place, to argue the case for our constituents and to see that the laws that are passed are clear, simple and can be understood even by people such as myself—men of simple mind, and what used to be simple faith. That is no longer true after so long in this place.

Rev. Martin Smyth: One reason why there should not be dual mandates is that folk should be here when proper debates are being held.

Mr. Ross: Indeed, and given that, in some places, different languages are spoken, it is much better to be in a place where English is the mother tongue.

Mr. Bercow: Is not it a matter of the utmost seriousness to us and to the people of this country that even with currently only a single mandate applying, only three Labour Back Benchers are present in the Chamber?

The Second Deputy Chairman: Order. That is not a sensible intervention at this stage.

Mr. Ross: The House will have heard the hon. Member for Buckingham (Mr. Bercow), and I am sorry that there is so little interest among Government Members in this important Bill. Labour Members should have come to hear the criticism, and the impossibly poor defence that Ministers are making of the Bill. They describe new clause 3 as a consequential amendment.

Mr. Letwin: I am conscious that we should not do a disservice to any hon. Member. Does the hon. Gentleman agree that we are not in a position to judge whether the Under-Secretary's utterance was an impossibly poor defence or otherwise, as we did not know what was in it?

Mr. Ross: That was the Under-Secretary's last but one defence. Earlier, he had been quite lucid. However, he has been up all night and has been under great strain, trying to think up excuses for what he is trying to ram down people's throats.

The Bill applies more to Northern Ireland than to elsewhere. When I see the words "consequential repeal" in a Bill, I wonder. The allegedly "consequential repeal" is the only existing piece of legislation that is valid on this issue. Therefore, rather than being consequential, it should be treated as the root for the changes that the Government are now making. In those circumstances, clause 3 should have been clause 1 of the Bill, and the rest could have been tagged on to it. That was one way of doing it and it would have been acceptable to the Committee.

12.45 pm

Another aspect has been touched on several times in the debate, but it took me some time to realise the point that was being made. The right hon. Member for Penrith and The Border (Mr. Maclean) drew attention to the fact that the clause could be described as consequential—and it takes a fair stretch of the imagination to do that—only because of its strange construction. If the Bill had been written in another fashion, the clause, far from being consequential, would have been central to it.

Last week, we discussed the complex provisions of the Representation of the People Bill. At the end of the debates on that, I asked the Minister in charge of the Bill whether it was intended to consolidate all the legislation that that Bill affected. There is no sign of that consolidation in a far more complex Bill than this small one. The Representation of the People Bill runs to book after book on electoral and representation matters.

In those circumstances, why are the Government not consistent in the way that they deal with changes to legislation? For some reason, they want all the legislation governing the people from outwith the United Kingdom who are eligible to become legislators here to be governed by one small compass. That small, easily understood compass applies only to this Bill; it does not apply to the great mass of legislation by which we are governed. That makes me exceedingly suspicious. Who is the Bill intended to impress? Who is it for? That question has been asked time and again and we have not had an answer. Instead, we have had careful, slippery evasion all the way through.

I wish to refresh the memories of those present, of those who might be watching my words on the dedicated television channels and of those who might be moved to read or look them up them on the internet. We should remember that the Northern Ireland Act 1998 arose because our late colleague, Harold McCusker, took a case, when he was a Member of the House, against the hon. Member for Newry and Armagh (Mr. Mallon) on whether he could be a Member of the Senate and of the House. The courts at that time held that that was illegal, so the Government subsequently introduced the 1998 Act. It was discussed in the House on 18 November 1998 and it received Royal Assent on 19 November 1998. In December 1999—

The Second Deputy Chairman: Order. The hon. Gentleman is rehearsing issues that were dealt with under earlier clauses. He should refer specifically to the clause before us.

Mr. Ross: May I say to you, Mr. Lord, that I thought that I was following the course that the Government have taken with the Bill? Many people outside the Committee are not fully aware of the background in the concise, clear manner that I am trying to put it on the record. It is important that people who examine the Bill, read the debates and are curious about our concerns should understand the background to why we are suspicious about the way in which the Government have behaved. The reason that I was rehearsing some of the history, as quickly and concisely as I could, is that people outwith the House should know the reasons for our attitude. In those circumstances, Mr. Lord, I beg your indulgence while I continue.

It was only 13 months after the passage of the 1998 Act that we began the process of amending it—but at whose behest? We were told in earlier debates that the process began after the Government consulted, but we have not yet been told—

The Second Deputy Chairman: Order. I am sorry, but I cannot allow the hon. Gentleman to continue to stray so wide of the clause. I should be grateful if he would return to the matter in hand.

Mr. Ross: Thank you, Mr. Lord. I shall try to come back inside the elastic fence that I always use in debates such as this. Sometimes a little push here and there at the fence that surrounds us reveals to the general public what they have a right to know. Along with Ministers and hon. Members, we are trying to inform the general public through our debates. We have a duty to tell them what the position is.

The Second Deputy Chairman: Order. I remind the hon. Gentleman that he is addressing not the general public, but a Committee of the whole House.

Mr. Ross: Are these proceedings not being televised and recorded in *Hansard*? Is not *Hansard* available on the internet and for sale? Is it not available to the 659 Members of Parliament—

The Second Deputy Chairman: Order. If the hon. Gentleman is not prepared to listen to my rulings and address his remarks to clause 3, I shall have to ask him to terminate his speech. Perhaps he will now get to the point.

Mr. Ross: Indeed, Mr. Lord, I am progressing toward the point. However, I have to confess that it remains some distance away, even within the narrow confines in which you want me to remain. However, bearing in mind your remarks, I shall try to make progress.

I do not believe that the clause should be consequential. It should be at the heart of the Bill and all other provisions should be hung from it, so to speak, like a tree with pegs.

Mr. Beggs: Does my hon. Friend agree that our suspicions are no less than those expressed by the right hon. Member for Penrith and The Border (Mr. Maclean)? Ministers could relieve our suspicions by answering the questions put to them, so will my hon. Friend continue to press them to do so?

Mr. Ross: I am always happy to take good advice from my hon. Friend—after all, he was a teacher in a previous incarnation, so he is well qualified to attempt to gain and impart knowledge. I shall press both the Ministers who have been involved in our debates so far, in the hope that they will take account of our remarks and answer our questions.

To recap, the original legislative change was made to assist the hon. Member for Newry and Armagh and for no other reason. However, other people have been appointed, including Dr. Robb, Brian Wilson, who tragically lost his daughter in the Enniskillen bombing, Sam McCaughtry and others. The Government of the day regarded the Mallon case as a hard case, but, as we know, hard cases generally make bad law.

It is not necessary to repeal the provision in the 1998 Act. It might be necessary to rephrase certain other parts of the legislation, but the 30-odd words in section 36(5) could usefully remain where they are. We would do better to leave them there. Those who are interested will have no difficulty finding that short provision and will know that it refers only to the Irish Senate.

Mr. Fabricant: Does my hon. Friend agree with the point that I made to my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) that the implication to be drawn from the explanatory notes is that the clause is redundant? However, if it is redundant it can be kept in the Bill without conflicting with the other clauses.

Mr. Ross: It can only be redundant because of the extraordinarily bad drafting of the Bill. If it had been drafted following the same rules and procedures that applied to the Representation of the People Bill, which was considered last week, it would not have appeared before us in its present form. The provision that the Government are attempting to repeal through clause 3 would have remained.

Mr. Hayes: I am interested to hear those remarks. There seems to be a parallel with the debate that took place on the Government of Ireland Act 1920, when precisely these matters were dealt with. I shall be interested to know whether the hon. Gentleman feels that this debate, in comparison with the debate in 1920, is redundant.

Mr. Ross: The only part of the last part of the 1920 Act to be repealed was the preface, as it were, stating that Northern Ireland remains part of Her Majesty's dominions and so forth. As there was nothing in particular to bite on, it was reckoned to be redundant. I always thought that it should have remained as a simple declaration of principle. For that reason I was opposed to that repeal. As the hon. Gentleman will know, it was done purely as a sop to Irish republicanism.

Perhaps I misunderstood the hon. Gentleman.

Mr. Hayes: I was referring specifically to qualification and disqualification in terms of the 1920 Act. The view was taken that the new constitution had implications for them. We should at least consider the clause consistently in respect of what was intended when that state was established.

Mr. Ross: I understand now exactly where the hon. Gentleman is coming from. He knows that because of the limited time that was available to research all the implications of the Bill and the various roots from which it springs, it was not possible to go into those details. I hope that he will address the Committee when I resume my place, or at least at some stage before these debates come to an end. The 10 o'clock rule still applies and there is no real rush. We still have lots of time. We can easily address these matters today, tomorrow or whenever without any difficulty.

It seems that the Bill is as confused as Government policy. I think that the words that offend the Government in the 1998 Act could remain. That might mean the Minister having to do a little redrafting elsewhere in the Bill, but that is all that would be necessary. We would then have legislation that would be on all fours with the rest of the body of relevant United Kingdom legislation.

It has already been said that some Members of the Senate of the Irish Republic were appointed while some were elected by means of the university franchise, which we have long abandoned. Some regret that because they were a valuable group of Members. However, a new body is being created in Northern Ireland that has direct relevance to this measure: the civic forum. Its members will not be elected. Therefore it will be possible for people to be appointed to it from the Republic. I am wondering whether that is part and parcel of the Government's thinking. Is that part of the unspoken element—

1 pm

The Second Deputy Chairman: Order. Those matters do not arise under the clause. I should be grateful if the hon. Gentleman returned to considering the clause.

Mr. Ross: I thought that the purpose of the debate was to explore whether those matters arose under the clause.

[Mr. Ross]

I believe that they do because the clause removes a section that refers to the Irish Senate. The civic forum is the nearest analogous body, under the Northern Ireland Act 1998, to that which I described earlier.

Mr. Nicholls: My hon. Friend seeks an explanation for the allegedly consequential clause. The most unsatisfactory aspect of the debate is that the Under-Secretary's speech contains an explanation, but the only people who know its contents so far are *Hansard* reporters, who will have written it up from the draft that the Under-Secretary sent hours ago.

Mr. Ross: Hope springs eternal in the human breast and I hope that the Under-Secretary of State for the Home Department will repeat his words. He is not here, but I am sure that the Under-Secretary of State for Northern Ireland will pass on the message that, if the Under-Secretary of State for the Home Department speaks slowly, we will understand exactly what he is trying to say.

Mr. Nick Hawkins (Surrey Heath): I have listened carefully to the hon. Gentleman's comments. He knows that I have been an associate member of the Anglo-Irish parliamentary body for several years. Those of us who have played any part in existing cross-border parliamentary bodies are interested in hearing a true explanation for the clause and its peculiar drafting. Unless the Government can provide that, the hon. Gentleman is right to continue to press them.

The Second Deputy Chairman: Order. That is an interesting point, but the clause is simple. It is a necessary tidying-up provision because a section of the earlier Act becomes obsolete. I am not sure how much extra explanation the hon. Member for East Londonderry (Mr. Ross) requires.

Mr. Ross: The Bill is superficially a simple measure. However, if it was that simple, how have we managed to spend 21 hours discussing it?

Sir Patrick Cormack: Does my hon. Friend agree that the muddle, confusion and obfuscation could easily be cleared up by a series of simple categorical statements by the Government, which would enable us to hold Prime Minister's questions and the rest of Wednesday's business? However, we are witnessing the most inept handling of a measure in the 30 years that I have been a Member of Parliament.

Mr. Ross: Would that I could agree with the hon. Gentleman. The Government's handling of the Bill is not all that inept. The apparent ineptitude conceals a clever, devious piece of Government work. We have asked questions, which have not been answered. That is why we are still here. We are asking the same questions in different ways on every aspect of the Bill. After 21 hours of debate in Committee, we have not received an answer.

Mr. Nicholas Winterton: My hon. Friend makes a good case for not repealing section 36(5) of the Northern Ireland Act 1998. I have studied the explanatory notes, which state that the section "is no longer needed", but provide no explanation for that. The Government have failed. Is not it therefore in order for him to make a case—

The Second Deputy Chairman: Order. That was a long intervention and the hon. Gentleman has only repeated something that has been said many times.

Mr. Ross: I admitted earlier that I need to have these complex matters explained to me time after time, so that I understand them. Unfortunately, I am getting no assistance from Ministers. All we get is confusion and attempts us blind us with smoke, to hide the reality. The Government could have spared themselves so much pain and difficulty if they had only listened to the reasonable points made yesterday and in more than 21 hours of debate today.

If the Government had been forthcoming, all these problems would have long since disappeared. If they had let us know exactly what deal they had reached with IRA-Sinn Fein to produce this legislation and what was in the Bill for Sinn Fein-IRA, we would have known where we were. I dare say that in those circumstances, rather more people might have been prepared to vote against.

Mr. Fabricant: Does my hon. Friend recall that it took 15 hours of debate to get from the Government, like squeezing blood out of a stone, the information that they had negotiated with IRA-Sinn Fein to get this clause—

The Second Deputy Chairman: Order. That has nothing whatsoever to do with clause 3. I counsel again the hon. Member for East Londonderry not to repeat himself, to come to the point and to arrive at a conclusion.

Mr. Ross: I have been trying not to repeat myself. It is just that I get drawn down highways and byways by right hon. and hon. Members who clearly have great difficulty understanding what is going on and seek the truth.

Rev. Martin Smyth: Would it not have clarified the situation and avoided misunderstanding and suspicion that a deal had been done if the Minister had said that the provision was to keep alive the mythology of a separate body of legislation for Northern Ireland? The fact that that explanation was not given might have added to the suspicion that has been engendered in all our minds.

Mr. Ross: My hon. Friend is correct. The Northern Ireland statute book is to some extent a myth. We know from experience on various Committees in this House that it is maintained in some respects but ignored or overridden in others whenever that suits the Government of the day—especially in such matters as extending European law. The concept of a Northern Ireland statute book as a separate body of legislation has been greatly undermined by events over the past 25 years. My hon. Friend is correct to describe it as a myth because a myth it is.

I have tried to explore the issue for 20 minutes or so and I am grateful to right hon. and hon. Gentlemen who have assisted me with their questions and interventions. It is always good to have friends in this place.

Mr. Bercow: On a point of order, Mr. Lord. I apologise for interrupting my hon. Friend but, given that the suspense on these Benches is almost unbearable, would it not help the Committee if the Under-Secretary of State for Northern Ireland gave a nod or shake of the head to show whether he will reply to the debate?

The Second Deputy Chairman: Order. The hon. Gentleman knows that that is not a matter for the Chair.

Mr. Ross: While I am grateful to the hon. Member for Buckingham, earlier there were nods and shakes to the extent that we had to get the Minister to tell us what they meant. Words are better than nodding or shaking heads. I hope that the Minister appreciates that we want words at some length and in some detail, so that we have a clear understanding of what is going on in regard both to repealing the 1998 Act and the Bill as a whole. We have not had that. Repeals usually appear in a table at the end of a Bill, but no such table appears in this Bill. The repeal appears as a clause, which is somewhat unusual. My experience may not be such that it ensures that I am correct, so I seek guidance. Why has that not been done? We deserve to be told.

It is not good enough for the Minister to say, "The Bill represents tidy draftsmanship. We are good at tidying up and leaving things neat." For heaven's sake, if the Government are to do that let us start with the complex legislation. Rather than scatter the whole body of United Kingdom law over half a library, let us upgrade and consolidate it annually or biannually so that people know exactly where they stand. It does not matter what they are looking for—our legislation refers back to statutory instruments, various orders, Bills and God knows what and is impossible to disentangle. To do that, we would have to employ a good barrister every day in the House, which is probably why so many barristers and lawyers are Members. They can thread their way through the legislation.

The legislation is simplistic according to the Government, but what have they done? They have simplified it even further, which does not make sense or fit into the general scheme of Government behaviour and the usual way of amending Bills. It does not fit in any way, shape or form and that has simply increased the suspicions of Opposition Members. In the light of that, we deserve a proper explanation.

Mr. Gale: Was not my hon. Friend the Member for Buckingham (Mr. Bercow) right to suggest that we have heard assertions from Ministers, but no evidence whatever? Is not that the fundamental problem? I do not want to quarrel with my hon. Friend the Member for South Staffordshire (Sir P. Cormack), who is on our Front Bench, but he said that the matter could be tidied up, given a ministerial statement or two. Those of us who have been here for many hours are well aware that a great many issues have to be dealt with—the future of Ministers in the House who might become Ministers in an Irish republican Government, for example. We have consistently tried to get answers from the Minister, but clearly we shall be able to do so only by debating the new clauses and having a thorough debate on Third Reading. I cannot see how the matter could be tidied up quickly.

Mr. Ross: I agree, but the hon. Gentleman used the word "assertions", which is not used in Northern Ireland or in Ireland generally. The word "allegations" is used, and they are usually made against the Royal Ulster Constabulary or the Army. The Bloody Sunday inquiry is a case in point and the bill is almost £14 million, which has been spent for no good purpose. Allegations are made time and again until some foolish people actually believe them and hold inquiries. My view is that allegations and assertions, whether they relate to the events of 30 January 1972 or whatever, are only that until proof positive—proof beyond reasonable doubt—is produced. *[Interruption.]* The Minister of State, Northern Ireland Office is starting to react for the first time. We hear him, but that is not unusual because he always blows up when we touch a sore spot. Perhaps I should cool it a little because I do not want him to get out of order and raise your ire, Mr. Lord.

Mr. Nicholas Winterton: My hon. Friend has got a reaction.

Mr. Ross: That is a happy change, but unfortunately that Minister is not the man from whom we want a reaction. We want words, but he is apparently not in a position to give us the information that we on these Benches—both Ulster Unionist and Conservative—require. Indeed, the Liberal Democrats also raised questions, as did Labour Members.

The Second Deputy Chairman: Order. The hon. Gentleman said a few moments ago that he was about to bring his remarks to a close. I think that would be a good idea.

Mr. Ross: If the Minister of State had behaved himself, my remarks probably would have been terminated by now. He moved me to continue. But in the light of your strictures, Sir, I will bring my brief remarks—

Mr. Hayes: Before the hon. Gentleman abbreviates his remarks to an unacceptable degree, could he return to the issue of representation? Since I last intervened I have had a chance to look at a copy of *Hansard* dated 31 March 1920, column 1288, which confirms my earlier suggestion that Ireland's representation in this Parliament was critical to that debate. Could he address that matter once and for all?

1.15 pm

Mr. Ross: I regret that I would have to go off and study that passage. If you, Mr. Lord, would give me permission to speak again before these debates finish I would be in a position to do that and then meet the hon. Gentleman's request. He was helpful to me a moment ago, but I confess that in 1920 I was not even a twinkle in my father's eye. I will deal with the matter if he does not.

With those few words I must bring my brief remarks to an end. I hope to speak again and examine this matter in somewhat more detail before we finish.

Sir Patrick Cormack: I should like to make a few very brief points, partly to amplify my intervention of a few minutes ago and partly to answer the strictures of my hon. Friend the Member for North Thanet (Mr. Gale).

There is one reason, and one reason only, why we are still debating this measure at this time. That reason sits on the Government Bench. It is the silence of the Treasury Bench that is responsible for the fact that my eloquent and hon. Friends have felt obliged to repeat points, to repeat questions—*[Interruption.]* It is not for hon. Members, from a sedentary position, to usurp the Chair. Where my hon. Friends have very occasionally strayed a little, they have been brought up and corrected, and they have apologised. But for the most part the speeches made by all my right hon. and hon. Friends have been apposite and absolutely within order. Successive occupants of the Chair of this Committee have acknowledged it. *[Interruption.]*

Mr. Julian Brazier (Canterbury): Was not that a particularly tasteless sedentary intervention, coming from a side that will shortly table a motion, distantly connected with this matter, which has always in the past been left in the hands of the House authorities?

Sir Patrick Cormack: It is always nice to have friends who parachute in fresh and full of vigour. Some of us have been here all through the night. I have been here for almost all the debate since it began yesterday afternoon—or earlier today, should I say, in parliamentary terms? All we are asking for is a series of answers from Ministers, answers which they steadfastly refuse to give.

It has been like the dog that barked in the night, or did not, because right through the night we have had silence; we have had no speeches from Government Back Benchers. Such interventions as we had at the very early stages of the debate came from the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) and the right hon. Member for Birkenhead (Mr. Field), both of whom were extremely concerned. What we have had in this long debate on clause 3—*[Interruption.]* Sir Alan does not need the prompting of the silent Member—of the man who does not have the guts or gumption to stand at the Dispatch Box and answer the questions that have been put to him.

I promised that my intervention would be brief and to the point. What we want are simple, clear answers that will clear away the fog of suspicion that hangs over this debate and will dispel the reasonable doubts put by my right hon. and hon. Friends. I have never seen such a collective abdication. A thousand days? A thousand days of muddle and confusion, ending in this appalling charade.

Mr. Nicholls: My right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) said that clause 3 would probably be passed in due course. I suspect that he must be right, given the way in which the Government handle these matters. Whether the clause is passed yesterday, today or tomorrow remains to be seen, but parts of it will be passed.

I came to the Chamber bright and early, as I always do, so that I can serve my constituents while other Members are still sleeping. I arrived at about 7.30 am, and noticed that the Committee was still sitting. I wondered why, and I came into the Chamber to listen to the debate. After many years in the House of Commons, I found it inconceivable that even this Government could so mismanage the affairs of the House that what is, in general, a relatively straightforward measure—

The Chairman: Order. After those many years in the House, the hon. Gentleman will know that what he is saying has no relevance to the clause 3 stand part debate, to which I advise him to direct his remarks.

Mr. Nicholls: Thank you, Sir Alan. The point that I was trying to make was that this clause—

The Chairman: Order. I have just said that it is not a point that the hon. Gentleman can validly make during a stand part debate relating to clause 3. If the hon. Gentleman wishes to continue his remarks, I invite him to direct them towards clause 3 stand part.

Mr. Nicholls: The point that I am making on clause 3 is that, at first sight, it is a perfectly straightforward measure that might be expected to pass into law with some speed.

We must bear in mind that when the measure does, in due course, pass into law, the lawyers will be looking at it. They will be asked by their clients to interpret the law that the House has passed. Surely, therefore, we as legislators—irrespective of party allegiance—have a duty to try to ensure that legislation leaves the House of Commons in a sensible and intelligible form.

Lawyers—even humble country lawyers like me—must look at statutes of this sort, and interpret them for our constituents. One of the first things that any competent lawyer would do in examining a Bill such as this is look at the consequentials: it is necessary to see what the repeal measures are. Any lawyer looking at clause 3 and trying to work out why Parliament, in its assumed wisdom, would have let it become law would ask, "What is this all about?" He would then have read that section 36(5) of the Northern Ireland Act 1998—

"which has the effect of allowing a member of"

the Irish Senate

"to be a member of the Northern Ireland Assembly"—

is to be repealed.

We must ask ourselves why. What does it mean? Taken at face value, it means nothing. Any client who, as a result of the deliberations on clause 3, asks a lawyer "What does this mean?" will find that the lawyer simply does not know. So what does the client do? He goes back to the 1998 Act.

Sir Brian Mawhinney: Can my hon. Friend confirm my understanding that, in trying to determine what clause 3 actually means, lawyers will read our debates with the aim of discovering what was in the minds of legislators when they come to interpret the clause. Is this not at the heart of the difficulty that we are having with the Government? We are trying to understand what clause 3 is about.

Mr. Nicholls: My right hon. Friend speaks with great authority, as a former Secretary of State for Northern Ireland and a long-standing Member of Parliament. I would only say to him that, in a sense—for reasons that

I entirely understand—he asks me a question that I am literally not qualified to answer. He asks for an answer that I am incapable of giving.

My right hon. Friend wants to know what this is all about. There is an answer, which I will deal with in a moment; but it is not an answer that I have heard yet.

Mr. Bercow: We are, after all, debating not an Opposition amendment, but a Government clause. Does my hon. Friend therefore agree that it is incumbent on the Minister to provide the cost-benefit calculus that we require to determine properly the merits of the clause's inclusion, or exclusion?

Mr. Nicholls: Again, my hon. Friend goes to the heart of the matter. He points out, although I am not sure whether it was his intention, the distress that the clause will cause solicitors throughout the country, who, obviously, will want to advise their clients about what the clause might mean. They will start the process by trying to identify what the clause means and what its consequences are. If the debate goes no further, they will come up against a brick wall.

The first thing any solicitor trying to construe the clause will say is, "Hang on a second. It does not repeal legislation that was passed 20, 10 or five years ago. The legislation is barely two years old."

Mr. Bercow: I do not want my hon. Friend to misinterpret the purport of my intervention. What he says is entirely reasonable, but will he understand that compassion for lawyers was not uppermost in my mind?

Mr. Nicholls: I am surprised that my hon. Friend makes that remark, knowing what lawyers bring to the House. His point may be more populist than any that I seek to deal with.

In trying to work out what the clause means, one knows at once that the legislation that is being repealed is not elderly but barely two years old. One then goes to the original 1975 legislation. Again, that does not help us to unravel the mystery of what the clause is all about.

To try to understand what the clause was all about and whether it truly was consequential, one would, as my right hon. Friend the Member for North-West Cambridgeshire said, look at *Hansard*. There is a problem there because the leading case of Pepper *v.* Hart lays down strict conditions on the extent to which one can use *Hansard* to construe the effect of litigation. Having said that, any competent lawyer faced with the clause, even though he realised that he will not be able to argue *Hansard* in court, would at least go to *Hansard*, saying to his client, "I cannot quote it, but I will be able to find out for you what the Government were trying to do. "

At that stage, it is straightforward. One goes to *Hansard*. One sees the many excellent contributions that my right hon. and hon. Friends have made and ignores them. One goes to the Minister's speech to find out what he said about the matter.

We can all blink in the House. We should not, but it happens. Sometimes one even yawns, the moment passes and one can come back into the debate without missing much of it. Earlier today, those who of us who blinked, yawned or even drew breath found that the Minister had already delivered his speech and that was it. So far, I have found no one in the debate who has been able to repeat anything that the Minister said, or been able even to criticise anything that he said, because we do not know what it was.

Mr. Fabricant: My hon. Friend knows that it is out of order—Sir Alan, I am sure, will agree—for someone to speak in a foreign language in the Chamber because speaking in a foreign language is unintelligible.

The Chairman: Order. I see absolutely no connection between what the hon. Gentleman is saying and the matter that is before us. I have heard enough.

Mr. Nicholls: I am surprised at my hon. Friend the Member for Lichfield (Mr. Fabricant) because, from my acquaintance with the Minister, his grasp of English is such that I cannot imagine him lapsing into a foreign language, but the point is that we simply do not know.

What is particularly unsatisfactory is that there are people who know what was in that speech: the *Hansard* reporters. They do not know from having written it down. They know because, a few moments later, there was the usual bustle of paper on the Back Benches. By now, the Minister's written speech will have been translated into *Hansard*.

1.30 pm

Mr. Brady: Is it not possible that the note that was communicated to the *Hansard* reporters might not even be entirely the same as the words that were spoken? *[Interruption.]* Usually, we would be able to tell whether they were the same.

The Chairman: Order. The hon. Gentleman, on reflection, might think it unwise to question the integrity of the *Official Report*.

Mr. Brady: On a point of order, Sir Alan. I wish to make it absolutely clear that I would not question the integrity of the *Hansard* reporters. My only point is that they, like hon. Members, would have no way of knowing whether the Minister's gabbled comments were the same as the content of the note.

The Chairman: Order. I should also advise the hon. Gentleman that it would be unwise to criticise the integrity of another hon. Member, as by implication he is doing.

Mr. Fabricant: On a point of order, Sir Alan. I have gone to the Vote Office and obtained a copy of *Hansard* for 25 January. You will be aware that *Hansard* is available also on the internet, but not until the afternoon. The written *Hansard* for 25 January ceases just after 1.15 am, which was before the statement in question was made by the Minister. Would it be in order to ask *Hansard* to send down a manuscript copy, so that hon. Members might see what was said?

The Chairman: Order. So far as the proceedings of the Committee are concerned, hon. Members must be deemed to have been present to have heard all that was

[The Chairman]

said. That is the end of the matter. In any case, one would not usually expect a record to be available until some time after the event.

Mr. Fabricant: But, Sir Alan—

The Chairman: Order. I am on my feet, and the hon. Gentleman will not argue with me from a sedentary position. That is the end of the matter. When hon. Members are participating in a debate, they must be deemed to have heard all that has been said and to have reacted to it.

As I am on my feet, I should also say that many hon. Members have a shared concern about a particular point. However, constant repetition of that point will shortly put them in breach of Standing Order No. 42.

Mr. Nicholls: I trust, Sir Alan, that I have not repeated anything that I have said so far.

The Chairman: Order. Let me make it quite clear to the hon. Gentleman that it is not only a matter of repeating himself; if he is repeating the self-same argument that has been used in the debate by other hon. Members, Standing Order No. 42 can be invoked if I believe that to be the appropriate course.

Mr. Nicholls: I am grateful for that, Sir Alan, and I was mindful of the risk. I therefore abandoned almost every paragraph of my written speech, to concentrate on a matter that I thought would be of interest to colleagues on both sides of the Committee—the particular problems that solicitors and barristers will have in advising their clients about the purport of the legislation. If I failed in that, Sir Alan, I apologise—but it was the key point that I wanted to concentrate on. I realised that, if I had not done that, as it is late in the debate, I might have repeated points already made by other hon. Members.

Sir Alan, as you know better than any of us, the problem is that, if one had missed the speech, gone up to *Hansard* and said, "May I, please, see a copy of a speech that you will have reported some 20 minutes ago?", the staff would have said, "You can see your own words, but you are not entitled to see the words of other hon. Members." Therefore, at this stage, if one wanted to know what was in the Minister's speech, unless one had been in the Chamber and could hear it, there is no way in which one could obtain a copy of it from *Hansard*.

Mr. Brazier: There is of course a particular problem: even with the very high quality of our *Hansard* reporters, there is sometimes some divergence between the spoken word and the substance of the written text. It has always been the rule of the House that what matters subsequently is only the written text.

Mr. Nicholls: As I said, eventually, we shall know what the written text was, and that may indicate what the spoken word may have been. However, certainly for purposes of this debate and bringing it to a speedy conclusion, we do not know what the Government's case is.

Mr. Hayes: Surely the point that my hon. Friend is making—

The Chairman: Order. Will the hon. Gentleman remember that he should be addressing the occupant of the Chair?

Mr. Hayes: Surely the point—[HON. MEMBERS: "Face the Chair."] Surely the point that my hon. Friend is making is that lawyers who interpret the clause will have to know precisely what the Minister said about it, to inform them in making a judgment. They will have the *Hansard* available to them. My hon. Friend may be right in saying that we do not have it now, to inform our debate, but the argument that he was making—

The Chairman: Order. I do not think that that is getting us anywhere at all. The matter to which the hon. Gentleman and the hon. Member for Teignbridge (Mr. Nicholls) have alluded is a universal handicap in the proceedings of the House. It is not unique to the discussion of clause 3 stand part, and I suggest that the hon. Member for Teignbridge now direct his remarks exclusively to whether clause 3 should stand part of the Bill.

Mr. Nicholls: The only honest answer to your question, Sir Alan, is that I cannot know whether the clause should stand part of the Bill without knowing what the Government's reaction would be if it did not. That worries me.

Mr. Nicholas Winterton: My hon. Friend is a lawyer. Will he share with me why he believes that the Government have included the clause in the Bill? Why does he think that section 35 of the Northern Ireland Act 1998 is no longer needed?

Mr. Nicholls: I can try. In default of an explanation from the Minister, my right hon. Friend the Member for Bracknell (Mr. MacKay) said that he could see no particular reason for its exclusion, or its inclusion. There is a principle in law that holds that legislation that is not consistent with earlier legislation is repealed impliedly. That straightforward concept is familiar to any competent lawyer construing statutes.

Without that principle, the burden of legislation going through the House would be massive and terminal, as the House would always be having to repeal specifically provisions that are now repealed impliedly. My hon. Friend the Member for Macclesfield (Mr. Winterton) has uncovered another mystery. Why are the Government adopting this approach? If, as it appears, clause 3 is unnecessary and has been repealed impliedly by clause 1, the question of what is special about clause 3 arises.

Mr. Mike O'Brien: I am always anxious to help hon. Members who have not been able to attend the whole debate. I have indicated to the Committee what I said in

relation to clause 3 several times but, with your permission, Sir Alan, I should be happy to refresh the hon. Gentleman's memory. According to my note, I said:

"Clause 3 is a narrow, consequential clause that provides for the repeal of section 36(5) of the Northern Ireland Act 1998. Section 36(5) has the effect of allowing a Member of the Irish Senate to be a Member of the Northern Irish Assembly. Clause 1 of this Bill has the same effect, so section 36(5) is no longer needed. We have in that sense already discussed these issues."

I have repeated by and large the same sentences on a number of occasions. I hope that that assists the hon. Gentleman to conclude his remarks.

Mr. Nicholls: The Minister says that that is what he said in the substance of his speech. I am sure that *Hansard* will bear that out, and that is fine. However, if he had said as much in an intelligible form at the time, the Committee would have been saved many hours—*[Interruption.]*

The Chairman: Order. I do not want a disturbance from Government Members. The hon. Gentleman should be allowed to make his speech.

Mr. Nicholls: Had the Minister done the Committee the courtesy of making that speech at an intelligible rate, we would have been able to probe what the clause means. What the Minister said is not proof that clause 3 is a consequential or necessary amendment. I have heard suggestions that the amendment is obsolete, or redundant, or otiose or tautologous. We simply do not know, because the Minister has advanced no argument for the clause. He has done no more than make an assertion on its behalf.

It is clear to me that the clause is not necessary. As a lawyer and a legislator, I am not in favour of unnecessary legislation. I am in favour of relevant legislation. As my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) said, either the Bill is an example of massive incompetence by Ministers who do not bother to read their briefs—and that is not my view of the Minister—or it cannot be taken at face value.

The Chairman: Order. That has been said many times—I do not want to hear it again.

Mr. Nicholls: I hope that even before the debate is finished, we will move beyond rhetoric, beyond assertion, and find out the Bill's hidden agenda. It is clear that the Bill has a hidden purpose which dare not speak its name.

The Chairman: Has the hon. Gentleman now sat down? It saves me making a further point.

Mr. Letwin: Some while ago, reference was made to the Johnny-come-lately type. Having been here for slightly less than three hours, I admit that I fall into that category. At a certain point in this debate, my hon. Friend the Member for Buckingham (Mr. Bercow) referred to the fog of confusion. Having listened to a large part of the debate on the clause, I agree that there is real confusion.

The first issue—I shall not try your patience, Sir Alan, or that of the Committee, by devoting more than a moment to it—is whether a clause that amends something that is itself compatible with the purpose of the first clause of the Bill can be regarded as consequential. It would be otiose to talk about that any more. However, the clause is not a consequential amendment in the normal sense.

The second point, which has not come to the fore during this debate—indeed, to my astonishment, it has not been mentioned—is a serious constitutional issue. I draw the Committee's attention to the part of the clause in parenthesis, which has so far escaped the attention of my right hon. and hon. Friends. The words in parenthesis, which refer to section 36(5) of the Northern Ireland Act 1998, are:

"(which has the effect of allowing a member of Seanad Eireann to be a member of the Northern Ireland Assembly)."

That is a most remarkable piece of legislation. I have not had the opportunity to check whether it is literally unprecedented, although I suspect that it may be. It is very unusual for a measure to come before the House—other than the Interpretation Act 1978—that contains a clause seeking to interpret an existing Act.

An oddity exists that would make it improper for the Committee to allow clause stand part, simply as a matter of legislative drafting. With the passage of time, should the Bill become an Act, it will contain a manifest falsehood. By virtue of the words "is repealed" it will make false the proposition, "which has the effect." It should instead read "which had the effect."

I do not want to bore the Committee by dwelling on that piece of legislative misdrafting. It is interesting, however, that it should have occurred, because it illustrates how unusual for the parliamentary draftsmen such an interpretative clause must have been. How can they have made such an error if they were used to producing interpretative clauses of this kind in a Bill? We should tarry and worry before passing into law a clause which will, as my hon. Friend the Member for Teignbridge (Mr. Nicholls) lucidly said, have significance for lawyers in time to come and which may be used as a precedent for future legislation. The Bill seeks to give a particular interpretation to a previous piece of legislation. If we accepted the clause as a precedent for legislative drafting, there could be all sorts of strange consequences. Instead of Bills amending and replacing previous legislation directly, they could come before the House fashioned—as clause 3 is—to reinterpret existing legislation.

Mr. Hawkins: I have been listening very carefully to my hon. Friend. Would he agree that the concern that he expresses is of particular importance since the House of Lords' judicial decision in the case of Pepper *v.* Hart that debates in the House and proceedings in *Hansard* can be used for purposes of interpretation? If we are to have debates on a Government attempt to reinterpret their own legislation, how will the courts possibly get to the bottom of that?

1.45 pm

Mr. Letwin: I agree with my hon. Friend. The precise way in which the clause is drafted, leaving aside the lacuna, or deficiency, to which I referred, is calculated—whether it were adopted as a general precedent—or indeed merely in itself—to cause maximum confusion of the type to which my hon. Friend alluded. It would fall to lawyers in court to try to decide whether, if there was a case in respect of

[Mr. Letwin]

which it was relevant that, at a time before the passage of the Bill, the 1998 Act had a certain effect, they and the judge should take account of the Act as it was then interpreted according to precedent, or of Parliament's subsequent judgment, expressed in the clause, as an interpretation of what the Act had meant when it did apply.

Mr. Edward Leigh (Gainsborough): Is my hon. Friend saying that clause 3 interprets the 1998 Act in the sense of giving an opinion on that Act, or is it interpretative in the sense that it makes a statement of fact? I believe the latter to be the case.

Mr. Letwin: My hon. Friend is also my learned friend. I bow to him if I am in error, but if the statement in parenthesis is unnecessary—in the sense that it is merely a statement of uncontroversial fact—the legislative misdrafting is more astonishing than I had conceived. In that case, it would have been proper for the words in parenthesis to have been omitted and for the clause to have been a simple repeal provision. There is no need to state obvious facts in a Bill. If all the obvious facts could conceivably have been included in the clause, it would have been of infinite length.

Mr. Peter Bottomley: My hon. Friend is right, but a bit severe. The problem that he illustrates could be dealt with in two ways. The first would be to replace the words "which has the effect" with the words "which had the effect". The second would be to follow the precedent set in clause 1 by leaving out the phrase with the verb. We could omit the words "which has the effect of" and replace them by "allowing a member of" and so on. Those suggestions would not deal with the major point made by my hon. Friend, but they would deal with the minor point.

Mr. Letwin: My hon. Friend may be correct as to the syntax of the phrase in parenthesis. I am not sure whether his suggestions would make a material improvement; they would certainly remove the infelicity of the reference to "has".

I draw his attention to an interesting example of my general point: the great difference between what would then be the effect of the phrase in parenthesis and the effect of the phrase in parenthesis on the third line of clause 1—I am, of course, not debating clause 1—which refers to

"disqualification of member of the legislature".

The difference is that the parenthesis in the third line of clause 1 merely replicates the side heading of the Bill. It is an expansion, or as my hon. Friend the Member for Gainsborough would say, a statement of fact. It is an expansion of the direct reference to the relevant section.

However, I do not think that that is the purport of the phrase in parenthesis in clause 3. The draftsman has emphasised that fact by using the words

"which has the effect of allowing".

I take it that he used those words to draw the attention of the House and the Committee—alas, because he was not used to drafting such clauses, he used the wrong tense, but he was making an honest search after truth—to the fact that the measure was most unusual. The measure is an attempt to interpret.

Although I am grateful to my hon. Friends for their interventions, they have diverted me from the main line of the argument that I was pursuing. It is bizarre that at this late hour on a Tuesday—if it is Tuesday—or at an early hour on Wednesday, we should be debating a constitutional point of great significance, which my hon. Friends assure me has not been raised. It certainly has not been debated during the three hours during which I have been in this place. That significant constitutional point will ricochet through our legislation hereafter. If we begin to accept in the Bill the principle of such interpretative legislation outside the context of the Interpretation Act 1978, we shall put our courts in a position of terminal confusion. What my hon. Friend the Member for Buckingham described as a fog of confusion will ensue.

This situation is all the worse because of its connection with the point—which I promised I would not labour, and will not—which has been made by many of my hon. Friends, that this is, in the words of the Second Deputy Chairman of Ways and Means, a tidying-up clause, one that seeks to fit in with clause 1. Were clause 3 a consequential amendment in the strict sense—were it removing something that was inconsistent with clause 1 and the rest of the Bill—of course the courts, in looking at it, might say that we had not created a great precedent of interpretation here, but that we were merely trying to elucidate the effect of an absolutely necessary and genuinely consequential amendment. However, we are contemplating the prospect that a particular individual or group may be affected by a discrepancy between the interpretation now placed on the 1998 Act and the interpretation that was originally placed on that Act, and will look at the clause—which, admittedly, in the words of the Second Deputy Chairman of Ways and Means, no less, is only a tidying-up measure. Therefore, we would be accepting the proposition that it is tidying-up legislation to interpret legislation in subsequent legislation. That is a dreadful principle.

Mr. Leigh: I am trying to follow my hon. Friend. Does he propose that we should delete the matters contained within the brackets, that we should delete the whole clause or that we should leave the clause as it is?

Mr. Letwin: My hon. Friend is absolutely right to bring me up short and ask what the consequence of my argument is. There are various ways in which it could be handled. We are in a stand part debate, so I am precluded from suggesting an amendment to the clause. Had I been on the qui vive, which I regret to say that I was not, and had I attended more carefully to the clause some days before the debate, I could have tabled an amendment that would have taken care of the case and restricted the phrase in parenthesis so that it did not have this evil effect and, in particular, so that it avoided the problem of the tense. However, you will undoubtedly tell me, Sir Alan, that I cannot mention in any detail the possibility of amendment. So we are restricted, in a stand part debate, to the binary choice of allowing or not allowing the clause. I

am trying to draw my hon. Friends' attention—to the slight desperation of Labour Members, so many of whom have recently joined us—to serious reasons, of constitutional and legislative precedent, why we should at least consider refusing to accept clause 3 as part of the Bill.

My hon. Friend was right to intervene, because he has moved me on to the final stage of my argument.

Mr. Hawkins: Before my hon. Friend moves on, would he not say that, because of the complications that he has talked about and the confusion between past interpretations and what may happen if the Bill is passed in its present form, with this obviously weak clause, the matters that the Minister referred to earlier—the particular cases of distinguished Irish politicians who have sought election in Northern Ireland—may be confused by historians, because those politicians were elected under previous legislation in respect of which clause 3 can only muddy the waters?

Mr. Letwin: I agree with my hon. Friend. In parenthesis, vis-a-vis the parenthetical clause, it should be added that it is particularly bizarre that the Government should be introducing legislation in the House to interpret their own legislation in the House.

I have not sought to verify from the official record whether, when the Bill that became the Northern Ireland Act 1998 was being discussed, the then Minister—whoever it might have been—who was discussing that particular section of it in Committee made reference to a particular interpretation of its effects. Should it turn out on inspection—I use this as an example for the Committee's elucidation—that the official record shows that the Minister's interpretation at the time differed from the interpretation that is now being used in the clause before us, the courts would be in an even worse situation than I had envisaged. That would be the case because, under Pepper *v.* Hart, the court would need to interpret the Minister's interpretation of his then clause as meaning one thing, and now, presumably, the court would need to look also at clause 3 of the Bill before us and see that the same Minister, or a Minister from the same Government, in an Act of Parliament—one does not, I suppose, doubt that an Act of Parliament overrules a statement made in Committee in a previous discussion—had interpreted it differently. I suppose that this could throw into question the whole Pepper *v.* Hart doctrine. I say that tentatively, as I would not want to cause trouble irresponsibly for the courts.

What is one to make of a situation in which the courts, of their own volition, have decided that Ministers' statements—and, I suppose, the statements of the movers of amendments and new clauses in Bills—should be read as having interpretive weight under circumstances where a novel device is introduced of bringing into Bills interpretations which may supersede or conflict with those earlier interpretations?

I hope, Sir Alan, that that illustrates that there is a serious issue here, although one does not expect to find a serious constitutional issue embedded in such an ostensibly unimportant clause. I genuinely wonder whether the Minister, his legal advisers and the parliamentary draftsmen seriously paused to think about what they were doing in introducing this parenthetical phrase.

Mr. Hawkins: Earlier, the Minister was questioned by hon. Members—including the hon. Member for Southwark, North and Bermondsey (Mr. Hughes)—about whether the Bill had its genesis in constitutional changes in Ireland. Is there an additional complication, in that we may have to look at the way in which the Irish courts interpret the corresponding Irish constitutional changes to which the Minister referred?

Mr. Letwin: My hon. Friend takes me into deep waters, and he may be right. I have no way of telling, as I do not understand the Irish legislative system or the Irish judicial system. That may be one of the points that my hon. Friends have been making in a tangential sense.

If it is the case, and I think it is, that through the medium of this parenthetical clause, a serious constitutional conundrum, which may have profound and long-lasting effects on the way in which our courts interpret the actions of our House, and hence the meaning of our legislation, is being introduced into the Bill—I think by mistake, as I do not suggest that the Minister or his advisers intended it—we have to ask whether the necessity for the clause is so great as to overcome the deficiency of introducing legislation with such unintended and possibly harmful consequences.

The odd thing is that I am now in a position to do what I could not do before, as I have heard what the Minister had to say. He was clear that the description of the clause, given in an amateur way by your predecessor Mr. Lord—if I can put it in that way, Sir Alan, without offending the dignity of the Chair—as a "tidying-up measure" has been reinforced by the professional statement of the Minister that it is not a consequential amendment in the direct sense. The new clause is not necessary. It is, as my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) said, clearly a compatible but otherwise unobnoxious piece of legislation—that is, section 36(5) of the 1998 Act—that the clause repeals. There is no harm in that, except for the parenthetical clause and its ricocheting consequences. However, there is no gain either.

So long have some of my hon. Friends been here that my hon. Friend the Member for Lichfield (Mr. Fabricant) got himself into a deep fog of confusion when he told us that it neither matters nor does not matter. That is an impossibility, Sir Alan. Something either matters or it does not matter—and I know which is the case here. The clause does not matter at all. It could be torn up and thrown away without the slightest effect on humanity, except the beneficial effect of removing the parenthetical phrase that will cause serious problems for our courts and legislature hereafter. Therefore, we need to tarry long before we pass any such clause.

Question put, That the clause stand part of the Bill:—

The Committee proceeded to a Division—

The Chairman: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The Committee having divided: Ayes 318, Noes 16.

Division No. 48] **[1.59 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atkins, Charlotte
Austin, John
Ballard, Jackie
Barnes, Harry
Battle, John
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Follett, Barbara
Forth, Rt Hon Eric
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Kidney, David
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Rendel, David
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Straw, Rt Hon Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry

Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Jim Dowd and
Mr. Mike Hall.

NOES

Begg, Roy
Cash, William
Donaldson, Jeffrey
Gale, Roger
Gray, James
Hunter, Andrew
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Maginnis, Ken
Nicholls, Patrick
Ross, William *(E Londy)*
Rowe, Andrew *(Faversham)*
St Aubyn, Nick
Smyth, Rev Martin *(Belfast S)*
Thompson, William
Winterton, Nicholas *(Macclesfield)*

Tellers for the Noes:
Mr. David Maclean and
Mr. Peter Bottomley.

Question accordingly agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4

SHORT TITLE

Question proposed, That the clause stand part of the Bill.

2.15 pm

Sir Brian Mawhinney: The clause is short, but it causes me confusion. In my 20 years in the House—

The Chairman: Order. I am sorry to interrupt the right hon. Gentleman, but there must be order in Committee so that he can be heard.

Sir Brian Mawhinney: Thank you, Sir Alan.

I have spent more than 20 years in the House, and I have been confused on several occasions. When confusion afflicts me, it is best to share it with the House in the hope that colleagues can clarify matters.

The Bill is riddled with the word "disqualification". The clause states that the measure can be called the Disqualifications Bill. That is consistent with the title on the front page. The Home Secretary's contribution on the European convention on human rights states that

"the provisions of the Disqualifications Bill are compatible with the Convention rights."

The Government acknowledge in the Bill's title that the measure is about disqualification.

Mr. Leigh: The Bill is mistitled because it is not a Disqualifications Bill. It removes disqualifications and should be called the Qualification of Irish Members Bill.

Sir Brian Mawhinney: My hon. Friend makes an important point, which he presented with characteristic clarity. If he is so minded, he may take an opportunity to catch your eye, Sir Alan, to explore that matter further. However, I do not want to focus on that.

The long title of the Bill contains the word "disqualification" once and "disqualify" once. As we have noted in earlier debates—though I shall not return to those matters, as you would not wish me to do that, Sir Alan, and it would be wrong to try—

The Chairman: I do not want extraneous advice of that kind from the right hon. Gentleman. He must stick to the point of the clause, which is very narrow.

Sir Brian Mawhinney: I accept your ruling without reservation, Sir Alan. I am establishing the point that the word "disqualification" in clause 4—*[Interruption.]*

Mr. Ian Bruce: On a point of order, Sir Alan. Most of us who have been listening to debate on the Bill for the whole night are trying to hear my right hon. Friend's speech. We cannot hear either your rulings, Sir Alan, or the speech because of the noise coming from Government Members—who should have been here all night making speeches themselves.

The Chairman: I am not sure that the hon. Gentleman is quite the best person to make that comment. I most certainly have been here all night—and as I have listened with great care to the proceedings so far, so I wish to listen with great care to the completion of those proceedings.

Sir Brian Mawhinney: Clause 4 states that the Bill can be referred to as the Disqualifications Bill, which is consistent with the Government's approach throughout. I am not reopening any of the issues, but pointing out that the word "disqualification" or "disqualified" regularly appears throughout the Bill.

The Chairman: Order. The right hon. Gentleman has already committed one repetition. I do not want to hear any more.

Sir Brian Mawhinney: "Disqualification" characterises the Government's attitude to this and previous legislation—all of which is referred to in the Bill.

Mr. Hawkins: My hon. Friend the Member for Gainsborough (Mr. Leigh) suggested that a more accurate

[Mr. Hawkins]

title would be the Qualification of Irish Members Bill. Does my right hon. Friend agree that a more accurate title would actually be the Removal of Disqualifications Bill?

The Chairman: Order. Again, that repeats a point already made. I will not have constant repetition on a clause this narrow.

Sir Brian Mawhinney: I will not pursue my hon. Friend's interesting suggestion.

I was making the broader point that the Bill's title sits comfortably with the general attitude of Government legislation on Northern Ireland. The 1998 Act, which is central to our considerations, also talks about disqualification. The Bill refers to the 1975 Act from a Labour Government, which similarly refers to disqualification.

The Government talk about social inclusion. They have a social inclusion unit at 10 Downing street and have spent two and a half years—right to this 1,000th day of the present Government, when they lost control of the House of Commons—lecturing us about social inclusion and not excluding or disqualifying people.

The Chairman: Order. The right hon. Gentleman is departing far from the topic before the Committee, which is a simple matter of determining the title of the Bill. He has great experience of the House and must direct his remarks precisely to that point.

Sir Brian Mawhinney: As always, I am grateful for your advice, Sir Alan, but my purpose is not to widen the debate beyond the clause. As you remarked, we are deciding whether it should stand part of the Bill.

When the Minister replies to what I suspect will be a brief debate, will he explain why a Government who are focused on inclusion—so they tell us—have introduced a Bill that they discuss in terms of disqualification or exclusion?

Sir Teddy Taylor (Rochford and Southend, East): Does my right hon. Friend agree that the title Disqualifications Bill is insensitive, especially on the day on which we have been told that students from the south of Ireland will not have to pay fees at Scottish universities, although those from the north of Ireland will?

The Chairman: Order. That is absolutely nothing to do with the matter before us.

Sir Brian Mawhinney: I would not have dreamed of following my hon. Friend down that line, even before you, Sir Alan, had ruled that I should not do so.

I am trying to put a serious point to the Government. They could have chosen a number of titles. The clause, on which we are focusing, did not have to refer to disqualification and could have used inclusive rather than exclusive terms. We see again that they say one thing but do another. As we continue Tuesday's business and Wednesday's is lost, and as we show that the Prime Minister has no control—

The Chairman: Order. The right hon. Gentleman is in danger of abusing his position, as those are not matters to which he may refer. I must tell the Committee that if he repeats his remarks, and if I believe under Standing Order No. 42 that a Member

"persists in irrelevance, or tedious repetition",

I may require him to resume his seat. I am sure that he would not want me to invoke that provision against him.

Sir Brian Mawhinney: I certainly would not, Sir Alan. I want the Minister to explain why the clause uses such terms, given Government policy.

Mr. Maclean *rose—*

Mr. Bowen Wells (Hertford and Stortford): On a point of order, Sir Alan. Can you help me and the Committee with the wording of the clause? Is it incorrect? It says:

"This Act may be cited as the Disqualifications Act 2000."

Surely it should be—

The Chairman: Order. That is common parlance in all Bills that come before the House. That is not a point of order. I call Mr. Maclean.

Mr. Wells: May I seek your advice, Sir Alan?

The Chairman: Order. I have ruled on the matter. Is this a fresh point of order?

Mr. Wells: It is fresh, as I see it, and I hope that you will see it in the same light. A Bill cannot become an Act—

The Chairman: Order. The hon. Gentleman should remember his position. He is seeking to dispute my ruling. He should consider that he is not the most appropriate person to challenge the Chair in that way.

Mr. Wells *rose—*

The Chairman: Order. I advise the hon. Gentleman not to persist.

Mr. Wells: I am very sorry, Sir Alan, but I am not trying to challenge your ruling in any way—I do not understand it. Did you say that using such words is common practice?

The Chairman: Absolutely. That is perfectly clear, as the hon. Gentleman, who has been in the House for many years, well knows. That is the end of the matter. I again call Mr. Maclean.

2.30 pm

Mr. Maclean: I want to raise a small point on clause 4, on which I hope the Minister can advise us. The clause provides that the Act may be cited as the Disqualifications Act 2000. *[Interruption.]* I hope and believe that I am right in saying that it is usual for the parliamentary draftsmen—*[Interruption.]*—

The Chairman: Order. I am sorry to interrupt the right hon. Gentleman. I must have order in the Committee. If hon. Members are present to listen to the debate, they must do precisely that.

Mr. Maclean: Thank you for your protection, Sir Alan.

I understand that it is usual for parliamentary draftsmen to select a short title to an Act that is entirely consistent with the long title. My concern is about a technical point, which I hope is in order. The long title of the Bill, soon to become an Act, includes the words

"remove the disqualification for membership".

However, the thrust of the Bill is about enabling people in another Parliament to sit in this Parliament, so it is about giving people a qualification.

The long title refers to removing the disqualification, whereas the short title is the Disqualifications Act. Did the Government decide on the short title and overrule the parliamentary draftsmen? Will the Minister tell the Committee whether the short title was proposed by the legal advisers and parliamentary draftsmen, or whether, as it is inconsistent with the proper long title, it was a political decision taken by the Government to make a word mean what it does not mean?

I think that I have made my point. I hope that it is clear. I have no wish to repeat it, but I urge the Minister to comment on it.

Mr. A. J. Beith (Berwick-upon-Tweed): On a point of order, Sir Alan. Is there any way in which you, as Chairman of the Committee, could enable us to hear a statement, perhaps from the official Opposition, explaining why they chose to deprive their leader, my hon. Friends and the hon. Member for Falkirk, West (Mr. Canavan) of the opportunity to challenge the Prime Minister this afternoon?

The Chairman: The right hon. Gentleman knows that that is not a matter for the Chair.

Sir Patrick Cormack: Further to that point of order, Sir Alan.

The Chairman: Order. I have just ruled that it was not a point of order.

Mr. Maginnis: The interesting thing about the title of the Bill is that it reflects neither the pressures nor the purpose that motivated the Government to bring it before the House. As it deals with the qualification of Members of the Dail and the Seanad to be Members of this House or the House of Lords, I looked into the number of people who would be qualified to become Members of this Parliament. I discovered that there were 166 in the Dail and 60 in the Seanad.

I know many of the people who would qualify under the Disqualifications Act 2000. I have dined and lunched with quite a few of them in the past fortnight, and I know no one who has any interest whatever in the Act. In fact, the opposite is the case.

The Chairman: Order. I must advise the hon. Gentleman that he is talking about the Bill as a whole. He must direct himself to the narrow point contained in clause 4.

Mr. Maginnis: Indeed, Sir Alan, I want to stick with the title because it is seen as a misnomer. The Bill is seen as something designed exclusively to facilitate Sinn Fein-IRA. Whereas the House will give the Bill the imaginative name "Disqualifications Act 2000", in Northern Ireland and among members of the press, the Bill has already been given a somewhat tasteless but, I reluctantly have to admit, appropriate acronym. That acronym is BITCH—Blair's Irish terrorist charter.

The significance of the Disqualifications Act 2000, or BITCH, as it will no doubt be called in future—

The Chairman: Order. The hon. Gentleman may realise that he has probably overstepped the mark of order. There is no way in which that name could be a substitute in parliamentary language for what is in the clause. He must address his remarks to the clause and whether he believes that it should stand part of the Bill. There are no amendments to the clause on the amendment paper. The question is whether the clause should stand part of the Bill.

Mr. Maginnis: Thank you, Sir Alan. I agree that it is unfortunate that the Committee spends so long taking a Bill that is so objectionable to so many people—

The Chairman: Order. I do not want to hear any circuitous arguments. The hon. Gentleman must direct himself to the clause or I will ask him to resume his place.

Mr. Maginnis: Thank you, Sir Alan. The fact is that the Disqualifications Act 2000 will, whatever it is called, bring a degree—

The Chairman: Order. I should be grateful if the hon. Gentleman would take my advice. He may not talk about the Bill or its effects, or what people think about it. He may say only whether the Bill, or Act as it may become, should be cited as the Disqualifications Act 2000. That is the only point before the Committee. I will not allow him to extend further than that.

Mr. Maginnis: Sir Alan, you assist me in so far as you indicate in a reverse way the very point that I want to make. Whatever we call the Bill—I conclude with this point—it will invoke among hon. Members a huge amount of—

The Chairman: Order. The hon. Gentleman is abusing his position. I call Mr. Ian Bruce.

Mr. Ian Bruce: My remarks will be both in order and very brief, Sir Alan.

We all understand that, when Bills are brought before us in Committee, they are considered line by line, with the exception of the long title and the trade description title that goes with the Bill. I ask the Minister to think carefully about how the Bill will be considered in the future. Lawyers and others will want to be able to find the relevant legislation. My colleagues have already said that the Bill is not a disqualification Bill but one that lifts disqualifications for people.

It may have been sensible if we had tabled some amendments to the title. The dichotomy and the catch-22 that the Committee is in is that, once the Government

[Mr. Ian Bruce]

have decided to produce and publish a Bill with a name such as the Disqualifications Bill, it is difficult for someone to table an amendment that would be in order.

The Chairman: Order. This is all very interesting, and the hon. Gentleman might like to find an opportunity for an Adjournment debate on the matter or to make a submission to the Procedure Committee, but it is not in order for him to discuss the matter in a clause 4 stand part debate. There was an opportunity to table amendments and none were tabled, so we are able to discuss only clause 4 as it stands.

Mr. Bruce: I was simply trying to make the point that, had I tried to table an amendment, it would have been refused—

The Chairman: Order. That may be an interesting procedural point, but it is not one that can be made at present. Does the hon. Gentleman have other points to make that are relevant?

Mr. Bruce: In all humility, I ask the Minister whether, before the Bill goes to the other place, there is a device by which I would not fall foul of the rules of procedure on tabling amendments, which would enable the Bill's title to be changed to something more appropriate. That is my simple plea.

Mr. Leigh: It is important that the short title of a Bill as important as this should adequately explain the Bill's purport to the general public. In some ways it does that. The word "disqualification" appears in the short title, so one would expect to find some reference to disqualification in the Bill and for the title adequately to reflect to a wider public what is contained in it. If we think in terms of a disqualification Bill, we presumably think of a Bill that disqualifies somebody.

Clause 2 makes it clear that the Bill disqualifies some people. It states:

"No person may—

(a) stand for election as First Minister or as deputy First Minister, or be elected as such,

(b) be nominated to hold a Ministerial office, or

(c) be appointed as a junior Minister,

if he is a Minister of the Government of Ireland."

Therefore, the short title describes what is in clause 2.

However, clause 2 is only part of the Bill. My complaint about the short title is that clause 2 is not the heart and guts of the Bill. It was inserted after representations were made to the Government, but it is not what the Bill is really about. The Bill is not about disqualifying a Minister in the Irish Government; it is about qualifying people who are Members of the Irish Parliament to sit in this Parliament. That is my argument with it.

There is a political point to be made. The debate would have been much shorter if the Bill had simply been concerned with qualifying or disqualifying Members of the Irish Parliament. The Bill has aroused such passion because it is not about qualifying or disqualifying Members of the Irish Parliament, but about qualifying known terrorists to use offices in this House of Commons. That is what infuriates people.

The Chairman: Order. That is going far too wide of this stand part debate on clause 4.

Mr. Leigh: It remains true, however, that a short title should adequately reflect to the general public what is in the Bill.

It may be said in the Bill's defence that it amends previous legislation. Clause 1 says that the Bill amends

"Section 1(1)(e) of the House of Commons Disqualification Act 1975 and section 1(1)(e) of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of member of the legislature of any country outside the Commonwealth)".

It may be argued that the short title does not adequately convey the political purport, the guts and the sense of the Bill, but I must turn my argument on its head and approach the matter from a different direction. Because the Bill amends previous legislation, it is probably true that the Government had no choice but to call it the Disqualifications Act 2000.

2.45 pm

I understand the Government's dilemma, caused by their uncertainty about how to frame their proposals. In the context of the procedure of the House, it would be interesting to know whether, when they introduce a Bill such as this that repeals earlier legislation, they must use the language—in terms of the short title—that was contained in that earlier legislation. I am not sure that they must, and I hope that the Minister will enlighten me.

Generally, Bills repeal or amend legislation in some way. It would be ridiculous for all of them to have the same titles as previous Bills, and I cannot believe that the Government are arguing for that. Why, then, are they calling this the Disqualifications Bill?

Mr. Robathan: In referring to the short title, my hon. Friend has identified the confusion that lies at the heart of the Bill. The fact that we cannot tell from the short title whether the Bill is intended to disqualify people or to qualify them demonstrates the error of making constitutional change off the cuff, as the Government have been doing.

The Chairman: Order. Hon. Members are in danger of repeating themselves. There is a limit to the number of words that can be devoted to this matter.

Mr. Leigh: There is, indeed, a limit to the number of words that may be devoted to this matter, but, Sir Alan, there is no limit to the anger that Conservative Members feel. That is why we shall continue to try to show the British public exactly what this grubby little Bill is trying to achieve.

Mr. Mike O'Brien: The title of the Bill is a matter for parliamentary draftsmen; Ministers have not been involved in decisions of that kind. The Bill amends

legislation relating to disqualifications and adds a new disqualification relating to Irish Ministers who cannot be Ministers in the Northern Ireland Executive.

Mr. Howard: Will the Minister give way?

Mr. O'Brien: No, I will not.

Mr. Howard *rose—*

The Chairman: Order. Both Members must now take their seats. It is not clear to me whether the Minister is giving way. He must indicate that he is, or indicate otherwise; but if he does not give way, the right hon. and learned Gentleman must resume his seat.

Mr. O'Brien: I am not going to give way, Sir Alan.

I have made a genuine attempt to reply to the points that have been made, but it has sometimes been difficult for me to do so, because some hon. Members have not been able to get through their speeches without having to be brought to order. I have, however, tried to respond to points that seemed to me to penetrate the semantic discursiveness, bluster and other Tory games.

Mr. Fabricant: On a point of order, Sir Alan. The Minister may have forgotten that he was brought to order twice in succession earlier.

The Chairman: That is not a point of order. I have had to say that more than once to the hon. Gentleman today.

Mr. Howard: Although I spoke on Second Reading, I did not intend to speak in this debate. However, I was astonished by what the Minister just said about clause 4. He told the Committee that clause 4 was a matter for the parliamentary draftsmen, and that Ministers had not been involved. Is he denying any ministerial responsibility for clause 4?

Sir Patrick Cormack: Does my right hon. and learned Friend not realise that new Labour is allergic to clause IV?

Mr. Howard: That is a tempting suggestion, but I suspect that you, Sir Alan, would not look with approval on any attempt by me to respond to it.

There is a serious point, which is of absolute and direct relevance to whether clause 4 should stand part of the Bill. I hope that the Minister will clarify the matter. I was astonished that he did not give way to me, but I hope that he will deal specifically with this fundamental point: is he standing at the Dispatch Box and denying ministerial responsibility for clause 4?

Mr. Mike O'Brien: The right hon. and learned Gentleman, a former Home Secretary, puts his reputation on the line by making such silly points. We are clearly responsible for the Bill. The point that I was making was in reply to the right hon. Member for Penrith and The Border (Mr. Maclean), who had asked me a specific question about whether Ministers had intervened to alter the view of the parliamentary draftsmen about the name on the Bill, to which I gave a clear indication that Ministers had not.

With his long experience in the House, the right hon. and learned Gentleman knows perfectly well that Ministers are responsible for the Bill. He demeans himself by indulging in the sort of discursive tactics that have been deployed by the Tory party and in the games that Tory Members have visited on the Committee all night. We have seen bluster and discussions. The public will have seen the sort of Conservative party that has taken part in the debate.

The Chairman: Order. That is well outside the debate on clause 4 stand part.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

New Clause 2

DISQUALIFICATION FROM MINISTERIAL OFFICE IN UNITED KINGDOM

"No person who is a member of the legislature of Ireland (the Oireachtas) may hold any Ministerial position, or be a Party Whip, or be a member of the Government of the United Kingdom.".—*[Mr. William Ross.]*

Brought up, and read the First time.

Mr. William Ross: I beg to move, That the clause be read a Second time.

The Chairman: With this it will be convenient to discuss the following: new clause 8—*Minister of the Crown—*

"No person elected to the Parliament of the United Kingdom and also to the legislature of the Republic of Ireland may become a Minister of the Crown.".

New clause 9—*Disqualification from ministerial office in the United Kingdom—*

".—(1) No person may be appointed to ministerial office in the government of the United Kingdom if he is a member of the government of Ireland.

(2) A minister in the government of the United Kingdom ceases to hold office on becoming a minister of the government of Ireland.".

Amendment No. 34, in title, line 4, after "Ireland", insert "or the United Kingdom".

Mr. Ross: We are coming to the end of the Bill. We have heard it described as a modest little measure, but those who over the past 23 hours have examined it continuously, line by line—each crossed "t" and dotted "i"—know that, although the Bill seems modest, it has vast implications. We have looked at it carefully. Sadly, the only bluster has been from Ministers, because we have had no answers out of them. That remains the case.

New clause 2 stands in my name and in that of my hon. Friend the Member for Belfast, South (Rev. Martin Smyth). New clause 8 is in the name of the hon. Member for Stone (Mr. Cash). The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) has tabled other amendments. They all try to accomplish the same end. They try to ensure that no person who is a member of the legislature of Ireland may hold any ministerial position—be it as a Whip, or any other position—in the UK Government. That is in broad terms the gist of my

[Mr. Ross]

new clause, but the hon. Members who have tabled amendments will no doubt speak to them and explain their thinking.

Yesterday, the Minister largely admitted the validity of the point at issue in the amendments, so the Government are in no position to resist the principle in the amendments. *[Interruption.]* I thought that I saw a faint smile starting to spread over the Minister's face and a half nod. I was beginning to hope that he was going to bounce to his feet and to explain that he was about to accept the amendments. Sadly, he is waiting to be convinced to the last fibre of his being that the principle that he supports is correctly set forth in the amendments.

I am fairly easy about which amendment the Minister accepts. Naturally, I hope that he will accept the one that is in my name. The Minister may, however, decide to opt for new clause 8—which was tabled by the hon. Member for Stone, who has been quite active in our debates.

Liberal Democrat Members have expressed clear concerns in new clause 9—which is perhaps only a probing amendment, although I hope it is not. I hope that they will press their new clause to a Division. We should have a Division on all three of the new clauses in this group, to determine which one the Committee favours. We have plenty of time to do so; the 10 o'clock motion still stands, and we could go right through the night again.

Mr. Swayne: New clause 2, which was tabled by the hon. Gentleman and the hon. Member for Belfast, South (Rev. Martin Smyth), differs from the other new clauses and the amendment in this group in proposing to exclude members of the legislature of Ireland from serving as a party Whip in the United Kingdom. Will the hon. Gentleman enlighten the Committee as to why he has included that office as an exclusion in new clause 2? Does he extend the exclusion to the position of Opposition Whip, or does it apply only to the position of Government Whip?

Mr. Ross: As you will know from your own experience in the House, Sir Alan, there is barely an hon. Member who does not bear on his or her back the deep and vivid marks of the Whips. The same is true in every legislature in the world. Time and again, Whips drive unwilling Members into the Lobby. The Government must have their business, but the duty of Opposition parties must be to oppose the Government and to explore what Ministers are trying to do, so that Opposition Members are able—for the benefit of our constituents and of citizens of the United Kingdom generally—to gain a clearer understanding of Government policy. So often, however, although we labour long and hard, ultimately, we have very little to show for it.

The hon. Member for New Forest, West (Mr. Swayne) should therefore know why I want to include Whips in the new clause. People who have gained experience and learned their trade in a Whips office in a foreign state should in no circumstances be given a position of responsibility in, or be allowed anywhere near, the United Kingdom legislature. God knows we have so many problems with our home-grown variety of Whip that we do not want to import any.

I see the hon. Member for Ellesmere Port and Neston (Mr. Miller) shaking in his shoes, and I appreciate the bad experiences that he must have had with Whips.

Mr. Miller: My Whip is sitting right next to me.

Mr. Ross: My Whip is sitting beside me too. Although I have served as a Whip, I have always believed that, if one wants to achieve good results and full co-operation, it is better to use kindness and purr like a cat than to use a cat-o'-nine-tails. I believe that a reasoned approach and careful explanation of the merits of the Government's and the party's position will always produce a far greater harvest of benefits than the thuggery in which, sadly, the major party's Whips occasionally indulge.

In the years since I was first elected to the House and walked through the doors of the Chamber, I have known many Whips. To my cost, I have learned that they are people not to be trifled with in any circumstances.

Mr. Fabricant: Mr. Martin, may I say how nice it is to see you in the Chamber, in your Chair?

Does the hon. Member for East Londonderry (Mr. Ross) agree that, earlier today, the Government conceded that there is an argument that there should not be a conflict of interest between those who are in positions of power in the Government and those who are Members of the Dail? Ministers also said that they were minded to accept amendment No. 7. Should not Ministers therefore think that there would be more continuity in their position if they also accepted new clause 2?

Mr. Ross: That is the very point that I was making at the beginning of my speech. The plain truth is that the Government are duty bound—they are forced by their own admission, made earlier in our debates at about 4 am—to do so. That admission was made at about the same time as Ministers admitted that the Bill is a result of discussions that they had with Sinn Fein-IRA. These things are emblazoned on my mind. I am conscious that getting admissions from the Government was like squeezing blood from a rather dry stone.

Mr. Martin Bell (Tatton): Will the hon. Gentleman explain to one who has no Whips' marks on his back what purpose is served by these extended and lamentable proceedings?

3 pm

Mr. Ross: The reason for the lengthy proceedings is to try and get answers from the Government. The hon. Gentleman bears on his body the marks of his previous occupation, in which he made assiduous efforts to get at the truth. We are merely carrying on the hon. Gentleman's assiduity in that respect.

Mr. Swayne: Some of us are entering the 22nd hour scrutinising the Bill—

The First Deputy Chairman of Ways and Means (Mr. Michael J. Martin): Order. I will not tolerate any discussion of the length of our proceedings. I know as

well as anyone else how lengthy they have been. Hon. Members must confine their remarks to the new clause and amendments.

Mr. Ross: I accept your strictures, Mr. Martin, but I hope that you can tell me whether it is in order for me to respond to an unjustified attack?

The First Deputy Chairman: The hon. Gentleman must confine himself to the amendments and the new clause.

Mr. Ross: In that case, I shall certainly try and stay in order.

Dr. Julian Lewis: The difficulty for the hon. Gentleman is that he is used to giving straight answers to straight questions, unlike the right hon. Gentleman who normally answers questions on a Wednesday.

The First Deputy Chairman: Order. The hon. Gentleman is out of order.

Mr. Ross: I agree that the hon. Gentleman was slightly wide of the mark with that remark. However, I understand his frustration that, because of the Government's delaying tactics, he has no opportunity to question the Prime Minister.

The First Deputy Chairman: Order. The hon. Gentleman should not talk about the Prime Minister. The House is in Committee, and hon. Members must confine themselves to consideration of the amendments.

Mr. Gerald Howarth: On a point of order, Mr. Martin.

The First Deputy Chairman: I hope that it is a point of order.

Mr. Howarth: I believe that it is, Mr. Martin. The hon. Member for East Londonderry (Mr. Ross) was trying to explain why he has moved his new clause. The intervention from the hon. Member for Tatton (Mr. Bell) was out of order, not the remarks of the hon. Member for East Londonderry.

The First Deputy Chairman: That is not a point of order.

Mr. Ross: As you say, Mr. Martin, we must get on. The Minister must be tired and may have work to attend to. I do not want to keep him from that.

The Government earlier conceded the principle behind these important amendments. They should merely accept the amendments. New clause 8 states:

"No person elected to the parliament of the United Kingdom and also to the legislature of the Republic of Ireland may become a Minister of the Crown."

It is clear that the new clause recognises that a United Kingdom Cabinet Minister would be in a peculiar and impossible position. His duty would be to the people, the Crown and Parliament.

Such a Minister would normally be a Privy Councillor, and certain information would be given to him in strict confidence. That was alluded to some 20 hours ago. It would be difficult enough to keep such information from his friends and colleagues, but if he made the occasional slip it would be understood and the matter treated with due respect and confidence by his colleagues in the House. That would not necessarily be true if he made a mistake when dealing with a Minister who was a citizen of a foreign country with responsibilities to that nation, its constitution and its people. Such a person might use any information gleaned in that way to the benefit of that nation rather than that of the United Kingdom. I think that we should guard against that happening by making dead certain that the folk who make up the Government of the United Kingdom are citizens of this nation and no other.

I have already explained why the party Whips are included in this proposal. In addition, new clause 2 refers to

"a member of the Government of the United Kingdom.".

As has been said time and again, the plain truth is that people find it difficult to get the right words on to the amendment paper. I put down this wording, not because I was confident that it was right but to try and ensure that I caught all those not covered who could be considered as Members of the Government.

Mr. Levitt: On a point of order, Mr. Martin. I do not know whether you noticed, but the Father of the House, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), entered the Chamber a few minutes ago, took one look around and left in disgust. [HON. MEMBERS: "Not true."] Is it permissible to inquire of the Father of the House whether he has ever seen such blatant filibustering in all the 50-odd years he has been a Member of the House?

The First Deputy Chairman: Order. Hon. Members, including the Father of the House, can come and go as they please. That is not a point of order.

Mr. Ross: That is not the recollection that I had of the Father of the House, whom I have known for a long time.

The First Deputy Chairman: Order. I do not need any more references to the Father of the House. He does not deserve to be treated in this manner. We must get to the amendments before us—that is the duty of hon. Members.

Mr. Ross: Perhaps the Father of the House was so enthralled with the strong defence that has been made—

The First Deputy Chairman: Order. I understand that the Chairman of Ways and Means has commented on the Standing Orders. The hon. Gentleman has been in the House longer than I, and he knows that he must keep to the narrow amendments before us.

Mr. Winnick: On a point of order, Mr. Martin. You told my hon. Friend the Member for High Peak (Mr. Levitt) that his point was not a point of order. If it is not, according to your ruling, that is the end of the matter—I would not dream of challenging your ruling. The speeches of Opposition Members are more or less in order—although I notice that you and your predecessors, Mr. Martin, have had to intervene to ensure that they are, certainly in the past few hours—but would you not agree that the proceedings are being unnecessarily prolonged?

[Mr. Winnick]

[HON. MEMBERS: "By bogus points of order."] Although that may be in order, surely it is obvious that Conservative and Unionist Members are deliberately prolonging the proceedings as much as possible.

The First Deputy Chairman: Order. It is for the Chair to give guidance to hon. Members if they stray from an amendment or a new clause. That sometimes happens to hon. Members, so I am giving the Committee guidance. No one, as far as I am concerned, has been involved in causing any undue delay. If they did, I would give a ruling. The hon. Member for East Londonderry (Mr. Ross), however, is straying from the amendments, and I appeal to him to return to them.

Mr. Ross: The problem is that although I try to stick to the amendments, I am constantly interrupted and I have to respond.

Mr. Fabricant *rose—*

Mr. Ross: Does the hon. Gentleman want to—

Mr. Fabricant: Interrupt?

Mr. Ross: I thought that the correct word was "intervene". I give way to the hon. Gentleman.

Mr. Fabricant: I am grateful to the hon. Gentleman. In discussing new clause 2, he mentioned the power of the Whip—*[Interruption.]* Mr. Martin, I ask for your protection to allow me to continue.

Does the hon. Member for East Londonderry think that the power of the Whips was exemplified by their marked interventions in points of order earlier? *[Interruption.]*

Mr. Ross *rose—*

The First Deputy Chairman: Order. The amendment and the new clauses do not refer to the power of the Whips; they refer to the positions held by hon. Members. We should be talking about the positions of Ministers, not about their power. I call Mr. Ross.

Mr. Swayne *rose—*

The First Deputy Chairman: Order. The hon. Gentleman cannot intervene before the hon. Member for East Londonderry has even risen from his seat.

Mr. Ross: We are concerned about the influence of the Whips, should they be appointed to positions of power. In those circumstances, we should bear my points in mind although, after all these hours in Committee, I am not putting them as concisely—

Mr. Swayne: Perhaps I can assist the hon. Gentleman. Will he give way?

Mr. Ross: Of course.

Mr. Swayne: You are entirely correct, Mr. Martin. The point relates to the position of the Whips, not to their influence. My hon. Friend has begun to see sinister conspiracies and influences where there are none. Whatever the position of the Whips may have been, they have manifestly been unable to save Labour's 1,000th day.

The First Deputy Chairman: Order. We are going far too wide. I plead with the hon. Member for East Londonderry, who is a long-serving Member, to remain within the scope of the amendments.

Mr. Ross: Thank you, Mr. Martin. I want to draw my remarks to a close, because several other Members want to speak.

The intent of the new clauses is clear and the wording is reasonably good. In the light of that and of your strictures, Mr. Martin, and bearing in mind the fact that I am continually interrupted, I commend the new clauses to the Committee. I hope for support from Conservative Members and from my colleagues and for a happy and sensible response—for once—from the Minister.

Mr. Mike O'Brien: It falls to me to respond to this part of the debate. The hon. Member for Tatton (Mr. Bell) referred to the lamentable proceedings of the Committee. I do not want to distract attention from the debate, but we have arrived at new clause 2 after a sitting of the Committee that began yesterday. Although you keep good order, according to the House rules, Mr. Martin, I think that the public will judge that last night showed the House at its worst.

The new clauses have been included because there is concern as to a conflict of interest—

Mr. Brady *rose—*

Mr. Cash: On a point of order, Mr. Martin.

The First Deputy Chairman: Order. I hope that it is a point of order.

Mr. Cash *rose—*

The First Deputy Chairman: Order. When I stand, the hon. Gentleman must be seated. I hope that his is a genuine point of order. There have been so many points of order that the flow of the Committee's proceedings has been somewhat delayed.

Mr. Cash: New clause 8 is tabled in my name. Will you assure me, Mr. Martin, that it will be called? I have heard references to other provisions that are not in the group that we are discussing. I want to be sure that my new clause will be called.

The First Deputy Chairman: It is quite clear from the selection list that new clause 8 is grouped with new clause 2. It is up to the hon. Gentleman to catch my eye if he wants to take part in the proceedings.

Mr. O'Brien: The hon. Member for Stone (Mr. Cash) will no doubt find that his point of order—like many others that were made during the night—does not amount

to much. It is merely another attempt to delay proceedings. However, let us continue with the substance of what we are supposed to be here to deal with.

3.15 pm

A conflict of interests may arise where a Member of the Irish Parliament becomes a Minister in the House of Commons. I should like to set out why I believe that in some instances that may well be the case, but in other instances it may not. There are already ways in which that problem can be guarded against without necessitating some of the amendments before us.

Some hon. Members in the Chamber may feel that the amendments are in line with clause 2, which prevents Members of the Irish Parliament and the Northern Ireland Assembly from being Ministers in both places. However, I shall explain why that is not the case.

When we began these debates on Monday, I set out at length why we felt that a conflict of interests did not necessarily arise from an individual being a member of one legislature and being a Minister in another legislature. That may well be a matter for the electorate of the various constituencies concerned to decide, in which case we can leave it to the people to decide. If a person becomes a Minister and decides that they have a particular responsibility to the electorate in the area, it will be up to the electorate in the other area to decide whether the ministerial role is appropriate for their representative.

Mr. Gale: Will the Under-Secretary give way?

Mr. O'Brien: I will not. I shall make progress and then, towards the end of my speech, I may give way to the hon. Gentleman and one or two others.

However, hon. Members might hold views about the propriety of dual mandates in principle. This is not the right Bill to give rise to a discussion of whether current disqualification provisions need to be reviewed. The provisions as they stand enable members from distinct legislatures to take up seats in more than one legislature. For example, we know from previous debates on the Bill that members of the Commonwealth are at least permitted in principle, if not in practice—there are none—to be Members also of the House.

The Bill fits with the established principles in our constitution at the moment. If hon. Members wish to change that part of our constitution, that is a matter for them. This is not the place to do it. They may find some suitable vehicle to do it. Some hon. Members who are present may well feel that they wish gratuitously to impose a ban on Commonwealth legislators, but I do not propose to go into the reasons for or against that.

I can see how the holding of ministerial positions in more than one legislature, especially if they are in two different countries, could lead to complications and conflicts of interest. In that sense, the hon. Member for East Londonderry (Mr. Ross) and I are not too far apart. We are far apart on the detail of these amendments, but on some of the principles, at least in terms of ministerial conflict, we are not too far apart. That is why clause 2 was included in the Bill. Indeed, the Scotland Act 1998 makes similar provision at section 44(3). That section prevents Members of the Scottish Executive from also being Ministers in the United Kingdom Government. A Scottish Minister would be required to relinquish their position in the Scottish Executive before becoming a Minister at Westminster.

Mr. Gale *rose—*

Mr. O'Brien: I will give way to the hon. Gentleman later. I have already said that I will, and I shall not give way to him now.

Some may say that the provision in section 44(3) of the Scotland Act 1998 is similar to what is proposed by new clause 9. However, there are differences, which I shall explain. Clause 2 was included in the Bill because the procedures followed to select Ministers in the Northern Ireland Assembly differ from the procedures followed in other UK legislatures. That is an important distinction. In the Scottish Parliament, the National Assembly for Wales and the Westminster Parliament, the Prime Minister or First Minister has a discretion in choosing their Cabinet.

Any Prime Minister or First Minister would seriously consider matters such as conflict of interest before choosing any person to serve in their Government—even more so if they were contemplating selecting a Cabinet Member who was already a Minister, or even a member of another legislature. It is difficult to envisage that that would happen for any prolonged period. Likewise, should a situation arise where the Prime Minister or First Minister felt that a member of the Cabinet was not able to fulfil their role adequately for whatever reason, he or she would see to it that that person was no longer a Minister.

There is already a de facto protection against the sorts of problems that the hon. Member for East Londonderry has put before the House, and we discussed some of the principles behind those issues on Second Reading.

That is not the case with the Northern Ireland Assembly. Here, Ministers are selected automatically by the d'Hondt mechanism, as set out in the Good Friday agreement. The First Minister does not have that sort of discretion in choosing the Cabinet and the Executive, and cannot therefore have the same sort of discretion in dismissing Ministers who may give rise to conflicts of interests.

Under these circumstances, clause 2 was thought to be necessary to provide a legislative safeguard. I am not without sympathy for some of the points raised by the hon. Member for East Londonderry, but we have dealt with them in terms of the de facto practice within our constitutional arrangements. Methods are there to deal with such matters. We recognised that, in Northern Ireland, the situation is different and we needed special provision.

Mr. Gale: At an early hour of this morning, when the Minister was not on the Front Bench—I do not chide him for that—we discussed this issue. It was conceded that while clause 2 was, as the Minister said, relevant to Northern Ireland and the Irish Republic, it had no bearing on the matters under discussion in these clauses.

Those clauses—as was conceded by the Under-Secretary of State for Northern Ireland in the small hours of the morning—relate to the right of a Minister to be a Minister of State or Secretary of State, even for Northern Ireland, and to be a Minister in a Government of the Irish republic. Patently, that would mean that a

[Mr. Gale]

Minister of the Crown would be a Minister of another sovereign Government, and there could be a direct conflict of interest. That is a matter of record and, with great respect, I do not think that praying clause 2 in aid counts a fig in this matter.

Mr. O'Brien: The hon. Gentleman will know that these matters have been dealt with by my hon. Friend the Under-Secretary. However, in cases where it is possible for there to be a decision by Prime Ministers or First Ministers—at least in legislatures in Scotland, Britain and Wales—the Executive has the ability to determine the issues. From what the hon. Gentleman says, I think that he accepts the constitutional situation.

However, the hon. Gentleman is putting an entirely different matter to me—the issue of whether a Northern Irish Executive member who was also appointed to become a member of the Dublin Executive would be in a different position. We are seeking to work our way through the constitutional arrangements to ensure that we get those things right.

Mr. William Ross *rose—*

Mr. O'Brien: I am sure that that is precisely the issue that the hon. Member wants to raise with me.

Mr. Ross: I do want to ask about that. I am curious as to whether the term "Minister" always includes the term "junior Minister", as that is not in the Bill. Will the Minister take on board the fact that the First Minister and the Deputy First Minister, once elected, then become Ministers of the Government of Ireland. I am not sure if he is aware that if one has to resign, they both go.

The problem that I see is that clause 2(2) does not mention the First Minister or the Deputy First Minister who are different from all the other Ministers and junior Ministers in the Northern Ireland Executive. Will the Minister recognise that and carefully reconsider the position?

Mr. O'Brien: I was not entirely able to pick up the essence of the hon. Gentleman's point. Will he encapsulate it for me again, so that I can deal with it?

Mr. Ross: The First Minister and the Deputy First Minister are as one. If one falls, they both fall. Are the First Minister and the Deputy First Minister looked upon as Ministers within the Northern Ireland Executive? That does not appear to be the case according to clause 2(2).

Mr. O'Brien: I am advised that they are, but the hon. Gentleman raises an important matter. I shall talk to those who advise me on the legal issues and perhaps I can then provide the hon. Gentleman with a definitive written answer.

Mr. Simon Hughes: The Minister explained perfectly reasonably the difference between the way in which Ministers are chosen in the Northern Ireland Assembly and the way in which they are chosen in the UK Parliament. Does he not accept, however, that in one respect there is a similarity between them? One does not have to offer one's services to be a Minister in the Northern Ireland Assembly just as one does not have to offer one's services in the UK Parliament. Although the First Minister does not control which parties receive the nominations and who comes forward, we could legislate to ensure that no one who is a Minister in the Government of Ireland shall allow himself to be nominated or appointed as a Minister in Northern Ireland or the United Kingdom. We could legislate for that and wrap up the different Northern Ireland and UK Parliaments in one amendment.

Mr. O'Brien: I should like to consider the hon. Gentleman's point. On the face of it, it is reasonable. I shall think about the issues and, again, I might write to him.

Let me make it clear that the word "Minister" includes the First Minister and the Deputy First Minister under section 7(3) of the Northern Ireland Act 1988 and that the First Minister and Deputy First Minister follow the normal procedures for filling a vacancy. I make it clear, however, that I give no undertakings to accept the new clauses, but I shall consider in a reasonable way the points that have been made.

It is not right for the legislature here, the Welsh Assembly and the Scottish Parliament to seek to circumscribe the freedom of Prime Ministers and First Ministers in their choice of Government. To some extent, that would interfere with the way in which Governments operate. We took a view about how we set up devolution in Scotland and Wales and if those two resulting bodies attempted to create restrictions, I would prefer that the initiative came at least with consultation initiated by the devolved bodies.

The proper way for the British, Scottish and Welsh legislatures to deal with these issues is for the First Ministers or the Prime Minister to deal with potential conflicts of interest. Consequently, I am not prepared to accept the new clauses, but I shall consider the issues and write to hon. Members in due course. We have not got entirely closed minds on the issues of conflicts of interest. In due course, some further opportunity might well present itself. If a conflict of interest were obvious, we might at that stage be able to take on board some of the points raised.

3.30 pm

Mr. Simon Hughes: When we began Committee stage at 5.30 pm on Tuesday, little did I think that the sole new clause tabled by the Liberal Democrats would not be reached until 3.30 pm on Wednesday. I was advised that it would all be over by midnight, but that was not to be.

Mr. Bermingham: So keep it short.

Mr. Hughes: If the hon. Gentleman reads *Hansard*, he will see that all of my speeches and those of other Liberal Democrat members have been short. We have been constructive and concise on each issue and we shall be so on this one.

Mr. Bermingham *rose—*

Mr. Hughes: I shall give way to the hon. Gentleman but once.

Mr. Bermingham: But once I ask. Having set his own good example, the hon. Gentleman should follow it, ensure that the rest of his party does so as well, and say nothing.

Mr. Hughes: If one tables new clauses—

Mr. Mike O'Brien: I am sorry to interrupt, but I should like to assist the hon. Gentleman. I absolve him, unlike other Opposition Members, of prevarication, delay and discursion.

Mr. Hughes: If benediction from a junior Home Office Minister helps me, I am grateful for it. To those who came this afternoon thinking that they were to watch play on centre court but who have instead ended up watching matches on courts Nos. 1 or 14, we apologise, even though the problem was not of our making. I hope that they feel that, to a certain extent, they got their money's worth.

New clause 9 is similar to, but different from, new clause 2. It deals with an issue that has come up in several contexts, but is most properly addressed in this group of amendments. In our view, no one should be able to hold simultaneously ministerial office in the Irish Government and ministerial office in the British Government or in the Northern Ireland Government.

I concur with the Minister's first point. We have always argued that there is no necessary incompatibility with being a member of two legislatures. We share that view with the Government. We have also accepted that someone might manage to be a Minister in one and a Back Bencher in another. The hon. Member for East Londonderry (Mr. Ross) has argued, on behalf of his right hon. Friend the Member for Upper Bann (Mr. Trimble) and other colleagues, that no one should be able to be a Minister in both. We agree.

There is a strong conflict of interests. Someone who is a member of the Government in one country cannot simultaneously and without conflicts of interest arising be a member of the Government of another sovereign country—

Mr. Duncan: Or in the legislature?

Mr. Hughes: The hon. Gentleman has not been here much during our debate, so he might not realise that there is a difference. A Member of a legislature represents his or her constituents and expresses his or her views, but does not determine the policy of the Executive. Such influence is clearly wielded by any member of the Government. If the hon. Gentleman reads *Hansard*, he will see that there is broad agreement on the fact that there is a difference of substance.

The Minister suggested that there is a difference between Northern Ireland ministerial positions, which is why clause 2 contains specific provision in that respect, and other ministerial appointments. He said that there is, to some extent, less absolute control in the hands of the Prime Minister or of the First Minister of Northern Ireland, simply because people are nominated and must then be accepted into the Cabinet. That is true, but I repeat, there are easy ways by which one could perfectly reasonably formulate the bar that applies when someone considers the invitation or puts him or herself forward. If a person is a member of the Government of Northern Ireland in the Assembly and a member of the Government of Ireland, there is a conflict. There is also conflict in respect of a Minister in the Westminster Government and in the Dublin Government.

Mr. O'Brien: I accept that the hon. Gentleman is saying that in theory that could happen, but in practice it will not. We know it will not. Will he set out the circumstances that he can envisage in reality where such an aberration occurs? I very much doubt that a British Prime Minister of whatever party would be happy with such a situation, and accordingly would not appoint. I very much doubt also whether the electorate, who watch these proceedings, would tolerate it.

Mr. Hughes: Although it would be unlikely that a British Prime Minister would choose somebody to go into his Government who was also in the Irish Government, or vice versa, it is less unlikely that in future in a coalition Government in Northern Ireland, the chief Minister, who in the present circumstances might not be a Unionist, might see it as perfectly possible to have someone in his Government who might also be able to be, and appointed to be, in the Government in Dublin. A member of the Social Democratic and Labour party could quite reasonably be in both Administrations.

The Minister asked me whether what I described would be likely in the real world. The entire Bill is in large measure about things that do not happen in that world. The Bill is about whether Members of Commonwealth Parliaments will be Members of the Westminster Parliament. The Minister said that there are not any such Members in that position and that there never have been. I understand that no one has previously served in a Parliament in this country while simultaneously being a Member of a Commonwealth country Parliament, but I stand to be corrected.

Mr. O'Brien: The hon. Gentleman is right. I made the point when I was contributing to the debate. I am not aware of such a situation. However, the hon. Gentleman said that that is what the Bill is about. That is not right. The Bill is about issues in relation to Ireland.

Mr. Hughes: The Bill is principally about Irish issues, but one of the reasons that would be deployed for doing what the Government are asking us to agree to is that it would put the Irish Parliament and its Members in a similar relationship to that which exists between Members of the United Kingdom Parliament and Commonwealth parliamentarians.

Many contributions have been made by Northern Ireland Members, Conservative Members and Liberal Democrat Members on the basis that there could be Commonwealth Members in Commonwealth Parliaments and the Westminster Parliament, but that has never happened. That is as much an unreality and an unlikelihood as the issue that we are debating.

[Mr. Hughes]

I want to be brief because I always have been. Additionally, I promised the hon. Member for St. Helens, South (Mr. Bermingham) that I would be. The Minister was helpful in his response. I deduce that he was helpful both to the hon. Member for East Londonderry and to me. He said that Ministers in the Home Office and the Northern Ireland Office would ascertain whether it was possible, without an undertaking, to accommodate our concern. I think that the Bill would be more acceptable within the limited remit of what it is intended to do if although it allowed dual legislature membership, whatever we think of that, and legislative membership in one parliament and Executive membership in the other, it did not allow ministerial positions in both. That would make this a much more logical and defensible Bill.

The Minister knows that there is a dispute between us as to why we are having the Bill now and why we are having to have it so quickly. If that is to happen, I assume that the Bill will be going speedily to the House of Lords and that it will return to us speedily. If not, there is no logic in it being before us on Monday, Tuesday and Wednesday, so as to get it through the House, with the loss of Prime Minister's questions and a day's business. I hope that the circumstances will not preclude serious consideration of the new clause and those that are similar to it, so that if necessary we can amend the Bill and not suffer from one that was rushed through and therefore was a less good measure than it might have been.

Mr. O'Brien: I will consider the issues that the hon. Members for East Londonderry (Mr. Ross) and for Southwark, North and Bermondsey (Mr. Hughes) have raised. I bear in mind what the hon. Member for Southwark, North and Bermondsey has said about time scales. I have given no undertaking to do anything in the Bill. I have said that if we find that there are issues, a further opportunity might become available to consider them.

We have had lengthy discussions on the Bill for difficult and not entirely constructive reasons. However, given the length of time that we have spent on the measure, it is difficult to argue that it is being rushed. As I said earlier, I will examine the issues that the hon. Members for Southwark, North and Bermondsey and for East Londonderry raised.

Mr. Hughes: I am grateful for that. The postscript to my remarks is that, for reasons that I outlined earlier, Liberal Democrat Members cannot support new clause 8. It would rule out a constitutionally compatible provision, which would not create the same conflict of interest as dual ministerial office.

Mr. Cash: It is highly appropriate that the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) mentioned new clause 8, although he said that he could not support it. If he will be good enough to listen to my arguments, he may change his mind.

New clause 8 simply proposes that:

"No person elected to the Parliament of the United Kingdom and also to the legislature of the Republic of Ireland may become a Minister of the Crown."

We have had many debates about who may qualify for or be disqualified from membership of the House under the Bill. However, new clause 8 tackles the case of someone who has a dual mandate for the Dail and the House of Commons. Such a person could not be a Minister of the Crown if the new clause was accepted.

Why have we tabled the new clause? We have established that the main purpose of disqualification apart from ensuring that hon. Members are fit and proper to sit in the House—there is no reason to suppose that Members of the Dail would not fall into that category—is to ensure that Members can carry out their duties and responsibilities free from undue pressures from other sources. A Member of another legislature—the Dail in the case of the Bill—would, through party arrangements, whipping systems, and the policies and underlying constitutional arrangements to which he would subscribe, be subjected to pressures from other sources. In many instances, there would be undue pressures.

It is a clear principle that a Member of the House—a Minister of the Crown would be such a Member—should be free from possible conflicts of interest, which might distort his behaviour as an independent member of the legislature and his freedom to represent the best interests of his constituents. A Minister of the Crown could easily fall into difficulties. He would also invariably be a Privy Councillor and would have to take the Privy Council oath. That binds him to secrecy, a range of confidential matters, and various commitments, which I do not need to set out in detail.

Mr. Bermingham: I understand the hon. Gentleman's point, but, although the Conservative party currently has no Scottish or Welsh Members of Parliament, does he agree that there is a problem when people are both Members of the Scottish Parliament or the Welsh Assembly and Members of this House? Why should there be a distinction between the Scottish Parliament and the Welsh Assembly, and the Northern Ireland Assembly and the Dail?

Mr. Cash: There is a simple answer: the United Kingdom and Ireland are different sovereign nations. It would be surprising if a Member of the Dail disputed that he was a Member of the legislature of a sovereign nation. Devolution confuses people, even the hon. Gentleman, with his forensic skills. People confuse constitutional principles and the basis on which the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly were established, and the Dail, which is the Parliament of a sovereign nation.

3.45 pm

Mr. Nick St. Aubyn (Guildford): Does my hon. Friend agree that his new clause sends a powerful message to those Ministers of the Crown from Scottish constituencies who litter the Treasury Bench? If Scotland became independent they, too, would be excluded from taking part in the operation and running of the remainder of the United Kingdom.

Mr. Cash: My hon. Friend is right. In the middle of last night, I referred to what Charles Stewart Parnell himself thought about the relationship between the Irish Members and this legislature. It is perfectly clear from a

memorandum and other statements that when the home rule Bill was being drawn up in 1886 he concluded that it was in the interests of the Irish nation that the Irish Members be excluded from the House. It is extraordinary to have come full circle—for reasons as yet completely undisclosed—whereby we are encouraging the Irish Members to become Members of the House, without a full constitutional settlement of the kind arrived at in 1801.

We are also taking the whole process in completely the opposite direction from the points and principles suggested by Charles Stewart Parnell, who had to go through every nut and bolt and every crevice and crack of the procedures of the House during the home rule saga to achieve his objective. Anybody who has visited the magnificent monument to Parnell in Dublin knows that the inscription specifically refers to national sovereignty. To paraphrase, no person should stand in the way of the march of a nation. If one recognises retrospectively that that was a legitimate aspiration for the Irish people, it is extraordinary, to say the least, that we have gone full circle and are contradicting the very principles on which his battle for home rule was established. That is a historical question.

Mr. Bermingham: Will the hon. Gentleman give way?

Mr. Cash: I am more than happy to take another intervention from the hon. Gentleman, but will he pause for a moment? I want to take another look at the Privy Council.

The Minister—and, indeed, other Ministers right up to the Prime Minister—may envisage a person elected to the Republic of Ireland legislature becoming a Minister as well, but it would be perfectly obvious to any such person who intended to stand that he would have to swear the Oath of Allegiance, as membership of the House involves swearing allegiance to the Crown. In addition, the special and extremely tight Privy Council oath and the requirements of confidentiality would, I suggest, cause considerable difficulties for a person elected to another legislature—in this case, that of the Republic of Ireland.

A substantial book, "The Irish Constitution" by Mr. J. M. Kelly, which has run to its third edition, provides ample scope for a filibuster should hon. Members want to engage in one, which I am sure they would not. It clearly states that there is no requirement to swear an oath of allegiance to the Dail because it operates under a different constitutional arrangement. We must remember that Ireland has a written constitution, and there are requirements inherent in the Irish position.

Many of us love Ireland and want it to succeed—it is doing extremely well now. It is second in the table of economic success in the European Union, and many congratulations to them on that. The fact remains that incredibly important obstacles arise from the proposition that a person elected to either House of the legislature of the Republic of Ireland and to the Parliament of the United Kingdom should be allowed to become a Minister of the Crown.

As we have had a Privy Council for Northern Ireland since the separation of Ireland as a whole, the question is whether there should be an equivalent position if anyone were to seek to become a member of both legislatures and a Minister of the Crown. It is difficult to imagine how the Minister could answer such questions. Leaving aside the interrelationship between the membership of the two legislatures, if we were to focus on the qualities and constitutional position of a Minister of the Crown, we would see that many other problems would arise in respect of a member of any legislature, especially a Member of the legislature of Ireland.

I shall quote from the constitutional volume of "Halsbury's Laws of England", much of which will be obvious to Labour Members. It states:

> "Each Minister is responsible and must answer to Parliament for his or her own acts and policies and for all that is done in his or her department. . .In giving an account to Parliament a minister must not knowingly mislead Parliament. . .ministers are expected to give an account of their departments and answer questions in Parliament, they may refuse to answer questions."

That is the basis on which they have to operate. These are constitutional duties.

It would be difficult for the requirements of accountability to be fulfilled if a member of, for example, the legislature of the Republic of Ireland was properly conducting his duties to fulfil the requirements of his election to that legislature. For heaven's sake, it is our first responsibility, as it is in Ireland, to have regard to the manner in which we handle questions on behalf of our constituents. If a person was a Minister of the Crown in the United Kingdom and a member of the legislature in Ireland, it would be impossible for him to fulfil his obligations to the persons who had elected him in Ireland.

I am sure that the Minister will recognise that this is a substantial point. It is a practical question. Issues also arise with regard to timetabling.

Mr. Bermingham: On a point of order, Mr. Martin. I have listened with care to the hon. Gentleman, who did not give me the courtesy of giving way at the appropriate time, but these things happen. Must we listen to rubbish and criticism of Scottish Ministers and Welsh Assembly Ministers? They are being told that they cannot exercise their functions properly if they are also a Member of this House. Surely that has nothing to do with the Bill or with the new clause that I think stands in the hon. Gentleman's name.

The First Deputy Chairman: I have listened to the hon. Gentleman carefully, and he has kept in good order. I have absolutely no complaint about the way in which he has conducted himself.

Mr. Cash: I am grateful, Mr. Martin. I do not criticise the hon. Gentleman for the point that he has just made, but this is an important question. The Bill has not been invented by us. It has been introduced in circumstances of great secrecy, or at any rate it arises out of meetings that we think were secret. We have not received answers. I am trying to point out some of the anomalies that inevitably arise. I am emphatically not engaging in a filibuster of any description.

Mr. Mike O'Brien: I am listening to the hon. Gentleman's dissertation, and a learned dissertation it is. The point that I made in my speech was that, although many things can happen in theory, especially in unwritten constitutions—I do not want to debate the extent of our unwritten constitution now—in practice, they do not happen. There may be all sorts of theoretical issues that he could engender, as he has been trying to do in the past

[Mr. Mike O'Brien]

16 minutes, but they will probably not arise because Prime Ministers in the various countries will be aware of the consequences of having someone in their Government who is a member of a legislature in a foreign country.

Mr. Cash: I am grateful to the Minister, but what it clearly does—

Mr. Bermingham: On a point of order, Mr. Martin. I ask the Minister to withdraw the word "foreign". We are all part of Europe.

The First Deputy Chairman: That is not a point of order. It is a matter for debate.

Mr. Cash: Excuse me for laughing for a moment, Mr. Martin. Where is Europe?

The Minister raises an interesting point. The points that I am making could be regarded as theoretical, but if they are, what is the purpose of the Bill? Over and over again, we have heard that the Bill raises situations that are thought to be unlikely to occur. Yet there must have been a reason behind it.

Mr. O'Brien: What the hon. Gentleman is trying to put together is not really the argument. He is putting the theoretical case that someone could be a member of a Government in one country and a member of a legislature in another. I accept the issue about the European Union, and I hope that we do not need to go into that. The point here is that the hon. Member for Newry and Armagh (Mr. Mallon) sat at one stage in the Irish Senate when he already had a seat in this House. We are not necessarily talking about plain theories. We are dealing with something that may well happen and we in the House may not wish to discourage it in his case. He is an extremely well respected Member. While in respect of the Commonwealth, the matter may be theoretical, in the context of Ireland and the United Kingdom, they may not necessarily be so.

Mr. Cash: In that case, the argument that I am advancing becomes even more substantial. The Minister is helping to make my case. I need not pursue that point any further.

The second point relating to the attributes of Ministers of the Crown is collective responsibility, the elements of which are unanimity, confidentiality and confidence. It would become apparent very quickly if someone came in from another country—with respect to this amendment, from the Irish legislature—that collective responsibility could be affected by the fact that the person who was a Minister of the Crown would not necessarily be present at any time and could not answer on behalf of the Crown as and when required, for example, to private notice questions? It does not take much imagination and I do not need to go through all the permutations to show the practical as well as constitutional difficulties that would inevitably arise if we created the situation that the Bill is in danger of creating.

Mr. Hogg: Most important is the duty of confidentiality. If a Member of the Irish Parliament who happened to be a Minister in the Irish Government learned some information, and, at the same time, he learned information in his capacity as a Minister of a Parliament or Assembly somewhere else in the United Kingdom, his duties of confidentiality would be torn and he could not perform the two roles.

Mr. Cash: The only way in which that could be resolved, and the potentiality of conflict of a kind that we discussed earlier reduced, would be if there was one country, along the lines described by Norman Davies in "History of the Isles", to bring back one province within the EU which would then absorb and subsume all the constitutional difficulties which arose from the histories of the individual isles, but then to create a new province and reduce the conflict. Why these arrangements are being entered into remains a significant puzzle to many of us. No explanation has been given, and the principle on which they appear to be presented is in direct contradiction to the objectives of Parnell and the others when they sought home rule and said that they did not want to be members of this legislature. That I find difficult.

I should be grateful if the Minister could answer that question. There must have been discussions. Did it not occur to anyone to ask about the origins of home rule and Eire? I have no problem with the idea of separate nations—quite the opposite—but where they exist it is incongruous to have Ministers directing policy in this Parliament while having potentially been elected in another country. I do not think for a minute that there are not vast numbers of people from Ireland, by origin, birth and so on, who are Members of this House. We know that, and what a good thing it is. The Minister's own name can perhaps be traced to an Irish connection. The Kings of Ireland were O'Briens.

Mr. O'Brien: I will not go into my family history but deal with the constitution and the law. I do not intend to reply at length in rebuttal because I have dealt with most of the issues in my speech and in interventions.

I have been trying to follow the logic of the hon. Gentleman's argument about the nation. I take it that he would not argue that the concept of the Irish nation put forward by Parnell is the same as that put forward by the Ulster Unionists today.

The First Deputy Chairman: Order. I am interested in the history of Ireland, but not at the moment. We must keep within the confines of the new clause.

Mr. Cash: I accept that, Mr. Martin.

I come now to the question of legal accountability. All Ministers and servants of the Crown are accountable to the courts for the legality of their actions and can be held civilly and criminally liable. That raises a number of interesting questions about immunities, whether membership of another legislature would give privileges which would prevent a person from being accountable in the way that I have described, and whether people would be able, or would be required to, appear. Similar situations could arise with regard to membership of the Select Committees, the evidence that they give to such Committees as Ministers of the Crown, and so on.

It is abundantly clear that there are a huge number of practical and constitutional reasons why these arrangements should not be entered into.

4 pm

This is not merely an analysis of theoretical possibilities. The Bill has led us into a situation that requires us, as Members of Parliament, to ask the questions, to examine the evidence, to insist on answers, and to quantify the practicalities of the proposals. We have heard no answers from the Minister to any of those questions, although he has risen several times and claimed to be answering them. I could raise many other questions, but I do not want to engage in an unreasonable amount of discussion just for the sake of it.

You will have noticed, Mr. Martin—I can tell things from the expression on your face occasionally—that I have here some substantial works of reference, to which I could refer at length without departing for a minute from your requirements and those of the Committee. I would not filibuster; I would not be repetitious; I would break no rules. But in deference to you, Mr. Martin, and to the Committee, I will eschew the attractions and temptations presented by one of the longest filibusters in history, and will confine myself to what I have already said.

Mr. Gale: I do not intend to detain the Committee for long.

This is a one-page Bill, but it is not the modest little measure that some have termed it. It is, in fact, a very bad Bill, and constitutionally dangerous. The new clauses go a small way towards mitigating some of the constitutional damage that would be done if the Bill were passed unamended. I hope that it will be thrown out in its entirety on Third Reading, but I want to concentrate on the new clauses that we are discussing.

I am sorry that the Minister found it necessary to criticise Conservative Members for engaging in a prolonged debate. I am grateful to you, Mr. Martin, and to your fellow Chairmen—you have sat here throughout the night, and today—for confirming that, by and large, our deliberations have been in order.

In the early hours of this morning, when we debated clause 2, we engaged in a discussion which, we were told, related more properly to the new clauses that we are debating now. The Minister dismissed my intervention then; let me rehearse the arguments yet again.

In promoting clause 2, the Minister's colleague prayed in aid the necessity to draw a distinction between the Assembly of Northern Ireland and the Parliament of the Irish Republic, and explained—not in great detail, but fairly clearly—why it was appropriate for clause 2 to be enacted. He said, in a nutshell, that it was not proper for a Member to be a Minister both in Northern Ireland and in the Irish Republic.

I believe that Members of Parliament have a duty to scrutinise not just faulty street lights and cracked paving stones, but legislation. I believe that Ministers have a duty to explain to the House the legislation that they are presenting to it, and to justify that legislation. If they cannot do that, they deserve to be defeated.

The Minister has repeatedly said at the Dispatch Box that he has already explained; but, as my hon. Friend the Member for Buckingham (Mr. Bercow) said many hours ago, what we have heard is a series of protestations and assertions, but no evidence whatever.

Let me now deal directly with the new clauses.

Again, in the small hours of the morning, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) and I—I am sorry that the hon. Gentleman has had to leave the Chamber, although I am sure that it is for good reasons—reached an agreement, incredibly, that his new clause No. 9 dealt with the other bit of the issue that is missing from clause 2. The bit that is missing relates to Members of the House of Commons and, indeed, to potential Members of the Parliament of the Irish Republic.

If it is wrong for a Member of the Parliament of the Irish Republic to be a Minister also in the Northern Ireland Assembly, and for a Minister in the Northern Ireland Assembly to be a Minister also in the Parliament of the Irish Republic, I cannot for the life of me see the logic in saying that it is not wrong for a Minister of the Crown in the UK Parliament to be a Minister in either of the other places. The Bill as drafted—the Minister is aware of it—means that it will be in order for the Secretary of State for Northern Ireland, while sitting in the UK Parliament, also to be a Minister in the Parliament of the Irish Republic.

Mr. Hogg: Is there not a different way to put the same question: why should that be right? The Bill as drafted makes it possible for that situation to arise, so those who drafted it have to persuade the Committee that it is right that that consequence should be able to occur.

Mr. Gale: My right hon. and learned Friend is right. He will probably be astonished to know that, in the small hours of the morning, we confirmed that, as the Bill stands, it is in order—I am not saying that it is necessarily likely—for the Speaker of the House of Commons, an independent body by virtue of his or her office—to be a partisan Minister in the Parliament of the Irish Republic. That is possible. Nothing in the Bill stops it. However, that is not what is before the Committee.

Mr. Mike O'Brien: I have been listening with care, trying to discount some of the tone and listen to the thrust of the hon. Gentleman's argument. Many bizarre things may in theory happen but are not in practice likely to happen, with the result that we do not legislate against them. Why does he think that the bizarre points that he is putting to us should be part of the legislation?

Mr. Gale: Forgive me. The Minister rises at the Dispatch Box and says that what I am suggesting is bizarre. I agree. It would be bizarre for the Speaker to be a Minister in another Parliament, but there is nothing to prevent it. However, that is not what I am seeking to discuss.

The Minister intervened on my hon. Friend the Member for Stoke.

Mr. Cash: Stone.

Mr. Gale: I beg my hon. Friend's pardon. It is late.

In that intervention, the Minister virtually made the argument for us. He said that it was not beyond the bounds of possibility. He cited an hon. Member who had been a Member of both legislatures. Either we are legislating for reality or we are not. He said himself that it was not beyond the bounds of possibility. If it is not

[Mr. Gale]

beyond the bounds of possibility for an hon. Member to be a Member also of the Parliament of the Irish Republic, it is not, as things stand, beyond the bounds of possibility for the same Member to be a Minister in both legislatures.

Mr. O'Brien: We are talking about two different propositions. One involves the situation where a person may be a Member of one House and also a member of another legislature. That is feasible. The position of the hon. Member for Newry and Armagh (Mr. Mallon) is a potential case in point. I do not think that it has happened on all fours, but we can see that the potential is there. The hon. Member for North Thanet (Mr. Gale) asks us to believe that a Prime Minister would go a step further and make a person in that position a Minister. That is a bizarre proposition. If the hon. Gentleman can show me that there is a realistic prospect of that, I might not think it so bizarre: I might believe that his argument has some validity. He must be careful not to suggest that the House should legislate against all sorts of theoretical possibilities which, in practice, will never occur.

4.15 pm

Mr. Hogg *rose—*

Mr. Gale: I shall give way to my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), and then respond both to his point and to that of the Minister.

Mr. Hogg: The Committee is being asked to uphold that my hon. Friend's suggestion is far-fetched and bizarre, but the suggestion has already been dealt with in clause 1, which provides that Ministers in the Government of Ireland shall not hold office as certain types of Minister in the Northern Ireland Assembly. Such a situation is being contemplated as a real possibility; hence the need for legislation on the point. It is no more bizarre to address the issue in relation to the United Kingdom's other Parliament and Assemblies than it is to address it in relation to the Northern Ireland Assembly. Ministers are making provision to deal with the latter occurrence.

Mr. Gale: My right hon. and learned Friend is right, except that I think he meant to refer to the provisions of clause 2, not of clause 1. Otherwise, he is absolutely right.

In the early hours, in his absence, we referred—in no way disparagingly, as Mr. Martin would not have permitted it—to the hon. Member for North Antrim (Rev. Ian Paisley), who is a Member of the European Parliament, of this House and of the Northern Ireland Assembly. There is nothing improper in his holding those positions. However, the point was made that only one of those three legislatures—this one—is a sovereign Parliament. The Northern Ireland Assembly is not sovereign, and the European Parliament is most certainly not sovereign. The Parliament of the Irish Republic is sovereign, as is the Parliament of the United Kingdom.

The Minister cannot have it both ways. He might admit, "I got clause 2 wrong. There is no prospect of a Member being a Minister both in Northern Ireland and in the Republic"—although if he did, one might ask why clause 2 was included in the Bill. Clause 2, which the Committee has passed, deals precisely with a situation in which a Member serves as a Minister in both legislatures.

Mr. O'Brien: The hon. Gentleman is being extremely generous in allowing interventions, and I do not want to abuse his generosity, but I thought I had dealt with that point. The situation in Northern Ireland is different because of the d'Hondt principle on selection of the Executive. The d'Hondt principle does not apply in the British Parliament, the Scottish Parliament or the Welsh Assembly. Therefore, the Prime Minister, First Minister or First Secretary in those Executives have a choice about who is appointed as a Minister, and, in practice, would not choose someone who was a Member of the Executive of another country.

Mr. Gale: What matters is not whether the principle belongs to Professor d'Hondt deceased, or to anyone else, but the principle itself. The Bill's principle maintains—entirely correctly, if we are to have the Bill at all—that it is wrong for a Member to be a Minister in both the Northern Ireland Assembly and the Parliament of the Irish Republic. The Minister agrees with that—it is his Bill—and, to the extent that I agree with the Bill at all, I agree with that. All the hon. Member for Southwark, North and Bermondsey is saying in new clause 9, and all my hon. Friend the Member for Stone (Mr. Cash) is saying in new clause 8, is that, if that is so, it is also wrong for a Member to be a Minister in this House and in the Parliament of the Irish Republic. Let us, therefore, state that clearly in the Bill.

The Minister has spoken many times in our debates, and he has said that he is prepared to consider the issue. However, he is not prepared to give any undertakings. If he is not prepared to do that, I hope that either my hon. Friend the Member for Stone or the hon. Member for Southwark, North and Bermondsey will press his new clause to the vote. Patently, if clause 2 is correct, one of the new clauses also must be right. We have to deal with that.

Mr. Cash: Does my hon. Friend agree that, in the past year, Ministers have created a problem by raising the issue of whether formulations and amendments arising from Bills may be thought to be purely theoretical?

Secondly, the history of British constitutional development over the past 600 years contains many examples of people saying that something would never happen because it was merely a theoretical possibility. An example of that is the prediction that Britain would not lose the veto. Is it not unwise to rely on the Minister's protestations that what appears theoretical could not happen eventually, or even soon?

Mr. Gale: My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and I went to see the Minister in 1997 and were told that there would not be a problem with economic migrants. He was proved wrong about that, and I fear that he will be proved wrong again. The Minister pulls a face, but if he does not answer satisfactorily the points that have been raised, he must expect us to vote against the Bill.

Mr. Stephen O'Brien (Eddisbury): The Minister has said in his defence that our objections are theoretical, but

do not all the precedents show that laws made in haste tend to be bad laws? The Government have introduced the Bill in haste, and it is our duty to try to improve it, as the new clause proposes.

Mr. Gale: If we are not here to legislate, I do not know what we are here for.

Mr. Maginnis: The Minister claims that it is not possible to legislate for every eventuality, but the Government are promoting legislation in favour of creating an anomaly—that Ministers in this House theoretically could be also be Ministers in the Dail. Therein lies the difficulty with the Bill.

Mr. Gale: The hon. Gentleman is right, but the argument is becoming circular and I am getting bored with the sound of my own voice.

In conclusion, if clause 2 is right, at least one of the new clauses must be right. The Minister has not convinced the Committee that if one is right, the other is not. If he cannot produce a convincing argument, he should produce an amendment encapsulating the single exclusion that we want. Failing that, he has to accept one of our proposals now or face a vote on one.

I agree that legislation for its own sake is bad. The Bill cannot be described as that, but it is very bad and we are genuinely trying to mitigate it.

Several hon. Members *rose—*

Mr. Bermingham: On a point of order, Mr. Lord. How many times must I rise to catch your eye before I am called to speak?

The Second Deputy Chairman of Ways and Means (Mr. Michael Lord): I arrived in the Chair only a few moments ago, and was not aware that the hon. Gentleman was rising to catch my eye. Had I been so aware, I should have called him, in the correct order, as I always do.

Mr. Bermingham: I am grateful, Mr. Lord. I want to be brief. I have sought to intervene several times—sometimes I was allowed to, sometimes I was not. I recognise that I am an alien species in the Committee. According to the right hon. Member for Penrith and The Border (Mr. Maclean), I am an alien because I was born and bred in Ireland. I have been called an alien and a foreigner. I have listened to the debate and I am appalled. The question of sovereignty arises, but the hon. Member for Stone (Mr. Cash) forgets, of course, that in 1984 his Government put through the House the Single European Act, which made this country subject to European law. That is a transfer of sovereignty.

The Irish Republic, where I was born—and whose passport I held even after I came to the House because I was not an English citizen, but that is perfectly permissible—is also a member of the European Union and subject to European sovereignty. We have commonality of sovereignty, but that is ignored by those who seek to insult and denigrate those of us who were born abroad. That is sad. It is also why I appeared a little annoyed earlier, for which I apologise, Mr. Lord.

I have sat here for a day and a bit being consistently insulted, as have 5 million people with the same heritage. We do not have to take it: our forefathers and relatives fought and died for this land in two world wars. Some of my family fought against this country in various rebellions and wars; that is a part of history. But I thought that we had grown up—I thought that the Good Friday agreement would mean that we could bury the past and not carry the prejudices and hatred forward. We should not be carrying into the future that which had created the tragedies of Northern Ireland. Yet what have I seen for a day and a half; what have I heard? Hon. Members have sought to carry the tragedies of Northern Ireland into the future.

I accept that I was rude to the Minister earlier, and I apologise unreservedly to him. He was right when he said that we should not play with theoretical issues that might not happen but should look at the realities of life. Why not? I know that one can be a Member of the Northern Ireland Assembly, the European Parliament and the House of Commons. Of course that happens and nobody criticises it. I think that three hon. Members currently combine those roles. When I first came to this place, many people were Members of both the European Parliament and the House. Now, many people are Members of the Scottish Parliament and of the Welsh Assembly. The Scottish Parliament is sovereign—at least, I think it is; I hope it is.

Mr. Cash: Does the hon. Gentleman accept that many of us have Irish ancestry in various degrees? Far from insulting anybody who comes from Ireland, the reverse is true—many of us have enormous affection for the Irish people and wish them well. However, there is a simple point that I should like to put to the hon. Gentleman in response to his question. Why does the Bill provide for members of the Irish legislature to become Members of this House and the Northern Ireland Assembly but not vice versa?

Mr. Bermingham: That is quite simple—we are dealing with the situation that we find today. Should the situation arise, I am sure that the necessary amendments could be passed. It is as simple as that. I am grateful to the hon. Gentleman for saying that he has much sympathy and love for Ireland. Perhaps he might transfer that sympathy and love to certain of his right hon. and hon. Friends—including the right hon. Member for Penrith and The Border—who are mentioned in early-day motion 315. That makes it clear that certain Conservative Members have no sympathy or love for the Irish; instead, they have an ingrained hatred, and it shows from time to time.

Mr. Hogg: May I bring the hon. Gentleman back to the new clause before the Committee? I, too, have very strong Irish connections—my mother was born in County Galway—but we are not talking about that. Instead, we are asking whether it is right that a Minister of the Irish Government, with all the duties that such a Minister owes to Ireland and to the Government of Ireland, should be able to be a member of a Government of any part of this

[Mr. Hogg]

country. The answer to that must surely be no, because of the conflicting arguments. It has nothing to do with antipathy between the countries.

Mr. Bermingham: That intervention takes us back to a very simple point: how many legislatures we belong to is a matter for us. I should have thought that in a multicultural, multipolitical Europe, being a member of more than one legislature, if we can find the time to do it—*[Interruption.]* I gave way to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) and I shall answer his question step by step, if I may, because he, like me, is a logical man. If one wants to be a member of many legislatures and one's constituency will accept that, so be it. However, once one becomes a member of a Government—let us get real, in a real world—it matters not in which legislature one is a member of a Government, one acquires and retains certain responsibilities to that Government. There is no way in which a person can be a member of two Governments at the same time. That is wholly illogical. It will not, does not, and cannot happen.

4.30 pm

Mr. Hogg: In that case, why cannot that provision be included in the Bill?

Mr. Bermingham: I would have thought that common sense would tell the right hon. and learned Gentleman, when he read the Bill, that that could not happen in any event. Do we need to legislate on every word when—bearing in mind Pepper *v.* Hart, with which the right hon. and learned Gentleman is fully familiar—anyone reading the debates on the Bill would realise that it was never the intention of Parliament that anyone should be a Minister in two Governments? That is obvious.

I return to my primary point—what on earth have we been doing for the past couple of hours? We have been going excitedly around in circles dealing with a theoretical situation that will never arise, simply because certain Opposition Members cannot get it through their thick heads that the time has come to settle the Irish question once and for all. This is yet another step on the road to the settlement of issues that have dogged and bedevilled our societies for the past 100 years.

I have tried to be as brief as possible. I asked the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) to be brief; he took 10 minutes. I shall take six or seven minutes. Is it not time to move on to what we are really in this place to do? That is to bring peace to Ireland.

Rev. Martin Smyth: Thank you for allowing me to speak for a second time, Mr. Lord. Earlier, I thought that the hon. Member for St. Helens, South (Mr. Bermingham) had risen only to make a point of order. When you called me to speak, Mr. Lord, I, too, could have raised a point of order.

I regret that the hon. Gentleman, for whom I have respect because we have worked in varying degrees of friendship, has revealed an underlying current that keeps coming up. If I wanted to follow his example—although I do not—I could make the same complaint because I happen to be from Northern Ireland, which was historically the old Ulidia and I am proud to be an Ulsterman. In this place, I am regularly called an Irishman, even though I have British citizenship, which I believe includes Scotland, Wales, Ireland historically, and certainly that north-east part that we call Ulster.

In the light of the comments of the hon. Member for Stone (Mr. Cash), I must make it abundantly plain that even Europe has its regulations. Unless I have been misled, the hon. Member for Foyle (Mr. Hume) would have been happy to be a Minister in the Northern Ireland Assembly, but European legislation would not allow one to be a Minister even in a subsidiary Parliament—never mind in the main Government—and serve in the European Parliament.

My party has discouraged dual membership. If a person stands for a position in the Assembly or in Parliament, at the next election we would expect him to choose the body for which he plans to stand. We believe that such jobs are full-time, although I realise that people have different abilities and capacities for work. However, the Ulster Unionist party has maintained that principle for some time.

In relation to the comments about Whips, my hon. Friend the Member for East Londonderry (Mr. Ross) seemed to regret that I might have had to call him into line. I thought that I had done so graciously and courteously—

Mr. William Ross: Always.

Rev. Martin Smyth: We can sometimes be misunderstood. The purpose of any Whip is to try to ensure that the party's business, or the Government's business, is carried through, by fair means and sometimes foul—although I confess to my party that I have never held a little black book, never mind a red book.

Mr. Hogg: I wanted to clarify one point in new clause 2, with regard to the party Whip. I notice that "a party Whip" is referred to in the second line of the new clause. That applies to the Whip of any party, including opposition parties, but I assume that the hon. Gentleman is restricting new clause 2 to a Whip of the Government party. Perhaps he would clarify that point.

Rev. Martin Smyth: It would, on the face of it, be a Whip of a Government party, but one does recognise that a Whip, even of an opposition party, has particular responsibilities to ensure that his party's position carries through. The new clause could be read either way but, in light of the phrasing, I believe that it refers to a Government party.

I return to the d'Hondt aspect. I happen to be one of those who was never terribly happy that an Executive could be formed by d'Hondt. I understand that it is an excellent way to deal with Committees where one wants to have a cross-section of opinion and balanced views, but it is important that we bear in mind that an Executive has a task to do: to give leadership and to see business through. Sooner or later, we shall have difficulties at that level within Northern Ireland or any other Assembly whose Executive is formed on a d'Hondt principle, whereby, if the Minister in the Executive is arguing for a party position, and stands by it, and faces a vote of no

confidence in that Assembly or Parliament, he has to resign, and the party whose policy the Minister was seeking to follow through has the right to fill that vacant position.

Therefore, the Minister may be mistaken when he says that it would or could never happen. As the hon. Member for St. Helens, South was speaking, I reflected that we are living in another world—a changing world, for good or ill. We now have an Irish in Britain Movement, and it is possible that sometimes its members may be dissatisfied with either of the main parties in this place and may seek to advance their own position. They may even seek to get a well-known personality from Ireland to represent them and to be elected to the House.

Speaking of theory, it would not be beyond the bounds of possibility, as we are all working together within Europe, for a Government of a particular hue in the United Kingdom to share with a Government in the Republic of Ireland—or, for that matter, any other Government—a Minister who may be elected by a constituency in both countries because he is capable of work and the people want him. It is possible that such a person may be asked to take part in another Government. Having said that, I still believe that it should be in the Bill that it should not be done. If Europe can do it, which is an Assembly view—

Mr. Bermingham: I have listened with great interest to what the hon. Gentleman has said, but would he consider this point? A company, owned and managed by English people, invests in Northern Ireland. The managing director becomes a resident and seeks to stand for the Assembly because he wants to represent the interests of his work force and so on. That is perfectly acceptable. The same happens in southern Ireland, and it is perfectly acceptable. What is wrong with that? Is that not us all becoming part of the family of Europe, and should that be criticised in any way? I hark back to the hon. Gentleman's comment about the Irish in England.

Rev. Martin Smyth: Anyone has a right to put himself forward and to be selected. I remember during the campaign of the late Enoch Powell in South Down, a member of the SDLP, Patrick O'Hanlon, said that South Down would never let in foreigners. I saw him the next day and asked him, "What was that nonsense about, Paddy? What about that Spanish-American—De Valera?" He said, "Martin, I am glad that no one else recognised that one."

When we talk about using language and so on, we have to face reality. Sometimes there is a degree of pejorativism, but usually people are described as being part of our nation or of another nation. Those who espouse Ireland as a nation once again would never think that they were part of the English connection, and they find it difficult to recognise that British means more than English. It was an Episcopalian dean of St. Patrick's in Dublin who said, in a moment of anger,

"Burn everything English except English coal."

I happen to have a greater love for the coal miners of England than he had.

The new clause would tighten up the legislation. The one thing that has come through the debate, and throughout the previous two years, has been a tendency to have shoddy parliamentary draftsmanship. That has gone on for far too long, with far too many amendments tabled on Report or coming from the other place. It is time that we got legislation clear in this House before we send it elsewhere.

Mr. Hogg: The hon. Member for Belfast, South (Rev. Martin Smyth) is absolutely right when he talks about the duty of this Committee to ensure that legislation is in as good a state as we can get it. That is a Committee's duty. Our purpose is to send the Bill to another place in as good a form as we can contrive.

The Committee must address whether it is right in principle that a Minister of the Republic of Ireland should be capable of being a Minister in any of the Parliaments or Assemblies of the United Kingdom. To that question, one has no difficulty in giving the answer. It has to be no, it is not right in principle. The arguments have been well articulated by my hon. Friends the Members for North Thanet (Mr. Gale) and for Stone (Mr. Cash), and I need not expand upon them.

There is a conflict of loyalty and duty that goes to the root of the argument and is conclusive. If one is fair to the Government—I seldom am, as they do not deserve it—one will find that they have accepted what I say, as clause 2 of the Bill makes a prohibition in respect of the Northern Ireland Assembly. The Government say that that is more likely to happen in Northern Ireland than elsewhere in the UK. If the Government are honest, they will accept that that is the only argument that they have advanced.

The Government do not say that there are drafting difficulties. There is one slight difficulty with new clause 2 with regard to the identity of the party Whip, but that is a minor problem. Subject to that, new clause 2 is in a proper form. We are being asked to say that new clause 2 should be rejected not because it is wrong in form or principle, but because it addresses a situation that will never arise. That is the only argument being put to the Committee, and it is manifestly a bad argument.

It may be true that this situation is more likely to arise in Northern Ireland than elsewhere. We are told that it is unlikely to arise—I accept that—but the point is that it can arise both in Northern Ireland and elsewhere in the UK. If the Bill is likely to serve as a precedent, and if there is pressure from France, Germany, Italy, Spain or wherever to enable the members of the Governments of those countries to sit in the Parliaments or Governments of this country, we have a right to make sure that bad precedents are not established.

4.45 pm

There is one way that Governments sometimes address the problem of what to do about eventualities that are unlikely to occur but are thoroughly undesirable: historically, Governments send a Minister to the Dispatch Box to undertake not to do this or that. However, that does not serve our purpose because, as the Minister said so fairly on Second Reading, on which I helped to divide the House, he cannot provide an undertaking that will bind future Governments. I have referred to precedents because I am concerned about future Governments.

The principle is with those of us who support the new clauses. The Minister does not argue to the contrary; he cannot do so because of clause 2. He merely urges us not to press the proposal, because our fears are unlikely to

[Mr. Hogg]

arise. We all know that that is a thoroughly bad argument. I very much hope that the Committee divides on the issue. I shall certainly support new clause 2 if we do.

Mr. Mike O'Brien: I do not want to be discourteous to the Committee, but I have already covered most of the arguments. I know that some hon. Members will not agree with that, but that is as may be. How I decide to make my case is a matter for me.

Clause 2 provides a special provision for Northern Ireland because of the d'Hondt principle. That is legitimate. However, there are already constitutional safeguards because of the political circumstances under which the Prime Minister or the First Minister of one of the Assemblies or the Scottish Parliament would appoint Members to an Executive. That would cover the eventualities that have been raised.

Mr. Cash: Will the Minister give way?

Mr. O'Brien: No, because the hon. Gentleman will return to the arguments that we have rehearsed before.

The Government believe that such circumstances are covered. I know that hon. Members, such as the hon. Member for Stone (Mr. Cash), do not accept that, but we shall just have to agree to differ. I set out my arguments at greater length earlier in our proceedings and I stand by them.

I have given some comfort to the hon. Member for East Londonderry (Mr. Ross)—although perhaps not as much as he would like—and to the Liberal Democrats, and said that I shall consider the issues. I have made it clear that I cannot give undertakings. I am conscious of the Bill's time frame. However, if we conclude that issues have arisen, the opportunity to deal with them may present itself at a later stage.

Sir Patrick Cormack: I appreciate the way that the Minister has dealt with this group of amendments. It has been in refreshing contrast to the way in which others have been dealt with in our long proceedings. He has not been able to give an undertaking, but he has been honest about that, and we accept that. I had hoped that he would have said that he would meet the parties involved with a view to tabling amendments in another place if they still felt unhappy. Had he done that, I would have advised my hon. Friends that we need not press the new clause to a Division. If the hon. Member for East Londonderry (Mr. Ross) wishes to divide the House, we shall support him.

Mr. Cash: I am gravely disappointed by the Minister's curmudgeonly attitude. He is always courteous, but he has not always attempted to answer our questions. He and the Under-Secretary of State for Northern Ireland remind me of people who have been trussed and bound by commitments that were made in advance of the Bill by other Ministers. They are so deeply committed that they dare not and cannot move. They are prepared to sit in a state of paralysis, parroting the view that the proposition is merely theoretical.

Let me give an example from the 17th century of a possibility that people regarded as merely theoretical. At that time, the idea that we would end up with a Hanoverian monarch would have been thought quite extraordinary—it was a possibility on which people had only theorised. However, in practice, it happened. Our history provides us with thousands of cases of people who, on a question of principle—*[Interruption.]* The Minister laughs. It is extraordinary that he is incapable of taking the matter seriously.

Given that Opposition Members have advanced some extremely cogent arguments, the responsibility and onus lie on the Government to respond by tabling amendments to the Bill. That is what amendments are all about. How many amendments that have been passed could have been dismissed on the grounds that they dealt with theoretical propositions?

When we pass legislation, we make law. When contingencies have been properly argued and it has been demonstrated that failure to address them will result in law that is defective, the Minister, by refusing to deal with those matters, is in effect presenting the House with a defective Bill that will be defective in law.

Mr. Mike O'Brien *indicated dissent.*

Mr. Cash: It is no good the Minister shaking his head. He knows perfectly well that such issues arise again and again in legislation and in constitutional practice and history. Because the Bill is a constitutional measure, he should accept the constitutional consequences arising from it and deal with the issues that have been raised.

Two of the new clauses cover similar ground. I, for my part, have no special need to press new clause 8 to a Division: as far as I am concerned, new clause 2, which takes precedence on the amendment paper, is capable of addressing the principle just as well. Therefore, although I am perfectly happy not to vote on the new clause that I tabled, I shall certainly vote in support of new clause 2.

Mr. William Ross: This has been an interesting debate. I have listened to a fair bit of it, just as I have listened to a fair bit of all the debates that have occurred in the past 24 hours.

At first, the Minister encouraged me. It is always fatal to be given encourage by a Minister in the early stages of a debate, because he will always say in the end that he cannot help. That said, he recognised the conflict of interest, even though he appears to think the risk is so small that it is not worth bothering about.

The Minister fails to understand the consequences of STV elections in Northern Ireland, wherein lies the danger that an individual such as I described can and, I believe, will eventually be elected, because he will require only one seventh of the votes cast to be elected to the Northern Ireland Assembly. D'Hondt is not a personal selection by the voter, but a party selection. We in Northern Ireland deal not with normal political parties, but with a criminal terrorist conspiracy. That is what distances the circumstances there from those elsewhere in the United Kingdom. It is the reason we have tabled amendments and asked questions over the past day or two.

I am sorry that the Government have refused to listen to the careful and detailed case presented by the hon. Member for Stone (Mr. Cash), my hon. Friend the

Member for Belfast, South (Rev. Martin Smyth) and others. In the light of that refusal, I regret that I am unable to ask the Committee's leave to withdraw new clause 2 and instead ask that it be put to a vote.

Question put, That the clause be read a Second Time:—

The Committee divided: Ayes 173, Noes 309.

Division No. 49] **[4.54 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chope, Christopher
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Rev. Martin Smyth and Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Battle, John
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw

Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Iddon, Dr Brian
Ilsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Greg Pope and
Mr. Gerry Sutcliffe.

Question accordingly negatived.

New clause 4

SALARIES

"Any person who is elected as a member of both the Northern Ireland Assembly and the legislature of Ireland shall be paid 50 per cent. of the salary of a member of the Northern Ireland Assembly".—*[Mr. William Ross.]*

Brought up, and read the First time.

Mr. William Ross: I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means: With this it will be convenient to discuss new clause 5—*Office costs allowance*—

"Any person who is elected as a member of both the Northern Ireland Assembly and the legislature of Ireland shall receive no more than 50 per cent. of the office costs allowance payable to a member of the Northern Ireland Assembly".

Mr. Ross: Anyone who has read the new clauses will know exactly what they entail. I do not propose to detain the Committee for long, unless others want to take part in the debate. New clause 4 relates to the salary paid to a person elected a Member of the Northern Ireland Assembly and the legislature of Ireland. Such a person would be paid 50 per cent. of the salary of a Member of the Northern Ireland Assembly. I hope that he would be paid the same from the Dail, although I have no control over that.

Some might think new clause 4 to be rather harsh, but it is generous. I understand that those who are Members of the House and of the European Parliament receive a full salary from one place, but only a third of their salary from the other. In effect, they are no better off, but the real problem lies with new clause 5, which would cut the office costs allowance paid to a Member by 50 per cent. Members would receive half the full amount of salary and office costs allowance that they could claim. The trouble is that those who have a representative role in Europe can claim 100 per cent. of their allowances from the House and 100 per cent. of the office costs allowance from Europe. That is unreasonable, but it seems even less reasonable when we consider the situation in the Northern Ireland Assembly.

If a workman worked only two and a half days a week instead of five, one would not pay him for five days' work. This new clause is most reasonable, so I hope that the Minister will recognise the force of my argument and accept it. It is completely in line with the policy pursued by successive Governments. I hope that the Minister will apply this proposal or something close to it.

Mr. George Howarth: As the hon. Gentleman rightly said, the two new clauses would abate by 50 per cent. the salaries and allowances of Members of the Northern Ireland Assembly who are also Members of the Irish legislature. They would apply the abatement to Members of the Dail and the Seanad.

I do not know whether the hon. Gentleman has examined section 47 of the Northern Ireland Act 1998, but it requires that an Assembly Member's salary be abated if he is also a Member of the House of Commons. No such abatement is applied in respect of Members of the Irish Seanad, who may already sit as Members of the Assembly.

Since devolution on 2 December 1999, the Assembly has had the power under section 47 of the 1998 Act to determine the salaries and allowances of its Members. It is already within the Assembly's powers under those provisions to abate salaries and allowances in the manner proposed in the new clause if it so chooses. Given that the Assembly already has that power, the Government see no need to make special provision in the Bill.

I know that the hon. Gentleman takes a close interest in these matters. He will be aware that the Assembly has already chosen to use those powers. That being the case, the new clause is unnecessary, although it is important to express the principle. The Assembly has those powers, and that is the right place for them to be exercised.

Mr. Ross: I am afraid that I cannot agree with the Minister. I think that the place in which to put down the marker is this House. We are dealing with a subordinate legislature, and there is no guarantee that it will apply the principle that I have enunciated and that applies in Europe. I am setting out a general principle that should apply right across the board, which is that Members can draw a salary only for the amount of work they do, and they can draw only the secretarial allowances that apply to that work.

In all truth, it was the thought of some hon. Members not carrying out all their duties but drawing their salaries and lifting £100,000 or thereabouts in allowances that sparked off this amendment in my mind. The principle embodied in the new clause is sound. If the Minister is not prepared to be more reasonable than he has been hitherto, I shall press the new clause to a vote.

Sir Patrick Cormack: The Minister has acknowledged the validity of the proposition tabled by my hon. Friend. The only difference between us is whether it should be enshrined in the Bill. We can see no good reason why it should not be, so we would advise right hon. and hon. Friends to support the new clause.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 139, Noes 337.

Division No. 50] **[5.14 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Ri Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas

Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Thompson, William
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Waller, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. William Ross and Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Jackie
Banks, Tony
Barnes, Harry
Battle, John
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cable, Dr Vincent
Caborn, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cotter, Brian
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Fisher, Mark
Fitzsimons, Lorna
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jones, Nigel *(Cheltenham)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David

Roche, Mrs Barbara
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Graham Allen and
Mr. Don Touhig.

Question accordingly negatived.

Disqualifications Bill

Not amended in the Committee, considered.

Order for Third Reading read.

5.27 pm

Mr. Mike O'Brien: I beg to move, That the Bill be now read the Third time.

Having had a fairly friendly afternoon of it, I do not want to be too controversial now. Let me just say that I do not think that the last 24 hours have been very helpful to the situation in Northern Ireland, or shown the House of Commons at its best.

The Conservative Front Bench did not oppose Second Reading. It seemed to me that it lost control of a number of its dissident Back Benchers, who then created an entirely new situation which took the Front Bench down the garden path. At various stages of the debate, I was not entirely clear about how Conservative Front Benchers were approaching the matter. At one point, they were saying that this was not a constitutional outrage; on other occasions, it seemed almost as though other Conservative spokespersons were suggesting that it was.

Mr. MacKay: What unites Conservative Members—and, I believe, Liberal Democrats and Unionists—is our belief that it is an outrage to arrange a Second Reading debate on the Monday and then, after the Minister has said—in response to me—that the Bill constitutes neither emergency nor urgent legislation, to bulldoze the measure through, allowing a Committee stage and a Report stage with no time for reflection. That, I think, unites all the Opposition parties, and I believe that it also unites certain Labour Members who are disgusted with the way in which the Government bulldoze through legislation while ignoring the House of Commons.

Mr. O'Brien: Given the unreasonableness of his intervention, I am sorry that I felt disposed to give way to the right hon. Gentleman. This is not emergency legislation; it is a Bill that was given broad support on Second Reading, by a vote of 300 to 17. The Conservative Front-Bench team did not oppose the Bill on Second Reading. It is a short Bill of three clauses and has been available since just before Christmas. Many amendments to it were tabled.

When the timing of the Bill was put before the usual channels, there was no protest from the Conservative Front-Bench team. It could have protested if it felt that it was a significant matter, but the right hon. Gentleman, who speaks on Northern Ireland for the Conservative Front-Bench team, said that he did not regard it as a major constitutional Bill. He has been clear in that view. Therefore, it seemed that, at that stage, Conservative Front Benchers did not object to the way in which the House was proceeding.

Mr. Hogg: Will the Minister give way?

Mr. O'Brien: No. I am dealing with a point that was raised by the right hon. Member for Bracknell (Mr. MacKay). I hope to give way later to hon. Members, but I do not want to detain the House too long; in many ways, it has already been detained too long.

[Mr. O'Brien]

The Bill became a matter of principle at the late stages yesterday. It was only when a number of Conservative Back Benchers decided to deal with it in a certain way that others got dragged along.

The Bill is essentially a small step in building a closer relationship between the Irish Republic and the UK as a whole. Whereas, under present law, Northern Ireland is treated uniquely—its citizens can have dual membership of the Irish Senate and the Northern Ireland Assembly—under the Bill, it will be treated broadly as the rest of the UK is in its relationship with the Irish Republic. If we do not pass the Bill, the current law will remain and Northern Ireland will continue to be the only part of the UK with that special link.

It is surprising, then, that an essentially fairly modest little Bill has produced so much controversy. It says more about the sensitivities of the situation in Northern Ireland than the Bill itself. It is not surprising that there are sensitivities in Northern Ireland, given the history of the past 30 years, but we must be aware that seeing threats in changes that are not really threatening is not helpful.

I understand that lives have been blighted, murders committed, atrocities have taken place and rightful anger engendered. I understand the concern that each move must be carefully reciprocated. All those things make the whole Northern Irish process a painful journey away from violence and, I hope, towards a better future. Sometimes, the price for some can seem high. The so-called concessions sometimes appear great to some Members, until we consider that, if we do not continue the process, we will face the prospect of more lives blighted and more widows created. I think that the whole House would share that view.

It is understandable that, sometimes, both sides say, "So far, but no further," and that there are suspicions. Sometimes, people in England may not understand some of those feelings, but if they remember the history and the families who have been directly affected, perhaps they will.

We are engaged in a process of reconciling the two communities and two heritages in Northern Ireland within a wider institutional structure. Essentially, the Bill is a small step in ending the anomaly with regard to Northern Ireland and in recognising the need for closer links between the UK as a whole and the Irish Republic. It is not about unification, or even a step towards it. It is about two countries with many shared concerns working out, within the context of the British Isles and the European Union, a closer working relationship on a number of issues.

Several hon. Members *rose—*

Mr. O'Brien: I promised to give way to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg). I shall then give way to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes). Then I shall move on.

Mr. Hogg: It is kind of the Minister to give way to me. I take the Minister back to the points that he was making about the nature of the Bill and opposition developing late last night. Perhaps he would remember that, in business questions last week, I said to the Leader of the House that what she was doing was wrong. The Bill raises questions of considerable constitutional importance and it was offensive in principle for the Committee stage to follow Second Reading so quickly. The hon. Gentleman will see that I said that to the Leader of the House last Thursday. It is wrong to suggest that that point was not anticipated by Conservative Members.

Mr. O'Brien: The right hon. and learned Gentleman was one of those who took a somewhat different view from that of Conservative Front Benchers on the importance of the constitutional issues raised by the Bill. My point was about Conservative Front Benchers. Although I entirely accept the point that he makes on his own views, which are shared by one or two other Opposition Members, that was not the view adopted by Conservative Front Benchers.

Mr. Simon Hughes: The Minister is right to say that Liberal Democrat Members agree that the Bill will iron out an anomaly in relations between the United Kingdom and Ireland. However, will he tell us who—we have not yet been told—last year, in 1999, proposed that the anomaly should be ironed out, and when—in which month—the matter was first put on the agenda? Did the initiative come from the United Kingdom Government, from Northern Ireland or from the Irish Government?

Mr. O'Brien: Perhaps I should explain the broader context to the hon. Gentleman. I cannot tell him the month that the issue was raised or even who raised it, as I did not see the initial representations on the matter. However, if I write to him on it, perhaps he will be better informed of the context. I am not able now to give him the precise information that he requests.

The Bill is not a huge constitutional concession, but a minor development in line with the forging of the special relationship between us and the Republic—our European partner, which is also a part of these islands.

No new principle is involved in the Bill. Dual membership is already possible between the Senate and the Northern Ireland Assembly.

Mr. Cash: On a point of order, Mr. Lord. Is it in order for the Minister continuously to say that the Bill raises no major constitutional issues, although it has been determined by the House—on the advice of the authorities of the House, and at the insistence of the Speaker—that it is a constitutional Bill and debate on it must be held on the Floor of the House? How can the Minister say that the Bill is minor and non-constitutional legislation?

Mr. Deputy Speaker (Mr. Michael Lord): That is not a point of order, but a matter for debate.

Mr. O'Brien: The Bill is not a huge constitutional concession. That point was made by Opposition Front Benchers, who also took the view that the Bill does not entail major constitutional innovation. At least to some extent, Opposition Front Benchers and I share that view—which, unfortunately, is different from that held by the hon. Gentleman. Then again, it is not for him to have

different views from those of Conservative Front Benchers. However, many other Conservative Members seem to hold different views from those of their spokesmen.

Dual membership is possible also between Commonwealth legislatures and our own. There are those who say that there should be no dual membership between sovereign states, but it has existed under our constitution for decades. Those who protest about it now did nothing about it when they were in government.

The Republic of Ireland has unique geographic, historical, economic, family and cultural ties with Britain. It is a special relationship, closer in many ways than our relationship with any other country outside the Commonwealth. Under our constitution, Irish nationals other than TDs have long been in the same position as Commonwealth citizens and have been able to stand for and vote in elections to the House of Commons.

In the previous century, there were constitutional issues to resolve, but the Good Friday agreement, and the British-Irish agreement, which came into effect on 2 December 1999, and our membership of the European Union make it clear that there is more that draws us closer than needs divide us.

The Bill is a small move, and it is now timely to take that step. As part of a bigger picture, it reduces anomalies and clarifies relationships. It is a small step that will give perhaps a little help—I claim no more for it—in the broader context of the peace process. The British-Irish agreement enabled the change to articles 2 and 3 of the Irish constitution and changes to British constitutional legislation.

With the new agreement between the Governments on some of the constitutional issues, it is more appropriate that treatment of the Irish Parliament should be on the same basis as the most favourable treatment accorded to some Commonwealth legislatures.

Whether constituents want their MP to sit in two Parliaments and represent the views of two different constituencies is an issue on which many hon. Members have views. Some disapprove in principle; we believe that it is a matter for the electorate in each case to decide. We do not propose to bar Commonwealth legislators from standing for this House. We were also reluctant to leave section 36 of the 1998 Act unamended, and now we have decided to extend it to the UK as a whole.

Several hon. Members *rose—*

Mr. O'Brien: I give way to the hon. Member for Altrincham and Sale, West (Mr. Brady).

Mr. Brady: I am grateful to the Minister for giving way to me. Earlier in his speech he made clear the importance that he attaches to the taking of reciprocal steps. How can he then justify the stone wall of opposition erected by the Government against amendments that would have achieved exactly the reciprocity of which he spoke? There is an inconsistency between his behaviour and his remarks over the past 24 hours.

Mr. O'Brien: I cannot recall whether the hon. Gentleman participated in the debate on reciprocity, although I know that he was in the Chamber at other times last night. However, it was pointed out that, when it came to reciprocity, there was a bar against Members of the Irish legislature belonging to this legislature. I shall not go into the whole issue of citizenship: rehearsing that argument would not be useful.

The 1998 Act recognises the special circumstances in Northern Ireland. The Government remain committed to working through the political process there, and to full implementation of the Good Friday agreement. That represents the best and only way for us to put the past behind us, to bring conflict to an end and to establish real partnership. We want local politicians in Northern Ireland to be in charge of their destiny.

Our clear message must be that politics and violence do not go together. Devolution and decommissioning go hand in hand. The Government will not fail to act in the event of default on either decommissioning or devolution.

The Bill is part of the broader political process, Government to Government, but it is not part of the Good Friday agreement. We should not seek to import into that sensitive and balanced agreement clauses that it did not contain before. If we did that, we would be treading into a dangerous political minefield. It is better to recognise that decommissioning belongs in the context of the Good Friday agreement. It is an integral part of that agreement, and is about the collateral strengthening of the special relationship.

The Bill is not about unification, decommissioning or great constitutional innovation. It is not a huge or major constitutional Bill, as the Opposition Front-Bench spokesman agreed. It is about building a closer special relationship between London and Dublin, in the light of shared interests. It is about ending the anomaly that means that Northern Ireland is treated differently from the rest of the UK on the issue of dual membership.

Most importantly, it is a small step on the longer journey towards creating the institutional structures that in the long term will help to create peace. I commend the Bill to the House.

5.44 pm

Sir Patrick Cormack: The Minister made many remarks with which the Opposition are in sympathy, as we are totally committed to the peace process. It is very important that he registers that. If I may say so, his opening remarks were nothing short of disgraceful. He said—implied, certainly—that the peace process had in some way been jeopardised by what had gone on in the House over the past 24 hours. The Leader of the House, who was muttering from a sedentary position, said something similar, which has been reported in the news media.

Mr. Mike O'Brien: I most certainly did not say that this situation had endangered the peace process. I said that it was unhelpful in the wider political process. That is different. The hon. Gentleman must not play with fire here—the situation in Northern Ireland is much too serious for party politics.

Sir Patrick Cormack: The Member who has been playing party politics is hardly the one currently speaking at the Dispatch Box. The comments of the Minister and of the Leader of the House in her broadcast have cast aspersions on the wholehearted support that the

[Sir Patrick Cormack]

Conservative party has given, is giving, and wishes to continue to give the peace process. It is important to have that on the record.

There is another matter on which I should like to take the hon. Gentleman to task. He said that the situation over the past 24 hours had shown the House of Commons at its worst. What patronising claptrap. I have been in the House somewhat longer than he has and can remember the Parliament of 1970, when, quite rightly, the Labour Opposition took the Conservative Government through the night time after time on the Committee stages of the Industrial Relations Act 1972 and the European Communities Act 1972.

That has happened many times over the years—it is a perfectly legitimate use of parliamentary time by the Opposition. If the Opposition believe that what the Government are doing is inimical to the interests of the country or the constitution, they have a manifest duty to use every legitimate parliamentary weapon at their disposal to delay the progress of the legislation concerned and try to persuade the Government to think again. The tactic has been used with consummate brilliance by such people as the hon. Member for Bolsover (Mr. Skinner), whom we are so glad to see back in the House—not today, but this week. It was used with great brilliance by the right hon. Member for Manchester, Gorton (Mr. Kaufman) when he represented Ardwick. I remember past masters such as Michael Foot and John Mendelson, who kept the House up night after night. Their brilliant speeches were devastatingly disturbing for the Government of the day but they were, nevertheless, a proper use of parliamentary time by the Opposition.

As I listened to my right hon. and hon. Friends—and I single out my right hon. and loquacious Friend the Member for Bromley and Chislehurst (Mr. Forth)—I thought of the late Bernard Braine, much-loved former Father of the House. *[Interruption.]* That was a most unworthy and disgusting remark for the hon. Member for Lewisham, West (Mr. Dowd) to make from a sedentary position. Bernard Braine was a distinguished Father of the House and the hon. Gentleman should withdraw that remark. [HON. MEMBERS: "What did he say?"] He said that he was bonkers. Anyone who can utter such a remark is beneath contempt in the opinion of decent people.

I can remember many others. Ivan Lawrence, thankfully, is not the late Ivan Lawrence, although he is sadly no longer a Member of the House. Such people used these weapons time and again, perfectly legitimately. What has been done? The past 24 hours have seen an exercise of parliamentary good manners—not bad manners—and an expression of parliamentary frustration. That frustration is shared by Liberal Democrat Members. They have not seen eye to eye with us on all the Bill's aspects but they believe, as we do, that for the Bill to be taken through all its stages in two consecutive days was wrong.

It has been pointed out that Prime Minister's Question Time was lost today . The fault does not lie with the Opposition. At any moment during Committee, it would have been possible for the Government, with the cohorts at their command, to move that further consideration be adjourned, or not to have moved the 10 o'clock motion last night. If Government Members had wanted Prime Minister's questions to be held, it could have been done. However, they were obviously afraid of the devastating ridicule that would have been heaped on the Prime Minister by my right hon. Friend the Leader of the Opposition.

Mr. Robathan: My hon. Friend is being barracked by Members sitting on the Treasury Bench. Is that because they are embarrassed by the fiasco they produced by moving the 10 o'clock motion and trying to force the business through because they believed that we had no stomach to pursue the matter?

Sir Patrick Cormack: I am not one to be intimidated by the embarrassment of Government Members. One of the most notable features of the debates of the past 24 or more hours has been that, with one exception, no Labour Back Bencher has spoken in support of the measure. One or two Labour Members have expressed some disquiet—most notably, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody)—but Labour Members have not supported their Government.

The Under-Secretary of State for the Home Department condemned himself when he admitted that this is not emergency legislation. Had it been, he would have received the unequivocal support of the Opposition. I have sat through the debates on every piece of emergency legislation introduced during the past 30 years; most of it was introduced by my party, although some was introduced by Labour.

For example, we were summoned back to Parliament after the terrible bombing in Omagh a couple of years ago, to rush through legislation that has, I understand, never been used. Nevertheless, we accepted that there was a prima facie case for the legislation. We supported it, inconveniencing ourselves to do so; that was right. It was our duty.

The Minister would not have had to ask the Opposition to support emergency legislation; support would have been given at every stage of the proceedings.

Mr. Hogg: Although it is always right that the House should respond to an emergency, it should never deprive itself of the duty and obligation to scrutinise legislation. It is our business to ensure that Bills leave this place in a perfect state.

Sir Patrick Cormack: Of course it is. The point made by my right hon. and learned Friend is wholly compatible with mine. When we were summoned back to consider that emergency legislation, one of the best speeches that I have heard for many a long year was given by my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd). He had grave reservations about the measure and said so, quite properly.

In cases of true emergency legislation, we are happy to co-operate to ensure passage through the House. However, by any stretch of the imagination, the Bill is not an emergency provision. The Under–Secretary of State for the Home Department admitted as much and suggests his continued agreement.

Throughout those long hours in Committee, we asked for whom the legislation was being introduced. What is it for? Who wants it? As the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) said, who is it to

please? I do not blame hon. Members who did not want to sit up all night, but I want to make it plain to those who were not in the Chamber that real fear and concern were expressed that the legislation is being pushed through the House at the behest of two gentlemen. They were elected to the House, but have never chosen to take their seats. They want to enjoy the facilities of the House without taking the Oath or making the Affirmation, which we all do. There is fear that the measure is being introduced to accommodate those two, even though they have done nothing to signify their complete agreement to the peace process.

We have had no decommissioning, and we have still not had General de Chastelain's first report. In the context of the remarks of the Under-Secretary of State for the Home Department, it would at the very least have been politic to wait for that first report before introducing the Bill. We were told on Second Reading that the Bill would in some way facilitate the peace process—that although the Bill is not part of the Good Friday agreement and no one said that it was, nevertheless it is tangential and complementary to it, and will assist its development. The Under-Secretary is nodding at those comments. *[Interruption.]* The Minister of State, Northern Ireland Office laughs. I do not consider it a laughing matter in any sense.

We have had a Bill presented to us, but at no stage has either of the two principal Ministers, for both of whom we have a high regard, told us who asked for it, what precisely it is for, why it has to be enacted now and whether it is part of another series of suggestions by Senator Mitchell. If it is not, is it because it has been specifically requested by Messrs Adams and McGuinness? That is what is suspected by Opposition Members, especially Ulster Unionist Members.

I remind everyone that we would not be talking about any peace process were it not for the bravery—some even think the foolhardy bravery, although I do not—of the right hon. Member for Upper Bann (Mr. Trimble) and his party, because without Ulster Unionist co-operation there could be no peace process and no prospect of its success. So why upset the Unionist community by doing things that make them feel under pressure from those who have not yet properly subscribed to the democratic process?

During these debates, we have talked much about the dual mandate. I am told that the Labour party has in its constitution a clause that says that no member shall have a dual mandate—that no member shall be, for instance, a Member of the European Parliament and a Member of this Parliament. I am also told that most of those who currently enjoy a dual mandate in either the Scottish Parliament and this House or the National Assembly for Wales and this House, are encouraged to make a choice as to which they would prefer. That is a perfectly proper thing for the Labour party to say to its members, but it is an extension of that that has been debated over the past two days. Many Opposition Members ask how someone can be a Minister in a Government in one country and a Back-Bench legislator in another. That is seen to be an anomaly in a Bill that is riddled with anomalies.

Another thing that has caused great concern on the Opposition Benches has been the Government's unwillingness to contemplate any amendment that touches on reciprocity. Even amendments for which the Ministers have expressed some sympathy—both hon. Gentlemen have done so for certain amendments—have not been accepted.

Had we had a normal timetable for the Bill and a Report stage in a few days' time, there would have been an opportunity for amendments to be tabled on Report; and then, as frequently happens, Ministers could have said, "We do not quite like the way that you have phrased that amendment, but we shall table an amendment that will not only be sympathetic but will echo your wishes." We have had none of that, and nor have we even had a promise of amendments in another place.

Therefore, what are we to think but that we have a Government who are totally obdurate on this issue, and who are not prepared to do more than pay lip-service to the deep and abiding concerns of those who know this problem inside out, many of whom have lived their lives and lost many of their friends in Ulster? The Government are not prepared to accept a single amendment here or in another place. That is most unfortunate, to put it mildly. It is small wonder that many Opposition Members fear that this is the thin end of the wedge.

Many Opposition Members were less than happy about the Minister's perfectly sincere comment on Second Reading about the Oath. He was prepared to say that there were no current plans to change it, but he was unable to give the sort of categorical commitment that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe), the Shadow Home Secretary, asked for, quite reasonably, in her opening speech.

It is against that background that we must decide how to advise my right hon. and hon. Friends to vote tonight. We did not vote officially against the Bill on Second Reading, as the Minister knows. We supported a number of amendments that we believe would have gone a long way towards allaying the legitimate fears and concerns of Opposition Members, particularly our friends in Ulster.

Not a single one of those amendments has been accepted, and we have not even had a promise to table amendments along those lines in the other place. We are left with a Bill that is manifestly unsatisfactory and riddled with anomalies. We believe that the Bill will send out many wrong signals in Ulster.

We do not wish to send out wrong signals on the issue of the peace process. Therefore, I want to end where I began. I want there to be no doubt in any quarter of this House as to the Opposition's full support for the peace process and the Good Friday agreement. My right hon. Friend the Member for Huntingdon (Mr. Major) and my noble Friend Lord Mayhew played a significant part in the peace process. That work has been generously and properly acknowledged by Labour Ministers, as I acknowledge the work of the Prime Minister.

Let no one say that what has been said by the Opposition over the past 24 hours is in any way designed to undermine the peace process. Quite the contrary—we believe that the Bill is itself so full of anomalies and fears for the Ulster Unionist community that it could be a problem. We hope that it will not be a problem, and we know that it is not the intention of the Government that it should be.

We underline our support for the peace process but, in view of the fact that we have had no satisfactory answers to the amendments, I must advise my right hon. and hon. Friends to vote against the Bill on Third Reading.

6.3 pm

Mr. Winnick: I do not challenge the right of the Opposition to oppose, or their right to exploit every parliamentary opportunity. For me to say otherwise would be humbug and hypocrisy. I spent 18 years on the Opposition Benches, and I cannot now say that the Opposition should not do what they believe they should do.

There is, however, the question whether the Conservatives' actions at a sensitive time in Northern Ireland are right and proper. I take the view that this has been a disastrous day for Parliament. I believe that what the Opposition have done today—I do not challenge their right to do it—was most inappropriate, and I will explain why.

The hon. Member for South Staffordshire (Sir P. Cormack)—whom I greatly respect—said that his remarks should not in any way given the impression that the Conservative party is against the peace process. Those are very important words, and all of us on the Labour Benches appreciate the widespread support for the peace process, including among many Opposition Members.

The hon. Gentleman was cheered on various occasions during his speech—but when he referred to the peace process, there were no cheers. That in itself is rather alarming.

Opposition Members said that no Labour Back Bencher had spoken in favour during the debates. However, I know of no one on the Labour Benches, apart from one hon. Friend, who does not agree with the sentiments of the Bill. As Opposition Members know, it is not unusual for Government Back Benchers not to speak when Opposition Members take up so much time. We are not against the Bill, so why should we have spoken? The silence of Labour Members on Second Reading and in Committee should not be taken as a lack of support for the Bill.

The Bill will end several anomalies. However, it is also important because it will further normalise relations between this country and the Irish Republic. The hon. Member for South Staffordshire spoke about the right hon. Member for Huntingdon (Mr. Major), the former Prime Minister. I am pleased that in the past 15 years—I do not say from when we were elected—there has been a substantial improvement in relations between this country and the Irish Republic. That is right and it is the way to proceed. I have always paid tribute to the right hon. Member for Huntingdon for the way in which he initiated the peace process. I may have some criticisms, but what he did was in the national interest and I am pleased that my right hon. Friend the Prime Minister has consolidated the process in ways that the large majority in the House support.

Mr. Richard Shepherd (Aldridge-Brownhills): Is not the Irish Republic a sovereign independent state with its own Parliament and a constitutional court? Did it seek the Bill? No one has said that it did. What does the hon. Gentleman mean by normalising relations when that will involve opening up the House of Commons, with its responsibilities to the British electorate, to foreign citizens who are proud of who they are and whom we respect?

Mr. Winnick: My hon. Friend the Minister has explained that both on Second Reading and in his remarks just now.

I am suspicious of some of the opposition to the Bill. I excuse those on the Opposition Front Bench; I know that they are in favour of the peace process. We have differences of opinion and criticise each other, but I take their word that they are in favour of the peace process. However, four Unionist Members are in the Chamber, and three of them are against the peace process.

Mr. Donaldson: Will the hon. Gentleman give way?

Mr. Winnick: No, I shall be very brief. Three out of the four Unionists in the Chamber were against the peace process and the Good Friday agreement from the very beginning. As we all know, some Opposition Back Benchers are against the peace process and the agreement.

Much of the opposition today and throughout the night came from hon. Members who have opposed the Good Friday agreement and from others who have a great deal of anti-Irish spite. They have used the opportunity to prolong our proceedings. The Bill is right. It will help the peace process and further normalise relations with the Irish Republic. I hope that it will receive a large majority on Third Reading.

6.9 pm

Mr. Maginnis: There was a difference between the Minister's opening and his closing remarks. In his opening remarks, he emphasised the special relationship that existed between the Irish Republic and the United Kingdom and suggested that the Bill was a necessary concession based on that relationship. The Minister need not go to the trouble of looking up the reference: I can tell him that the phrase "special relationship" occurs twice in the opening paragraphs. That should enable him to concentrate on my speech. On Third Reading, the Minister tells the House that the Bill represents a minimal constitutional and procedural change—one that is of no great import. How does he reconcile those two attitudes, struck within 24 hours of each other?

Mr. Mike O'Brien: If I had made such diverse remarks, I would have to reconcile them. However, if the hon. Gentleman reads my remarks on Second Reading with care, he will see that they are on all fours with my remarks on Third Reading. The Bill represents a small step in the broader context of the creation of a stronger special relationship between the Republic of Ireland and the United Kingdom as a whole. I said that on Second Reading and I have now repeated it. I have never suggested—indeed, I have denied throughout—that the Bill makes a big constitutional change.

Mr. Maginnis: I have considerable sympathy for both Ministers who have borne the burden of taking the Bill through the House. However, their performance, while gutsy, has betrayed the fact that they do not in their hearts believe that it is a good thing, not only to divide the House down the middle, but to have in their party's ranks many Labour Members who have, in the past 24 hours, told me that they wonder what the Government are about.

People are understandably confused by what we have heard, for the simple reason that we have not been given a clear exposition as to who was involved, not in consultations, but in creating the concept that Members of the Dail want to be patronised by the UK Government

acting as though they were old colonialists. People do not want to be so patronised. I have been in Dublin on numerous occasions over the past three weeks; I spent 48 hours there last week, during which time I spoke to journalists, to business men and professional people and to Back Benchers from all the political parties, as well as to political leaders. Not one person with whom I spoke expressed any desire for the Bill and most of them denied having any knowledge of it. The Government are being foolish, not only in terms of the Opposition parties, but in terms of their own Back Benchers.

In the past 24 hours, the question has been asked several times why a Bill that is not emergency and urgent legislation has had to be rushed through in two consecutive days. Why could the normal processes whereby legislation passes through the House not be employed? I do not know whether the answer has anything to do with the fact that the hon. Member for Falkirk, West (Mr. Canavan) and other old Labour Members were high on the list of questions to be put to the Prime Minister on his 1,000th day in office. Proceedings on the Bill gave Ministers a useful lesson in avoiding the scrutiny of dissidents on their own side.

To sustain their position, the Government have had to be "misleading"—I cannot think of a better word. However, the Government have not clearly enunciated how we reached our present position. It is time that there was a little frankness about the part that was played by my party and my party leader. The Minister has suggested that consultation took place. When I pressed him on the issue and said that consultation after the event and after decisions had been made was not proper consultation—I tried to intervene but was not permitted to do so—he said that he was not really there so he did not know what was going on. The hon. Gentleman cannot say to the House, "There was consultation with the leader of the Ulster Unionist party but I am not terribly sure because I do not know what was going on and when that consultation took place." It is an issue that he might reasonably clarify. I hope that he does so with the sort of frankness that I would expect from him.

Mr. O'Brien: I shall be entirely clear with the hon. Gentleman. If he wants to discover precisely what discussions the right hon. Member for Upper Bann (Mr. Trimble) had with Ministers, he should first approach his right hon. Friend rather than trying to get the information first hand from me. However, as I understand it, clause 2 is entirely the result of the consultation that took place with the right hon. Gentleman who is the leader of his party. The views of Ulster Unionists have been recognised within the context of the Bill, but that may not be all that the hon. Gentleman wanted. I do not know, because I did not hear all the representations that he made. I am sure that the right hon. Gentleman could alert him to the precise nature of the representations that were made.

Mr. Maginnis: I think that there is a degree of frankness in what the Minister now says. When the proposal was put to my right hon. Friend, he expressed clearly his antipathy to it. He said that it was entirely unnecessary. I am pleased to see that the Under-Secretary of State for Northern Ireland nods with some vigour. Not being able to make the impression on Downing Street that he had hoped to, and to have the proposal withdrawn, my right hon. Friend pointed out there would be a conflict of interest and hence—

Mr. George Howarth: To put the record straight, neither my hon. Friend the Under-Secretary of State for the Home Department nor I said at any stage that the First Minister, the leader of the hon. Gentleman's party, wanted these measures. Nor did we say that as a result of consultation he wanted them. He was consulted and he expressed reservations. Some of those reservations were taken into account and embodied in clause 2.

Mr. Maginnis: I am grateful. My right hon. Friend voted against the Bill on Second Reading. The reality is that we were concerned not with recent events but with how we reached a situation in which an unnecessary and patronising piece of legislation came before the House and occupied us in the Chamber for more than two days, and almost three.

We have heard also that there was consultation with the Irish Government. I have no knowledge—I stand to be corrected—that the Irish Government sought to initiate legislation that they could not reciprocate. Indeed, they had no desire to reciprocate and no ability to do so. These matters have been well and truly illustrated throughout our hours and days of debate.

We now approach the nub of the issue: who negotiated with Her Majesty's Government? The answer is Sinn Fein, which is the only Irish political party that could have an interest in the Bill. Sinn Fein will be disappointed that my right hon. Friend the Member for Upper Bann and my colleagues managed to get clause 2 included in the measure, because that party's objective is to portray itself as the only all-Irish party with governmental responsibility in both jurisdictions. However, as I said on Second Reading, the Taoiseach—the political leader of the Irish Republic—has made it clear that he does not want unreconstructed terrorists in any coalition Government that he may lead.

That lesson could be learned by those in this House who would smuggle members of Sinn Fein-IRA—unreconstructed terrorists, associated with terrorist organisations, who retain guns and bombs—around the protection that Madam Speaker gives the House, and provide them with offices, telephones and £50,000 a year each. I am pleased that common sense prevailed throughout the House and that the Government, whatever excuse they may proffer, have been persuaded not to usurp the power of the Chair, which protects us all and has traditionally done that, both during my time in the House and long before.

Ministers claim that the Bill is not threatening, but that is a subjective view. It would be more objective to consider whether the Bill is a reconciling measure. Little reconciliation has occurred in the past few weeks at the Government's behest. I do not want to stray from the Bill, but the Government have taken the one action on policing that would alienate most people in Northern Ireland. As part of their decision-making process, the name of the

[Mr. Maginnis]

Royal Ulster Constabulary will disappear. That has achieved nothing. Ministers refused to comment on that. Perhaps we can—

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. The hon. Gentleman said that he did not want to depart from the Bill but promptly did so. We are on Third Reading, and the hon. Gentleman should confine his remarks to the Bill.

Mr. Maginnis: I acknowledge that point. I said that I did not want to enter into a discussion on the RUC, but I should have liked to refer to the matter. However, I accepted your guidance, Sir Alan.

I have shown the Government's carelessness of the sensitivities of ordinary, decent people, not only in Northern Ireland, but in the Irish Republic. The Government must abandon the notion that a majority of 170 heralds the return of colonial times.

We have to ask ourselves whether any recent event, including the introduction of the Bill, is likely to help with the one issue that is important to all our striving to achieve lasting peace in Northern Ireland. Everyone knows that I am referring to the dismantling and disarmament of terrorist organisations. The laziest member of the family who does the least work—whether at university or in his job—can lie in bed to dinner time knowing that the registered envelope will arrive on the doormat. By enamelling on to the periphery of the Belfast agreement concession after concession to the IRA, the Government have presented that registered envelope to the organisation so that such people do not have to work, as the rest of us have to, at moving things forward—often at our own inconvenience and soon to our own embarrassment.

Mr. Donaldson: My hon. Friend talks about striving for peace in Northern Ireland and I welcome his comments. The hon. Member for Walsall, North (Mr. Winnick) made remarks, which he repeats at every opportunity in the House, about those of us who have concerns about aspects of the process—concerns that he has just expressed. We may have concerns, but does my hon. Friend agree that that does not mean that we are against peace in Northern Ireland? Many of us who voice them have suffered at the hands of terrorists and want to end terrorism in Northern Ireland. That is why we express our worries. The objective of my hon. Friend and I is the dismantling of terrorism in Northern Ireland, which is the only way to achieve real peace.

Mr. Maginnis: My hon. Friend makes a relevant point. Although we want the same thing for those whom we represent, we find it difficult to reconcile on a means by which to achieve it.

Mr. Winnick *rose—*

Mr. Maginnis: I shall not give way because I must end my speech.

The Government must recognise the difficulty that ordinary people have in trying to move the process forward. By introducing such legislation, they do nothing—absolutely nothing—to help.

6.28 pm

Mr. Simon Hughes: The way in which the Bill has been debated has shown the importance of the issues that it raises. It relates principally to Northern Ireland, but also to Ireland and to the United Kingdom, so we all have a duty to take it seriously. It is clearly part of a constitutional process and part of and related to a peace process. There can be no one of good will in the House who does not want the peace process to succeed and the constitutional relationship between this country and Ireland to be on the best and most secure footing. They therefore want a Bill that improves that constitutional link as well.

The Bill could have been better explained, and would have been more welcome, had it been part of a parallel process in Ireland and the United Kingdom, particularly because Ireland is evaluating what constitutional changes it might want to make. A report is due this year. We have all had to judge the Bill on what has been presented to us, even though there is clearly a much bigger agenda all round. My hon. Friends and I voted for Second Reading and have been in the Chamber throughout the past day and a bit, tabling a new clause and supporting or opposing amendments on their merits. We regret that we have not managed to amend the Bill.

On Third Reading, the question that we must ask ourselves is whether the Bill contains two proposals of merit. Irrespective of the way in which the Bill has been presented and handled, should we support it on Third Reading, given the words that are on the Order Paper? The answer is that we will vote for the Bill on Third Reading, because the two specific proposals that it contains seem to us, on balance, to have merit. Those two proposals are, first, that the relationship between people in the Irish Parliament and people in this Parliament should be at least on the same footing as the relationship between people in the Parliaments of the Commonwealth and people of this Parliament; and secondly, that the anomaly which allows people to be in the Irish Seanad and the Northern Ireland Assembly should be corrected to allow people to be in the Northern Ireland Assembly and in either House of the Irish Parliament. We shall therefore support the Bill.

The approach of the hon. Member for South Staffordshire (Sir P. Cormack), the Minister and the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) was entirely reasonable. I cannot say the same for the approach of the hon. Member for Walsall, North (Mr. Winnick). He unjustifiably criticised people who have a perfectly valid point of view, and attributed to them motives that he could not justify given their activities over many years.

The Bill has not had better support because it tries to gain the confidence of the republican minority in Northern Ireland without at the same time seeking to gain the confidence of the Unionist majority. The peace process and the constitutional process require both communities to be more confident as a result of the Bill.

Ministers know our position. We do not blame the two Ministers for the way in which the Bill has been handled. They have been assiduous and, like us, have served their time during the many days and hours that we have considered this measure. However, the Government are in charge of the timetable, as you and your colleagues have often told us, Mr. Deputy Speaker. They decided that the

Bill would be brought before the House for Second Reading on one day, for Committee stage the following day, and for Report and Third Reading on the third day—at least in chronological time—without interruption and against all the usual conventions of the House.

When considering constitutional Bills, it is especially important that we follow the usual constitutional timetable and give time for proper consideration. We need to be particularly careful with short Bills to ensure that they are not hiding a multitude of future difficulties. We have been down that road before during my years in the House.

The Bill was not in the manifesto or the Queen's Speech. It was not in the Good Friday agreement. It was conceived in mystery sometime before December, published without explanation in December, presented on the day the House rose for the recess, introduced without justification in January, and pushed through the House without agreement on three consecutive days, during the last of which we have sat for 24 hours. We have still not been given an explanation for or justification of why this measure had to be handled in that way.

As the Minister and I had cause to reflect in the middle of this afternoon, it is a bizarre outcome that on the 1,000th day of the first Labour Government for almost two decades, instead of the Prime Minister putting his record to Parliament for the scrutiny of the House, we had to have a Committee stage of a Bill that two months ago no one envisaged we would be debating.

I repeat the question. We can guess, but we have never had an answer: why this Bill? The Minister said—I took careful note—that it was a small step to improve the constitutional relationship. I accept that, but why was the measure not introduced in the Northern Ireland Act 1998? Why was it not introduced in 1999? Why was the Bill not in the Queen's Speech, the Good Friday agreement or the manifesto? Why now and in a way that requires us to drop all other business, defer all other activity, eliminate Prime Minister's questions and Department for International Development questions and to delay other legislation? What is the urgency? No one has answered the question. No one has ever told us the facts.

I have tabled a set of questions to the Home Secretary and a set of questions to the Secretary of State for Northern Ireland today to try to obtain the answer to those questions. Before the House rises, I will table similar questions to the Prime Minister. If the two Secretaries of State do not know the answer, perhaps the Prime Minister knows it.

I believe that, although the Bill is clearly not formally linked to decommissioning—it should not be—it is probably informally linked. That may not be a bad thing, but we ought to have been told. I say to my colleagues on the Ulster Unionist Benches that if the truth of the matter was that the measure was an initiative of Sinn Fein, we might still have supported it, but we would rather have been told. Our Ulster Unionist and other colleagues would have rather known where the measure came from than have to speculate and never receive an answer.

Mr. Hogg: If the hon. Gentleman is right in supposing that the measure is linked to decommissioning, would he not be wise to defer voting in favour of it until we see whether decommissioning takes place?

Mr. Hughes: The right hon. and learned Gentleman asks a good question. We had a debate earlier about whether the Bill and decommissioning should be formally linked, and my hon. Friend the Member for Winchester (Mr. Oaten) made it clear that we did not think that they should. We said that the Bill was about the rights and liberties of people and that that ought not to be linked to an on-going, part-public, part-private process.

Like the right hon. and learned Gentleman, I hope that decommissioning works. The Bill may be the trigger to make it work better. We do not know, but we do not believe that we ought to withhold our support on the ground that only if decommissioning happens will it be right to implement the Bill. If the Bill is right on the face of it—the right hon. and learned Gentleman is a lawyer and he understands the point—we believe that we ought to vote for the Bill, even if some reasons for it have not been shared with the House.

In my almost 17 years in this place, it has often been the short Bills and those introduced with least warning that have been the most controversial and the least satisfactory.

Sir Patrick Cormack: Dogs.

Mr. Hughes: On a minor matter, the legislation to deal with dangerous dogs was unsatisfactory. On a more severe matter, the emergency legislation introduced the summer before last was unsatisfactory. I was not here at the time, but I understand that the Bill dealing with the Official Secrets Act 1911 was a two-clauser. It was certainly a one-page Bill.

Dan Norris (Wansdyke): It was introduced by a Liberal Government.

Mr. Hughes: Indeed, it was. It was pushed through the House in one day without the scrutiny that it should have had. We believe that the shorter the Bill, the more the House needs the explanation and justification for it and the more the Government need to carry their colleagues with them. That is why I say to the hon. Member for Walsall, North and the hon. Member for Harrow, West (Mr. Thomas) that, when the Government control the timetable, to suggest that it is wrong for hon. Members to question, argue, and, if necessary, vote and delay progress, is to undermine the only basis that we have in this place for making sure that when the Government propose something, Parliament has a chance to do at least a half-decent job.

Mr. Winnick: The hon. Gentleman should be careful. I started my remarks by saying that the Opposition have every right to explore and use every opportunity to exploit the parliamentary situation. I then went on to say why, on this occasion, they were wrong. I in no way included the Liberal Democrats. Therefore, please let it not be said that

[Mr. Winnick]

I in any way deny the Opposition's right at any given time to use whatever parliamentary opportunities there are. In my judgment, they were wrong on this occasion.

Mr. Hughes: I hear what the hon. Gentleman says, and if that is his position I accept it.

We have had an extended debate because the Bill has never been explained and the proper procedures of the House have not been followed. If we have taken more than 24 hours on the Bill, approaching a record sitting since the war, it is because the Government should not behave in the way in which they have, whatever the legislation's merits. When we are talking about peace in Northern Ireland, they should be more sensitive and have greater respect for all hon. Members.

6.41 pm

Mr. Forth: Unfortunately, this is a bad Bill which has been badly handled by the Government. The Government have only themselves to blame for the mess that they have got themselves into, if that is the way in which they see it.

If the Bill illustrates nothing else, it is that yet again even a Government with a gigantic majority cannot treat the House with contempt and arrogance, that they must respect the traditions and procedures of the House, and that they must expect that their Bills, long or short, large or small, will and should be properly scrutinised by due process in the House.

That has not been the case with the Bill because the Government thought that they could slip a bad and controversial Bill through without proper scrutiny and, as a result, they have received a bloody nose. I hope that the House will be able to demonstrate again and again that, if the Government are not prepared to allow their Bills to be scrutinised in the proper way, that, or something similar, is likely to be the result.

I opposed the Bill on Second Reading and I will oppose it on Third Reading because it does something that is unnecessary and dangerous, which undermines my concept of nationhood, of national identity and of the role of a legislature in an independent sovereign nation state. It may be a small Bill, but it manages to do all that in just two substantive clauses.

Worse than that is that after more than 24 hours of debate we have failed to get to the bottom of the Government's motives in bringing the Bill to the House at this time. On the one hand, on 24 January the Under-Secretary of State for Northern Ireland, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), who has played a distinguished and responsible role in our proceedings, said:

> "The hon. Member for South Staffordshire (Sir P. Cormack) should not labour under the delusion that the Bill is the product of some arrangement between Ministers and Sinn Fein."—[*Official Report*, 24 January 2000; Vol. 343, c. 72.]

Yet towards the end of our Committee proceedings, we dragged from the Government the admission that the real motive behind the Bill was that the Government had felt compelled to do a deal with the Irish Government and Sinn Fein.

Mr. Hogg: Will my right hon. Friend consider the proposition that one reason why the Government have put forward two Under-Secretaries to advance the Bill through the House is that they do not know the deal that lies behind the Bill, and that had the Secretary of State for Northern Ireland been on the Front Bench, he might have found it embarrassing to answer the kind of questions that my right hon. Friend and I have asked.

Mr. Forth: My right hon. and learned Friend is typically more generous than I am prepared to be on this occasion. I cannot contemplate or conceive of two Ministers, be they Under-Secretaries, Ministers of State or whatever, taking a Bill through the House without properly knowing its background and provenance. If my right hon. and learned Friend is correct, we can partially exonerate the Ministers who have taken the Bill through. I am not prepared to believe that. It is a sad day when Ministers in a Government who profess to believe in open government, honesty, accountability, transparency—call it what one will—are prepared to sit through this length of proceedings without telling the House why they have introduced the Bill, its provenance and why it has to be pushed through in such a hurry.

Those are the reasons why I am angry about the Bill, why I have been against it, and why I still believe that, although we have been able to give it some degree of scrutiny, the Government have been less than honest with the House and the people of this country, and will live to regret it.

6.45 pm

Mr. Cash: I will, of course, vote against Third Reading. I voted against the Bill on Second Reading, and I am glad to note the change of heart by my right hon. and hon. Friends on the Front Bench who, I understand, are now going to vote with us on Third Reading.

It is a pity that my amendment did not receive the support that I expected. *[Interruption.]* I did not hear what the shadow Secretary of State for Northern Ireland said from a sedentary position, but perhaps that is just as well. In any event, I strongly believe that the Committee should have supported my amendment, which would have required anyone, before taking a seat in this place or, indeed, in the Northern Ireland Assembly, to disavow terrorism. I remain firmly of that opinion.

As a number of speakers have eloquently pointed out, we have been given no answers, and we do not know who is behind the measure. I personally believe that the Secretary of State is not present because he would have found it impossible to answer some of the questions that have been posed—not because he could not have answered them, but because he would not have wanted to do so. To be pressed continuously would, I think, have been a source of considerable embarrassment.

I suggest that the appropriate Select Committee—the Home Affairs Committee or, indeed, the Northern Ireland Affairs Committee—summon the Secretary of State and, in the course of formal proceedings, put questions to him that these junior Ministers have neglected to answer during the past 24 hours. I trust that the members of those Select Committees will take up my suggestion with the appropriate Chairmen, and put it on the agenda.

The passing of the Bill to the House of Lords will give that House, in its present form, an opportunity to prove its worth. The question of whether the House of Lords is prepared to act on behalf of the country as a whole—

given the electoral dictatorship that we have witnessed during today's proceedings—provides that House with an ample opportunity to prove whether it really has constitutional spine. If it is prepared at short notice, following all the arguments that we have rehearsed, to improve on those arguments, to examine the Bill's implications and to demonstrate that, as a second Chamber, it is worthy of the opportunities offered to it, I for one will give it my full support.

Much as I like the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), I disagree with his reasons for supporting the Bill. The hon. Gentleman represents a great party—a party which, with some leapfrogging and some diversionary tactics, goes back to the origins of this home rule question. It was, after all, Gladstone himself who, in November 1886, defeated the Conservative Government and introduced a Bill whose object was to exclude Irish Members. I found it ironic, to say the least, that the hon. Gentleman argued exactly the opposite case.

Having said that, I must add that the real questions that lie at the heart of the Bill have not been answered. Whether the Bill can be linked to decommissioning is, in my view, a bit of a red herring; I think that the real issue is the substantive question whether it would be right and proper for us to pass a Bill of this kind, on this notice, with this apparent urgency, without being given any explanation. There are means open to the House to ensure that those questions are put and to insist that they are answered.

6.50 pm

Mr. Robathan: I shall not detain the House for long, not least because I have sat through more than half the 25 hours of the sitting, although I have not served the House and the country as well as some of my hon. Friends. I have been privy to a unique sight today: the House managed to sit in two places in the same building at the same time but, theoretically, on different days. The House needs to deal with that.

Having listened to so much of the debate in what has been a long sitting, I have been convinced that I need to vote against the Bill. I am delighted that we will do so with the support of our Front-Bench team.

I did not vote against the Bill on Second Reading because I wanted to see what it was actually about and was advised that we could improve it, but, sadly, notwithstanding the valiant efforts of my hon. Friends, including my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), we have not been able to do so. The more one has heard in the past 25 hours, the worse it has become. Hon. Members who have not attended the sitting should have come to discover what the Government want to do in their name because it is shabby legislation.

The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) made a very good speech. To correct my hon. Friend the Member for Stone (Mr. Cash), the Liberal Democrats belong to a once great party; it no longer is. Having made a good speech, the hon. Gentleman drew completely the wrong conclusions as to what he should do. *[Interruption.]* I hear a little barracking from hon. Members who have recently arrived at the sitting.

I shall give an example of the grubbiness of the measure. We in the Conservative party have heard a lot about our treasurer, Mr. Ashcroft, who we are told cannot serve two masters, yet that is exactly what the Bill wishes someone in Ireland to do. That is completely illogical, but I will not stray down that road.

The Minister said that it is not an important constitutional Bill. It is an important constitutional precedent. That must be obvious to even the dimmest person on the Treasury Bench. As with so much other legislation, the Government have tried with the Bill to have constitutional change off-the-cuff. It may have two substantive clauses, but it is off-the-cuff, not thought through and confused.

In the Second Reading debate, we heard that the Bill was part of the complementary business to the Belfast agreement. Indeed, clauses 2 and 3 refer to the agreement, or the Northern Ireland Act 1998, yet we now know that it is entirely linked to the agreement through deals behind closed doors, in smoke-filled rooms, in underground bunkers in Armagh, or wherever the deals may have been made. The Bill is entirely linked to the 1998 Act and the agreement.

Those of us who genuinely want peace in Northern Ireland find it appalling that we should be asked, as a proud House that is respected throughout the world, to pass such dreadful legislation at the behest of two former, or possibly still practising, terrorists who happen to have been elected to the House.

From the long title to the end of the Bill, it is badly written, badly thought out and a hopeless piece of legislation. If I were a Minister presenting it, I would be embarrassed. At the beginning, there is a misprint. It states: "To to". Then it says "remove the disqualification". That is a double negative. Even I know, therefore, that it should be cited as the qualification Bill in the last clause. From the beginning to the end, it is a rotten bit of legislating. We are legislating in haste—although not as hastily as the Government would have wanted—but the Government will repent at leisure.

Excellent points have been made by my right hon. and hon. Friends. I do not want to labour those points. We need to know whose idea the Bill was and what its genesis is. What is the motivation? All Opposition Members know that the Bill is yet another deal, yet another sop, yet another bribe to Sinn Fein following the emasculation of the Royal Ulster Constabulary.

Does the Minister know about clause 63 of the Political Parties, Elections and Referendums Bill, which will exempt Noraid funding from north America to a political party in the United Kingdom? If he does not know about it, he should: the provision is an absolute disgrace. If we do not want foreign funding for political parties, why will that clause exempt Noraid?

If we want genuine peace, we have to realise that it cannot be built on sand. If we want it, we shall have to have genuinely firm foundations, and be willing to be firm and to stand up and make tough decisions. Furthermore, peace must be built on trust. The Disqualifications Bill demonstrates that we cannot have trust when we do not even know, for heaven's sake, whose idea it was to introduce this shabby little piece of legislation.

6.55 pm

Mr. Thompson: On Second Reading, I said that this was a squalid little Bill. After all we have been through, I say that it is still a squalid little Bill.

There are those who said that this type of Bill would help the peace process. I can only say that it will harm the peace process by undermining the Unionist people's confidence in the peace process. All they see in the Bill is another concession to Sinn Fein-IRA. Therefore, rather than helping the peace process, the Bill will greatly harm it.

After all our proceedings, the Government have made no changes to the Bill, although Ministers said that they would re-examine some of its provisions. I ask Ministers to re-examine one of the Bill's aspects in which I am particularly interested—its wording on the "legislature of Ireland", the "Government of Ireland" and "other than Ireland". Hon. Members should describe Ireland by its correct name—the Republic of Ireland—so that there is no disagreement on what we are talking about.

It is a bad Bill, and I shall vote against it.

6.57 pm

Mr. Fabricant: I remind the House that, if we carry through constitutional change without examining it in considerable detail, we frequently find that once the legislation is on the statute book, we end up with wording that may not be exactly be what we foresaw. Those are not my words, but comments on the Bill made yesterday by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody).

This is a constitutional Bill, which is why its Committee stage was taken on the Floor of the House. Throughout the night, however, we heard nothing but misleading statements from Ministers. At one point, when we were asking for reciprocity, we were told that it is not needed, as there is not the equivalent in the Dail of the House of Commons Disqualifications Act 1975. Subsequently, however, we were told by Ministers—we had to drag it out of them—that one has to be a citizen of the Republic of Ireland to sit in the Dail.

Time and again, Opposition Members asked why we need reciprocity. The answer was that we need it because of the breach of trust. Why has there been a breach of trust? It occurred because the Government have made concession after concession to Sinn Fein-IRA, with no reciprocity from them.

This is a bad Bill, which has been handled unconstitutionally in the House. I shall vote against it.

6.58 pm

Mr. Hogg: The Under-Secretary of State for the Home Department—who introduced the debate on Third Reading, but is no longer in the Chamber—started his speech by saying that the past day's events have shown the House in a bad light. I do not agree with that at all. What was wrong was the Government's decision to schedule Second Reading for Monday, and to push forward consideration in Committee. As the hon. Member for Walsall, North (Mr. Winnick) said, the Committee was right to exercise its powers to scrutinise legislation.

This is an important Bill, and it is untruthful to suggest otherwise. To make that clear, one has merely to state what it will do—it will enable a Member of the Irish Parliament to sit in this House. That is an important proposition, but it is one with which I disagree. It raises inherent problems of conflict with regard to duty and confidentiality, as my hon. Friend the Member for Stone (Mr. Cash) made clear.

Precedents have been cited. The House was told that similar provisions apply to Commonwealth legislatures. That is true, but if we were to start again, we would not give the Commonwealth Parliament the sort of power that is being given to the Ireland Parliament.

Moreover, we are creating a precedent for the future. If these provisions are to apply to Members of the Irish Parliament, how can we deny a similar dispensation for their equivalents in France, Spain or Italy? I doubt that a majority of hon. Members would consider it right at all.

Another problem is the lack of reason. Conservative Members have pressed Ministers to explain the reason for the Bill, but no proper explanation was given. It was put to us that the Bill tidies up a constitutional anomaly, but I do not believe that. I believe that a deal has been done. One reason for the Secretary of State's absence from the Front Bench is that he would have been constrained to reveal the nature of the deal. I do not believe that we should make concessions to Sinn Fein—not now, and probably not at all.

Finally, I must tell the hon. Member for Walsall, North that I come from a family, both sides of which have been deeply concerned with Ireland for many years. My mother was born in county Galway. I have supported the peace process to the extent that I have voted in the Labour Lobby against my own party. However, I do not believe that this concession—if that is what it is—should be made.

The Bill does not normalise relations; rather, it makes abnormal relations. We are departing from the principles that should govern our relationships with sovereign states, and the constitution of the House.

I am glad that there will be a Division on Third Reading, and that my colleagues on the Front Bench will vote against it. I shall do the same.

7.2 pm

Mr. Richard Shepherd (Aldridge-Brownhills): The Government have sought the authority of the House for what has proved to be a controversial Bill. I cannot remember when a Secretary of State has not taken a constitutional measure at least through Second Reading. The absence of the Secretary of State characterises this Government's insolent disregard for the proprieties of proper constitutional consultation, which call for consent across the House for a constitutional measure.

I bless the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who first brought the problem into my consciousness. I am grateful to my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), the former Home Secretary, and to my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). I am grateful, too, to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) for his monumental work in examining the propositions contained in the Bill.

The House's only purpose is to give consent—to raising money and to legislation. The Government are indifferent to the propriety that requires a Secretary of State to come to the House to advance this remarkable piece of legislation.

In a curious way, I am grateful to the Government. They have exposed what was unknown before Monday's Second Reading debate to the House, to my constituents and, I regret to admit, to me. The Government propose that Members of another sovereign nation's legislature could become Members of this legislature. Some people have asked who the master is, and others have wondered to whom we owe our responsibility and allegiance.

The Bill is not a shallow or trivial matter. It touches on the most profound questions of citizenship, which involve who we are, to whom we have duties and responsibilities, and why we demand obedience to the law from everyone in this country. As elected representatives, we are responsible to British citizens and accountable to them at elections. We make laws on their authority, but the Government are introducing—through the back door and in a quiet and surreptitious way—a Bill that they say amounts to nothing other than a couple of substantive clauses.

The Minister suggested that the Bill was merely making good an anomaly. I am grateful for that, because it allowed me to discover an anomaly. I was unaware—as, I think, are most people in this country—that, theoretically, Members of other legislatures across the Commonwealth can stand and represent this country through this Parliament. That is the anomaly—a post-colonial anomaly. It should be dealt with, yet this supposed reforming Government of spin doctors try to maintain that the anomaly should extend, dilute and reduce the function of an elected Chamber and its responsibilities and accountabilities. I share the pleasure expressed by my right hon. and learned Friend the Member for Sleaford and North Hykeham that we shall be voting against Third Reading. This must resonate further than the Chamber.

I noticed on the news on the wireless that no one is giving the reason for people's agitation that Members of a foreign power—a good and dignified friend of ours, honourable and proud in their associations and nationality—can represent this country, even though they do not claim to seek membership of the House. No one has adduced that Members of the Irish Dail or the Irish Government are asking to become Members of this House, yet we—off on a trip, this new Government of ours—ask why should they not, because it merely tidies up an anomaly.

I am grateful to the Government for telling us that they are trying to impose this diluted measure for the benefit of the constituents of places such as Walsall, North and Aldridge-Brownhills. I shall joyously vote against Third Reading. I hope that the House of Lords takes note and rejects the Bill as well.

7.6 pm

Mr. MacKay: I think it important, as we conclude the Third Reading debate, that I make it clear from the Dispatch Box why we are voting against Third Reading and why we have taken some twenty-five and a half hours to see through the Bill's Committee stage and Third Reading. It is, quite simply, because the Government have behaved very shabbily.

It is normal practice to have a Second Reading debate on a Bill and, after a weekend has elapsed, to consider the Bill in Committee.

Mr. Winnick *rose—*

Mr. MacKay: No, I am not giving way. There are two perfectly good reasons for this. First, it is an opportunity for the Minister and other Members to reflect on what has been said on Second Reading. Secondly, it gives ample opportunity to table amendments for us to consider and take soundings on before reaching a final decision. There is, and should be, only one exception to this practice—when the Government believe it necessary to bring urgent emergency legislation before the House. I asked and asked whether the Bill was either urgent or emergency legislation. Finally, the Under-Secretary of State for the Home Department admitted that it was neither urgent nor emergency legislation. Therefore, there was no excuse for bouncing the Bill through so quickly.

As a number of hon. Members on both sides of the House said, legislation that is rushed through is bad and incomplete, particularly when it is rushed through for no good reason in a very small and narrow Bill. I regret that that is all too typical of the Government, who behave in an arrogant and cavalier way towards the House. The Government have had a bloody nose because of their actions. I hope that, in future, the Deputy Chief Whip will think twice before behaving in this way again. Had he behaved correctly, he would not have lost his business.

7.9 pm

Mr. George Howarth: First, let me say a brief word about the speech of the hon. Member for Aldridge-Brownhills (Mr. Shepherd). I think that he knows from previous encounters that I hold him in high regard. On this occasion, however, there was an element of hyperbole in his comments. He described certain things that my hon. Friend the Under–Secretary of State for the Home Department and I said. I hope that he will read our words in *Hansard* and reflect on some of the points that he made. I do not take issue with him, but hope that he may feel that he misrepresented some of the positions that we took. I accept that, if he did so, it would have been inadvertent.

The Ulster Unionists have contributed throughout the proceedings. I have been in the Chamber for the whole time—25 hours or whatever it is—I was away only briefly, as was everyone who took part in the Committee proceedings. Ulster Unionist Members have genuine concerns about the measure; they have repeated them throughout our consideration of the clauses and amendments.

Since he became Secretary of State for Northern Ireland, my right hon. Friend the Member for Hartlepool (Mr. Mandelson) has bent over backwards to accommodate the Ulster Unionists, whenever he could—*[Interruption.]* Hon. Members say that I am off-message. It is not a question of being off-message—it was rather a ticklish moment.

[Mr. George Howarth]

On this occasion, I realise, as does my right hon. Friend, that Ulster Unionist Members disagree with him; they do not accept the motives behind the Bill. However, I ask them to accept—as I think the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) has accepted—that between us we have put the record straight. Although the leader of the Ulster Unionist party, the right hon. Member for Upper Bann (Mr. Trimble), was consulted on the measure, we did not imply that he agreed with it. However, as a result of the consultations, clause 2 was added to the Bill. That was the result of direct representations made by the right hon. Gentleman.

Many contributions have been made by Opposition Back-Bench Members. Not for one moment would I suggest that any of the Back-Bench Members who contributed were out of order in any way. Mr. Deputy Speaker would be quick to correct me if I made such a suggestion. Nothing that is on the record, apart from those remarks for which the hon. Members were pulled up by the Chair, was not appropriate for them to say. As individual Members of the House—as my hon. Friend the Member for Walsall, North (Mr. Winnick) agreed—they have a right to say what they feel is appropriate. I do not criticise them for that.

However, Opposition Front-Bench Members must answer a slightly different point. The right hon. Member for Maidstone and The Weald (Miss Widdecombe), the shadow Home Secretary, opened the debate on Second Reading for the Opposition. She made it plain that they would not oppose the Bill's Second Reading, and they did not. She said that they were not opposed to the principle behind the Bill and that they hoped to be able to support it through its remaining stages. I paraphrase the right hon. Lady's remarks, but not, I think, inaccurately. The right hon. Friend the Member for Bracknell (Mr. MacKay), Opposition Members and the Opposition Chief Whip knew last week what this week's business would be. They had every opportunity to make representations through the usual channels, if they felt that the business was being handled inappropriately. That is why the usual channels exist. They made no such representations.

Indeed, the Leader of the Opposition has made it clear that there is no co-ordination between what takes place on the Opposition Front Benches and what has been happening on their Back Benches. To make that point absolutely clear, let Conservative Members hear what their leader had to say. The Leader of the Opposition wrote to my right hon. Friend the Prime Minister today, saying that the Government should have used our huge majority in the House to push this legislation through. Seemingly, he attaches much greater urgency to the measure than do those on the Opposition Front Bench or Back Benches. That shows not only that Opposition Front-Bench Members have lost touch with Back Benchers, but that they have lost touch with the Leader of the Opposition.

Sir Patrick Cormack: The hon. Gentleman is indulging in a mischievous prank. He knows very well that my right hon. Friend the Leader of the Opposition said that in the context of the lost business, and was saying that there was no need for Prime Minister's questions to be lost, and that it was the Government's mishandling that led to that fiasco.

Mr. Howarth: The hon. Gentleman is very gallant in the defence that he mounts of the Leader of the Opposition. What I have said about the content of the letter is true, and the hon. Gentleman needs to explain why the Leader of the Opposition has to rely on us to get business through the House, while his Front-Bench team and his Back Benchers are willing to sit through the night to ensure that it is opposed. It simply does not add up.

Mr. Robathan: Will the hon. Gentleman give way?

Mr. Howarth: No; I will not. I think that the hon. Gentleman and his colleagues would accept that, throughout the night, I have been willing to give way repeatedly. I am losing my voice now, and I do not intend to prolong this matter much further.

Mr. Simon Hughes: Will the Minister give way?

Mr. Howarth: I will not give way to the hon. Gentleman, but I will say that I recognise that he raised some sensible points throughout and has been constructive throughout the Bill's progress so far. I am grateful for the support that he has now agreed to give us on Third Reading.

I have a final point to make, and it is a very serious one. The right hon. Member for Bracknell has said that the official Opposition still support the Good Friday agreement and the peace process. I accept that. I accept also that the Liberal Democrats supported—and that some Ulster Unionist Members, in slightly different ways, accept—that peace process. I accept also that the right hon. Gentleman and his colleagues have not set out to damage that peace process in any way over the past 24 hours.

However, I would ask the right hon. Gentleman and his colleagues to reflect on the fact that, whatever their intentions are, during the next few days—as the right hon. Gentleman knows full well—some very serious matters will be discussed. General de Chastelain, whom he and I have praised, will be presenting his report on progress on decommissioning. I believe that what has happened in the House over the past 24 hours, instead of helping to lower the temperature in Northern Ireland, has succeeded, albeit unwittingly, in raising the temperature. For that reason, I think that the right hon. Gentleman will have reason to regret what he has been involved in over the past 24 hours.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 326, Noes 141.

Division No. 51] **[7.19 pm**

AYES

Abbott, Ms Diane	Anderson, Janet *(Rossendale)*
Adams, Mrs Irene *(Paisley N)*	Armstrong, Rt Hon Ms Hilary
Ainger, Nick	Ashdown, Rt Hon Paddy
Ainsworth, Robert *(Cov'try NE)*	Ashton, Joe
Alexander, Douglas	Atkins, Charlotte
Allen, Graham	Austin, John
Anderson, Donald *(Swansea E)*	Ballard, Jackie

Banks, Tony
Barnes, Harry
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Breed, Colin
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Canavan, Dennis
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Hurst, Alan
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
Welsh, Andrew
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm

Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Don Touhig.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, Rt Hon James
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mrs. Eleanor Laing and
Mr. Peter Atkinson.

Question accordingly agreed to.

Bill read the Third time, and passed.

Business of the House

7.30 pm

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): With permission, Madam Speaker, I should like to make a short business statement.

The business for tomorrow will now be progress on remaining stages of the Financial Services and Markets Bill, which will be brought to a conclusion next week. I will give the normal, full business statement tomorrow.

Sir George Young (North-West Hampshire): The Leader of the House has announced that the Government have lost one of the days that they had earmarked for their legislative programme. They have lost it because they did not respond sensitively to legitimate issues raised over the past two days.

Today's Bill, which has provoked the statement, was not in the Queen's Speech. The mode of trial Bill, which will have to be reintroduced following its defeat in another place, will put additional pressure on the Government's programme. Does not all that show that the Government are mismanaging the business of the House trying to get 28 Bills through, and that they should now drop some of their ill-considered and unpopular measures?

Mrs. Beckett: I can only say that the right hon. Gentleman must be well aware that his remarks are in no way borne out by the events of the past couple of days. On Second Reading of the Disqualifications Bill, the Conservatives said that they were not opposed to it and did not vote against it. The shadow Home Secretary said that the Opposition would give the Bill a fair wind. If the right hon. Gentleman's idea of a fair wind is almost two full days' debate, I have to tell him that it is not mine.

Rev. Martin Smyth (Belfast, South): The Leader of the House will agree that I raised that issue at an early stage, because I saw no reason why the Bill should be rushed. When minority parties express an opinion, it should be taken into consideration. Instead, the Bill was rushed through, like a steamroller trying to get ahead of business. Plenty of time could have been taken, rather than wasted, as it has been today.

Mrs. Beckett: The hon. Gentleman is entirely right to say that he raised that point, in a way that Conservative Members did not. However, I believe that I am right in saying that, like them, he complained about the two days' proceedings being so close together, not about the amount of time given. I do not recall anyone complaining about the amount of time offered at any business statement in which the business was announced.

As I told the hon. Gentleman on a previous occasion, I understand his concerns and we considered the matter. However, as I am sure he is well aware, it is not at all unprecedented for a Bill to be taken through the House in one day, or, indeed, two.

Mr. Andrew MacKay (Bracknell): In emergencies.

Mrs. Beckett: Not necessarily. The Commonwealth Development Corporation Act 1996 was taken through the House in one day, in May 1996. The Hong Kong Economic and Trade Office Act 1996 was also taken through in one day, in October 1996. I shall not bore Opposition Members by listing their sins, but one further example will be regarded as relevant by those hon. Members who have enjoyed the past two days: the last occasion on which a Bill was taken on two consecutive days, as was the Disqualifications Bill, it became the Protection from Harassment Act 1997; the Member in charge of the Bill was the right hon. Member for Penrith and The Border (Mr. Maclean).

Mr. Edward Leigh (Gainsborough): Does the right hon. Lady agree that the way in which business has been handled today, the 1,000th day of the Government's term in office, is symbolic of the way in which business has generally been handled over the past two and a half years? That is, with a lack of respect for our traditions, incompetence and overweening arrogance.

Mrs. Beckett: I completely agree with one thing that the hon. Gentleman has said, and that is that it has been quite characteristic of the past two years. It has been gross misjudgment and mishandling on behalf of the Conservative party which has been successful beyond our wildest dreams in talking at considerable length on a Bill that it said it did not oppose. I remind the hon. Gentleman that it was a three-clause Bill. As a result, the Conservative party succeeded in losing its opportunity to question my right hon. Friend the Prime Minister at Question Time. It lost also an opportunity to make progress on a Bill that its few remaining supporters in the City want to see on the statute book. I call that three whammys in a row.

Mr. Andrew Robathan (Blaby): Will the right hon. Lady make time for a statement from the Secretary of State for Northern Ireland, so that he can explain to the House and the country—there will be general concern—the answer to the question that we have been posing for the past 26 hours: has a grubby deal been done with Sinn Fein, known terrorists, to pass the Bill that we have just debated?

Mrs. Beckett: I will simply say to the hon. Gentleman that I am sure he heard my hon. Friend the Under-Secretary of State say that most of us in the House do not wish to do or say anything that in any way jeopardises the peace process. I hope that he shares that view.

Mr. Dale Campbell-Savours (Workington): May I say to my right hon. Friend that I think that we handled the Disqualifications Bill excellently? Last night we called the Tories' bluff and won the legislation.

Mrs. Beckett: My hon. Friend is entirely right. The sad fact is that the Conservative party has lost control of its Back Benchers, and it shows.

Mr. David Maclean (Penrith and The Border): The right hon. Lady was kind enough to refer to the highly successful Protection from Harassment Bill, which the previous Government put through the House with the full agreement of all the Opposition parties. I do not think that anyone suggests that that was an important constitutional measure which deserved to be treated in a different way from the way in which the right hon. Lady has abused the

[Mr. David Maclean]

House over the past 24 hours. It was the Government who lost control; it was the Government who did not bother to move closures; and it was the Government who failed to expedite the Bill in as sensible a fashion as they could. The Government could have simply given sufficient time between Second Reading and remaining stages, including consideration in Committee. The Bill could then have proceeded in a more sensible fashion. That is the right hon. Lady's fault.

Mrs. Beckett: The right hon. Gentleman was not here on any of the occasions when we discussed timing and the amount of time given to the Bill. On no occasion were the Government pressed to give more time for the Bill until yesterday.

Mr. Malcolm Savidge (Aberdeen, North): Surely there are two possibilities regarding the loss of Prime Minister's questions. One is that the Leader of the Opposition wished to avoid them today. The other is that the right hon. Gentleman has lost control of his party.

Mrs. Beckett: There is much in what my hon. Friend says. Either the Leader of the Opposition consented and was happy to see Prime Minister's Question Time lost because he knew for several hours before the deadline fell that that would be the effect of his party's behaviour, or he had lost control of it. He has another characteristic that has been evident over the past two and a half years, which is that he is inclined to make short-termist judgments, such as the letter to my right hon. Friend the Prime Minister, which I can assure the Conservative party will come back to haunt it on many occasions. As so many of the right hon. Gentleman's gestures come back to haunt him, I think that he should be known as Boomerang Bill.

Mr. Paul Tyler (North Cornwall): I am not going to play the game of blaming either side. However, I emphasise that the way in which we dealt with the Disqualifications Bill does no credit to the Government or the main Opposition party. I draw the Leader of the House's attention to the unanimity on several occasions in the Select Committee of which she is a distinguished Chair, on seeking more programme motions so that we can deal with business in a business-like fashion. The games that have been played recently do no credit to the House, the Government's business managers or the official Opposition.

I ask the right hon. Lady again to ensure that, when we approach measures in future, efforts will be made to distinguish issues about which there is a clear difference of opinion—between the Front Benches or with the minority parties—and that proper time will be given to debate them. Having done that, we should try to ascertain whether we can determine an agreed programme to tackle them in a business-like way. Having done that—*[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I hope that this will be the hon. Gentleman's last point.

Mr. Tyler: I could hardly hear what you were saying, Mr. Deputy Speaker, because of the noise that Conservative Members made.

Mr. Deputy Speaker: Order. I said that I hoped that this was the hon. Gentleman's last point.

Mr. Tyler: It is. The precedents that the Leader of the House cited for moving immediately from one stage of a Bill to another were not similar to the measure that has just been discussed. Having to move so fast did not help hon. Members.

Mrs. Beckett: May I first say to the hon. Gentleman that all hon. Members share the support that he voiced for a sensible programme motion. However, it is not always fashionable for Conservative Members to admit that.

The hon. Gentleman suggests that we should identify measures that will cause problems and may consequently need more time, and agree about the way in which to handle them. We were in that position when we began to debate the Disqualifications Bill. The shadow Home Secretary made that clear. She said that the Opposition did not oppose the Bill, and that they would give it a fair wind. There was an opportunity to return to the debate on the Bill after 10 o'clock on Monday, but it was not taken. I understand that, because the Opposition had a reasonable time and were right to believe that the issues had been aired. They did not vote against the Bill on Second Reading. Under those circumstances, when agreement appears to have been reached, but the agreement is subsequently torn up, difficulties arise. I personally take the Leader of the Opposition's extraordinary and ill-judged letter to my right hon. Friend the Prime Minister as support for programme motions.

Mr. Nigel Evans (Ribble Valley): Last week, the right hon. Lady made a statement to which I responded when business was changed following consideration of the Representation of the People Bill. There was anxiety among Conservative Members and some Labour Members because two Second Readings took place after consideration of the measure. Again, anxiety has been caused because of the treatment of the Disqualifications Bill. The right hon. Lady should appreciate the concern among hon. Members of all parties. Will she assure us that she will talk to business managers to ensure that proposed legislation will be given due regard, that hon. Members will be able to scrutinise and debate it properly, and that it will not be rushed through the House in the same manner as the Disqualifications Bill?

Mrs. Beckett: I simply say to the hon. Gentleman that, on more mature reflection, he might be sorry that he made that point. He is entirely correct that there is a strong parallel between what happened last week and what happened this week. Last week there was an acceptance and an understanding on both sides of the House, including between Front-Bench Members, that there was little of contention to air, but that there were issues that should be aired and that they would be dealt with in proper time. Then what happened was that a group of Conservative Members used the opportunity to try to talk out the Fur Farming (Prohibition) Bill. He knows that that is what happened, because he was here, and we know that that is what happened. Those are precisely the tactics that have often been adopted—I accept, on different grounds—by the same usual suspects.

Mr. Nicholas Winterton (Macclesfield): The Leader of the House has a duty to represent the interests of the

House and all Back Benchers. Does she accept that Ministers have a duty to reply to matters raised during debate sensitively, positively and rationally? Does she regret that that has not been the case, and that she and the Parliamentary Under-Secretary for Northern Ireland have intentionally misled the House as to the content—

Mr. Deputy Speaker: Order. The hon. Gentleman should know better. When I get to my feet, he should sit down. Did I hear him say that the right hon. Lady misled the House?

Mr. Winterton: Yes, I most certainly did. The letter to which the right hon. Lady and the Minister referred—

Mr. Deputy Speaker: Order. The hon. Gentleman must withdraw that statement. He knows the rules of the House, perhaps better than I. I want him to get to his feet only if he will withdraw that statement. No one has misled the House.

Mr. Winterton: The House has been misled because the implication—

Mr. Deputy Speaker: Order. Will the hon. Gentleman withdraw that statement? I advise him to do so. I implore him to withdraw that statement.

Mr. Winterton: If the right hon. Lady—

Mr. Deputy Speaker: Order. There are no ifs and buts. The hon. Gentleman must withdraw that statement.

Mr. Winterton: I will apologise to the House and to the right hon. Lady, but she has misused—

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. The hon. Gentleman has apologised and has resumed his seat. I shall call only one more hon. Member.

Mr. Desmond Swayne (New Forest, West): The right hon. Lady will have witnessed the disciplined and successful tactics of her own Back Benchers on Monday evening during the discussion of private business. She will not be surprised that the Opposition have learned from those tactics over the past 24 hours. Will she confirm that she could have used Labour's majority at any stage during the proceedings up till Two o'clock this afternoon to bring the Committee to a close, but she did not do so because she did not want to expose the Prime Minister to questioning from my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) or from the hon. Member for Falkirk, West (Mr. Canavan)?

Mrs. Beckett: Opposition Members have spent a good deal of time talking about the importance of what they regard as the constitutional implications of the legislation, and then have called on me to curtail it, guillotine it, propose closure of the debate or not move the Ten o'clock motion. I assure the hon. Gentleman that I have taken most careful heed of all those injunctions, and I shall bear them very much in mind.

Mr. Campbell-Savours: On a point of order, Mr. Deputy Speaker. What we have just seen was predicted three months ago—you, from the Chair, in conflict with someone who may refer to himself as an Assistant Speaker in the other Chamber. The hon. Member for Macclesfield (Mr. Winterton) knows the rules, as we do. If we cannot get an Assistant Speaker from the other Chamber unconditionally to withdraw an allegation of deliberately misleading the House, what hope is there for the proper policing of our proceedings under the new arrangements?

Mr. Deputy Speaker: I received an apology and when an apology is given, as far as the Chair is concerned, the matter is finished.

Sir Teddy Taylor (Rochford and Southend, East) *rose—*

Mr. Deputy Speaker: Does the hon. Gentleman have a point of order?

Sir Teddy Taylor: It is a very important question that I want to ask the Leader of the House.

Mr. Deputy Speaker: Perhaps the hon. Gentleman can wait until the Business statement tomorrow.

DELEGATED LEGISLATION

Ordered,

That the Transnational Information and Consultation of Employees Regulations 1999 be referred to a Standing Committee on Delegated Legislation.—*[Mr. Kevin Hughes.]*

CENSUS

Ordered,

That:—

(1) the draft Census Order 2000, which was laid before this House on 10th January, be referred to a Standing Committee on Delegated Legislation; and

(2) if, after the Committee has reported the Instrument to the House, the Motion in the name of Mr. Chancellor of the Exchequer relating to the draft Order is made, the Speaker shall put forthwith—

(i) the Questions on any amendments to the Motion which she has selected and which may then be moved, and

(ii) the Question on the Motion, or on the Motion as amended;

and such Questions may be decided at any hour, though opposed.—*[Mr. Kevin Hughes.]*

Adjournment

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): The hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) has withdrawn.

Question put and agreed to.

Adjourned accordingly at nine minutes to Eight o'clock.

House of Commons

Thursday 27 January 2000

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

BAXI PARTNERSHIP LIMITED TRUST BILL *[Lords]*

Considered; amendments agreed to; to be read the Third time.

BILL PRESENTED

COMHAIRLE NAN EILEAN SIAR (ERISKAY CAUSEWAY) ORDER CONFIRMATION BILL

Mr. Secretary Reid presented a Bill to confirm a Provisional Order under section 7 of the Private Legislation Procedure (Scotland) Act 1936, relating to Comhairle Nan Eilean Siar (Eriskay Causeway): and the same was read the First time; and ordered to be read a Second time, and to be printed [Bill 52].

Oral Answers to Questions

TRADE AND INDUSTRY

The Secretary of State was asked—

Regulation

1. **Mr. John Bercow** (Buckingham): What recent discussions he has had with representatives of business about the regulatory burden on industry and commerce. [105749]

The Minister for Trade (Mr. Richard Caborn): Regulation is one of the many issues that I discuss as part of my regular contacts with business.

Mr. Bercow: I thank the right hon. Gentleman for that spectacularly uninformative reply. Given that Labour has spewed forth more than 2,700 new regulations since 1 May 1997, adding £5,000 a year to the costs of the average small business, and that the number of business failures has soared by more than 20 per cent.—

Madam Speaker: Order. I require questions, not explanations of questions.

Mr. Bercow: Will the right hon. Gentleman tell us now in which year Labour intends to honour its promise to stop lacerating small businesses and start liberating them?

Mr. Caborn: We do that every year. The hon. Gentleman's tirade does not match the information in the Organisation for Economic Co-operation and Development "Economic Outlook" published last month, which said that the United Kingdom had fewer economic and administrative regulations than any other OECD country including the United States. That report covered 1998. Less than 5 per cent. of all regulations affect business.

Mr. Barry Sheerman (Huddersfield): Does my right hon. Friend agree that the Opposition should start growing up when they talk about regulation? The Financial Services and Markets Bill, which is to be considered this afternoon, will do British commerce the power of good. Good regulation of the City of London means that we become an effective, better centre for international commerce. We have a good record—

Madam Speaker: Order. I mean to go on as I began: I want questions, not explanations. I am trying to get through more questions in the House. Was the hon. Gentleman asking a question?

Mr. Sheerman: Yes, Madam Speaker. Does my right hon. Gentleman agree that some regulation helps commerce and industry, and makes our economy profitable?

Mr. Caborn: My hon. Friend is absolutely right. His comments concur with the British Chambers of Commerce document, which reports on confidence in profitability and turnover, and claims that it is the strongest it has been for three years. That view is supported by the CBI and the Chartered Institute of Purchasing and Supply. That shows that we have a healthy economy. Business welcomes our action on regulation.

Mrs. Angela Browning (Tiverton and Honiton): Will the right hon. Gentleman tell the House—in pounds sterling, not euros—by how much he intends to reduce the cost of regulation to business in this Parliament?

Mr. Caborn: We have strengthened the operations that existed when we took over from the previous Administration. We have a new panel of Ministers, which will consider regulation—[HON. MEMBERS: "How much?"] Indeed, if the previous Administration had implemented some of their taskforce's recommendations, the system would have been more effective. We have had to clear up that mess. The taskforce is chaired by Lord Haskins and its members include David Irwin—[HON. MEMBERS: "How much?"] Madam Speaker, I am trying to show what the previous Administration did, and what we are doing about the 5 per cent. of regulations that affect business. If the Conservative party returned to power, would it remove from the statute book the regulations on the minimum wage or working hours?

E-Communications

2. **Mr. David Stewart** (Inverness, East, Nairn and Lochaber): What plans he has to ensure the confidentiality of encrypted material in electronic communications. [105750]

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): On Tuesday, the House gave an unopposed Third Reading to the Electronic Communications Bill, which will promote cryptography support services that guarantee the confidentiality of electronic transactions.

Mr. Stewart: Does the Minister share my view that the growth of e-commerce is immense, and has tremendous potential? Does she further agree that the constraint on its development is security for individuals and for business, and that cryptography exists? Does she agree that we must ensure maximum security for commercial transmissions through e-commerce?

Ms Hewitt: I entirely agree. That is why we are working with the Alliance for Electronic Business to put in place the T scheme to help give companies and individuals the assurance that they need about the security of electronic transactions.

Mr. Ian Bruce (South Dorset): I congratulate the Minister on the fact that it has only taken the Government three years to decide not to include in the Electronic Communications Bill the provisions on encryption, and on taking Conservative Members' advice about that. Will she assure the House that, as she has wisely not included those provisions in the Electronic Communications Bill, she will tell her colleagues in the Home Office to do the same in the measure on interception?

Ms Hewitt: The previous Administration, whom the hon. Gentleman supported, made the proposal for mandatory key escrow. We refused to introduce that and have ruled it out from the Bill. On law enforcement, encryption—which protects all our credit card details, for example—also enables money launderers, paedophiles and other criminals to evade detection. My right hon. Friend the Home Secretary will be making proposals to ensure that when the police have the power to seize information they can get it quite properly, either in plain text or with the key to decode it.

Mr. Alan Duncan (Rutland and Melton): Further to the question of my hon. Friend the Member for South Dorset (Mr. Bruce), will the Minister explain which aspects of confidentiality will fall within her responsibilities and which will fall within those of the Home Office? Now that the e-envoy is at his desk at last—we welcome him to his new job—may I ask to whom he will report on such matters? Exactly what are his responsibilities; what is his job description; and what is he expected to achieve?

Ms Hewitt: The e-envoy's responsibilities are set out extremely clearly on his website, which I recommend the hon. Gentleman visits. He has responsibility as the lead official in Whitehall for co-ordinating across government our efforts to make the United Kingdom the best place in the world for e-commerce. My role is that of lead Minister in co-ordinating that work across government.

Ice-cream (Impulse Buying)

3. **Mr. Bob Russell** (Colchester): On what date he received the Competition Commission's inquiry into the impulse buying ice-cream industry; and when he intends to publish its findings. [105751]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): My right hon. Friend the Secretary of State for Trade and Industry received a copy of the Competition Commission's report on the supply of impulse ice-cream on 21 September. It will be published as soon as is practicable.

Mr. Russell: That is not a helpful response for the independents in the ice-cream distribution industry who have been waiting months for the report, which has been completed. I have one such distributor in my constituency. What message can I take back to that gentleman—the appropriately named Mr. D. Frost—whose business is suffering? Does the Minister agree that the Wall's stranglehold is anti-competitive and not in the interests of consumers and retailers?

Mrs. Liddell: I am sorry that the hon. Gentleman finds my reply unhelpful, but it is the only one I can give. I am sure he is well aware that a number of companies in the ice-cream market are publicly quoted and I therefore cannot give any indication in the House on market-sensitive matters. The publication of the report is market sensitive. The Government are well aware of the difficulties, and I congratulate him on his endeavours, but he should know that it is not in the interests of the ice-cream industry to make statements in the House that could destabilise the market.

Mr. David Drew (Stroud): Much as I would welcome the publication of the report, does my right hon. Friend agree that there will be major repercussions for British jobs and the way in which customers perceive their ice-cream? There is no reason why we cannot have stability in the market, even though we need the report to be published as soon as possible.

Mrs. Liddell: My hon. Friend makes a good point. He, too, has been vociferous on the matter, and all his points will be taken into account when the report is published.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Under the Competition Act 1998, a company can be fined up to 10 per cent. of its annual turnover. Out of the blue last August, the Government announced that that could apply to three years' annual turnover, effectively tripling the fine to 30 per cent. Was that always their intention, before and during the passage of the 1998 Act, or is it a new policy departure?

Mrs. Liddell: In all their deliberations on competition, the Government take into account best practice and the best possible conclusions that we can reach to achieve a truly competitive market. The hon. Gentleman of all people should know that it is very important to ensure that adequate and proper competition is in place in the United Kingdom.

Minimum Wage

4. **Mr. Gordon Prentice** (Pendle): How many people have contacted the minimum wage hotline since it was inaugurated. [105752]

The Secretary of State for Trade and Industry (Mr. Stephen Byers): There have been 150,000 calls to the national minimum wage hotline.

Mr. Prentice: I suspect that a good number of that 150,000 came from Pendle and north-east Lancashire which is a low-pay black spot. Is the Secretary of State aware that when the national minimum wage came in last April, 8 per cent. of all adults in employment in Pendle received a pay increase, as did no fewer than 30 per cent. of all part-time women employees? Not only did that have huge practical importance: for the Labour party and the Labour Government it had huge symbolic importance. Will the Secretary of State let us know whether there will be an annual uprating of the national minimum wage which people in my constituency and across the land fully expect?

Mr. Byers: I am delighted to hear that so many workers in my hon. Friend's constituency have benefited from the introduction of the national minimum wage. The important message that we can both put over to them is that they stand to lose that if the Conservative party is ever returned to office. In answer to his question, the Government have made it clear throughout that it is not their policy automatically to uprate the national minimum wage annually. Any increase will need to be considered in the light of the economic conditions at a particular time. I know that this cautious approach will be criticised in some quarters, but it is important that this radical change in the labour market is introduced successfully—as it has been. We must not take any steps which will disadvantage its successful introduction.

Dr. Vincent Cable (Twickenham): Does the Secretary of State agree that despite reservations expressed about the national minimum wage, by me among other people, it has proved to be a success and has been accepted as such across industry? In the same spirit of consensus, will he agree that there needs to be a mechanism for increasing the minimum wage at least in line with inflation over the past two years and for removing discrimination against younger workers aged between 18 and 22?

Mr. Byers: I welcome the Liberal Democrats' decision on the minimum wage. They described their own policy as being economically illiterate and politically inept, and that was absolutely right. Their policy was exactly that, in line with many of the policies that they pursue. The hon. Gentleman, who opposed the national minimum wage and the way it was introduced, is now calling for an annual uprating. It is important to remember that the national minimum wage is not a state benefit. It is paying people for work. That means that an increase will be linked to the economic circumstances of the day. It has made a break with state benefits, which are annually uprated. The minimum wage is about making work pay for people. That is exactly what we are doing and what we will continue to do.

Mrs. Alice Mahon (Halifax): While I congratulate the Government on introducing the minimum wage, does my right hon. Friend agree that £3.60 an hour is too low? In view of the profits of various companies and the fat-cat increases, does he accept that it is time to increase the minimum wage and link it into a mechanism where it is increased annually, at least in line with the rate of inflation? I suggest that it should go up to £5 an hour.

Mr. Byers: An increase from £3.60 to £5 an hour would be an increase rather in excess of the rate of inflation. I know that my hon. Friend has been a powerful advocate of the minimum wage for many years—and in the years when it may not have been so fashionable to support it. The Low Pay Commission was kept in being after it made its first recommendations partly to monitor continually the impact of the national minimum wage on the labour market, and levels of employment in particular. It has just reported to the Government and we are considering our response, which we hope to make in the next few weeks. We will undoubtedly need to consider the questions of uprating and the youth rate.

Mr. Nick St. Aubyn (Guildford): We know from previous answers that thousands of people have gone from low pay to no pay as a result of the Government's policies. Does the Secretary of State regard the thousands of people who have lost their jobs as a result of the minimum wage legislation as a sign of the success or failure of his Government's policy?

Mr. Byers: As usual, the hon. Gentleman is allowing his prejudices to get in the way of the facts, which are that there is higher employment in this country than ever before and that our introduction of the national minimum wage has taken well over 1.5 million people out of poverty pay. All that would be put at risk by the policies that his party pursues.

Debts (Late Payment)

5. **Mr. Desmond Browne** (Kilmarnock and Loudoun): If he will make a statement about the use by businesses of the Late Payment of Commercial Debts (Interest) Act 1998. [105753]

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): The latest review of credit management activity shows that 5 per cent. of firms have already used the legislation—up from 3 per cent. six months ago—and that 11 per cent. are planning to use it.

Mr. Browne: Does my hon. Friend have any reliable survey evidence to show that there has been any improvement in Britain's historically lamentable payment culture since 1 November 1998, when the Act came into force?

Ms Hewitt: There are several surveys, not all of them consistent. I am glad to say that the survey by Dunn and Bradstreet, one of the most comprehensive, shows that 60 per cent. of companies are paying on time, compared

with only 54 per cent. in 1997. That has taken us up to third place in the European Union league table on payment of debts. It is still not good enough, but we are going in the right direction.

Mr. Nigel Evans (Ribble Valley): Has the Minister been able to do a survey or analysis of the sort of businesses that are using the legislation? What percentage of small businesses are using the legislation against other small businesses that are late in paying their debts?

Ms Hewitt: I think the hon. Gentleman does not entirely understand the legislation. As currently in force, it allows small businesses to pursue large businesses because that is the real problem that we identified and set out to put right. The introduction of the rest of the law is being phased. The intention is that, from 1 November this year, small businesses will be able to use the law against other small businesses, and that, from 1 November 2002, all businesses and public sector organisations will be able to use the law, but we continue to keep those phasing arrangements under review.

Mr. Brian Cotter (Weston-super-Mare): Does the Minister agree that the Government should take a lead in promoting early payment of debt, and that it is regrettable that the Bill did not reflect that? Will she provide us with statistics showing the Government's record at both local and national level?

Ms Hewitt: Of course Government must take a lead and that is what we are doing. Every Government Department has signed up to the better payment practice code. Most paid almost 97 per cent. of their bills on time in the last financial year. The Department of Trade and Industry has substantially improved its payments record and my right hon. Friend the Secretary of State has asked officials to ensure that 100 per cent. of bills are paid on time.

Mail Order

6. **Helen Jones** (Warrington, North): What recent discussions his Department has had with representatives of the mail order companies on consumer protection in that industry. [105754]

The Minister for Competitiveness (Mr. Alan Johnson): The Department has met representatives of the mail order industry to discuss consumer protection issues concerning implementation of the European directive on the protection of consumers in respect of distance contracts, and the proposals in the consumer White Paper relating to codes of practice.

Helen Jones: I thank my hon. Friend for that reply. Not only do many hon. Members shop by mail order because of lack of time, but, more important, many of my poorer constituents do so because it is the only way in which they can phase payments. There are many good mail order companies, but in dealing with some of them, people may encounter particular problems in arranging deliveries and making complaints: people often cannot get hold of anyone in a responsible position to deal with the matter that they wish to raise. Will my hon. Friend assure me that, in future discussions, he will raise those topics with the mail order companies, so that our poorer constituents will be entitled to better protection?

Mr. Johnson: My hon. Friend raises an important point. One of the reasons for introducing better consumer protection in the sector is that, although the vast majority of mail order companies behave in an exemplary manner, the most vulnerable people are sometimes exploited by a small minority. I will take her views into account and pass on to her the response of the Mail Order Traders Association of Great Britain next time we meet, but I remind her that we are consulting on the implementation regulations until 11 February. All submissions will be gratefully received.

Mr. Michael Fabricant (Lichfield): Does the Minister accept that it is possible to receive junk mail not only through the post but by fax? What about introducing some consumer protection for the poor guy who owns the fax machine and ends up having to pay for the paper, the toner and everything else? What about some protection for hon. Members who return home to discover on the floor at least 200 yards of fax paper containing useless junk that has been faxed to us? We need such protection, too.

Mr. Johnson: The hon. Gentleman's remarks strike a chord throughout the House. I remind him that the consultation that I mentioned earlier, on the European directive on distance selling, includes measures to ensure that people have a statutory right to choose whether to receive advertising mail, regardless of whether it is sent by e-mail, the post or fax. As I said, the consultation period finishes on 11 February.

Debts (Late Payment)

7. **Mr. Kerry Pollard** (St. Albans): What plans he has to strengthen legislation on the late payment of commercial debts in respect of its impact on small businesses. [105755]

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): I am keeping the impact of the new law under close review, but currently we have no plans to amend it.

Mr. Pollard: I thank the Minister for that answer. Does she support the European Union late payment directive, which allows the recovery of costs associated with the collection of commercial debts? Will she support domestic legislation on the matter?

Ms Hewitt: We do indeed support the principle of the proposed directive, but we and some other member states are concerned that its scope is too broad. We are working together to sort that out. We have provision in current UK law to allow individuals to recover costs through county court proceedings.

Mr. Andrew Robathan (Blaby): Coming as she does from Leicestershire, is the Minister aware of the impact on small businesses in our area of the failure to pay and late payment of commercial debt by a company called

TransTec, in Coventry? Will she now answer the parliamentary questions tabled, more than two weeks ago, by me and other hon. Members?

Ms Hewitt: Those questions have already been fully answered. The investigations are proceeding and will be dealt with in due course in the normal way.

Poor Countries (Exports)

8. **Joan Ruddock** (Lewisham, Deptford): What progress he has made in persuading the UK's EU partners to fulfil their commitment to allow tariff- and quota-free access for all exports from the world's 48 poorest countries. [105756]

The Minister for Trade (Mr. Richard Caborn): The European Union commitment is to provide duty-free access for essentially all products from the least-developed countries by 2005 at the latest. We expect the European Commission soon to make proposals aimed at implementing that commitment, giving both tariff- and quota-free access. More generally, the Government will continue to call for zero tariffs to be applied to all goods from the least-developed countries, as my right hon. Friend the Prime Minister promised in his speech at the Mansion House on 22 November 1999.

Joan Ruddock: I thank my right hon. Friend for that reply. Does he agree that tariff- and quota-free market access for the poorest countries should include all exports, and that there should not be exclusions on the grounds of any sensitivity? Does he also agree that there is no reason why those small concessions could not be made immediately, and that there should be no attempt to include them in any further trade rounds?

Mr. Caborn: That is exactly the British Government's position and what we are trying to negotiate with the European Union. As I said, the Prime Minister stated the British Government's position on the issue in his Mansion House speech, and we have to convince our European Union partners to accept that position. Arguably, however, the European Union already offers probably the most generous preferential terms for developing countries. Nevertheless, I agree with my hon. Friend that we have to go that extra mile, and we shall be pushing very hard to do just that.

Mr. Peter Lilley (Hitchin and Harpenden): Does the Minister agree that by far the best way of helping poor countries out of poverty is to enable them freely to export their goods to our markets? Will he condemn those who weep crocodile tears for the poorest countries, but spend all their time dreaming up ways of restricting their imports into the countries of the developed world on grounds that free trade is not in their view fair trade?

Mr. Caborn: Yes. The Government's commitment on tariffs and quotas has been laid out by the Prime Minister, and my right hon. Friend the Chancellor of the Exchequer has been working with the International Monetary Fund on trying to relieve the debt of the heavily indebted countries. We want to ensure that the least-developed countries have sustainable economies, and one of the prerequisites in achieving that is to provide those countries with access to markets such as the European Union.

Coal Industry

9. **Mr. John Grogan** (Selby): If he will make a statement on the future of the coal industry. [105757]

The Secretary of State for Trade and Industry (Mr. Stephen Byers): We are introducing reforms to the electricity market to remove distortions that worked against coal generation. The new electricity trading arrangements in the Utilities Bill published last week will change the way in which the generation market operates, with credit being given to coal for the flexibility that it offers to the system. In 1997, the industry asked for fairness not favours. That has been, and will continue to be, our approach.

Mr. Grogan: Given the huge subsidies currently paid by the German, Spanish and French Governments to support their coal industries, will the Minister establish, with the European Union, which state aids might legally be payable to support the British coal industry? Is not a diverse energy portfolio in the interests of both Britain and Europe as a whole?

Mr. Byers: My hon. Friend raises an important issue. First, we must study carefully the level of state aids given by other European Union member states to ensure that they do not achieve an unfair advantage. I know that my hon. Friend has considered very carefully the aid that the UK Government can give to the coal industry. He will know that the Government do not consider that we have the power to offer aid for operating costs, because of decisions taken by the previous Administration. However, given our concern about the coal industry, the Government will look closely at any alternative opinion.

Mr. Owen Paterson (North Shropshire): If the Government lifted the moratorium on gas-fired power stations, how many coal mines in this country would remain competitive?

Mr. Byers: I said that our intention was to introduce fairness not favours. Our aim is to make the energy market fair. To achieve that, we are introducing changes through the Utilities Bill. However, we have introduced a stricter gas consents policy to protect industries in the energy sector that would be affected adversely by the fact that we do not at present have fair competition.

Mr. Eric Illsley (Barnsley, Central): May I urge my right hon. Friend to maintain the consents policy for gas-fired power generation? If that policy were relaxed, there would be another dash for gas and more consents would be issued for gas-fired power generation. That would wipe out what remains of the British coal industry. My right hon. Friend is correct to insist on a fair energy policy.

Mr. Byers: Given his personal and constituency experience, my hon. Friend is a powerful advocate for the coal industry. We have put in place the stricter gas consents policy so that we can make the changes

contained in the Utilities Bill to secure a level and fair playing field for energy generation, which we do not have at the moment. Until we achieve that, the stricter gas consents policy will remain in place.

British Nuclear Fuels

10. **Mr. David Chaytor** (Bury, North): If he has decided on a process and a time scale for the privatisation of British Nuclear Fuels plc. [105758]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): On July 13 last year, my right hon. Friend the Secretary of State said that the Government were looking to introduce a public-private partnership into BNFL before the end of the current Parliament, subject to BNFL's overall progress towards achieving a range of performance targets, as well as to further work by the Department and our advisers.

Mr. Chaytor: When the Government are in a position to clarify the way forward for BNFL, does my hon. Friend agree that, given the size and sensitivity of the operation, there needs to be a full public debate about all possible ways forward for the nuclear industry, and for BNFL in particular? Does she also agree that that debate must be underpinned by the principles of open government, transparency and full freedom of information?

Mrs. Liddell: I very much concur about the need for an open debate on the issues connected with BNFL and the public-private partnership. The Government have chosen to study the option of a public-private partnership because there are great international opportunities for BNFL, as is evident in the acquisition strategy involving Westinghouse and ABB. However, it is important that BNFL meet certain targets. The PPP will ensure that BNFL can benefit from commercial freedom, and from commercial disciplines.

It is important that we have transparency of information, and that people join with the Government, and, indeed with the trade unions and management of BNFL, in looking at the international opportunities for British Nuclear Fuels to become market leaders.

Mr. Michael Jack (Fylde): In the light of the Minister's answer, it is evident that the Government remain the dominant shareholder in BNFL. Therefore, may I ask the Minister what discussions she has had with the board of BNFL about increasing its role in terms of nuclear power generation? As I understand it, closing one sixth of a major coal-fired power station saves the amount of carbon dioxide required by the climate change levy. More work in generating electricity by nuclear means could save us all an awful lot of trouble.

Mrs. Liddell: The right hon. Gentleman makes an interesting point, but we have to see nuclear generation within the context of a balanced energy supply. My right hon. Friend has just referred to the measures that the Government are taking to ensure that the coal industry can play its proper part in an electricity market that is not distorted. It is important to point out that BNFL, through its acquisitions strategy, can now enter into a much wider range of commercial activities. The US arm of BNFL, Westinghouse, is well able to participate internationally in the very important field of nuclear power. This is a sound decision for the Government to take. There are many commercial opportunities that would expand the opportunities for BNFL and its international subsidiaries in a way that ensures that internationally we have a sustained and mixed energy supply, to give us security and diversity of supply into the future.

Mr. Dale Campbell-Savours (Workington): May we have an assurance that the performance targets to which my right hon. Friend refers include nuclear waste disposal targets, which affect my constituents, and that there will be no partnership and no progress until we have absolute assurances in those areas?

Mrs. Liddell: I can give my hon. Friend a guarantee on that. The issues surrounding nuclear waste and those connected with his constituency are much in our mind. We have set demanding targets for BNFL as we approach the public-private partnership. We wish to see those targets met, not just in commercial terms, but also in safety terms.

Mr. Jeffrey Donaldson (Lagan Valley): This is an issue that is very important to people in Northern Ireland. The Minister will be aware of concerns about pollution in the Irish sea emanating from the reprocessing plant at Sellafield. Can the Minister give us an assurance that, should the Department proceed with privatisation, there will be no reduction in safety standards or in effective regulation, so that we can prevent pollution in the Irish sea in the future?

Mrs. Liddell: The hon. Gentleman makes a point that he has made on a number of occasions. First, let me point out that this is not a privatisation; it is a genuine partnership, a public-private partnership, that has been accepted and welcomed across the board. Issues of public safety and pollution are very much at the heart of the nuclear industry. My colleagues in the Department of the Environment, Transport and the Regions are in the lead in relation to the environmental considerations, but I can assure the hon. Gentleman that the Department of Trade and Industry is most anxious to ensure that the PPP leads not only to the maintenance of safety and environmental standards, but to a continuing improvement in them.

Mr. Lindsay Hoyle (Chorley): Will my right hon. Friend also ensure that we do not lose the highly successful training centre for apprentices at Springfield in Preston, which represents many industries—not just BNFL, but all the leading companies? There is a danger that through privatisation we may lose it. Can we ensure that that will not happen?

Mrs. Liddell: I stress again that this is not a privatisation. The aim of the public-private partnership is to develop BNFL as a centre of excellence. We believe there are substantial global opportunities for BNFL, which will require a highly trained work force. I would hope that throughout British Nuclear Fuels there would be an enhanced emphasis on training and skilling the work force to make sure that we are truly globally competitive. I pay tribute to the work that is done at Springfield in my hon. Friend's constituency.

Dairy Industry

11. **Mrs. Ann Winterton** (Congleton): If he will make a statement about competition in the dairy industry. [105759]

The Secretary of State for Trade and Industry (Mr. Stephen Byers): The members of Milk Marque have agreed to a voluntary separation into three independent successor bodies. I welcome that decision.

Mrs. Winterton: What research did the Department undertake into the impact of the break-up? It should be borne in mind that, by the time the decision was made, Milk Marque's share of the market had dropped considerably, and the statistics used were therefore out of date.

Mr. Byers: It would have been wholly inappropriate for my Department to intervene or to instruct a voluntary organisation such as Milk Marque. It was the members of Milk Marque who decided, voluntarily, to break into three successor bodies, in the light of the report by the Monopolies and Mergers Commission. I welcome that voluntary decision. I rejected the commission's recommendation for a break-up to be imposed on Milk Marque: I thought that it would be far better to leave the decision to its members. They have made their decision, and I look forward to healthy competition in the milk industry—and also to allowing processing in due course.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): The recent report caused great dismay. At present there is no real competition; the only competition seems to be competition to offer farmers the lowest possible prices. The market is depressed, as the right hon. Gentleman knows. Something must be done: we are losing hundreds of farmers a year in places like Ceredigion. I urge the Secretary of State to speak to his right hon. Friend the Minister of Agriculture, Fisheries and Food.

Mr. Byers: I will certainly do that, but the MMC report was such that the Government could not ignore it. I had to seek a remedy that was appropriate to the circumstances. I disagreed with the commission's recommendation for a compulsory break-up, but I am pleased that the members of Milk Marque considered the situation carefully and, on a voluntary basis, agreed to form three independent successor bodies. When they are competing effectively—I hope that there will be clear indications of that by April—I shall be able to allow them to start processing. That will enable them to produce products with a higher added value, which I think will make a real difference to the industry.

Mr. David Heath (Somerton and Frome): The agreement was voluntary only in the sense that the action of someone with a shotgun pointed at his head is voluntary. Does the right hon. Gentleman realise that the long delay before his decision, and the disastrous effects on milk processing, are much resented in the dairy industry? Next time he considers it necessary to meddle in agriculture, will he talk to the primary producers—the people who get up at 5 am to milk the cows, who are losing money hand over fist?

Mr. Byers: The hon. Gentleman talks of meddling in agriculture. What I did as Secretary of State for Trade and Industry was disagree with the MMC's proposal for a compulsory break-up, because I did not think that it was in the industry's best interests. Farmers have told me that that was absolutely the right decision. If the hon. Gentleman disagrees and thinks that I should have rubber-stamped the commission's report, let me tell him that I could easily have done that, but I did not; I put the industry's interests first.

Mrs. Angela Browning (Tiverton and Honiton): The Secretary of State has repeated today things that he said at our last Trade and Industry Question Time. On 9 December 1999, he told me—and my hon. Friend the Member for North Shropshire (Mr. Paterson), who is present—

> "It is the members of Milk Marque who have voluntarily agreed to break it up into three successor bodies."—[*Official Report*, 9 December 1999; Vol. 340, c. 982.]

The right hon. Gentleman must know that, with viability in mind, the industry pressed repeatedly to be allowed to form two bodies, not three.

Mr. Byers: All I know is that the members of Milk Marque voted for three independent successor bodies. That is exactly what I said on 9 December, and have said again today.

Mrs. Browning: The members of Milk Marque were finally forced to accept that arrangement. After our last Question Time I wrote to the chairman of Milk Marque, who wrote back saying:

> "Contrary to the impression given by your letter, Milk Marque did not press for three regions rather than two; indeed when it became obvious that the way forward was for Milk Marque to split, our first proposal was a two-way split . . . the competition authorities insisted that three was the minimum acceptable number".

The Secretary of State will know that the matter is now the subject of a judicial review. Why did he not use his powers to help the industry, and why does he not give answers at the Dispatch Box that tell Members exactly what is behind the decision making?

Mr. Byers: The hon. Lady needs to be aware of the different responsibilities of the Secretary of State for Trade and Industry and the Competition Commission. I would be justifiably criticised if I intervened with the Competition Commission. I do not do that—perhaps the previous Government to which the hon. Lady belonged used to.

The correspondence between the Competition Commission and Milk Marque is a matter for those two bodies. I act in an independent capacity. But it is no secret that the MMC report said that between three and five would be an appropriate division. I decided that there will not be a compulsory break-up of Milk Marque, and that has been welcomed by the industry.

Trade Union Recognition

12. **Mr. Vernon Coaker** (Gedling): What progress is being made in implementing the provisions of the Employment Relations Act 1999 relating to statutory trade union recognition. [105760]

The Minister for Competitiveness (Mr. Alan Johnson): The Government are making the necessary preparations to bring these provisions into force in the near future.

Mr. Coaker: May I urge my hon. Friend to bring the provisions into force as soon as possible? This is a radical piece of legislation, which is much needed. Workers in my constituency who are seeking to organise themselves on a trade union basis are looking forward to these measures. They need the strength of a trade union to protect themselves in the workplace.

Mr. Johnson: My hon. Friend can be assured that we will put the legislation in place as soon as possible. He will understand that major pieces of subordinate legislation are also necessary, including codes of practice on union access to workers during a ballot on recognition, and on the right of individuals to be accompanied to each discipline and grievance hearing. The Advisory, Conciliation and Arbitration Service is preparing those for us at present, and we shall need to consult on them. The important thing, as I know my hon. Friend will accept, is not the speed at which the measures will be introduced—although that is obviously an imperative—but to ensure that, once introduced, they are fair and balanced in accordance with the legislation.

Textile Industry

13. **Mr. David Tredinnick** (Bosworth): How many textile and clothing factories there are in *(a)* the north-east and *(b)* the east midlands; and if he will make a statement on the organisations which exist to promote economic development in each of those regions. [105761]

The Minister for Trade (Mr. Richard Caborn): There are 360 textile and clothing companies in the north-east and 3,106 textile and clothing companies in the east midlands. There are many separate organisations whose task it is to promote economic development in those regions, the most notable of which are the regional development agencies—One North East and the East Midlands development agency.

Mr. Tredinnick: Can the hon. Gentleman confirm that the textile and clothing strategy group has recently recommended that Government assistance beyond objective 2 area status be given to some companies in the east midlands? Secondly, does he not feel that now that there is an action plan for the north-east textiles industry, which was set up by his Department in December, something should be done on similar lines in the east midlands, given that that is where most of the companies are?

Mr. Caborn: That has been under active discussion between the Government offices and the newly formed regional development agencies, and it is to be welcomed. Going over the boundaries of the assisted areas would be very difficult, as the hon. Gentleman knows, and would break the European Union rules on dispersal of structural funds money. However, he could have discussions with the regional development agencies on how they can assist the continued development of this important sector. I believe that they are trying to develop a cluster around the textiles and clothing industry in the east midlands, bringing in academia and other strands of financial support. A positive attitude has been taken in the region, which the Department welcomes.

Mr. Jim Cousins (Newcastle upon Tyne, Central): May I congratulate the Government on their efforts in setting up a taskforce to look at the textile industry in the north-east of England? It is an excellent initiative. There is no future in protectionism, although some of us are concerned that the top management of companies such as Marks and Spencer appear to have callously sacrificed the jobs of British textile workers in an effort to save their own—which may well not work out for them.

Will my hon. Friend be willing to meet Members of Parliament from the north-east to see whether we can make progress on the action plan and taskforce? We want to take up the Government's policies to promote small businesses, assist them with taxation and get new products, design and technology into our industry to give it a long-term future.

Mr. Caborn: I fully agree with my hon. Friend. However, the new design and development will not be carried out in Departments—I can assure him of that: it will be done in the regions. The taskforce is operating in the north-east, with all the partners involved in a very creative way, and will deal with some of the questions raised by my hon. Friend.

Yes, I will meet the Members of Parliament and, indeed, any of the partners in the taskforce, but the solutions to the problems will be found in the regions—in that partnership—rather than in Whitehall.

Mr. Nicholas Winterton (Macclesfield): I support the request made to the Government by my hon. Friend the Member for Bosworth (Mr. Tredinnick). Does the Minister agree that textiles and clothing are industries of strategic importance to the United Kingdom; that they remain substantial employers; and that they are frequently undermined by unfair competition? Is it not important that the existing systems for dealing with unfair competition should act more quickly than they currently do?

Mr. Caborn: The hon. Gentleman makes a justifiable point. Several of the procedures for reacting to what he describes as unfair competition need to be questioned. That is one of the matters that we are taking up with the World Trade Organisation, and I am taking it up in the European Union in other ways. The hon. Gentleman is right. There should be a review of our responses to such claims and allegations. Information technology could be used much more effectively than has been the case hitherto. I accept the hon. Gentleman's comments.

Mr. Andrew Reed (Loughborough): Areas such as Leicestershire have not secured objective 2 status or assisted area status, but still have a large number of textile jobs. What practical measures will my hon. Friend take to

work with the regional development agency? Will he also take a lead in the Government to ensure that those jobs are retained? A large number of jobs in the east midlands—especially in Leicestershire—still depend on the textile sector. We are keen that they should be retained.

Mr. Caborn: My hon. Friend is aware that a taskforce is operating in his area, as I have just pointed out. The taskforce is considering matters such as education, trade policy, export and industrial sponsorship. Such partnerships consider opportunities, nationally and internationally, in a changing world.

Many people realise that liberalisation of the global economy is taking place. We have to keep ahead of the game by retraining the work force, developing design and ensuring that academic institutions, as well as further education institutions, play a role in ensuring that we have the design skills and the skilled labour that are necessary to keep ahead in an extremely competitive market. The way forward lies in the partnerships between the regional development agencies, the Government offices and the partners in the regions.

Car Pricing

14. **Mr. John M. Taylor** (Solihull): If he will make a statement on the pricing of cars in the UK and the rest of the EU. [105762]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): The European Commission publishes a six-monthly comparison of pre-tax prices across the European Community. The most recent one covered prices at 1 May 1999; the UK was the most expensive market for 62 of the 75 models covered. Publication of the survey of prices taken on 1 November 1999 is expected shortly.

The Competition Commission is currently investigating the supply of new cars in the UK; its report is due on 31 January. I have no doubt that the commission is looking at car prices as part of its investigation.

Mr. Taylor: Has the Minister stopped to think of the enhanced foreign car penetration of the west midlands car market that will be brought about by the damage to local component manufacturers through the collapse of TransTec?

Mrs. Liddell: My hon. Friend the Minister for Small Business and E-Commerce has already referred to matters connected to TransTec. However, I am sure that many people in the hon. Gentleman's constituency and throughout other areas that are dependent on the car industry will be interested to know how the Government are taking action to ensure that there will be a viable car industry in the future—hence our involvement with Rover BMW. We are trying to ensure that consumers have access to cars at prices that do not disadvantage them. At the same time, we are also ensuring that all the benefits from the single market in the EU are available to every UK consumer.

Mr. Richard Burden (Birmingham, Northfield): My right hon. Friend may forgive me if I return to the question asked by the hon. Member for Solihull (Mr. Taylor). Does she agree that while genuine concern about differential pricing across Europe continues, when the commission's report—which we await with interest—becomes available, it is important that it be considered quickly and that decisions be made promptly? The worst thing for consumers and the motor industry would be inordinate delay.

Mrs. Liddell: My hon. Friend makes a considered point on a subject of considerable interest—compared with the shallow attempt by the hon. Member for Solihull to use his question to suit the Tory Whips. We take speed of response very much into account and recognise the importance of the car industry in terms not just of primary manufacture but of components.

Business Competitiveness

16. **Mr. Geraint Davies** (Croydon, Central): What recent discussions he has had with other EU member states about improving the competitiveness of business. [105765]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): My ministerial colleagues and I have held regular discussions with our opposite numbers on a wide range of issues related to competitiveness, in bilateral meetings with member states and European Council meetings. We will intensify those contacts as we approach the Lisbon special European summit in March. That will be a significant summit for the United Kingdom because the issues are close to the heart of this Government as regards promoting a knowledge-driven economy, economic reform and ensuring that the advantages of the single market are enjoyed by all citizens of the European Union.

Mr. Davies: Manufacturing output in Britain is rising at its fastest rate since 1995, with particular success in computers, telephones, pharmaceuticals, chemicals and engineering—despite the level of sterling. In her discussions with our EU partners, will my right hon. Friend make it clear that the reason for our outstanding success is not just efficiency, added value and productivity, but a system of financial stability—as opposed to the boom-bust of the past—that gives certainty to the investment and export growth that is materialising?

Mrs. Liddell: My hon. Friend makes an excellent point. In my discussions with industrialists, they frequently mention the advantages of a sound and stable economy based on a prudent fiscal framework and on engaging with the European Union to secure the advantages of the markets that are so important to British manufacturing industry. Opposition Members who scaremonger about our membership of the European Union do no service to our manufacturing industry—which makes the point that our exports to non-European Union countries are as nothing compared with exports to our fellow member states.

Mr. Crispin Blunt (Reigate): Does the Minister agree that it is difficult for businesses to be competitive if they

have their assets seized by the countries in which they have invested—particularly when those investments are protected by the GATT? Will the right hon. Lady instruct her officials to liaise with those from other European Union countries and EU institutions to ensure that the Department takes the fullest possible action to protect British investments—such as Wena Hotels Ltd, which had its assets seized in Egypt nearly 10 years ago?

Mrs. Liddell: One of the great benefits of membership of the European Union is that where domestic companies encounter significant difficulties, member states can act together. My officials, as part of the step change in relationships with other member states, are able to raise difficult issues and seek a resolution. I will take on board the hon. Gentleman's point. If he wishes to communicate with me further, I will be happy to respond.

Telecommunications

17. **Mr. Mark Todd** (South Derbyshire): If he will place obligations on telecommunications providers to increase the availability of broadband technologies in rural areas. [105766]

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): We want everyone to have access to affordable modern communications services. The market for broadband services is in the early stages of development and it would not be appropriate at this point to impose new service obligations.

Mr. Todd: A critical foundation for diversification will be access to broadband technologies in the development of IT-based and media-based industry activity. The availability of such technologies for those purposes and for leisure is crucially important. Does the Minister share the view that the position must be kept under careful review?

Ms Hewitt: I entirely agree with my hon. Friend. We are taking immediate steps to auction third-generation mobile telephony spectrum, and Oftel has agreed with BT on a timetable to open up the local loop to competition, both of which will make a real difference to broadband access throughout the country. Finally, the Government are investing in ICT centres throughout disadvantaged parts of the country, including many rural communities.

Business of the House

12.30 pm

Sir George Young (North-West Hampshire): Could I ask the Leader of the House to give us the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows:

MONDAY 31 JANUARY—Second Reading of the Utilities Bill.

TUESDAY 1 FEBRUARY—Conclusion of remaining stages of the Financial Services and Markets Bill.

WEDNESDAY 2 FEBRUARY—Opposition Day [4th Allotted Day]. Until about 7 o'clock, there will be a debate on immigration and asylum followed by a debate entitled "The Two Britains: the run down of Northern Cities and over-building in the South". Both debates will arise on Opposition motions.

THURSDAY 3 FEBRUARY—Motions on the Police Grant Reports (England and Wales).

Motions on Local Government (Finance) Reports.

FRIDAY 4 FEBRUARY—Private Members' Bills.

The provisional business for the following week will be as follows:

MONDAY 7 FEBRUARY—Motions on Social Security Orders.

TUESDAY 8 FEBRUARY—Second Reading of the Armed Forces (Discipline) Bill. *[Lords].*

WEDNESDAY 9 FEBRUARY—Second Reading of the Postal Services Bill.

THURSDAY 10 FEBRUARY—Second Reading of the Sexual Offences (Amendment) Bill.

FRIDAY 11 FEBRUARY—Private Members' Bills.

The House will also wish to know that on Wednesday 9 February there will be a debate on an unnumbered explanatory memorandum submitted by the Foreign and Commonwealth Office on 30 November 1999, relating to common strategy on Ukraine, in European Standing Committee B. Also on Wednesday 9 February there will be a debate on European Document No: 10948/99, "State Aid to the Coal Industry" in European Standing Committee C. Details of the relevant documents will be given in the *Official Report.*

[Wednesday 9 February 2000:

European Standing Committee B—Relevant European Union document: Unnumbered explanatory memorandum submitted by the Foreign and Commonwealth Office on 30 November 1999, Common Strategy on Ukraine; Relevant European Scrutiny Committee Report: HC 23-iv, (1999-2000).

European Standing Committee C—Relevant European Union document: 10948/99, State aid to the Coal Industry; Relevant European Scrutiny Committee Report: HC 34-xxx (1998-99).]

I should like to inform the House of business to be taken in Westminster Hall for the next four Thursdays when the House is sitting.

THURSDAY 3 FEBRUARY—Debate on children's social services.

THURSDAY 10 FEBRUARY—Debate on the Fifth Report from the Agriculture Committee Session 1998-1999 on Badgers and Bovine Tuberculosis.

THURSDAY 17 FEBRUARY—Debate on UK engagement in Africa.

THURSDAY 2 MARCH—Debate on the Twentieth Report from the Environment, Transport and Regional Affairs Committee on town and country parks.

Sir George Young: The House is grateful for next week's business and an indication of the likely business for the following week.

Next week is an important week for Northern Ireland, with the de Chastelain report expected. Can we expect a statement from the Secretary of State for Northern Ireland outlining the Government's response? Also, can we expect statements next week from the Home Secretary on his decision on Senator Pinochet, and from the Secretary of State for Culture Media and Sport on his proposals for a new tax on digital television?

When will we have a debate on the Wakeham report on reform of the House of Lords? Can the Leader of the House say when she will set up the promised Joint Committee to take that forward, and whether Ministers will sit on it?

Finally, can we have a debate in Government time on the Government's policy on the euro to clarify the growing confusion in the Cabinet, with those at the back shouting "Forward" and those at the front shouting "Back", and with the Prime Minister saying as little as possible? Is not a debate now essential, so that the House and the country can try to discover what on earth is going on?

Mrs. Beckett: The right hon. Gentleman will appreciate that neither he nor I—nor, indeed, my right hon. Friend the Secretary of State for Northern Ireland—can yet know what is likely to be the content of the de Chastelain report. At present, I cannot say what the position will be, but I undertake to pass on to my right hon. Friend the right hon. Gentleman's request for such a statement, should that seem to be the right thing to do.

The right hon. Gentleman asked for a statement on Senator Pinochet. He will know that my right hon. Friend the Home Secretary has indicated consistently that, when he makes a decision, he has every intention of coming to the House to make a statement. However, the right hon. Gentleman and the House may not be aware that, apparently, there has been a challenge from the Belgian Government to the way in which the issue has been handled. It is my understanding that this may make the matter sub judice again.

As I said, my right hon. Friend the Home Secretary has always made it plain that he has every intention and desire to come to the House to give a full explanation of any decision that he is able to make, but he will now have to steer his way through that particular thicket. That is the best that I can do to inform the right hon. Gentleman of the position.

On digital television, my right hon. Friend the Secretary of State for Culture, Media and Sport is considering a report to him and not a proposal from the Government for anything, let alone a new tax. I am confident that my right hon. Friend will seek .o make a statement to the House when he has something to announce.

[Mrs. Beckett]

I cannot tell the right hon. Gentleman when I anticipate that it might be possible to debate the Wakeham report, or when it is likely that the proposal for a Joint Committee will be taken forward. As for whether Ministers will serve on it, I freely confess that I had not given the matter a moment's thought. I am grateful to the right hon. Gentleman for notice of the fact that the idea had crossed his mind—it had not crossed my mind, I must admit.

Of course, Madam Speaker, it is for you to decide whether something is tedious repetition as opposed to just repetition. However, I say yet again to the right hon. Gentleman that there is no confusion on the Government's policy on the euro. It remains what it has always been. I know that it is a matter of great unhappiness for the news media and for the Conservative party that that is so, but there we are.

Dr. Brian Iddon (Bolton, South-East): The Government have excellent policies to deal with social exclusion. In London, Louise Casey is taking people—including many with drug and alcohol problems—off the streets, but elsewhere in the country people are locked up for doing a similar job. Yet again, in London people are developing dual diagnoses for dealing with psychiatric cases who use drugs, but elsewhere people are locked up on psychiatric wards for using drugs. Will my right hon. Friend arrange, in the near future, for a debate on the way in which social exclusion policies are enacted on the ground?

Mrs. Beckett: I understand the concern that lies behind the issues that my hon. Friend has raised. He will know, I hope, that apart from what is being done in London, similar action is being taken across the country. For example, 4,000 new beds nationwide are being brought into use for people sleeping rough, compared with the 850 which are specifically in London. The Government are endeavouring to ensure that there is a consistent approach to both the prevention of the problems arising and to the matters that we hope will help to resolve them. I cannot give my hon. Friend the undertaking that we shall have an early debate. However, he will be aware that, these days, there are more opportunities for such debates and he may seek to pursue them.

Mr. Paul Tyler (North Cornwall): I endorse the request for as early a statement on the decommissioning of arms as is physically possible from the Secretary of State for Northern Ireland. As soon as the de Chastelain report is available to him, will he make a statement to the House?

In the light of the experience of the past two days, will the Leader of the House re-examine the case for a Business Committee to see whether—on some occasions at least—we can reach agreement with Back Benchers as well as with the usual channels on the best way to deal with business? I have seen the letter from the Leader of the Opposition to the Prime Minister, so will the right hon. Lady reconsider the possibility of opening new channels of communication with other parts of the Conservative party? Clearly, the Leader of the Opposition does not speak on behalf of his Back Benchers.

In that context, may I suggest that the right hon. Member for Bromley and Chislehurst (Mr. Forth) is nothing like as bad as he is painted? It might be sensible for the right hon. Lady to discuss with him the management of business in the House. His bark is nothing like as bad as his bite—he is a man of great charm. As a new business manager for the Conservative party, he might be able to deliver what he promises.

Mrs. Beckett: First, I have taken on board the hon. Gentleman's point about Northern Ireland. As I said to the right hon. Member for North-West Hampshire (Sir G. Young), I shall take the matter up with my right hon. Friend the Secretary of State for Northern Ireland. I am sure that my right hon. Friend will be more than willing to make a statement, but my only caveat is that we must preserve some room for manoeuvre for him if, for some reason, he feels that that is not quite the right way to proceed. I shall certainly draw the concerns to his attention.

With regard to the proposal to have a Business Committee, my immediate reaction is that it is interesting. However, the problem is not that we cannot reach agreement—we do and, indeed, arrangements are made, as the shadow Home Secretary made plain only on Monday. The problem is that the agreement then falls into disrepair and is not heeded. When the hon. Gentleman made his suggestion, the thought crossed my mind that whether or not the committee served any useful purpose would depend on who sat on it.

I entirely take the hon. Gentleman's point, but I do not think that I have ever abused the right hon. Member for Bromley and Chislehurst (Mr. Forth)—although I have, from time to time, expressed happiness at not having been present for all his contributions. I do not doubt that he has some good points: most human beings do. While I understand the concern for the good order of the House that leads the hon. Member for North Cornwall (Mr. Tyler) to make his suggestion, I do not think that it is for the House to sort out the problems of the Conservative party. It is time that it sorted them out itself.

Mr. David Chaytor (Bury, North): Does my right hon. Friend agree that the negotiations on the biosafety protocol, held in Montreal last week and this week, are of enormous significance to future policy on genetically modified foods? Given the huge and continuing public interest in food safety and the impact of GM foods, does she further agree that it is time we had a statement on GM foods, especially following the discussions in Montreal?

Given that multilateral, international and environmental agreements are of increasing importance to domestic policy, does my right hon. Friend agree that, as a matter of routine, a statement should be made on the outcome of all such conferences?

Mrs. Beckett: Of course I have great sympathy with my hon. Friend's concern on those matters; he has expressed it on many occasions. I am aware of the importance of the discussions in Montreal, but I have not had an opportunity to see a report of any sort or to have a conversation with my right hon. Friend the Minister for the Environment, who led for the Government in those discussions. Therefore, I do not know whether sufficient conclusions were reached to enable my right hon. Friend to make a report to the House on anything other than that discussions are continuing.

I share my hon. Friend's view that it is a good thing for the Government to keep the House informed of what is happening when there are practical outcomes to report.

However, I fear that I cannot undertake always to have a statement on all such meetings, because, as I am sure he appreciates, there are dozens, if not hundreds, of them.

Mr. Peter Brooke (Cities of London and Westminster): Given the Leader of the House's confidence in the enthusiasm of the Secretary of State for Culture, Media and Sport to make a statement on his response to the Davies report, can the right hon. Lady remind the House of when her right hon. Friend received the report?

Mrs. Beckett: I cannot recall—there are so many such reports—but I believe that it was in the summer. I am aware that the report made some interesting and, in some ways, controversial suggestions. I am sure that the right hon. Gentleman would want my right hon. Friend to give it proper consideration and to come to the House when he has firm decisions to announce.

Mr. Dale Campbell-Savours (Workington): Can we have a debate on the need to review the arrangements for the chairmanship of debates in Westminster Hall, especially in the light of what happened in the Chamber last night, when two Deputy Speakers came into conflict and, in my view, undermined internationally the credibility of the United Kingdom's arrangements?

Mrs. Beckett: My hon. Friend raised that matter last night. I accept that unfortunately it sometimes happens in the House relatively late in the day—especially when that day has extended over two chronological days—that hon. Members do or say things which, with the benefit of more mature thought, they would not have done or said. I accept my hon. Friend's point that the hon. Member for Macclesfield (Mr. Winterton) has certain responsibilities, but I know that the hon. Gentleman is always very conscious of those responsibilities. As I said, these things happen from time to time; I hope that we can all move on.

Mr. Graham Brady (Altrincham and Sale, West): I am sure that the Leader of the House is familiar with recommendations 19 and 20 of the sixth report of the Committee on Standards in Public Life, especially with the strong recommendation, No. 20, which states:

"Pending the enactment of the Civil Service Act, the Government should put before both Houses of Parliament for debate a limit on the total number of special advisers that can be appointed within Government."

I do not think that the right hon. Lady said that such a debate would be held in the next fortnight. Does she have plans to hold such a debate in the next fortnight? If not, when will it be held?

Mrs. Beckett: I certainly have no plans for such a debate in the next fortnight. I am aware of the recommendation and I am also aware—contrary to what Conservative Members seek to imply—that nothing was said to suggest that there is anything wrong with the number of special advisers that the Government have at present. As I have reminded the hon. Gentleman before, the amount of money received by the Conservative party has been trebled, so it is now able to employ more advisers.

I cannot tell the hon. Gentleman when a debate will be held. When I am ready to tell him, I shall do so from the Dispatch Box.

Mr. Andrew Dismore (Hendon): Today is the anniversary of the liberation of Auschwitz-Birkenau by allied forces in 1945. Yesterday, my right hon. Friend the Prime Minister announced that from next year this date will be commemorated as national holocaust memorial day. Can my right hon. Friend find time for a debate so that we can discuss the objectives of the day, which are to commemorate all the victims of the holocaust, to educate today's generations on the lessons of that defining moment in world history and the relevance of it to today's world, and to reaffirm our national commitment to confront racism, anti-semitism and genocide whenever and wherever those issues raise their ugly heads?

Mrs. Beckett: I am aware of the Government's proposal for a holocaust memorial day. I am aware also of how much work my hon. Friend has done in this regard and of his strong support and advocacy for such a commemoration. I share his view, as do the Government, that it is important that we learn lessons from some of the most dreadful events that have happened in human history, so that we may do our utmost to strive to avoid any circumstances in which they are repeated. I cannot undertake now to find time for a debate, but I share his view that this is an important issue.

Dr. Julian Lewis (New Forest, East): Given the importance of decommissioning in the Opposition's support for the Good Friday agreement, may I add my support for the requests for a statement on the de Chastelain report? In asking the Secretary of State for such a statement, will the right hon. Lady convey to him the concerns of those of us who are worried that if all arms are supposed to be decommissioned by the end of May, there seems to be no progress in decommissioning any of them by the end of January?

Mrs. Beckett: As the hon. Gentleman rightly identified, that is a matter for the decommissioning commission and for General de Chastelain. We are awaiting his report. We have precisely charged him with the responsibility of assessing the circumstances that he finds and reporting on them to the Government. I know that the hon. Gentleman will have taken on board the fact that I am not in any sense resisting the notion of a statement on this matter. I am simply seeking to reserve some freedom of manoeuvre for my right hon. Friend to do what he believes is in the interests of the peace process, which is supported on both sides of the House.

Mr. Gordon Prentice (Pendle): On Monday, we debated at some length a private Bill, the City of London (Ward Elections) Bill, which gives votes to owners of property—more buildings, more votes. I discovered during the debate that private legislation does not need to be certified as being in accordance with the Human Rights Act 1998, unlike public legislation. The Bill, to which many of my right hon. and hon. Friends deeply object, will return to the House at some stage. Is my right hon. Friend able to reassure me that there is a possibility of a one-line Bill coming before the House that will put private legislation on the same footing as public legislation?

Mrs. Beckett: Of course I take my hon. Friend's point. However, the fact that a Bill is a one-line Bill is no guarantee of anything. I will share with my hon. Friend and the House the information that, having read Madam Speaker's selection of amendments, which were debated

[Mrs. Beckett]

over the previous two days, and seeing that there was a reference to clause 4, I hunted for the clause for some considerable time before I could find it. It is one short and unimportant line in the Bill, which nevertheless was debated for some hours by Opposition Members yesterday.

I return to my hon. Friend's point of substance. I am aware that there are those who oppose the City of London (Ward Elections) Bill. It is for right hon. and hon. Members to express their points of view. However, my hon. Friend will know that agreement has been reached among—I think I am correct in saying—Labour local authorities in that part of London that the balance of arrangements in the Bill is something that they would support.

Rev. Martin Smyth (Belfast, South): I understand the right hon. Lady's position on giving the Secretary of State for Northern Ireland freedom of movement, but perhaps she does not realise that speculation is rife in the media in Northern Ireland. Will there be an early statement in the House so that we can understand what will happen after General de Chastelain makes his report? I hope that we shall not have to wait as long as we have awaited a statement on Indonesia, where people continue to perish and where trade routes in the area could be put in jeopardy.

Mrs. Beckett: The hon. Gentleman is correct to say that he has been pressing for a statement on Indonesia. I am sorry that it has not been possible to find time for it.

For good or ill, there will always be speculation in the media. I take the hon. Gentleman's point that it lends weight to his request for a statement on decommissioning.

Helen Jones (Warrington, North): Can my right hon. Friend find time for a debate on the role and powers of the Charity Commission? My request arises from a problem with a charity called Integrate Services in my constituency. The Charity Commission has been slow to investigate the problem, or, has lacked the necessary powers or has been reluctant to use existing powers. The only people who have suffered are those with learning difficulties, for whom the charity cares, and the whistleblowers who made allegations about the running of the charity.

Other hon. Members have experienced similar problems. On some occasions, the Charity Commission has been as much use as a chocolate fireguard, as we say in my neck of the woods. Is it not time we reviewed charity law so that vulnerable people can be properly protected?

Mrs. Beckett: I am aware of the anxiety that my hon. Friend expresses and the concern that she shows for vulnerable people. I understand her anxiety about the difficulties that she outlined. However, I fear that I cannot undertake to find time for an early debate. I suspect that Governments of all political shades have contemplated a fresh look at charities law, winced and turned away for the time being because of its enormous complexity. I suggest that my hon. Friend seeks other opportunities for a debate. The Charity Commission is based in Liverpool. My hon. Friend may find that a visit and a discussion helps.

Mr. Patrick McLoughlin (West Derbyshire): Have the Government abandoned the practice of holding an annual road safety debate? Is the right hon. Lady aware of the growing concern about the way in which police forces investigate motor cycle accidents that involve fatalities? I am involved with two cases: one in Leicestershire and one in Derbyshire. There is grave concern about the way in which the police have investigated those accidents. Is not it time that we reinstated the annual road safety debate in the Chamber?

Mrs. Beckett: I freely confess that the notion that such a debate is held annually rather than from time to time had passed me by. I shall draw the hon. Gentleman's remarks to the attention of my right hon. and hon. Friends. However, I suspect that, as a major Transport Bill is to be considered this Session, the hon. Gentleman will have ample opportunity to air those matters.

Mr. Mike Gapes (Ilford, South): Has my right hon. Friend had an opportunity to study the debates in Westminster Hall recently, especially the debate that was introduced on 11 January by my excellent right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) on poverty in London? Can we have an early debate in this Chamber on the future of London and its government to enable my right hon. Friend and others to point out the need for team work and co-operation between all those elected in London to make this great city effective and to tackle the problems of poverty, crime and poor health in our capital city?

Mrs. Beckett: My hon. Friend is entirely right and I am aware of the debate that was held in Westminster Hall. Indeed, I have a feeling that I have heard my right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson)—whose concern on such matters is well known and whose very real feel for them has been evident throughout his career—speak about them in the Chamber, possibly in the Queen's Speech debate. Although I share my hon. Friend's admiration for our right hon. Friend's record, I fear that I cannot undertake to find time in the near future for such a debate. However, I am confident that, whenever the opportunity arises, he will continue to express those concerns as effectively as he always has done.

Mr. Stephen O'Brien (Eddisbury): Will there be time for an urgent statement on the chaotic state of asylum in Britain so that the debate announced for next week will be better informed and we will know the background to the arguments for no more amnesties, more international co-operation and increased use of detention to deter bogus applications?

Mrs. Beckett: I do not see the need for a special debate or a statement at the moment because we are to have a debate. The hon. Gentleman says that we need to know the background, but the House is already familiar with it. The Government continued to operate the Asylum and Immigration Act 1996, which was introduced by the previous Government. It was not working and we

tightened its provisions. The only two proposals made by the Conservative party would weaken the controls that the Government have announced so far. In consequence, we know quite as much as we need to know about the background to the debate, on which the Conservative party's record is totally inconsistent and totally incompetent.

Mr. Tony McWalter (Hemel Hempstead): Has my right hon. Friend seen the extraordinary and possibly even alarming recent statements that human life expectancy might stretch to 140 years? Will my elderly constituents have to wait that long before we debate the Sutherland report on care for the elderly, which was published in March 1999? Does she agree that we should have an early and urgent debate?

Mrs. Beckett: I was not aware of that forecast, which is slightly daunting, but I fear that my hon. Friend is uncharacteristically not quite accurate, as we have debated the issues that underlie and surround long-term care. I can assure him that the Government continue to pursue those issues and over the ensuing year—various proposals are already before the House—there may be opportunities to air them. I fear, however, that I cannot give him further news about the special debate he seeks.

Mr. Owen Paterson (North Shropshire): With the polls today showing plummeting public confidence in the Government's ability to run the health service and the country's transport system, the Prime Minister dragged the Chancellor off to Southwark last week, and the Deputy Prime Minister off to Southall last night, in an increasingly desperate and apparently unsuccessful campaign to block the mayoral ambitions of the hon. Member for Brent, East (Mr. Livingstone). Was that an appropriate use of the right hon. Gentleman's time? Could we please have a statement next week confirming that he will stop gallivanting around London after the mayoral appointment has been made, and that Ministers will concentrate on their portfolios, as they are paid to do by the taxpayer?

Mrs. Beckett: Clearly, the hon. Gentleman is unaware that it is almost my right hon. Friend's habit—there is certainly a consistent pattern—to continue to maintain a dialogue with members of his party. He holds many meetings up and down the country, and has always done so—and very successful they are. In view of the events of the past couple of days, I suggest that maintaining a dialogue with one's party is perhaps something that the Leader of the Opposition should consider.

Mr. John Cryer (Hornchurch): Is my right hon. Friend aware of early-day motion 277, which stands in the name of my hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore), on staff shortages in the London fire brigade?

[*That this House is concerned that the London Fire Brigade is currently 132 persons under strength; believes that these positions should be filled by recruitment rather than by members of the Fire Brigade Union working excessive overtime; is very concerned indeed that the management of the London Fire Brigade have suspended 11 FBU members at Homerton Fire Station for supporting their union's ban on overtime; believes that the action of management was both provocative and unnecessary; and calls on the Chief Fire Officer for London to reinstate the 11 members and get on with the business of recruiting the shortfall in staff so as to protect the public.*]

During that suspension, a fire call came to Homerton fire station and those 11 firefighters were physically prevented from attending by senior officers. That bullying and intimidation comes when the London fire brigade is dangerously under strength and has undergone cuts year on year. Could we have an urgent debate on fire safety and the London fire brigade?

Mrs. Beckett: I know of my hon. Friend's long-standing concern about firefighting and safety. I was not aware of the events to which he referred. These issues are managed locally by the fire authority. I understand that there is an intention to have an intake of firefighter recruits at the end of this month. The whole House will share my hon Friend's concern for fire safety and will hope that this will continue to be addressed.

Mr. Nicholas Winterton (Macclesfield): I did not intend to rise during business questions today, but I feel obliged to do so because of the intervention of the hon. Member for Workington (Mr. Campbell-Savours) who referred to an exchange last night between myself and a Deputy Speaker when I sought to express my concern about the Government's misrepresentation of a letter sent by my right hon. Friend the Leader of the Opposition to the Prime Minister. Is it not time that the House was made aware of the difference in the role, responsibilities and status of Deputy Speakers who serve directly under you and of the newly appointed additional Deputy Speakers for sittings in Westminster Hall? Perhaps the Leader of the House could make a statement at an early date to ensure that all hon. Members are aware of the difference so that such questions would be unnecessary.

Mrs. Beckett: The hon. Gentleman knows that these matters were aired when we decided how Westminster Hall would be brought into being and the nature of the arrangements for chairing its sittings. I accept that not all hon. Members have studied the distinctions closely. He knows that I take the view, as he usually does, that it is important that we strive at all times to lower the temperature here and to do our business expeditiously and with some fairness. I was sorry and surprised to learn that he believed that the Government had misrepresented the Leader of the Opposition's letter since I had an enjoyable few hours yesterday showing it to journalists and Members who had no knowledge of its contents. Every one of them interpreted it entirely spontaneously in precisely the same way as the Government did. I have re-read it since his remarks because I could not understand why he thought that we had misrepresented the Leader of the Opposition—I am not saying that I am unwilling to do so, but I was not aware of having done so on this occasion. If the hon. Gentleman is right, I struggle to see how we have misrepresented the Leader of the Opposition. Perhaps it would help if the right hon. Gentleman sent another letter.

Dr. Howard Stoate (Dartford): Is my right hon. Friend aware that there was great concern in my constituency about the planning legislation surrounding the siting of mobile phone masts and that 160 hon. Members from all

[Dr. Howard Stoate]

parties have signed an early-day motion on the matter? Would it be possible to find time for a debate on the health, planning and environmental consequences of mobile telephony, particularly as the technology has far outstripped the legislation, which is looking more and more out of date as time goes on?

Mrs. Beckett: I am aware of the great interest and concern about these matters. Indeed, having had such an issue raised in my constituency I, probably like my hon. Friend, have ploughed through the literature and am well aware how far from clear the position is. The matter is being kept under review, but I shall certainly draw his remarks to the attention of my right hon. Friend the Secretary of State for Trade and Industry.

Mr. John Bercow (Buckingham): Can we please have a full debate as soon as possible in Government time on cancer services? Does the Leader of the House agree that it would be made particularly timely by tonight's palace of varieties' concert in which no fewer than 21 parliamentarians from across the political spectrum are participating, including the right hon. Lady, my hon. Friend the Member for South Staffordshire (Sir P. Cormack) and me? Does she accept that members of the public would think it appropriate that, whatever our views about the solutions to the problem, the House should have a full debate as early as possible about a disease from which at some stage in life no less than one person in three has the misfortune to suffer?

Mrs. Beckett: The hon. Gentleman is right. The whole House shares the concern about cancer services and is anxious that they are provided to the highest possible standards. I am not sure that I am entirely grateful to him for drawing attention to the fact that such a large number of us are making fools of ourselves in a good cause. My participation is not entirely voluntary as the invitation was accepted by my husband without consulting me, but there you go.

Mr. David Winnick (Walsall, North): Is my right hon. Friend aware that, although I profoundly disagree with what the hon. Member for Macclesfield (Mr. Winterton) said yesterday—there was no justification for his remarks—I also disagree with my hon. Friend the Member for Workington (Mr. Campbell-Savours)? The trouble with the hon. Member for Macclesfield is that, unlike me, he is an excitable person.

Remembering the exercise that was organised by Opposition Back Benchers yesterday, when, clearly, Opposition Front Benchers were not in control of matters, will she bear it in mind that, as we near what could be a crisis point over Northern Ireland, many Members on the Opposition Back Benches—not the Front Bench—together with some Unionists, are determined to do what they can to undermine the Good Friday agreement? They are not just arguing about the lack of decommissioning. They were against the Good Friday agreement from the beginning.

Mrs. Beckett: My hon. Friend is correct—I do not think that any hon. Member would dispute it—that some of those who took part in the activities of the past couple of days oppose many of the things that have taken place in Northern Ireland, as they have made plain in the House. I do not think that anyone would argue that that is a misrepresentation. However, my hon. Friend will be aware, as we all are, that the official Opposition have continued to say that they support the Good Friday agreement.

Mr. Winnick: Front Bench.

Mrs. Beckett: Indeed. That is what I mean when I say the official Opposition. Most Members in every party support the Good Friday agreement and wish the peace process to succeed. We all understand that anxieties and fears are raised. That is inevitable when there are such difficult issues to be resolved in a dispute that has gone on for so long, but we must all hope that those matters are resolved—that, in future, in the House, as elsewhere, they are no longer matters of dispute.

Mr. Douglas Hogg (Sleaford and North Hykeham): The right hon. Lady referred to the debate on Thursday on the police grant. She will know that, in the Home Office, there is a working party report on sparsity. The Home Secretary sent me a copy. Will she ensure that it is generally available by putting it in the Library before the debate? She says that she will talk to the Secretary of State for Northern Ireland about a statement. Will she urge on him the desirability of telling the House what the genesis of the Disqualifications Bill was because, most of us believe that we have not yet been told the facts?

Mrs. Beckett: The right hon. and learned Gentleman makes an important point about the working party report. I do not know whether it is possible for it to be placed in the Library. I undertake to draw his request to the attention my right hon. Friend the Home Secretary, who, as he knows, is always keen to keep the House informed. I am sure that the Home Secretary will carefully consider that proposal.

I am sorry to hear the right hon. and learned Gentleman returning yet again to the issues that have been discussed over the past couple of days. I am not entirely sure whether he was here for the Second Reading debate on Monday.

Mr. Hogg: I spoke in it.

Mrs. Beckett: In that case, I beg his pardon, but if he spoke in it, he will have heard the right hon. Member for Maidstone and The Weald (Miss Widdecombe), the shadow Home Secretary, say on behalf of the official Opposition that they did not object to the Bill and that the rest of the discussion would be given a fair wind. It is unfortunate that that did not happen. However, it is not for us to grieve when the Conservative party insists on shooting itself in the foot.

Mr. David Drew (Stroud): Will my right hon. Friend consider a debate in the House on rural policy? I gather that the Prime Minister will make some statements in the next week, which would be useful. *[Interruption.]* I should welcome such a debate, if for no other reason than to clear up the misrepresentations that characterise the comments of Conservative Members and inform the debate in the run-up to the White Paper on rural policy.

Mrs. Beckett: I cannot undertake to my hon. Friend to find time for a special debate in the near future, but he is

right that a White Paper is in train and to seek to highlight the extra investment in, for example, rural buses that has been made under the Government. I am sure that there will be opportunities for such a debate.

I hope that I will not offend you, Madam Speaker, if I briefly take the opportunity to tell Opposition Members—who, not for the first time, are heckling hon. Members such as my hon. Friend the Member for Stroud (Mr. Drew) who make serious and sensible points by making remarks about a Tory gain—that the last person I heard say that before the general election was the then Conservative Member for Wirral, West. He said it to my hon. Friend the Member for Wirral, South (Mr. Chapman). The one who is still here is my hon. Friend.

Mr. Peter Viggers (Gosport): Do the Government have any intention to bring before the House legislation to amend the Oath sworn by hon. Members?

Mrs. Beckett: No.

Mr. Geraint Davies (Croydon, Central): A constituent of mine claims that his son was abused in a McDonalds restaurant, by a McDonalds employee, in the McDonalds play-zone for children. When will there be an opportunity to debate the screening of prospective employees of organisations that look after our children, when our children may be at risk, so that such incidents do not occur in future?

Mrs. Beckett: I am sorry to hear about the experience of my hon. Friend's constituent. I can certainly tell him that, in the very near future, there will be a debate in Westminster Hall in which he may find an opportunity to raise such issues.

Mr. Patrick Nicholls (Teignbridge): If the right hon. Lady is minded to reconsider the request made by the hon. Member for North Cornwall (Mr. Tyler), will she bear it in mind that, throughout the recent debates on the Disqualifications Bill, Liberal Democrat Members both voted and spoke, and that one of the speakers was the hon. Gentleman himself?

Will the right hon. Lady therefore reject that idea, but consider instead a debate on the proposals by the Lord Chancellor to reduce the number of magistrates courts in Devon by more than half? Would not such a debate give us the opportunity to realise that what the Lord Chancellor should be doing is providing a proper criminal justice system as expeditiously and cheaply as possible—rather than simply working out the tiny sum that he is prepared to throw at the system and producing whatever criminal justice system results? That is not in the tradition of this country, and it is not how criminal justice should be administered.

Mrs. Beckett: Leaving aside the issues yet again of what was discussed in the past couple of days, the hon. Gentleman makes an important point on rural courts. He may be aware that the matter was debated last week, in Westminster Hall. I can only say that the Lord Chancellor fully shares the goals and principles that the hon. Gentleman expressed of having an efficient and effective justice system and believes that his proposals will assist in achieving them.

Mr. Tim Loughton (East Worthing and Shoreham): The Financial Services and Markets Bill is to be allocated two days on Report. Is the right hon. Lady aware that, in those two days, we shall have to consider no fewer than 464 amendments, 43 new clauses and two new schedules, the vast majority of which were tabled by the Government? Although I realise that parliamentary scrutiny is unfashionable with the Government, will she guarantee that if two days prove to be insufficient to debate a highly technical and detailed Bill which has been in Committee since July, she will make extra time available, rather than using the guillotine and thereby denying the House the opportunity properly to scrutinise an entirely new raft of clauses?

Mrs. Beckett: No, I shall give the hon. Gentleman no such undertaking. He is right that the Bill has been the subject of considerable debate and discussion. However, he should know that the Bill's provisions and passage on to the statute book are much sought by those whose interests are affected by it. They are anxious for it to be dealt with as expeditiously as is reasonably possible.

The hon. Gentleman should also know that there has been extensive discussion about how much time should be needed to deal with those matters. The proposals that I put before the House today were made by agreement. He talks about the number of amendments, but he did not draw to the House's attention the fact that, although two thirds of the amendments are Government amendments, many of them deal with matters that arose in Committee, where the Government made a commitment to table them on Report. He also did not mention the fact that one third of the amendments were tabled by the Opposition.

Points of Order

1.15 pm

Mr. Paul Tyler (North Cornwall): On a point of order, Madam Speaker. I apologise for the fact that I was unable to give you advance notice of this point of order, but you will appreciate that *Hansard* is extremely full after the debates of the past two days.

I draw your attention to column 557 of the edition for Tuesday 25 January, in which there appears to be a serious error in the report of the exchanges between the hon. Member for Macclesfield (Mr. Winterton) and the Deputy Speaker. No withdrawal of the hon. Gentleman's allegation that Ministers were misleading the House is recorded.

Clearly, there must have been such a withdrawal as, however senior the hon. Gentleman involved, he would have been drawn to the attention of the Deputy Speaker, who presumably would have named him. Can you assure me, Madam Speaker, that the *Hansard* record will be re-examined and that you will receive a report from the Deputy Speaker?

Madam Speaker: I have looked at *Hansard* already, and have received a report from the Deputy Speaker. I thought that that exchange last night was extremely disappointing, but the Deputy Speaker accepted what the hon. Member for Macclesfield (Mr. Winterton) said. The matter must rest there.

Rev. Martin Smyth (Belfast, South): I appreciate that hon. Members must use accurate terms when they speak in this House. Four times during business questions, I heard reference made to a Good Friday agreement. For the purposes of accuracy, I understand that that agreement should be referred to as the Belfast agreement. I for one consider the Good Friday agreement to be the occasion when Pilate and Herod joined together to crucify the carpenter of Nazareth, whom I and others recognise as the Lord Jesus Christ.

Madam Speaker: I am sure that the House has heard the hon. Gentleman, who is correct to say that the proper way to refer to the agreement in question is as the Belfast agreement. Sometimes we give it perhaps a rather more colourful description.

BILL PRESENTED

POSTAL SERVICES

Mr. Secretary Byers, supported by Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Milburn, Mr. Secretary Darling, Mr. Secretary Reid, Mr. Secretary Murphy, Mr. Secretary Mandelson and Mr. Alan Johnson, presented a Bill to establish the Postal Services Commission and the Consumer Council for Postal Services; to provide for the licensing of certain postal services and for a universal postal service; to provide for the vesting of the property, rights and liabilities of the Post Office in a company nominated by the Secretary of State and for the subsequent dissolution of the Post Office; to make further provision in relation to postal services; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 54].

Financial Services and Markets Bill

Motion made, and Question proposed,

That the Financial Services and Markets Bill, as amended, be considered in the following order, namely, Amendments to Schedule 1 relating to the separation of the roles of chairman and chief executive of the Financial Services Authority; Amendments to paragraph 7 of that Schedule requiring the complaints scheme to make provision for complaints to be investigated quickly; Amendments to paragraph 8 of that Schedule; Amendments to paragraph 19 of that Schedule; New Clauses relating to the legal assistance scheme; New Clauses relating to reports by the Director General of Fair Trading; New Clauses relating to restrictions on powers of Treasury; New Clauses relating to conduct by the Authority of reviews of rules made under Part IX; New Clauses relating to judicial review; Amendments to Clause 52; Amendments to Clause 10; remaining New Clauses; remaining amendments to Clauses; New Schedules; remaining amendments to Schedules.—[*Miss Melanie Johnson.*]

1.17 pm

Mr. David Heathcoat-Amory (Wells): I want to make a few remarks about the motion, which seeks to order the Report stage debate that we are about to have into a form that is more manageable for the House. I always approve of motions aimed at facilitating debate.

However, this motion does not rectify the basic problem, which is that we are about to embark on discussion of what can only be described as a new Bill. There are about 500 amendments and new clauses, covering about 100 pages. I do not know whether that is unprecedented, but this Bill has been a long time in preparation. The problem is that the importance of the Bill lies in its detail. In our proceedings on the Bill so far, we have discovered that Government assurances are not always reflected in the wording that follows, so we shall want to look carefully at the amendments and new clauses.

The Bill has had a very long gestation period. Its subject was announced for legislation soon after the general election, and the Government introduced a draft Bill for consultation in July 1998. That was considered by a Joint Committee of both Houses under the chairmanship of Lord Burns, which produced reports in April and May last year. After that, the Bill was modified extensively in a number of important respects. For example, as originally drafted, it was incompatible with the European convention on human rights. We believe that it is still vulnerable to challenge, but that is a matter for later debate.

After those reports, the Bill was given a Second Reading, and it went into Standing Committee last July. We sat pretty well continuously, when the House was sitting, until December. There was a carry-over provision so that the Bill did not have to start all over again when the House reconvened after the summer recess. Despite that long process, however, which has enabled draftsmen and the Treasury to examine and re-examine the Bill, we are now faced with some 500 new clauses and amendments.

We do not believe that that is a good way to legislate, nor that it is really the purpose of a Report stage—certainly as I have always understood that term. To give just one example, we shall shortly consider an entire new competition regime, which will affect the relationship between the Financial Services Authority, the Director-General of Fair Trading and the Treasury. This was announced as a subject for legislation when we were in

Standing Committee, but the details were not given, and the details are very important. The clauses giving effect to the new competition regime were only recently drafted. Therefore, we have a problem, with which we shall seek to deal.

Another feature of the Bill is that it relies heavily on secondary legislation, again perhaps to an unprecedented extent. In many respects, it is still only a framework Bill, large areas of which will be enacted subsequently by regulations issued by the Treasury. Even now, those are largely unseen. The consultation documents—over 30 of them—have all gone out, but we have not had reports back on more than a few.

I remind the House that regulations, particularly those dealt with under negative resolution procedure, will be almost entirely unscrutinised by the House. The great majority of statutory instruments introduced to give effect to this secondary legislation will be dealt with under the negative resolution procedure, whereby the matters are almost certainly not debated at all, and whether they are debated is solely at the Government's discretion. Even if the statutory instrument or order is objected to by the Opposition, or by an interested hon. Member, the Government can refuse a debate of any sort.

Although statutory instruments that have to be introduced by affirmative resolution are debated in Committee, that debate is only on a formal and unamendable motion, which is then simply reported to the House and put forthwith. The Bill is therefore the last chance that the House has to build in the necessary checks and balances and to ensure that the powers are properly circumscribed and the details are right. It is therefore difficult that so many amendments have been produced at short notice on Report.

The order of consideration before us tries to make sense of that large volume of amendments. It brings to the front for debate today many of the issues of principle. We will certainly not oppose it, but I thought that I should explain our misgivings, not about the motion but about how the Report stage is being conducted—a lot of material has been brought forward late, despite the fact that the Government announced their intention to legislate more than two years ago.

1.24 pm

The Economic Secretary to the Treasury (Miss Melanie Johnson): This is probably one of the most technically complex Bills with which the House has dealt. Certainly, it concerns an enormously technical subject, which has been considered at length not only in Committee but by many outside organisations, not least the Burns committee.

Naturally, we tabled amendments after noting the views of the Burns committee and the interim report produced by Don Cruickshank in July—too late for the tabling of amendments at the Committee stage—and, not least, in response to what Opposition Members said in Committee. Opposition Members cannot have their cake and eat it. If they raise legitimate concerns, the Government will listen, as they always do, and try to respond positively; but when we respond positively, they complain about the number of amendments that have been tabled.

The Opposition tabled some 500 amendments for the Committee stage, and I believe that the Government have tabled 288 for the Report stage. The Financial Services Act 1986, although less complex, covered some of the same territory. The then Conservative Government tabled 250 amendments and 14 new clauses for the Report stage of that Bill, which was rather shorter than this one. It is as well to put one's own house in order before criticising others.

Mr. Tim Loughton (East Worthing and Shoreham): Will the Minister give way?

Miss Johnson: No, because I do not want to speak for long.

The Bill contains many matters of substance, all of which were considered in Committee, at least in outline. I hope that we shall spend our time today discussing not how we should consider matters, but the matters themselves—matters that Opposition Members would claim to want to discuss. I shall enjoy that debate on the substance of the issues.

1.27 pm

Mr. Howard Flight (Arundel and South Downs): I thank the Minister for acknowledging the substantial contribution made in Committee by the Opposition, who wanted to get the Bill right, especially in practical and operational terms. It is clearly not the stuff of red-hot party politics. The objective of all of us is to achieve good law for our largest industry, employer and exporter.

The motion divides the territory between issues of principle, and practical and technical issues. As I trust the debate on the technical issues will show, the Government have addressed many of the matters that we have raised; but I must point out, as we embark on the 10 crucial areas of principle, that not only the industry but the regulators support much of what we have said. We look to the Government to accept our key points, at least in principle. Co-operating to produce good law for the country does not mean that we are willing to agree to arrangements that we and many others feel are not yet right.

1.29 pm

Mr. Tim Loughton (East Worthing and Shoreham): I had not intended to prolong proceedings, but the Minister refused to let me intervene earlier. The hon. Lady referred to the Financial Services Act 1986. In 1986, of course, financial services regulation was an entirely new subject, so it is not surprising that an awful lot of corrections needed making on Report. I am prepared to admit, however, that the Government have outdone themselves by tabling 288 amendments for the Report stage of this Bill. Furthermore, the 1986 Act did not have the benefit of a long scrutiny procedure under Lord Burns, whose committee took many professional witnesses and made many detailed recommendations, giving the Government a long period of notice in which to act.

My complaint is that we are faced today with just two days to consider what my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) referred to as effectively a whole new Bill. The Government have tabled 36 new clauses, two new schedules and 288 amendments, most of

[Mr. Tim Loughton]

which we have had less than 72 hours to consider. We did not have the time to discuss many of these matters in Committee.

Miss Melanie Johnson: Will the hon. Gentleman give way?

Mr. Loughton: I will in a minute. If the hon. Lady had been more generous in allowing me to intervene earlier, I would not have had to speak now.

We have had less than 72 hours in which to examine details that were not available to us in Committee. For example, I asked a series of detailed questions in Committee about the legal aid scheme, and was simply told that the Government were considering it. Detailed new clauses and amendments have now been tabled, and as we did not have the benefit of examining them in Committee, we are coming to this technical subject pretty fresh.

Yesterday was another good example. One criticism of the Bill is that it does not limit the Government's powers in deciding what and who should be regulated. That is the sort of definition and capping detail that we spent many months in Committee trying to tease out from the Government. Only yesterday, the Minister announced that mortgages would now be regulated under the aegis of the Financial Services Authority. As my right hon. Friend pointed out, no extra legislation will be required to bring an enormous new raft of the financial services industry into the remit of the FSA, with all the technicalities about charges access terms standards and so on.

Throughout the entire Committee proceedings, we were given very little notice for scrutiny. There was so little meat to get to grips with. We have not seen the results of consultation exercises, which is the source of our complaint today. I hope that the Government will pay some attention to the fact that we have had very little notice of much new legislation that is being shoved into this already enormous Bill. If we need more time to debate this than the two days allocated, I hope that they will be sympathetic and not simply steamroller the Financial Services and Markets Bill mark II through its remaining stages at this late stage.

1.34 pm

Sir Nicholas Lyell (North-East Bedfordshire): I agree with what my right hon. and hon. Friends have said. I welcome the Economic Secretary's comment that the Government always listen carefully to what is said in debate. It is a great pleasure to see the Chief Secretary to the Treasury in his place.

As we consider the ordering of our debates—it is sensible to put the matters of principle up-front—I draw attention to some of the key points with which we are dealing. As the Minister rightly said, the broad objectives are matters of agreement.

The objective of the Bill is to create an updated framework for the financial services industry. However, our debates need to focus on the checks and balances. I should thought have that the Government would agree that there should be checks and balances. If they agree, they should be aware that there are few of them in the measure.

The Bill gives enormous—almost unfettered—power to the FSA and to the Treasury. Many of the provisions are imprecise, because they will have to be dealt with in secondary legislation. A constant criticism has been the lack of accountability to Parliament and to the courts. Under one group of amendments, we shall debate the fact that the new authority will have complete immunity. As hon. Members will be aware, I support a substantial measure of immunity, but there is no compensation for mistakes by the FSA, except on an entirely ex gratia basis.

The Bill has been drafted in such a way that it is plain to lawyers who have looked at it—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the right hon. and learned Gentleman, but, based on his remarks so far, I must point out to him that this is not a Second Reading debate. We are debating a motion that relates only to the order in which items are taken. I cannot permit him to go into matters of substance.

Mr. Andrew Tyrie (Chichester): On a point of order, Mr. Deputy Speaker. I shall be careful in what I say, because I am sure that you carefully considered the Bill overnight and that you will have noticed that we are faced with—in large part—a new Bill. I think that my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) is trying to flag up those matters that he feels should be included higher in the order for consideration of this, in effect, new—

Mr. Deputy Speaker: Order. The right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) has sufficient experience of the House to know exactly what he wants to say without the help of his hon. Friend the Member for Chichester (Mr. Tyrie). It is not a point of order for the Chair to determine the matters before the House.

Sir Nicholas Lyell: I am most grateful to you, Mr. Deputy Speaker, because you enable me to focus on the importance of the order in which we take these matters.

Ministers will recognise the importance of allowing sufficient time to consider carefully the degree to which the Bill is being made judicial review-proof. Obviously, I shall not expatiate on that matter at this stage.

However, it is helpful to flag up that we need time to focus on the fact that it is unnecessary to draft a Bill so that it minimises the courts' ability to see whether the way in which the legislation is created and put into effect is reasonable. The Government would claim reasonableness for their legislation. However, they must examine the measure, in the time that we have available, to see whether it would lead to reasonableness.

I am glad that time has been found for discussion of the important matter of competition. However, before we debate the amendments on that subject, the Government will want to reflect on the fact that they may have entirely missed the point about competition and competitiveness.

If you study the amendments, Mr. Deputy Speaker—as I am sure you have—you will notice that those relating to the Competition Commission, according to list, deal wholly with matters connected to competition within the United Kingdom. I have been unable to find an amendment that provides for the worldwide competitiveness of our

financial services industry. That matter causes us much concern. I hope that the order of consideration of the amendments will enable the Government to concentrate on those crucial points, which, about 18 months after the publication of the first draft of the Bill, continue to elude them.

Question put and agreed to.

Resolved,

That the Financial Services and Markets Bill, as amended, be considered in the following order, namely, Amendments to Schedule 1 relating to the separation of the roles of chairman and chief executive of the Financial Services Authority; Amendments to paragraph 7 of that Schedule requiring the complaints scheme to make provision for complaints to be investigated quickly; Amendments to paragraph 8 of that Schedule; Amendments to paragraph 19 of that Schedule; New Clauses relating to the legal assistance scheme; New Clauses relating to reports by the Director General of Fair Trading; New Clauses relating to restrictions on powers of Treasury; New Clauses relating to conduct by the Authority of reviews of rules made under Part IX; New Clauses relating to judicial review; Amendments to Clause 52; Amendments to Clause 10; remaining New Clauses; remaining amendments to Clauses; New Schedules; remaining amendments to Schedules.

FINANCIAL SERVICES AND MARKETS BILL
[WAYS AND MEANS] (No. 2)

Resolved,

That, for the purposes of any Act resulting from the Financial Services and Markets Bill, it is expedient to authorise—

(a) the imposition of charges to income tax and corporation tax by provisions of that Act relating to the treatment for the purposes of the Income and Corporation Taxes Act 1988 of payments made to any person as a result of any provision made by the Financial Services Authority for the distribution of money repaid to it by the Lord Chancellor in respect of the legal assistance scheme;

(b) the imposition by the Authority on authorised persons of requirements to make payments to it in connection with the legal assistance scheme;

(c) payments into the Consolidated Fund.—*[Mr. Timms.]*

Orders of the Day

Financial Services and Markets Bill

[1ST ALLOTTED DAY]

As amended in the Standing Committee, considered.

Schedule 1

THE FINANCIAL SERVICES AUTHORITY

1.40 pm

Mr. David Heathcoat-Amory (Wells): I beg to move amendment No. 19, in page 196, line 24, at end insert—

"(aa) a chief executive; and".

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following amendments: No. 20, in page 196, line 41, leave out "Authority" and insert "Treasury". No. 54, in page 197, line 8, at end insert—

"(aa) reviewing and approving the Authority's annual budget of income and expenditure,".

No. 21, in page 197, line 10, leave out "and".

No. 22, in page 197, line 13, at end insert—

"; and

(d) providing an independent perspective on the overall running of the Authority, scrutinising and monitoring the approach of its executive management, the Authority's performance and its standards of conduct".

Mr. Heathcoat-Amory: This group concerns the powers of the chief executive and chairman and whether they should be combined or separated. The amendments also make provision for changes in connection with the non-executive directors.

The Bill gives statutory backing to the Financial Services Authority, which relies in most cases on powers derived from the Financial Services Act 1986. The FSA can rely in some respects on more recent legislation such as the Bank of England Act 1998, which provided for banking supervision to be given to the FSA.

In many respects, the Bill gives statutory backing to an authority and concentrates executive authority in a way not seen before in regulatory legislation. The FSA will not only be a strong executive body but will make rules that will have the force of law. Those rules will be consulted on and I am sure that the FSA will not bring them forward without proper care and attention—but Parliament will be delegating that rule-making and, in effect, law-making process to another body. We ought to be careful of the conditions under which we do that, and need to put checks on any abuses that could occur.

The FSA will also enforce its rules. It will investigate breaches and discipline those found to be breaking them—if necessary with large fines. The authority's power to fine will be unlimited. The FSA is not part of government, so not directly accountable to the House. It is a private company limited by guarantee but has statutory functions conferred by the Bill and other measures. The authority enjoys a considerable degree of statutory immunity, which we shall debate in due course.

[Mr. Heathcoat-Amory]

Even from that brief and inadequate description of the FSA, it is clear that its accountability is an important issue. The authority must be accountable to the market it serves; to those who have paid its expenses through the levy; and to consumers and Ministers—and it must be accountable at law. One safeguard is to ensure the correctness of the FSA's internal management structures—the powers of the directors and chairman and their relationship with each other and the outside world.

1.45 pm

The amendment provides for a separate chairman and chief executive. It has been pointed out that good corporate governance now requires the separation of chairman and chief executive. That was a recommendation of the Greenbury committee, and is still accepted to be how large public companies should be structured.

Against that, it is said that the FSA is not a commercial company in the normal sense of the word. It is a company, of course, but it certainly does not have normal shareholders. On the other hand, many public bodies do have different chairmen and chief executives, the BBC being one. We can all be grateful that there is not a concentration of power in a single person at the BBC. Instead, the director general is, in some senses, accountable to the chairman and the governors. A number of regulatory agencies are similarly structured—the Environment Agency, for example, has a separate chief executive and chairman.

Against that, it has been argued fairly that most foreign financial regulators have combined the two tasks of chairman and chief executive. However, not many overseas regulators have brought together so many powers in one body. It is comparatively unusual for banking supervision to be conducted by the same body as regulates the rest of the market. Clearly, the debate could go to and fro almost indefinitely, and I am not sure if the issue can be decided in that way.

I prefer to look instead and be influenced by more long-term considerations about how the FSA should be run. Also, we should not be too influenced by any particular holder of the office. Howard Davies is the present executive chairman of the FSA. I have a high regard for him, and it is no criticism of him that we believe, as a development in the longer term, that the roles should be split. That was the recommendation also of the Joint Lords and Commons Committee which examined the issue last year.

I emphasise that we are legislating for the longer term. People come and go, personalities change and the regulatory environment alters. We must set up the necessary internal checks and balances to prevent any abuse of power, while ensuring that the FSA is a strong and effective regulator.

Mr. Jim Cousins (Newcastle upon Tyne, Central): It seems from the amendment that what is being sought is for the chief executive to be appointed as a member of the governing body by the Treasury. Is that seriously what the right hon. Gentleman intends?

Mr. Heathcoat-Amory: Absolutely. The chairman is appointed by the Treasury at present, so the chief executive should be. The hon. Gentleman has interpreted the amendment correctly.

I was about to refer to the powers and role of the non-executives; it would enhance their role if they came under a non-executive chairman. That is an important part of the thinking behind our amendments. In other amendments, we want the Treasury, and not the FSA, to appoint the members of the non-executives committee.

Liz Blackman (Erewash): Would the amendment not split the role as soon as the Bill is enacted and not in the long term? Is the right hon. Gentleman not arguing against his original point?

Mr. Heathcoat-Amory: As I have said, it is not my intention to do anything to change the position of the current chairman, who has another two and a half years in the job. If the Government accepted the amendment, I am sure that they could devise a form of words to give clarity to the thought that the proposal is for the longer term and would not upset the present managerial structure as it affects the chairman.

I conclude by dealing with the role of the non-executive directors. The other amendments in the group are designed to give them and the committee of non-executive directors the additional and stronger functions that they need. Specifically, they should be given the tasks of reviewing and approving the annual budget and of explicitly scrutinising and monitoring the executive management. As the Bill stands, they have several specified functions, but they are somewhat insipid.

I contrast the wording in the schedule with what the FSA believes non-executives should do in the rest of the market. Consultation paper No. 35 helpfully lays out what it believes they should do. Their role should include

"assisting their executive colleagues within the firm's governing body in setting, and monitoring, the firm's strategy;

providing an independent perspective to the overall running of the business, scrutinising the approach of executive management, the firm's performance and standards of conduct".

That is a fairly good description of what non-executives should do and it should be reflected in the functions required of the FSA's non-executive members. The amendments would bring the Bill's wording into line with the FSA's view of what non-executives should do.

I hope that I have said enough in this brief introduction to give our thinking about the roles of chairman and chief executive and to put that in the context of what we believe non-executives should do when they are headed, as they should be, by a non-executive chairman.

Mr. Deputy Speaker: I call Mr. Jim Cunningham.

Mr. Cousins *rose—*

Mr. Deputy Speaker: I apologise to the hon. Gentleman. I got his name right earlier, so there is no excuse for getting it wrong now. I call Mr. Jim Cousins.

Mr. Cousins: As long as you do not compare me with our famous mouse, Mr. Deputy Speaker.

I shall be very brief in urging Ministers to resist these strange amendments. Their ostensible purpose is to ensure greater accountability to the markets and an independent voice in the FSA. However, the means that they adopt to achieve that objective would increase the Treasury's power of appointment. That cannot be sensible. It cannot

be right that the post of chief executive should be set up as a Government appointment on the FSA; nor is it right, as one amendment suggests, that the members of the non-executive committee, which has the scrutiny role, should also be appointed by the Treasury.

It is absurd that the Opposition should move an amendment that increases the Treasury's power of appointment over the FSA. If their objective is—I can see why it might be and I have some sympathy with it—to strengthen the FSA's accountability to the markets, then the amendments are wholly misconceived.

Sir Nicholas Lyell (North-East Bedfordshire): I ask the Government to think again on the amendments. They are not about personalities. Howard Davies is widely respected; much is hoped from him and will, no doubt, be delivered. However, history is littered with errors made under the aegis of distinguished, able and well-thought-of people; what is important is to get the structure right in the first place.

The Greenbury report stated that large commercial organisations should have both a chairman and chief executive. There are fundamentally good reasons to have two people at the top, one with the executive role and the other with the non-executive role of chairman. The post of chief executive carries enormous power and responsibility; it is therefore a function that one is happy to see Howard Davies performing. However, where there is both a chairman and a chief executive, the latter has the opportunity to consult the former.

In addition, there are greater opportunities for the world at large and those who are regulated to approach the chairman. It is difficult to make suggestions directly to someone who is doing his best as chief executive at a time when the going is rough and the climate hot. When the chief executive is embroiled in controversy, it is difficult for him to listen as open-mindedly as a chairman can. The chairman has the advantage of being one step back as well as one rung above. That is a valuable structure, recognised by Greenbury, from which the FSA would benefit.

The same reasoning underlies our amendments dealing with the role of the non-executive directors. A problem at which I hinted during our debate on the order of consideration is that the Bill is inclined to be far too restrictive in terms of the accountability and the opportunity for supervision of the FSA, and of the accountability through the FSA of the Government of the day for the general good management of our financial services industry. Those elements will be strengthened if the role of non-executive directors includes the power to give an independent overall perspective on the running of that enormous institution.

Liz Blackman: Would not the proposals create duplication? Is not what the right hon. and learned Gentleman describes the board's job? Are not non-executive directors members of the board?

Sir Nicholas Lyell: I am not sure whether duplication would result. However, reading the parts of the Bill that our amendments would amend, especially schedule 1, it is striking that the functions of the non-executive directors are deliberately boxed in, largely confined to matters of financial efficiency. I want their role to extend beyond such matters, to that of providing an overall perspective.

I cannot imagine that there will be any objection in principle to the amendments. This debate offers the Government an opportunity to change their mind here and now, or to set the scene for the debate in another place, where such matters will be carefully scrutinised. Our proposals in respect of the chairmanship and the role of non-executive directors are thoroughly sensible and constructive. I hope that they will find favour.

Mr. Tim Loughton (East Worthing and Shoreham): I echo the comments of my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell). The amendments in respect of the role of the board, especially the chief executive and chairman, are in no way personal to Howard Davies. Everyone who has followed the Bill and dealt with the FSA will have great respect for the job that he is doing and the amount of work that he is putting into it. It could be said that he is already doing the jobs of two men—or two women—and I calculate that he is being paid the equivalent of the combined salaries of the Treasury Ministers now present to do them. We are not arguing with the person now in the job. However, the point of principle goes to the heart of our problems with the thrust of the Bill. That is why we laboured it greatly and, I think, usefully in Committee.

As we know, Howard Davies's contract comes to an end in July 2002. Before or after that date, we may or may not be dealing with a different head of the Financial Services Authority. That is one of the reasons why the report of the Burns committee clearly and unequivocally, and with no objection, as I recall, from the members, recommended that the post of chairman and chief executive be separated and that a non-executive chairman be appointed. That is clear in black and white and there was no dispute about the recommendation at the time.

2 pm

I hark back to the comparison with good corporate governance, which my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) mentioned, and the terms under the Cadbury recommendations that there should be

"a clearly accepted division of responsibilities at the head of a company which will ensure a balance of power and authority such that no one individual has unfettered powers of decision."

We are dealing with an immensely powerful body—some of us might say too powerful—the head of which, inevitably, can wield a substantial degree of power. The FSA annual report boasts that the FSA, as a structure, complies with Cadbury. That is rather curious given that we have two roles embodied in one person. I gather that in its defence the FSA has complained that having dual heads would complicate matters with the FSA and might compromise the position of the head of the organisation when dealing with overseas counterparts.

I do not see why the FSA should be any different from other organisations, be they companies or Government agencies, which comfortably deal with foreign counterparts with a split of roles at the top. There may be a case for saying that it was justified to have one supremo during a period of turbulence and reorganisation, but not when that period came to an end.

When the Bill is enacted and becomes law, we would like the roles to be split. We would very much welcome Howard Davies staying on in the key role. We are concerned that having one head at the top affects

[Mr. Tim Loughton]

relationships between that head and the members of the non-executive board. It has implications also for the setting of agendas for board meetings if that is down to one individual.

Mr. Nigel Beard (Bexleyheath and Crayford): Does the hon. Gentleman agree that the flaw in the argument that he and his colleagues are advancing, is that they are making an analogy between a normal commercial company and the Financial Services Authority? If a chairman and a chief executive of the FSA had to consider a major investigation, there would be every incentive for investigators at all levels to try to drive a wedge between them. If there were not one authority at the top, there would be a standing invitation to do just that. The circumstances are quite different from those of a commercial organisation. The FSA is far nearer being in the position of an army in the field. No sensible person would consider that the commander of an army in the field should have a chairman above him.

Mr. Loughton: That is an interesting point. I sense a slight change of tack since the hon. Gentleman debated this issue in Committee. I recall that he said then that, unlike the case with commercial companies, the head of a regulatory organisation needs to be able to act swiftly, overnight or whatever. I disputed that. A regulatory organisation is no different from a large multinational company, which needs to act quickly in a takeover. However, the hon. Gentleman now takes the tack that there may be division between the two people at the top.

If the FSA does its job properly, it will be able to agree cabinet and committee responsibility, and the chairman and the chief executive should be singing from the same song sheet. If there were two roles, there would be two views, at least behind the closed doors of the FSA, in the committee meetings to decide policy. Those views could provoke a proper, full debate, and a single resolution, which would become the FSA's policy.

Mr. Cousins: The hon. Gentleman has already drawn attention to the chairman's appointment by the Treasury and made a point of mentioning his substantial salary. The amendment suggests that a chief executive should be appointed by the Treasury, also on a substantial salary. He suggests that in public, the chief executive and the chairman should agree, but that they should be allowed to disagree privately. If a Labour-controlled Much Binding in the Marsh district council did that, the hon. Gentleman's view would be different.

Mr. Loughton: I appreciate that Labour Members are not given much opportunity to disagree. They are given a line, which they have to feed to everybody. There is no problem if non-executive directors, chairmen, or executive managing directors of the FSA want to disagree among themselves. That is how policy is made, although events in the House in past few days suggest that the Government do not like policy to be made in that way. I do not understand the problem that the hon. Gentleman tried to identify.

There is a danger of the financial services industry becoming personified in the figure of Howard Davies because he is such an important one. I wanted to discover why the FSA should be different not only from commercial companies but from other quangos and Government agencies and companies, so I did some research. There are numerous examples of bodies—for example, the Environment Agency—which have a chairman, a deputy chairman and a chief executive. My right hon. Friend the Member for Wells mentioned the BBC. Divisions of responsibility between chairmen and chief executives exist in other regulatory bodies—for example, in the Investment Management Regulatory Organisation, the Securities and Investment Board and the Securities and Futures Authority.

Much of the Bill was based on the experience of self-regulating organisations. Why should the FSA be different? Logic tells us that it should not be different because it is much more powerful than the other organisations that I mentioned. Investing so much power in one person in that more powerful body is dangerous.

A host of other organisations routinely divide responsibilities; for example, the New Millennium Experience Company Ltd, which the Government would doubtless like to support, the new opportunities fund, the Occupational Pensions Regulatory Authority, the Criminal Cases Review Commission and the Youth Justice Board for England and Wales. Those organisations have regulatory powers, albeit not on the scale of the FSA, and have always divided responsibilities between chairmen and chief executives.

One has to do a great deal of research to uncover organisations that do not have such a split. The Library provided me with only two examples: Trinity House Lighthouse Service and the Central Laboratory for the Research Councils, whose chairman and chief executive are embodied in the same person.

The Bill provides for an exception. That is why we argued so hard, but fruitlessly, given the attention that the Government paid to our arguments, in Committee. I strongly support amendment No. 19, because its principle goes to the heart of the FSA's accountability.

The other four other amendments in the group deal with the appointment of non-executives by the Treasury. The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) thought it more dangerous for the Treasury to have the power to appoint all those people, but if a system is working properly—which it should be, but which it does not always do under the Government—the Treasury is scrutinised by Parliament. We have the power, through debates in the Chamber or Select Committee procedure, to scrutinise the Ministers who make those decisions as to whether appointments are just and efficient. I do not see why the hon. Gentleman fears that process, because the House already has such powers and we are trying to open them up to even more scrutiny.

Mr. Cousins: The hon. Gentleman must see that the issue here is accountability to the markets, which must feel that they have some influence on the conduct of the FSA. Such close, fine-grain operational intervention by the Treasury—to the extent that even the members of that important non-executive committee are also appointed entirely by it—is wholly absurd.

Mr. Loughton: The hon. Gentleman holds an interesting personal view, but if he had followed our discussions in Committee he would not necessarily take

such a line. I am afraid that the FSA, certainly in respect of the Bill, is not accountable only to the industry by any manner of means. We have tabled amendments and new clauses, to make it more accountable in terms of the charges and additional regulation that it might place on the industry.

I fear that the vast majority of our deliberations in Committee have not been taken up by the Government, and I am sure that the hon. Gentleman agrees with my concern. If they do not want to make the people running the FSA more accountable to the industry they are regulating, we must make sure that they are accountable not behind closed doors, but to the House. That is the whole point of amendment No. 20.

As my right hon. Friend the Member for Wells said, amendment No. 54 would give the non-executives a greater role in reviewing and approving the budget. It is essential that other people—the non-executive directors—have greater powers of scrutiny over the value for money offered to the industry by the FSA and over whether its budget is either sufficient to do its job properly or too generous, resulting in the industry's being penalised by excessive regulation.

Amendments Nos. 21 and 22 do no more than echo the words of consultation paper No. 35 from the FSA on senior management arrangements, systems and controls. Their wording is almost identical to section 4 of the paper. If the FSA seeks powers and the Government want to give it powers to meddle—some might say—in the internal structures used by member firms to arraign their management and go about their business, surely one should at the very least expect the senior FSA board members who are setting down the regulations to adhere to the same standards and requirements. That is purely a matter of consistency, which is why we were surprised that the Government did not wish to take it up when we raised it in Committee and before.

We are considering important amendments—some might say the most important—at this early stage because they go to the heart of the accountability of the organisation and, in particular, the people who will be responsible for it and keeping a check on its budgets and the number of regulations it produces. The person who runs it now has charge of at least 2,000 people, and if mortgages are to be regulated as well, he will have charge of an awful lot more. That person has enormous power and it is only right that it be properly shared and scrutinised, and, more important, that it should be seen to be properly shared and scrutinised. Ultimate accountability should be to the House.

Mr. Andrew Tyrie (Chichester): I have just been given a redraft of part of the Bill, which those on the Treasury Bench have kindly provided. This gives a feel for the scale of the redrafting, which is being done on the hoof. None of us has had the remotest chance to absorb the draft—we are receiving it as I speak, which is extraordinary. Frankly, it is disgraceful and disrespectful to the industry that we are trying to regulate.

The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) was on the right track, but not with respect to schedule 1. He is absolutely right that the Treasury has huge power under the Bill, and that that power should be diminished. He is not right that the Treasury power of appointment over a chairman and a chief executive is necessarily wrong. *[Interruption.]* I shall give the hon. Gentleman the opportunity to intervene in a moment.

2.15 pm

I strongly support the sentiment behind the hon. Gentleman's interventions and urge him to read the last subsection of clause 10. He will see the extent to which the Treasury is being given powers. He should also consider clause 372—a jumbo, omnibus, sweep-up clause that ensures that the Treasury can do exactly what it likes, notwithstanding the preceding 371 clauses. If he looks at the last subsection of a number of other clauses, he will find that, in case the draftsmen have got it wrong, the Treasury can vary matters by order without interference from anybody else, least of all the House or the hon. Gentleman.

I want to discuss a few matters that have not been articulated by my right hon. and hon. Friends. We need to be clear that we are creating a leviathan—an institution of unprecedented power and authority. If it had not been for the Burns committee report—which flagged up the extent to which the Financial Services Authority was effectively becoming judge, jury and executioner—we should have had an even more inadequate tribunal procedure. None the less, the chairman of the authority will still be able, in the mere blink of an eye, to close down businesses, destroy reputations and impose heavy fines. While doing all that, he will have virtually complete statutory immunity. We shall have a new tier of the judicial system—the court system will have a new financial judiciary system sitting alongside it. I am not yet convinced that that is the right way to go.

We are creating the most powerful body in this country after the Government, which is why it is crucial that there should be some check on the powers of the chief executive or chairman of such an authority. Someone to whom aggrieved parties can explain their concerns independently should be looking over the Executive director's shoulder, acting as a long-stop in the event of illness or something more serious. Leaving all that power in the hands of one man is not a reasonable way to go. My hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton) referred to a passage from the Cadbury report, which is very relevant, which says that it is certainly right for companies and corporate bodies to have a division at the top between a chairman and a chief executive.

I reiterate the point made by my hon. Friend that Howard Davies is a very good chap. I have known him a long time and am I sure that he does an excellent job. I more or less took over from him as special adviser in the Treasury to Nigel Lawson. In those days, he was identified as a political adviser to the then Conservative Government, but is now a much more neutral figure, particularly as he attached his name to the Rowntree report on inequality when Director General of the Confederation of British Industry. He has done, and will continue to do, an outstanding job. He, among others, has articulated three arguments as to why he does not see why he should have someone looking over his shoulder.

The first argument is that comparable international bodies do not have somebody looking over their shoulders. The only remotely comparable body is the Securities and Exchange Commission in the United States, but it deals with a small proportion of what the FSA will be required to deal with. That is not a genuine comparison. We are dealing with something new and we

[Mr. Andrew Tyrie]

are in uncharted territory. We are dealing with a rule-making, self-sustaining body on a scale that we have never had in the United Kingdom.

Liz Blackman: Why does the hon. Gentleman persist in minimising the considerable expertise and distinction of the board members, executive and non-executive? His line of argument seems to suggest that the board is a mere puppet. That is not and will not be the case. Does he accept that argument?

Mr. Tyrie: I have not yet mentioned the board, but I promise to do so before I sit down. If I may, I shall deal with that point when I come on to our other amendments that would strengthen the hands of the non-executive directors.

The second argument made by Howard Davies and others is that to make the memorandum of understanding between the Treasury, the FSA and the Bank of England work, we must have one clearly identifiable person in charge to deal with problems if they turn swiftly into crises. It is argued that we must not have responsibility so split that nobody knows who is responsible for what. I have read the memorandum and that argument does not remotely wash.

There is indeed a division of responsibility, but the main problem with the memorandum is not a putative division of responsibility within the FSA, but the division of responsibility between three groups. It will often be the FSA's job to spot early when trouble may arise in a particular firm which may generate a serious prudential or systemic problem. It is the Bank of England's responsibility to suggest and put in place a support operation and to take any action that may be required to deal with systemic risk, which may include the adjustment of interest rates in conjunction with the Monetary Policy Committee. The Chancellor is responsible for all of that to Parliament.

Furthermore, in a provision tucked in the middle of paragraph 13 of the memorandum, which has not been given remotely enough attention, we discover that the Chancellor has the option of refusing to support a given action. In other words, he has the power of veto over the other two bodies. We have, then, real scope for confusion built into the memorandum. As yet it is wholly untested. If it is tested, I worry that it might be found wanting. That is the real division of responsibility that could create problems, not any putative division of responsibility between a chairman and a chief executive of the FSA.

The third and often heard argument is a general point about accountability—that nobody would be sure to whom they should go. That is highly implausible. It does not seem to obstruct the workings of all the institutions listed by my hon. Friend the Member for East Worthing and Shoreham. They seem to be able to cope well. Indeed, so far as I know, none of them has made representations to the effect that they want to do away with the chief executive- chairman split because it makes their work difficult. Nor, indeed, did Howard Davies seem to find it difficult with such a split when he was at the Audit Commission. When he was Controller of Audit of that powerful institution, he had a chairman above him who was looking over his shoulder and to whom ultimately he was answerable. It is a well-established, intelligent and effective structure, not only for all businesses and many public sector bodies, but for the nearest we have to a powerful institution which has been headed up by Howard Davies.

Mr. Beard: Having had the responsibility in the Treasury under the previous Government that he mentioned, can the hon. Gentleman say why it was appropriate to have regulators for all the public utilities—single people regulating in similar circumstances to the head of the FSA—with no equivalent chairman, whereas when it comes to a general responsibility for the City there is suddenly perceived to be a need for a chairman to provide safeguards? Why is there that distinction?

Mr. Tyrie: There is a massive difference between a water regulator and a regulator of the financial services industry. For those who are interested, a large part of that debate took place in Committee, where the hon. Gentleman made exactly the same point. Rather than go through all the arguments now—

Mr. Beard: Will the hon. Gentleman give way?

Mr. Tyrie: If the hon. Gentleman will forgive me, I will not give way a second time. I should like to get on.

The Joint Committee report is unequivocal in its recommendation that for the longer term we must have a split. I do not know whether anyone has read out the exact words—

Mr. Loughton: Yes, I did.

Mr. Tyrie: My hon. Friend says that he did. The recommendation is clear. However, we should not take that as gospel or writ. It is an indication—a group of people thought carefully about the subject and came to that conclusion. We should be able to judge for ourselves. We need to ask ourselves a few simple questions. Do we really think that the head of the FSA will be hamstrung if he has a chairman above him? Do we think that foreign regulators will look down on him because he has a split role—because there is a chairman and a chief executive? Will it demean in any way our system of financial regulation? Do we think that having a split will increase problems in a financial or systemic crisis, given the huge lacuna in the memorandum of understanding which would cause that confusion and which is of far greater proportions than any conceivable consequence of the chairman-chief executive split?

The arguments are all the weaker given the drafting of schedule 2(4), which sets out the functions of the non-executive directors. I will not linger on this point for long because I want to be brief, but it is clear from the drafting that it is intended to exclude the non-executive directors from fundamental scrutiny and monitoring of the overall workings of the authority. The amendment would put that back. We are trying to act on both issues with our amendments. That must be the way forward, and I commend the amendments to the House.

The Economic Secretary to the Treasury (Miss Melanie Johnson): As hon. Members have persisted in their remarks about amendments and the degree of change

in the Bill, I must make one point in response. The vast majority of Government amendments were tabled last Friday. Although this week we missed Wednesday officially in this House, its 24 hours nevertheless existed in reality, so the calculation of 72 hours made by the hon. Member for East Worthing and Shoreham (Mr. Loughton) is a gross understatement of the amount of time that the Opposition have had to deal with the matters before us today.

2.30 pm

Mr. Tyrie: We were not here on Friday. More fundamentally, will the Minister explain why it was not possible to table the amendments a little earlier, or have the debate a week later, to give us a fortnight to consider what are serious matters, particularly as we have tried, as much as possible, to move forward on the basis of all-party agreement? Discussion of the Bill has not been highly adversarial.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. If those matters were to be raised at all, they should have been raised under an earlier item on today's Order Paper. That debate has taken place. Perhaps the Minister might return to the substance of the amendments.

Miss Melanie Johnson: I am forced to take that advice, Mr. Deputy Speaker, but we co-operated with the Conservative Front-Bench team. As Front Benchers know full well, there has been considerable co-operation on all these matters. I see the right hon. Member for Wells (Mr. Heathcoat-Amory) nodding.

On the issues of substance, first, there is accountability. It is important that there is a single public face of the FSA, a single chief point of contact who is accountable to the Treasury and can be called before parliamentary Committees—a single person with whom the buck stops.

Conservative Members have argued that accountability is important. I agree, but my experience is that, where roles are confused and more than one person could be said to be responsible for something—as might happen with the proposed split between a chairman and a chief executive—it can easily confuse the clear chain of accountability, blur the lines as to who is responsible for what, and create doubt as to the authority of any one person to represent the FSA and, ultimately, to carry the can, including being accountable to the Treasury and hon. Members.

Secondly, we need to ensure that there is a person with the wherewithal and authority to lead the FSA both in its daily business and in the international arena. The FSA is a major player on the international regulatory stage. We want it to stay there. That is an important aspect of its current role.

Virtually all other major international financial regulators—Conservative Members skated over the point hurriedly—are represented by full-time executive board chairmen. Those are the arrangements. They are public representatives of those organisations. It is important that the FSA is represented by a person of appropriate and equivalent stature in those arenas.

Some have suggested that the roles of chairman and chief executive could be split to reflect current thinking on corporate governance. Several Conservative Members dealt with that question, but parallels with ordinary companies are far from exact. The combined code is designed for companies with shareholders who do not benefit from the various accountability checks and balances provided for by the Bill.

The spirit of the code is that there should be a strong non-executive element on the board. We have more than provided for that. There will be a majority of non-executives. The non-executives will form a committee to keep under review whether the FSA is discharging its functions in the most efficient and economic way; to review the FSA's financial controls; and to determine remuneration. On top of that, there is a range of other accountability measures that a normal company would not have.

The board will be appointed by the Treasury and subject to transparent appointment procedures. There will be an annual report to Parliament, which is an important part of the accountability mechanism, and an open annual meeting, at which stakeholders can air their concerns. We have built in practitioner and consumer panels, which will be consulted on FSA general policies and practices. Last, but by no means least—it is one of the most important aspects—there are the principles and objectives that guide the way in which the FSA, and hence its governing body, will act.

Mr. Howard Flight (Arundel and South Downs): The Minister said that the board would be appointed by the Treasury. Will she clarify the matter? Our amendment was intended to achieve that, but surely the schedule requires the authority to appoint the governing body. If the authority does that, it will be able to appoint its chums.

Miss Johnson: I confirm that the Treasury appoints the board and will do so in line with transparent Nolan-type procedures, if that helps the hon. Gentleman.

There are other reasons why I will not accept the amendments. First, the tripartite arrangements between the Treasury, the Bank of England and the FSA are based on relationships between the organisations and their heads. It is hard to see how the FSA could easily be represented in the forum by a person with appropriate stature—

Mr. Tyrie: Further to the Minister's statement about who will appoint the non-executive committee, may I seek clarification? Paragraph 3(2) of schedule 1 reads:

"The members of the non-executive committee are to be appointed by the Authority."

Do the Government intend to table an amendment to change that, so that henceforth they will be appointed by the Treasury?

Miss Johnson: I will come back to that point. May I finish the points that I was making because I started with a "first"? I want to round off my comments about the special factors to be taken into consideration.

Secondly, as the non-executives on the FSA board have said, the organisation is mature enough not to be merely a creature of its chairman. I am grateful for the comments of my hon. Friend the Member for Erewash (Liz Blackman) about the way in which Conservative Members suggested that the board was a mere cipher and rubber stamp for the organisation. Quite the contrary; I have been to board meetings and met board members on several occasions.

[Miss Johnson]

It is not the case that board members are anything other than extremely competent and professional. Many views are expressed at the meetings.

Sir Nicholas Lyell: This is the moment for me to ask the Minister to clarify the point that I raised in my speech. I described paragraph 4(3) of schedule 1 as boxing in the non-executive functions: the non-executive committee will review simply whether the authority is using its resources in the most efficient and economic way. She is speaking as though the committee had an overall remit of the type that we recommend in our amendment. What is she saying? Are they boxed in by paragraph 4(3) or are they not?

Miss Johnson: Perhaps I could come to the point that the hon. Member for Chichester (Mr. Tyrie) raised before coming to the right hon. and learned Gentleman's point? The Treasury appoints the members to the board. The FSA has to ensure that they form a committee under paragraph 3. Paragraph 2(3) is the one that the hon. Gentleman should look at. The FSA appoints the non-executives. Perhaps that clarifies that point. *[Interruption.]* I am looking at the text of the Bill. Paragraph 2(3) states:

"The chairman and other members of the governing body must be appointed, and be liable to removal from office, by the Treasury."

Sir Nicholas Lyell: *Hansard* will record that the Minister said that that was done by the authority. Now she has rightly read out that it is done by the Treasury.

Miss Johnson: I am talking about the non-executive committee, which must have the paragraph 4(3) functions. It will also be open to the FSA to confer functions on the committee. Therefore, paragraph 4(3) does not box in the committee; it does quite the reverse.

Sir Nicholas Lyell: Will the Minister please explain why it does not box in the committee? She has received a note from those who are assisting her saying that it does not box in the committee, but why is the provision so carefully confined?

Miss Johnson: I shall deal with that point in a moment but should like first to deal with the point made by the hon. Member for Chichester on how the Government have dealt with some of the matters.

Amendment No. 19 is worded very flexibly, so that the split between the chairman and the chief executive could be undertaken in the longer term—I see the hon. Member for Chichester nodding. However, I still do not agree with the amendment, as it raises the real issue of who would allocate the roles and how they would be allocated. We have other objections to splitting the roles of chairman and chief executive, but Opposition Members have not dealt with them in their amendments.

Mr. Tyrie: Will the hon. Lady explain briefly why the FSA is such a unique structure that it cannot have a division of roles? It would be done by the Treasury if the flexibility provided in the paragraph to which she referred were used. Why are all the other bodies that have been mentioned perfectly able to cope with such a split and function happily, whereas the FSA cannot?

Miss Johnson: Will the hon. Gentleman repeat his last sentence?

Mr. Tyrie: Why are all those other bodies able to cope with a division of roles and find a way of dividing responsibilities between chairman and chief executive, whereas the FSA is held to be so unique that it would be incapable of doing so?

Miss Johnson: The Financial Services Authority is unique in many respects. However, it is not unique among regulators. Nor is our proposal unique among arrangements made for other international regulators. Our proposal is exactly in line with the structure of other major international regulators, which are not splitting the roles. The roles should remain combined, as we have proposed.

I should like to deal with some of the points that Opposition Members have made about the current incumbent of the post, Howard Davies. I share their enthusiasm for him and the way in which he is discharging his role, although I was a little alarmed by some of their remarks that he might leave after his contract ends, if not before. Nevertheless, the Government's arguments depend not on the current incumbent and his many undoubted qualities, but on the fact that we do not think that it is appropriate or right to make the split.

I should like briefly—I may test your patience temporarily, Mr. Deputy Speaker—to point out to the hon. Member for Chichester that the redrafts of explanatory material on amendments that he was waving deal with specific matters in which Opposition Members had expressed an interest in Committee. It is highly technical material, and we expect to deal with it not today, but on Tuesday. I regret that however helpful the Government have been on the Bill—we have tried to be extremely helpful, recognising as we do the many helpful contributions made by Opposition Members—some of them, such as the hon. Member for Chichester, seem unable to deal with that helpfulness.

2.45 pm

I tell the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) that paragraph 4(3) does not box in the committee because the FSA can confer further functions. Paragraph 4(3) simply specifies the minimum functions. If the right hon. and learned Gentleman still thinks that the provision boxes in the committee, perhaps he would like either to raise the issue later in the debate or to write to me.

Mr. Flight: Hon. Members on both sides of the House seem to be joining in the love-in for Howard Davies and the good job that he has been doing. After publication of the Bill, it was reported that the Treasury had taken the view that it was better to have a split between non-executive chairman, chief executive and principal, but that the Government were leaving the provision as drafted largely in deference to Howard Davies. Indeed, after the Bill was published, Lord Burns confirmed his judgment that the Government would have to look again at the unified role.

I do not want to repeat other arguments, but shall deal with the crucial points. The Investment Management Regulatory Organisation model worked extremely successfully. A non-executive chairman is not someone competing to be chief executive or to be accountable, but a person of wisdom and experience whom the chief executive can consult on difficult issues, and someone who could protect the chief executive if he or she were being leant on by Government.

I cannot resist raising a fairly major issue that is currently in Howard Davies's hands for decision. As the House will know, IMRO launched a major investigation into London and Bishopsgate, the Maxwell investment management company. Quite correctly, the investigation was not published at the time, as proceedings were pending against the Maxwell brothers. Now, the decision on publication must be taken. The Opposition argue that, in the interests of accountability and openness, it should be published. That is precisely the type of matter in which a chief executive should be able to draw on the wisdom of a non-executive chairman before taking a decision, and to seek support in dealing with Government attempts to lean on him or her.

Mr. Barry Sheerman (Huddersfield): I was the Deputy Chairman of the pre-legislative inquiry. Before the hon. Gentleman assumes too much—that there was a clear political split on the issue—I should tell him that several Committee members had reservations about splitting. I took Lord Burns's view, and rather reluctantly came to the conclusion, as it was shared by the majority of Committee members, that, for now, the role should be kept as one.

Mr. Flight: We know that there are arguments on both sides. The Opposition accept that, during the reign of the great Howard Davies, it is sensible to keep the role unified. We accept that there is much to be done in establishing the body and addressing all the issues.

We tabled amendment No. 18 because, after examining all the issues, we believe that Parliament should signal that, in the longer term, it would be wiser to have a non-executive chairman. We had thought that the Government shared that view because, as hon. Members will note, the Bill uses only the word "chairman", thereby leaving the door open to a subsequent split.

Liz Blackman: The hon. Gentleman should be aware that, although many of the witnesses appearing before the Joint Committee were practitioners who favoured not splitting the role, none of them cited Howard Davies's personality as a factor in forming their view. They said that the position should remain one for reasons of accountability and clarity.

Mr. Flight: I thank the hon. Lady for that intervention. I was not a member of the Joint Committee, and it was not my impression from the report that its contribution was so large. The issue is simple, and we concede that both sides of the argument have merit. We prefer the IMRO model and believe that the non-executive chairman position has advantages and does not damage the authority of the chief executive. However, others argue otherwise.

The case that the authority of a chief executive is damaged by the appointment of a non-executive chairman is not proven by experience. However, the opposite case—that a chief executive without a non-executive chairman may have too much power and be unaccountable in the absence of a person to consult with—can be illustrated by experience.

If amendment No. 22 is not accepted, the role of the excellent non-executive board will be emasculated because it will not be given the normal duties and responsibilities—as set out under the Cadbury guidelines—to scrutinise and monitor the work, performance and standards of conduct of the FSA executive management. We see no reason why those activities should have been excluded from the non-executive board's role.

The question of who appoints whom deserves consideration. As I thought, the authority, not the Treasury, will appoint the non-executive members. Our objection to that is that a chief executive without a chairman clearly has the power to appoint his cronies. Despite all the problems described earlier, the Treasury should make those appointments, not the FSA. Perhaps it would be better if industry representatives were to nominate members, but the Government's intention was to move away from self-regulation. Therefore, we believe that, for the time being at least, the Treasury option is to be preferred.

Mr. Beard: Where in the Bill are the powers of the board circumscribed in the way that the hon. Gentleman has set out?

Mr. Flight: My point is that the roles and duties of non-executive directors that I described—and which appear in the standard list recommended by the FSA—are not included in the Bill. That is not to say that they could not be added in the future, but why on earth exclude now what are the proper and normal roles of non-executives?

Mr. Cousins: I draw the hon. Gentleman's attention to paragraph 5(1) of schedule 1, which deals with this matter. It correctly leaves to the authority the responsibility for devolution of function and powers in the authority.

Mr. Flight: That reinforces my point that it should not be for the authority to make its own constitution. Schedule 1 deals with the constitution of a body entrusted with running the financial services industry. I do not see how what the hon. Gentleman said interferes with the straightforward proposition that the constitutional role of the non-executives should be set out clearly in the relevant part of the constitution.

We wanted to put on record what we consider to be the right constitutional structure, which we hope the FSA will move towards. That will have to await the end of the reign of Howard Davies, and can be dealt with subsequently. The Government do not want to admit it, but the Bill is drafted with enough flexibility to cover that. However, we have not been persuaded by the arguments advanced by the Government and Howard Davies in favour of having a single chief executive.

Sir Nicholas Lyell: With permission, Mr. Deputy Speaker—

Mr. Deputy Speaker: Order. I am afraid that the right hon. and learned Gentleman cannot speak a second time. Only the person who has tabled the amendment can automatically speak a second time on Report.

[Mr. Deputy Speaker]

Is the hon. Member for Arundel and South Downs (Mr. Flight) pressing the amendment?

Mr. Flight: I thought, Mr. Deputy Speaker, that I had indicated in what I just said that we would not press the amendment to a vote.

Mr. Deputy Speaker: Is the hon. Gentleman therefore withdrawing his amendment?

Mr. Flight: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Miss Melanie Johnson: I beg to move amendment No. 480, in page 197, line 47, at end insert—

"( ) The complaints scheme must be designed so that, as far as reasonably practicable, complaints are investigated quickly.".

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 186, in page 198, line 27, leave out "reference" and insert "submission".

No. 187, in page 198, line 27, leave out—

"which the Authority is investigating".

No. 23, in page 198, line 33, leave out "and".

No. 32, in page 198, line 36, at end insert—

"; and

(iv) to recommend to the Authority the award of such sum as appears to him to be fair and reasonable in all the circumstances of the case in relation to any maladministration by the Authority.".

No. 188, in page 198, line 36, at end insert—

"(iv) to make an award against the Authority of such amounts as he considers fair compensation for loss or damage resulting from the subject matter of the complaint".

No. 189, in page 198, line 37, leave out "Authority" and insert "investigator".

No. 190, in page 198, line 37, leave out—

"it must notify the investigator"

and insert "must notify the complainant".

No. 191, in page 198, line 39, leave out sub-paragraph (4).

Government amendments Nos. 437 to 441.

Miss Johnson: The complaints scheme is an important part of the accountability package delivered by the Bill. The Bill should deliver an open and transparent mechanism that will allow people's complaints to be dealt with quickly, cheaply and informally.

However, the Bill delivers other important protections as well. For example, firms will be able to go to the financial services and markets tribunal to challenge the FSA's decisions. The Government introduced amendments to the complaints scheme provisions following the Joint Committee's recommendations, to make it clear that the investigator should be fully independent of the FSA. That independence will include having adequate funds and staff.

The investigator's appointment is also to be approved by the Treasury, and he or she cannot be removed from office without the Treasury's consent. It is important that everyone is happy with the independence of the arrangements, and the FSA will consult further on them fairly shortly. I understand that the issues to be studied are likely to include ways to secure the investigator's independence through the appointment arrangements and the provision of independent support staff. I recognise how important it is to secure the investigator's independence. The Government amendments, together with the provisions already in the Bill, will achieve that.

I shall not respond to the Opposition amendments now, Mr. Deputy Speaker, in the hope that I will have the opportunity to do so later.

Mr. Flight *rose—*

Mr. Deputy Speaker: Order. Perhaps I can help the Minister. By leave of the House, she is able to speak a second time, as she would be were she tabling her own amendment. However, it may be for the convenience of the House were she to say all that she wishes to say on this occasion, in case she wishes to come back a second time later.

Miss Johnson: Thank you for your guidance, Mr. Deputy Speaker. I shall take this opportunity to make some brief remarks about the Opposition amendments in this group.

The amendments would partly take the FSA out of the process—or at least, they would not give it the opportunity to deal with complaints in the first instance. The Government consider that it would not be sensible to take the FSA out of the process in the way proposed. Most complaints arrangements—such as those relating to regulating firms under the current system—give the subject of the complaint the chance to put his house in order before an independent investigator is brought in. What would be the implications for the time and resources of the investigator if he or she were to investigate all complaints in the first instance? We are trying to set up a mechanism for cases which the FSA cannot resolve with complainants, not a first port of call, and not a port of call for every single case that might arise.

3 pm

The scheme nevertheless ensures transparency, so if the FSA decides not to investigate a complaint, the investigator should know about it; and if the authority decides to go ahead and investigate, again, the investigator should be informed. The investigator can then take up the complaint if he or she sees fit.

Of course, if the FSA does not sort out a complaint satisfactorily, the independent investigator comes in. Taking the FSA out of the picture in the first instance would not be right or efficient.

The Joint Committee suggested that we consider the possibility of ex gratia payments. We have been doing that, and we continue to do so, but it is not appropriate to come to a decision until we see the FSA's consultation paper on the proposed arrangements for the complaints scheme. Amendment No. 188 argues for just such compensation.

It is important that the complaints scheme is not seen as a means of circumventing the FSA's statutory immunity. We do not want to encourage people to take

pot shots at the FSA and distract it from its proper business of regulating. As the scheme is not part of the Court Service—indeed, the investigator need not be a lawyer—he or she would not necessarily come to a decision based on legal principles that a court would apply. The complaints scheme is an informal mechanism for investigating complaints and, where appropriate, bringing shortcomings into the open; it is not a court, nor is there a right of appeal for the FSA if the investigator makes an adverse finding against it.

Although the Bill does not give the investigator the power to award damages, the complaints scheme will have real teeth. The investigator can publish his or her reports and has the power to name and shame the FSA—or, if he or she sees fit, individuals within it. Therefore, the strength of the arrangements should not be underestimated. The FSA will also need to include details concerning complaints in its annual reports to the Treasury and to Parliament.

I hope that, once they have considered my remarks and the Government amendments, hon. Members may see fit to withdraw their amendments in this group.

Mr. Flight: Government amendment No. 480 is quite acceptable. It responds to an issue that we raised about speeding up the handling of complaints.

We are now in the single most important territory of principle. As the Burns committee set out in its doctrine, and as has been the universal response from the industry, if there is to be effective legal immunity, there must be a clearly independent system of complaints—if not with the ability legally to award compensation, with the ability to recommend and suggest fair recompense when businesses have been damaged by incorrect or wrong conduct by the FSA.

As the Minister has just said, in Committee the Government accepted the principle that the investigator could suggest ex gratia payments. There is no Government amendment to that end, and the Minister has said that the matter is still under consideration, awaiting the FSA's comments. We ourselves have had discussions with the FSA on this issue. It pointed out that, if the payments were compensation, there would be a potential problem of legal disputes, particularly over matters such as the refusal of applications, but it is perfectly happy with the principle of ex gratia payments being recommended to it. Amendment No. 32 has been worded deliberately to accommodate that. It proposes that the investigator recommend suitable sums for payment by the FSA, so that it will ultimately be an ex gratia regime.

We will wish to withdraw amendment No. 188, which is clearly stronger, and sets out a specific proposal for compensation. Our other amendments seek to create a complaints regime that is fully independent. While there may be something in the argument that the complaints investigator's time should not be wasted with minor issues, the bigger argument is that it is inappropriate for all complaints to come to the FSA first. The FSA has the power of life or death over businesses in terms of authorisation. There is considerable fear of the FSA in the industry—fear that, if offence is given or a foot is put out of line, a business may suffer. It is therefore inappropriate that complaints should first be vetted by the FSA. The investigator needs to be fully independent to receive and consider complaints, and recommend recompense if a business has been genuinely damaged by a wrong action by the FSA.

We shall come in due course to the issue of legal immunity. The two issues might best have been debated together, but it is absolutely clear that, in achieving a fair and sensible balance of power—if there continues to be effective legal immunity, as the Bill at present prescribes—it is essential, as the Burns committee made clear, to have an independent system of complaints, and for the body concerned to be able to recommend, if not award, fair payments for damage suffered by businesses as a result of the FSA's mistakes.

Sir Nicholas Lyell: I agree with the points made by my hon. Friend the Member for Arundel and South Downs (Mr. Flight), including those about the importance of having an independent investigator who can award compensation, of at least a reasonable nature.

My hon. Friend pointed out that our amendments are in two forms—amendment No. 188, which requires that the investigator be able to award compensation, and amendment No. 32, which requires that he or she be able to recommend an award of compensation, leaving the ultimate decision to the authority. To that extent, it would be ex gratia. We put that in to water down our recommendation, to make it easier for the authority, and to stop it being frightened that its immunity would thereby be completely undercut.

We are the Opposition, not the Government. The Government need to reflect seriously and carefully on exactly how to handle this matter. I echo my hon. Friend's statement that the recommendation was made by the Burns committee, which gives it great weight, just as the committee's views on the chairmanship and the question of chairman and chief executive gave that great weight. I hope that both those matters will be reflected on extremely carefully.

This group of amendments and the next group, on immunity, hang together, as my hon. Friend rightly said. The Minister knows that I support a substantial degree of immunity for the FSA. I think that it is necessary, for the reasons that my hon. Friend stated. We do not want to see the authority undercut, and, as the Minister said, we do not want unreasonable pot shots. They may be much more than pot shots; they may be major attacks by extremely powerful institutions.

That is one side of the picture. The other side is that the FSA is being given immense power over the livelihoods of thousands of people whose own money is at risk. If it performs its functions badly, it should be capable of being held to account. If it does significant damage to individuals working in the market through its own fault, there should be some comeback and some financial compensation. The authority is big enough to be able to behave properly to those whom it has a duty to regulate, but whom it has let down as a result of inadvertence, stupidity or worse.

I hope that that will not happen very often, but I would feel much more confident about its being a rare occurrence if I knew that the authority was aware that it must look over its shoulder, at least to a limited extent, and realise that if it messes up those working in the market or others through its own incompetence or error, it can be held reasonably to account for at least reasonable sums to return them to the position in which they ought to have been.

We are setting up a huge institution. What we are doing is unprecedented. We really must be big about it: we must not be frightened—Governments, whatever their

[Sir Nicholas Lyell]

complexion, must not be frightened—to be prepared to pay compensation to those who suffer when misregulated. There is no reason why the whole regulatory system should collapse as a result of that balance.

If we do not get this right, Strasbourg may eventually force us to get it right. One of the problems of this Bill is that it is so defensive about the idea of judicial review. Nearly every provision that could be drafted so as to inhibit the opportunity for judicial review is thus drafted. It will not prevent judicial review on the part of financial institutions that are rich and powerful enough to afford that expensive and complex process, but judicial review would be far less necessary if the system involving the investigator and reasonable compensation were established properly.

I am in favour of that system. I am in favour of a comparatively formal process. However, if it is so boxed in—if I may use another contentious phrase—that it is not effective, people will look outside it. Eventually, they will take the cases to Strasbourg. They will rely on article 6 of the European convention on human rights in relation to lack of due process, on article 7 in relation to the right not to be punished except in accordance with the law, and on the first protocol of article 1, which relates to the right to possession of property. If someone is running a business that is also his property, and if that business is seriously damaged as a result of the authority's incompetence, possession of the property may be denied him. In one way or another, people will find a way of bringing a case outside the confines of this country.

Let us get the legislation right. Let us ensure that it is reasonable and balanced.

Miss Melanie Johnson: We are still considering the issue of ex gratia payments. The FSA is consulting on it, and I do not think it appropriate to pre-empt the results of its consultation. I am not saying that we will decide one way or the other; I am saying that we are waiting for the results.

I do not think that people should view the complaints investigator as a potential first port of call, as the Opposition seem to suggest. In any event, the post is not being established for the purpose of financial redress; the point is for the focus to be on the process, and on the importance of transparency.

3.15 pm

Mr. Heathcoat-Amory: We have had a short but important debate on some important amendments.

The Opposition consider the investigator's role to be crucial in providing a check on any abuse by the FSA, and any negligence or incompetence on its part. We may have regard for, or even confidence in, the authority's senior management, but that is not always reflected in people's experience of its staff at the coalface, as it were.

Hon. Members receive many complaints about regulators. It is important for complaints to be dealt with promptly by an independent inspector who is seen to be independent, and who can receive them separately from any filter mechanism that may exist in the authority. The inspector must be properly resourced, and able to respond to complaints—including, we believe, complaints involving financial awards against the authority.

Our proposals would also establish an essential counterbalance against statutory immunity. We shall debate that shortly, so I shall not go into it now, but I want to quote one sentence from the report of the Joint Committee on Financial Services, of which I was a member last year. It concluded, among other things:

"We agree with those who see a robust complaints procedure as the central counterbalance to the FSA's statutory immunity."

It asked the Government to give serious consideration to the issue of financial awards.

I do not think that it is enough simply to refer to the possibility of ex gratia payments that are not mentioned in the Bill. That is not an assurance at all. I know that the Government do not want to allow the FSA to get into a legal tangle in regard to what might be compensation, and that that might have to be judged against some objective criterion. I think we should leave open exactly how awards are to be measured and made, but they must be referred to in the Bill. That is the thrust of the Joint Committee's conclusions, and it is the strong view of the Conservative Members who have spoken. We do not intend to press the other amendments, but we will press amendment No. 32.

Amendment agreed to:

Amendment proposed: No. 32, in page 198, line 36, at end insert—

"; and

(iv) to recommend to the Authority the award of such sum as appears to him to be fair and reasonable in all the circumstances of the case in relation to any maladministration by the Authority.".—*[Mr. Heathcoat-Amory.]*

Question put, That the amendment be made:—

The House divided: Ayes 141, Noes 267.

Division No. 52] **[3.18 pm**

AYES

Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Baldry, Tony
Ballard, Jackie
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Cotter, Brian
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John

Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maude, Rt Hon Francis
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Whitney, Sir Raymond
Whittingdale, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Keith Simpson and Mr. John Randall.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Cousins, Jim
Cranston, Ross
Cryer, John *(Hornchurch)*
Curtis-Thomas, Mrs Claire
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Mitchell, Austin
Moran, Ms Margaret
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan

Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stuart, Ms Gisela
Sutcliffe, Gerry
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
White, Brian
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Clive Betts and
Mr. Greg Pope.

Question accordingly negatived.

3.30 pm

Amendments made: No. 437, in page 198, line 41, leave out "sub-paragraph (2)" and insert "the complaints scheme".

No. 438, in page 198, line 42, leave out "arrangements" and insert "complaints scheme".

No. 439, in page 198, line 48, leave out from beginning to second "the".

No. 440, in page 198, line 49, leave out "it" and insert "the Authority".

No. 441, in page 199, line 33, leave out "for an injunction" and insert "under sub-paragraph (5)".—*[Miss Melanie Johnson.]*

Mr. Heathcoat-Amory: I beg to move amendment No. 33, in page 201, line 39, after "faith" insert "or due to recklessness".

The amendment relates to the extremely contentious issue of statutory immunity. All hon. Members should be alert to any proposal to exempt any outside body from the force of law. For that reason, we have paid special attention to schedule 1. Part IV of the schedule will exempt the authority—both the corporate body and anyone who works for it—from legal action, except in certain narrowly defined circumstances.

The matter needs careful scrutiny. It is objectionable in principle for any body or person to elevate themselves above the law. It is ironic that the Bill extends the law—indeed, it creates new law—bringing people within its ambit, in many cases for the first time, while the FSA is retreating behind the wall of statutory immunity.

The Government must explain why the FSA is taking that degree of immunity, when the trend of political development over recent years has been to remove statutory immunity. I remember a time when Crown immunity meant that if health and safety provisions were being ignored—in hospitals, for example—the law offered complete immunity from any legal action. Since that time, much has happened to bring public bodies within the law, making them accountable; for example, neither the police nor the Serious Fraud Office are statutorily immune.

However, the FSA, which has an incredible concentration of executive and law-making power, will be statutorily immune, except where it is acting in bad faith. The authority can be subject to judicial review, but the possibility of that has been considerably tightened by the wording of the Bill. Some hon. Members will discuss that matter at greater length.

The question is whether it might be wise slightly to loosen the statutory immunity, at least so as to ensure that it cannot be claimed if the authority acts recklessly.

Mr. Cousins: The amendment would insert the concept of recklessness. Will the right hon. Gentleman define recklessness? If the amendment is accepted, his definition of recklessness could have a considerable effect on how that concept is interpreted.

Mr. Heathcoat-Amory: The interpretation of all these matters is for the courts. However, the concept of recklessness is well known in the legal system. I do not know whether the hon. Gentleman has a driving licence, but I hope that he has never been accused of reckless driving. If he has, he will know that the penalties are severe.

The concept of recklessness—a good old English word—should not create any difficulties, especially as the Bill already includes concepts such as acting in bad faith or negligence. Those mean slightly different things, but they are not new departures within the legal system.

If the hon. Gentleman wants to develop his argument against recklessness, I shall listen to it with interest. We discussed the matter in Committee and encountered no problems with the concept of recklessness—only with the Government's belief that the FSA should be immune in respect of reckless behaviour.

That part of the law runs up against the European convention on human rights. Several cases of negligence in which attempts were made to claim immunity did not succeed; and some court cases brought under the convention resulted in the public bodies—the police, in one case—being made liable for negligent behaviour.

However, we shall not touch on those matters. Our aim is more modest: to net the FSA within the ambit of the law, if it acts recklessly. That is a reasonable proposition. There is a certain symmetry in the Bill. A market participant—a registered firm or an individual—would certainly be found guilty, and could be fined, if it acted recklessly or negligently. An oversight by a firm or an individual will, in some circumstances, render that body or person liable to a fine, or to the disciplinary processes outlined elsewhere in the Bill.

Intent does not necessarily have to be proved. An oversight—reckless or not—could land the regulated person on the wrong end of a fine. However, that does not apply to the FSA. As matters stand, it can act negligently or recklessly and no one can take legal action

against it. If the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) finds that fair or reasonable, we shall be interested to hear his speech.

Earlier, we discussed compensation—or the financial penalty that could be levied on the FSA, or paid to the firm or individual concerned. However, the Government have turned that down in favour of the much looser concept of ex gratia payments, which are not covered in the Bill. Last year, in the Joint Committee—

Liz Blackman: Will the right hon. Gentleman tell us to which financial regulator the concept of recklessness applies?

Mr. Heathcoat-Amory: The Financial Services Authority is the regulator to which the provision will apply. I am not interested in other regulators, but if the hon. Lady will enlighten me, I am sure we shall have another Bill to cover them.

Liz Blackman: Which other financial regulator, financial or otherwise, has incorporated the concept of recklessness as a test whereby an authorised person can sue that body? Is the right hon. Gentleman seeking to incorporate an entirely new concept in the FSA test?

Mr. Heathcoat-Amory: I have just explained that the concept of recklessness is not a novel proposition for British courts.

Mr. Oliver Heald (North-East Hertfordshire): My right hon. Friend made the point that the concept of recklessness is not surprising in the context of the Bill. Clause 352 makes it clear that it is an offence recklessly to make a statement in certain circumstances. That concept is already in the Bill and obviously has a meaning.

Mr. Heathcoat-Amory: My hon. Friend makes an extremely helpful intervention which reinforces my point that recklessness can incur penalties when the public are guilty but not for the FSA when it behaves recklessly. That is precisely what I mean by the asymmetry in the Bill, which the amendment seeks to correct.

Mr. Cousins: I invite the right hon. Gentleman to comment on the fact that the amendment applies the concept of recklessness not only to the authority but to the investigator.

Mr. Heathcoat-Amory: Exactly the same should apply. It is a modest request to make that if people in authority behave recklessly in the course of their duties, a penalty should apply. In the case of the FSA, that would be done through the investigator. In the case of the investigator behaving recklessly, the penalty would be imposed through legal action.

I find it objectionable that firms can have their reputations ruined even if an investigation is launched but does not reach the point of a fine being levied. Even if it is shown that the FSA was reckless in launching such an investigation and destroying the livelihoods of the people concerned, there is no redress at law. If the independent investigator reaches the same conclusion, the FSA cannot be made to pay any financial compensation—which we seek to correct. The Joint Committee took the same view last year, when it made it clear that statutory immunity in the form proposed would only be tolerable if a number of changes were made to the complaints and investigation system. Those changes, which are set out on page 40 of the Joint Committee's first report, have not all been accepted and enacted by the Government.

It therefore becomes even more important to restrict statutory immunity. I am not seeking to remove it entirely. Where the FSA makes a difficult judgment after looking at all the evidence and reaches a reasonable conclusion, it should not be open to legal challenge. Nevertheless, it should not have immunity when it acts recklessly. Removing statutory immunity entirely could inhibit the FSA from taking necessary action, but some erosion of the degree of statutory immunity in the Bill is important.

3.45 pm

Sir Nicholas Lyell: I follow my right hon. Friend in commending the amendment to add recklessness to the concept of bad faith, which would render the authority liable to civil action and damages. It is only a small step from bad faith to recklessness. In some common law definitions, an element of bad faith is one of the ingredients of recklessness. That was so in the leading case of Derry *v.* Peek, but bad faith is not a necessary element of recklessness.

The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) asked for the meaning of "recklessness". In civil cases over the past 30 years it has meant the following. In 1961, it meant, with gross carelessness, or unacceptable indifference to the situation of the purchaser—here one might say, of the person being regulated. In the Trades Descriptions Acts, a reckless statement is a statement made without regard for its truth or falsity. In that case, it is made recklessly whether or not there is any dishonest intention. Sometimes there has to be dishonest intention, sometimes not.

If there were dishonest intention, the authority or investigator would be caught. One hopes that dishonesty would be exceptionally rare. In cases where there was no dishonest intention but something was done without regard to the truth or falsity of the basis on which it was done, or with unacceptable indifference to the situation of the person being regulated, it is right that the authority should be answerable.

Mr. Cousins: Given comments by Opposition Front Benchers and the right hon. and learned Gentleman's own references to the possible meanings of "recklessness", if the bundle of concepts being advanced—from driving licences and trade descriptions to legal decisions in a number of discrete cases—were imported to the meaning of recklessness in the Bill, would that not seriously undermine the rightful level of immunity to which the right hon. and learned Gentleman referred in the previous debate as something he wants to respect, and is that not something from which he wants to protect the FSA?

Sir Nicholas Lyell: No. We are struggling to strike the right balance and I am sure the hon. Gentleman is anxious to achieve that balance. I am confident that rarely would the FSA successfully be attacked on the ground of recklessness. There is a benefit in having the FSA under an obligation to look over its shoulder at least to that extent.

Any large organisation is likely from time to time to be negligent. It is human nature to be negligent. To place such a burden on the FSA would be to go too far.

[Sir Nicholas Lyell]

The Association of Private Client Investment Managers suggests that the authority should be liable in respect of negligence. Although I respect many of the association's submissions, it goes too far in that. I feel sure that the FSA will supervise those working on its behalf sufficiently well to make the occasions on which it acts with gross carelessness rare. It will not be an undue burden on the FSA or its finances if occasionally it has to pay compensation.

Liz Blackman: Does the right hon. and learned Gentleman accept that under his vague and multiple definition, it is likely that the FSA would be challenged by large firms with lots of money, which could tie up the authority in court for many years and restrict proper regulation?

Sir Nicholas Lyell: No, I do not accept that. I recognise the danger that, occasionally, large firms might seek to tie up the authority, but restricting the liability of the authority to bad faith or recklessness provides adequate protection. It is a question of judgment, but I think that it is adequately protected. The authority will wish to be astute and, at least, not reckless. It will try hard not be negligent, and it ought to try hard. Members on both sides of the House think it right to make the authority immune from charges of negligence, but the likelihood of a case being successful on grounds of recklessness is much smaller, and the circumstances in which cases are successful are much less justifiable from the point of view of the authority. To draw the line there would seem to be reasonable.

As my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) pointed out, other large bodies of a prosecutorial or regulatory nature are not given this type of immunity. I do not know to what extent all regulatory bodies have absolute immunity under existing law—it would be helpful to know. We are seeking to reconsider where the line ought to be drawn, and I believe that making the authority liable for recklessness is sensible, and part of that package.

I shall be comforted if the Government accept that the investigator will be able to award compensation, either directly or in a way that will effectively shame the authority into granting it—even though there is an element of ex gratia discretion there. That is one place at which the line should be drawn. Here, we are asking whether the line should not be drawn a little more in favour of the industry and a little less in favour of this immensely powerful authority.

I believe that the authority will be adequately protected if its liability is confined to bad faith and recklessness, and I commend the amendment to the House.

Miss Melanie Johnson: This subject has aroused considerable interest and was considered in detail by the Joint Committee, which broadly approved the immunity proposed by the Bill, subject to certain proposals to strengthen the complaints arrangements. We have followed those where appropriate. It is essential that we have a structure that allows the FSA to get on with its work efficiently and effectively, and the House recognises that that is important. A strong and accountable regulator must be in the interests of the industry and consumers alike.

Immunity is vital for delivering that aim. Without it, the FSA could be frustrated by potential law suits and red tape. It would be very easy to have frivolous litigation or to distract or hinder the regulator from carrying out its duties, which could have a detrimental impact on firms as well. The absence of immunity could make the FSA more risk averse and engender a more formalistic regulatory environment. I am grateful to the House for supporting the notion of immunity in that context.

There has been much discussion about the nature of recklessness and the contribution that the amendment would make to the Bill were it to be accepted. I have to say that I oppose the amendment. We want the FSA to be a dynamic regulator, and that might mean taking some difficult or finely balanced decisions in cases where the answers are not black or white. The authority should not have to run the risk of being sued as well.

Sir Nicholas Lyell: I entirely agree with the hon. Lady's last sentence, but she must recognise that finely balanced decisions are a million miles from recklessness. We are discussing, to use the language of the courts, decisions reached with gross carelessness or with unacceptable indifference to the situation of the person affected. That is very different from a finely balanced decision.

Miss Johnson: Like some of my hon. Friends, I am not sure what recklessness means in this context. It is a term with different shades of meaning in different contexts, and is primarily a concept in criminal law. The right hon. Member for Wells (Mr. Heathcoat-Amory) mentioned reckless driving, and recklessness does enter into driving matters. However, my recollection—from being on the bench as a magistrate—is that most charges relate to driving without due care and attention and driving dangerously, and do not feature the notion of recklessness.

Mr. Tyrie: Will the hon. Lady give way?

Miss Johnson: The hon. Gentleman has only just come back into the Chamber, so I am not going to give way. Had he wanted to participate in the debate on the amendment, he would have been here at the start.

Mr. Heald: The Bill contains within it the concept of recklessness, as clause 352 proposes to make it an offence for an individual recklessly to make a statement. Is not the main concern that a big important body such as the FSA will act in a high-handed way? In other words, it will recognise that there is a risk of damage to an individual but will go ahead anyway. That is the essence of recklessness. Why should there be immunity for acting in that way—the very thing we do not want the authority to do?

Miss Johnson: The circumstances in which this matter could arise, were we to accept the amendment, may involve occasions when financial regulators and the FSA might have to make rapid decisions or decisions that could involve a difficult question of judgment which could have serious consequences for firms and for the wider regulatory environment. They must be able to do that without fear of being sued, either by a firm or by that firm's customers. I am sure that the House accepts

that the interests of the FSA and of others who may wish to pursue the authority through the courts will not always coincide.

The right hon. Member for Wells asked why the police did not have immunity for negligence. However, I have given the reasons why immunity from suit is important and I am not convinced that cutting back immunity, as the amendment suggests, is right. The police do not have immunity from damages claims for negligence. If we make a comparison with other countries and financial regulators overseas, we see that they have similar immunity to that proposed by the Bill. I am grateful to my hon. Friend the Member for Erewash (Liz Blackman) for her remarks on that point.

Sir Nicholas Lyell: Am I not right in thinking that, in France, the regulator is liable for what is known as faute lourde? Is not faute lourde very similar to recklessness?

Miss Johnson: I am grateful to the right hon. and learned Gentleman for his considerable knowledge of legal systems around the world, and I agree that comparisons are difficult to draw in all cases. However, in the United States, the Securities and Exchange Commission is immune from suit for anything done in carrying out its functions or duties—regardless of whether the actions are in good or bad faith—so long as it does not violate a clearly established constitutional right. That would be established by a court ruling. Probably the strongest comparison—France is not the strongest comparison—is with Commonwealth countries such as Canada and Australia, where the immunities are similar to that proposed in the Bill.

Were the amendment to be accepted, it would potentially restrict the ability of the FSA to go about its business in the way that we want it to. Indeed, the present provision is similar to that provided for in the Financial Services Act 1986 and the Banking Act 1987, and the previous Government were instrumental in introducing the provisions for immunity in those Acts. That immunity was also supported by the late Lord Denning.

4 pm

Mr. Quentin Davies (Grantham and Stamford): It sounds as though the Economic Secretary is about to complete her summary of the amendment. However, not only has she failed to deal with the issue of faute lourde, the French analogy to which my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) referred: she has not provided any rationale justifying the distinction between the Government's approach to the liability of the police and their approach to the liability of the FSA. What is the rationale for the distinction? The whole purpose of Report is to go through the Government's proposals and to learn their rationale for departing from existing practice in this country. Will she answer our concrete, precise question?

Miss Johnson: I said clearly that I thought that comparisons with the French system did not hold water—there are too many differences. I thought that I had adequately covered the point about the police. I am sorry that the hon. Gentleman does not think that I did, but the police are in a very different position from the FSA for so many reasons that it is not difficult to imagine them.

I shall wind up my remarks—the hon. Gentleman has almost invited me to do so—by pointing out that core principle 1 of the Basle principles on banking regulators recognises the need for the immunity of banking supervisors. We fully support that principle. We would weaken the FSA's ability to deal effectively and quickly with difficult and finely balanced decisions if we accepted the amendment.

Mr. Flight: There is a huge body of law on the definition of recklessness. It is pointless our seeking to define it—we are not lawyers. However, to pretend that recklessness is not a clear legal concept is not right. As was pointed out, the concept occurs elsewhere in the Bill. In addition to the example given, it appears in clause 149, which deals with offences. Subsection (4)(b) refers to one who,

"recklessly provides information which is false or misleading in a material particular".

The French concept of faute lourde means literally "heavy failing". Translated lawyer to lawyer, that means virtually the same as "reckless". As the Economic Secretary said, the United States Securities and Exchange Commission system is different, but it is by no means impossible to sue the SEC under the US constitution. That is a different approach to the one that we are discussing, but, as any US lawyer will say, the idea that the SEC enjoys immunity is false. There is a particular US approach to the issue.

Sir Nicholas Lyell: Does my hon. Friend agree that if the Government do not give some ground, they are likely to fall foul of articles 6 and 7 and article 1 of protocol 1 of the European convention on human rights?

Mr. Flight: I thank my right hon. and learned Friend. He is a lawyer, and that point has been made to me by other lawyers. The Government's hands will, in due course, be forced when an appropriate case is taken to the European Court.

As was made clear in the previous debate, the position of the Burns committee is perfectly sensible. Either the exemption from immunity should be limited or there should be a full and proper system of complaint, award and recompense. The Government are resisting on both counts, and the one on which they should concede ultimately is debatable. However, a decision will be forced on the Government in due course.

We shall not press the amendment to a vote because we made a point in the previous debate. The Law Lords are legally well qualified to sort out the issue in the other place and to insist on the point made by my right hon. and learned Friend. Although the issue will have to be resolved by one of the two routes that we have proposed, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

New Clause 8

LEGAL ASSISTANCE SCHEME

"—(1) The Lord Chancellor may by regulations establish a scheme governing the provision of legal assistance in connection with proceedings before the Tribunal.

(2) If the Lord Chancellor establishes a scheme under subsection (1), it must provide that a person is eligible for assistance only if—

(a) he falls within subsection (3); and

(b) he fulfils such other criteria (if any) as may be prescribed as a result of section (*Provisions of the legal assistance scheme*)(1)(d).

(3) A person falls within this subsection if he is an individual who has referred a matter to the Tribunal under section 101(4).

(4) In this Part of this Act "the legal assistance scheme" means any scheme in force under subsection (1).".—*[Mr. Timms.]*

Brought up, and read the First time.

The Financial Secretary to the Treasury (Mr. Stephen Timms): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this it will be convenient to discuss the following:

Government new clause 9—*Provisions of the legal assistance scheme.*

Government new clause 10—*Funding of the legal assistance scheme.*

Government new clause 11—*Tax treatment of levies and repayments.*

Government amendments Nos. 135, 182 and 183.

Mr. Timms: The purpose of new clauses 8, 9 and 10 is to provide the Lord Chancellor with the power to establish a subsidised legal assistance scheme in cases before the tribunal that involve the imposition of penalties for market abuse. They fulfil a commitment that my hon. Friend the Economic Secretary made to the Standing Committee on 2 November 1999 and will be widely welcomed.

In the light of consultation responses and evidence given to the Joint Committee chaired by Lord Burns, the Government reviewed the question of whether the market abuse regime should be categorised as criminal or civil for the purposes of article 6 of the European convention on human rights. We think that there are good arguments for characterising the regime as civil. Nevertheless, as a precautionary measure, we decided to introduce the convention's criminal protections for market abuse penalties. They include the provision of subsidised legal assistance where a person has insufficient means and where the interests of justice so require it.

New clause 8 will give the Lord Chancellor power to establish the scheme by regulations and that will result in a free-standing scheme for legal assistance rather than an extension to the existing legal aid scheme. It also sets out the coverage of the scheme. Assistance is to be provided to individuals who have referred to the tribunal a decision of the FSA to impose a penalty for market abuse. That reflects the category of cases where we think the convention might require assistance to be provided.

Mr. John Bercow (Buckingham): New clause 8 may be entirely unobjectionable and could even be productive, but I am always anxious when reference is made, especially by this Government, to things being done by regulations. Will the Minister assure me that, when the draft regulations are issued, there will be an adequate period for consultation upon them before they are finalised and those associated with them have to come to terms with them?

Mr. Timms: I am grateful to the hon. Gentleman for what I thought was his welcome for the arrangements in the new clause. The Lord Chancellor will establish the scheme by regulations and I have no doubt that he will go through the normal procedures and provide adequate time for the discussion that the hon. Gentleman is quite right to say should take place.

My hon. Friend the Economic Secretary told the Standing Committee that it was not our intention to make legal assistance available for tribunal cases across the board. Legal assistance is not generally available in tribunal proceedings, which are intended to be speedier and less formal than court proceedings.

The Lord Chancellor's Department is currently considering the eligibility criteria; it is likely that the current conditions for legal aid in criminal cases will broadly be followed. If the criminal regime is adopted as a model, there will be two tests: first, an interests of justice test and, secondly, a means test.

New clause 9 gives further examples of the sorts of matter that will have to be covered by the Lord Chancellor's regulations. For example, we envisage the scheme being administered by the Court Service, which will run the tribunal. Therefore, subsection (1) of the new clause allows the regulations to specify who is to determine applications for legal assistance. Other detailed matters will have to be set out in the regulations and it will be necessary for the Lord Chancellor's Department to specify the form that legal assistance may take.

The funding of the scheme is dealt with in more detail in new clause 10. My hon. Friend the Economic Secretary told the Standing Committee that the scheme would be paid for by levies raised by the FSA from authorised persons. That is the effect of subsections (1) to (4). The Lord Chancellor will determine the cost of the legal assistance scheme and set the total amounts of the levy for a specified period—normally one financial year—required to be paid for by the levies; the FSA will decide on the distribution of levies on authorised persons.

Because the levy will be raised through FSA rules, the distribution of the levy among different groups of authorised persons will be a matter on which the FSA will be required to consult in the usual way under clause 127. The Government have tabled separately several amendments in that respect.

The cost of administering the scheme will come out of the running costs of the tribunal. In subsection (1), we have provided that the levy may cover anticipated or actual costs. The forecast of costs might prove to be an overestimate or an underestimate, so the arrangement we have made allows such matters to be sorted out at the end of the appropriate period.

New clause 11 deals with the treatment for tax purposes of levies payable to the compensation scheme, the ombudsman scheme and the legal assistance scheme, all of which are to be set up in accordance with the Bill. It specifies that payments from those schemes to relevant firms are to be treated as trading receipts. That is achieved by inserting into the Income and Corporation Taxes Act 1988 the provisions set out in new clause 11.

We have had to make that change because the current provision, clause 198, deals only with the tax treatment of payments to and from the compensation scheme. It does not cover the ombudsman scheme or the legal assistance scheme. Amendment No. 135 would remove clause 198, which is replaced by new clause 11, which covers all three schemes. Amendment No. 182 makes some consequential amendments to the Income and Corporation Taxes Act 1988. Amendment No. 183 repeals provisions in that Act and the Finance Act 1991. As the hon. Member for Buckingham (Mr. Bercow) said, it is likely that the series of changes we are making will be welcomed.

Mr. Flight: We were advised of the new territories with which the new clauses deal, but we received details of the new clauses only recently. While we broadly support the intention behind the new clauses, they contain some deficiencies.

Legal assistance is to be given only if the accused person has already gone through the FSA warning notice procedures and made representations. A person who carries out that process is likely to incur major legal expenditure. The Government have, in effect, accepted the probability that market abuse cases will be viewed as criminal under the European convention on human rights, but it strikes us that the scheme does not provide adequate legal aid for the whole process.

4.15 pm

Also at issue is the fairness of the rather convoluted funding arrangements. Market abuse is an offence that can be committed by anyone, even if not an authorised person, and by firms outside the United Kingdom. Therefore, it seems rather unfair that the legal assistance scheme should be funded entirely by authorised persons, and strange that the FSA can require payments to the scheme to be paid only by a particular class of authorised person.

We regard as unfair the FSA being able to make rules that excess receipts paid to it under the scheme should be distributed among only some of the authorised persons on whom the levy was imposed during the period in question. It is also unfair that sums can be applied to reduce amounts that those persons are, or will be, liable to pay to the FSA under the funding requirements "or otherwise". That wording appears to give the FSA the authority to apply excess receipts if a firm is liable to pay a fine—say, for market abuse or a disciplinary offence—but cannot afford to do so. Authorised persons will, in effect, have to pay the fines of defaulters. I doubt that that is what the Government intend.

New clause 11 is fine up to a point. However, an award of costs under costs rules can be deducted in the case of an investment company, but apparently not in the case of insurance companies. What is the reason for that difference? Will similar provisions apply, under normal taxation rules, in the case of all other classes of authorised person? The new clause appears to deal only with the tax position in respect of investment companies.

The big issue is clearly that of not providing legal assistance in respect of other offences. It is strange that the Government have accepted the risk on market abuse, but not on other matters in respect of which substantial fines can be imposed and individuals can lose their livelihood. Proceedings involving matters other than market abuse will be regarded as criminal proceedings under the European convention on human rights.

The requirement in respect of legal assistance is spelled out expressly as a protection in cases of criminal charges, but it is also an aspect of the convention's requirement for a fair hearing. Therefore, legal assistance should be available, and not only because many cases other than those involving market abuse would be regarded as criminal proceedings under the convention.

As the Government are aware, many eminent lawyers are of that view. Lord Hobhouse, who is a Law Lord, Lord Lester, who is a senior QC, and others in their chambers have made clear their belief that the FSA's disciplinary powers as they stand are in breach of the European convention. Lord Burns stated:

"Large fines imposed by the FSA could look punitive and that takes you into the world of criminal proceedings. In that case, it would be in breach of the ECHR."

Lord Poole, chief executive of the Lloyds group, Ockham Holdings, has made similar comments.

In our view, the Government are taking a considerable risk. When the Bill is enacted, it might be undermined completely by a case brought under the European convention on human rights. It would be wiser to address the issues up-front.

The other technical defects and issues that I have raised will no doubt be addressed, debated and corrected in the other place. Without sounding petty, it would have been useful if this territory had been addressed in Committee, where amendments could have been tabled before reaching this stage of the Bill's consideration.

Mr. Timms: I thought that the hon. Gentleman might be more welcoming of the changes that we have made, which arose from commitments made in Committee. I do not agree that we are taking a high-risk approach. Indeed, I think that we are taking a precautionary approach by ensuring that legal assistance will be available in instances where conceivably it could turn out to be required.

The hon. Gentleman asked me a number of questions, which I shall attempt to answer. First, he asked why authorised persons should be those who pay the levy and not others. Authorised persons stand to benefit most from the improved functioning of the market that will be brought about by the market abuse regime. They will be the beneficiaries of any penalties that the FSA imposes. We suggest, therefore, that it is right that authorised persons should be the ones who pay for the costs of legal assistance. I do not think that there is any reason for that burden to be shouldered by the general taxpayer, which I suppose would be the alternative.

The hon. Gentleman asked about what happens if there is a surplus. In that situation the Lord Chancellor might either repay the excess to the FSA or reduce the amount that it has to levy the following year. If the excess is repaid to the FSA, it might distribute the money among those on whom the levy was imposed, or it might be offset against future levies or fees that those persons have to pay. I think that that is a sensible way to manage matters.

The hon. Gentleman asked, "Why not go further and extend legal assistance elsewhere?" That was the central issue in his speech and he described it as the most important. I re-emphasise that the additional protections

[Mr. Timms]

against market abuse are in place as a precautionary measure. There is not a need to extend the scheme further. We are clear that the disciplinary regime is not a criminal regime for conventional purposes, so a wider scheme of legal assistance is not needed. That issue was addressed fully in the memorandum that went to the Joint Committee on 14 May and in the evidence given on that occasion by the then Economic Secretary, with Sir Sydney Kentridge QC and James Eadie. We have stated our position clearly and unambiguously, and that remains our view today.

Mr. Heathcoat-Amory: I am grateful for the Minister's response to the questions raised by my hon. Friend the Member for Arundel and South Downs (Mr. Flight). However, I am not entirely satisfied because I think the Government are running a big risk in not extending subsidised legal assistance to those accused of serious offences under the disciplinary regime. We welcome the fact that the Government are bringing forward this assistance for market abuse cases, which is important. However, they seem to be relying heavily on their assertion that the disciplinary regime will not be judged to involve matters of a criminal nature, so that the appropriate protection for those accused of criminal offences will not apply in such cases.

In reaching that conclusion, the Government have relied heavily on the fact that, potentially, market abuse offences can cover virtually the entire population. Anyone—even someone not regulated under the Bill—can be judged to be engaging in market abuse. As I understand it, however, disciplinary offences apply only to the regulated community. That gives the regime the character of disciplining a club; that is why a civil regime is appropriate. It is a large club, however. If anyone wants to earn their living in the financial services industry, they must register or, as it were, become a member of the club.

As a layman, I rather doubt whether courts will continue to take the view that all fines, however large, that are levied on the regulated community are of a civil nature. The fines can be extremely large, and I believe would imply a penalty or punishment. If that is the position, I believe that at some stage a court will judge a matter subject to the disciplinary regime to be of a criminal nature. If that is the case, other safeguards must apply under the European convention on human rights. For example, if those accused are unable to pay for professional defence, they must be subsidised. That is natural justice. If someone is to be prosecuted by a professional, he must be defended by a professional. If the individual cannot pay for one himself, there is the legal aid scheme. That is what it is for.

In setting up something akin to the legal aid scheme in the Bill, the Government are most unwise not to make provision to extend it.

Mr. Bercow: I have no means of knowing whether my right hon. Friend is right in his anxieties. Surely the logic of what he is saying, if he is correct, is that the Government lawyers are not giving value for money.

Mr. Heathcoat-Amory: I hesitate to criticise lawyers. We never know when we will need one. My hon. Friend makes a good point in that there is no doubt that the Bill has evolved under the impact of external legal advice. When the Bill was published in July 1998, it was undoubtedly at variance with the requirements of the European convention. I do not know whether that was because of faulty legal advice in drawing up the Bill. Better-qualified legal advice, or advice provided by more specialised quarters, has persuaded the Government to amend the Bill to bring it more into line with the requirements of the convention. That is why the Government have radically amended the market abuse provisions to provide greater clarity and to provide other safeguards.

The Government have not, however, provided for safeguards in respect of subsidised legal advice and defence to be applied to the disciplinary regime as well. I feel that that leaves the Bill wide open. When the European convention becomes fully applicable in English law, which I think will happen later this year, it will be serious if a challenge succeeds.

There is a mechanism for the Government to bring forward in short order an amendment to change the legislation, but meanwhile any cases that are before the courts, or pending, must fail. It would be a serious matter for the City, and the financial services industry generally, to be without proper legal cover. In that respect, the regulatory system would have failed while the Government brought forward further and better clauses. The Government are running a risk not only with their reputation but with the stability of the market. That is why the matter is serious.

We did not debate the Ways and Means resolution. We allowed it to go through on the nod at the beginning of our proceedings in order to make progress. It is relevant to our discussion because the Government are to introduce a new tax on the regulated community through the resolution and the new clauses in the form of a levy. The money will go into the consolidated fund, and, somehow, come out again, when the Lord Chancellor will pay some of it back to the FSA, which may redistribute it back to the authorised firms and individuals if there is a surplus. That is an amazingly cumbersome system, and the Government have not explained why it is necessary.

4.30 pm

If the provisions are accepted, the House will delegate the power to tax to the FSA. We must be cautious about that because an authorised individual—for example, an independent financial adviser—will be subject to a levy. That money will be used not necessarily for legal help for that adviser if he is accused of market abuse, but for his clients—members of the public who will pay nothing. That will happen because the scheme is not funded through general taxation but through the levy. People and firms will have to pay a form of taxation into a fund, which will be used in unspecified ways.

We do not know the details of the scheme. It is another item that will be delegated to secondary legislation through our old friend the negative resolution procedure. This debate is our last opportunity to hear and agree the details, or at least to be told more about them. The way in which a legal aid scheme works, the sources of the funds, their application, and the criteria for eligibility for assistance are important matters of justice. The scheme will never come before the House because the order will be made under the negative resolution procedure.

If anyone objects, the Government can say, "That's very interesting, but we won't debate it," and the scheme will become law.

The Minister's comments have been light on substance. We knew that the scheme would be included on Report, but the details remain sketchy. As I said earlier, they involve the redistribution of money, compulsorily levied from people in the financial services industry. The Government owe us a slightly longer explanation.

Mr. Loughton: I am sorry that I was not present for the earlier discussions on the new clause—I was called away. I want to add a few comments to those of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory).

As I said when we started the debate, the details of the legal aid scheme were not available to the Committee that considered the Bill. As my right hon. Friend said, although great chunks of new clauses are being added at a late stage, an enormous amount of detail about the workings of the scheme is simply unavailable. I am especially worried about new clause 10, which outlines a large part of the new scheme. It establishes a strange, cumbersome structure whereby the FSA will raise a levy from members to pay the Lord Chancellor the relevant sum, which will then go into the consolidated fund. The Lord Chancellor will then fund the cost of legal aid from money provided by Parliament. That necessitates an equalisation fund for the refund to the FSA, and a complicated redistribution to its members. By the time everyone has had a pound of flesh, and taken a cut for the administration of the scheme, one wonders whether any money will be left for the scheme, or to refund the people who paid in the first place.

There is a basic anomaly and injustice in the provision. It is unfair that authorised people alone will pay the levy for the misdemeanours of unauthorised people. There is also confusion about the period in which the Lord Chancellor decides how the equalisation repayments to the FSA and member firms will be made. Much can change in a year, and manipulation can occur.

New clause 10(7)(a)(ii) poses a question about the equality of the redistribution to authorised persons because it refers to:

"such of those persons as it may determine".

On what will such a decision be based? Will it be based on someone having the head of the FSA round for a rather nice lunch and his then deciding that that person should get a slice of the cake for which they paid in the first place? That is iniquitous and leaves the provision open to challenge concerning the equality of the treatment of member firms that have to stump up money. The method of redistribution could be entirely arbitrary. We need far more details.

Decisions about refunds that are paid on account before the amounts are calculated also seem arbitrary. The excess receipts could be calculated against a firm's potential fines. Contrary to the rule that one is innocent until proven guilty, a firm is considered a potential member of the sin-bin pool before being identified as possibly having committed some misdemeanour that may be investigated by the FSA. That turns the code of natural justice on its head and will be open to challenge under the convention on human rights.

Mr. Timms: Who, in the hon. Gentleman's opinion, should pay for the legal assistance scheme, if not the authorised persons?

Mr. Loughton: It is not my job to specify that. I have not objected to a levy for a legal aid scheme. I have not said whether I believe that the scheme is right or wrong. Throughout our proceedings in Committee, I did not say whether it was right or wrong in principle. I simply questioned how it would work. I do not say that we should not have such a scheme. It has great merit, and, if run properly, is probably fair. However, the scant proposals that we have been given do not provide for equality.

In the old days of the stock exchange, there was a mechanism called the PTM levy—I must be careful to get the initials in the right order. It stood for the panel of takeovers and mergers. A levy would be added to everyone's contract. That was considered a fair way of raising money for a group that operated in part of the City's structure. People did not object to it. Could the levy that new clause 10 proposes function in the same way? How will firms pay for it? Is there a mechanism to prevent firms that have to pay an indeterminate levy from adding a legal aid fund levy to contract charges for their clients? If that happened, the clients would pay, quite transparently, for the legal aid process. Is that permissible? It is an obvious way of proceeding. As with so much of the measure, the clients, who apparently need extra regulation, will end up paying for it. How does the Minister envisage companies funding payment of that levy, and could they issue a contract surcharge on their business, whatever sort of business, equity transactions or insurance business they carry on? Is the cost of the levy completely open ended? Will it be capped or could it double one year and treble the next? An awful lot of money could be involved, depending on the amount of legal activity that is to be financed. Smaller firms could have to find a considerable sum, which would affect their ability to carry on their business.

I wanted to raise those questions, but the fundamental point is that we still lack an awful lot of detail. It is all very well for the Minister to say, "What would you do?", but I am not criticising the basic structure or the basic approach that the Government appear to be adopting. I want to be convinced that the proposal will work properly and fairly and that its extent can be properly defined, but I fear that nothing I have heard suggests that I can be assured on any of those questions.

Mr. Timms: I am still listening eagerly for a welcome from Conservative Members for the changes that we have made in response to points raised with us. Their welcome still sounds rather grudging, although the hon. Member for East Worthing and Shoreham (Mr. Loughton) said that the arrangement could be fairly fair so perhaps we are making progress. He asked about the details, and the hon. Member for Buckingham (Mr. Bercow), who was present earlier, was absolutely right about them: it is important that there should be consultation. That is a matter for the Lord Chancellor, who will consult in due course.

I do not want to go back over old ground, but I shall respond to some of the points made by the right hon. Member for Wells (Mr. Heathcoat-Amory) and the hon.

[Mr. Timms]

Member for East Worthing and Shoreham. The arguments pushed in two conflicting directions: we were being urged to give the scheme a wider embrace and criticised for the way in which it will be paid for, but no alternative was suggested.

I think we have the balance right, but I want to address the serious charge that there is risk in what the Government are doing. I do not believe that that is the case. The right hon. Gentleman fairly and accurately described our position, which is that the disciplinary regime does not deal with criminal conduct, but suggested that we were treating it like club. The right analogy is with the regulation of professions, on which the jurisprudence is absolutely clear: such regimes are civil. That is the basis on which we are proceeding.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 9

PROVISIONS OF THE LEGAL ASSISTANCE SCHEME

".—(1) The legal assistance scheme may, in particular, make provision as to—

(a) the kinds of legal assistance that may be provided;

(b) the persons by whom legal assistance may be provided;

(c) the manner in which applications for legal assistance are to be made;

(d) the criteria on which eligibility for legal assistance is to be determined;

(e) the persons or bodies by whom applications are to be determined;

(f) appeals against refusals of applications;

(g) the revocation or variation of decisions;

(h) its administration and the enforcement of its provisions.

(2) Legal assistance under the legal assistance scheme may be provided subject to conditions or restrictions, including conditions as to the making of contributions by the person to whom it is provided.".—*[Mr. Betts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 10

FUNDING OF THE LEGAL ASSISTANCE SCHEME

".—(1) The Authority must pay to the Lord Chancellor such sums at such times as he may, from time to time, determine in respect of the anticipated or actual cost of legal assistance provided in connection with proceedings before the Tribunal under the legal assistance scheme.

(2) In order to enable it to pay any sum which it is obliged to pay under subsection (1), the Authority must make rules requiring the payment to it by authorised persons or any class of authorised person of specified amounts or amounts calculated in a specified way.

(3) Sums received by the Lord Chancellor under subsection (1) must be paid into the Consolidated Fund.

(4) The Lord Chancellor must, out of money provided by Parliament fund the cost of legal assistance provided in connection with proceedings before the Tribunal under the legal assistance scheme.

(5) Subsection (6) applies if, as respects a period determined by the Lord Chancellor, the amount paid to him under subsection (1) as respects that period exceeds the amount he has expended in that period under subsection (4).

(6) The Lord Chancellor must—

(a) repay, out of money provided by Parliament, the excess to the Authority; or

(b) take the excess into account on the next occasion on which he makes a determination under subsection (1).

(7) The Authority must make provision for any sum repaid to it under subsection (6)(a)—

(a) to be distributed among—

(i) the authorised persons on whom a levy was imposed in the period in question as a result of rules made under subsection (2); or

(ii) such of those persons as it may determine;

(b) to be applied in order to reduce any amounts which those persons, or such of them as it may determine, are or will be liable to pay to the Authority, whether under rules made under subsection (2) or otherwise; or

(c) to be partly so distributed and partly so applied.

(8) If the Authority considers that it is not practicable to deal with any part of a sum repaid to it under subsection (6)(a) in accordance with provision made by it as a result of subsection (7), it may, with the consent the Lord Chancellor, apply or dispose of that part of that sum in such manner as it considers appropriate.

(9) "Specified" means specified in the rules.".—*[Mr. Betts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 11

TAX TREATMENT OF LEVIES AND REPAYMENTS

".—(1) In the Income and Corporation Taxes Act 1988 ("the 1988 Act"), in section 76 (expenses of management: insurance companies), for subsections (7) and (7A) substitute—

"(7) For the purposes of this section any sums paid by a company by way of a levy shall be treated as part of its expenses of management.

(7A) "Levy" means—

(a) a payment required under rules made under section (*Funding of the legal assistance scheme*)(2) of the Financial Services and Markets Act 2000 ("the Act of 2000");

(b) a levy imposed under the Financial Services Compensation Scheme;

(c) a payment required under rules made under section 209 of the Act of 2000;

(d) a payment required in accordance with the standard terms fixed under paragraph 18 of Schedule 14 to the Act of 2000."

(2) After section 76 of the 1988 Act insert—

"Levies and repayments under the Financial Services and Markets Act 2000

76A.—(1) In computing the amount of the profits to be charged under Case I of Schedule D arising from a trade carried on by an authorised person (other than an investment company)—

(a) to the extent that it would not be deductible apart from this section, any sum expended by the authorised person in paying a levy may be deducted as an allowable expense;

(b) any payment which is made to the authorised person as a result of a repayment provision is to be treated as a trading receipt.

(2) "Levy" has the meaning given in section 76(7A).

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(3) "Repayment provision" means any provision made by virtue of—

(a) section (*Funding of the legal assistance scheme*)(7) of the Financial Services and Markets Act 2000 ("the Act of 2000");

(b) section 188(1)(e) of the Act of 2000.

(4) "Authorised person" has the same meaning as in the Act of 2000.

Levies and repayments under the Financial Services and Markets Act 2000: investment companies

76B.—(1) For the purposes of section 75 any sums paid by an investment company—

(a) by way of a levy, or

(b) as a result of an award of costs under costs rules,

shall be treated as part of its expenses of management.

(2) If a payment is made to an investment company as a result of a repayment provision, the company shall be charged to tax under Case VI of Schedule D on the amount of that payment.

(3) "Levy" has the meaning given in section 76(7A).

(4) "Costs rules" means—

(a) rules made under section 205 of the Financial Services and Markets Act 2000;

(b) provision relating to costs contained in the standard terms fixed under paragraph 18 of Schedule 14 to that Act.

(5) "Repayment provision" has the meaning given in section 76A(3)." ". —*[Mr. Betts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 27

REPORTS BY DIRECTOR GENERAL OF FAIR TRADING

".—(1) The Director must keep the regulating provisions and the Authority's practices under review.

(2) If at any time the Director considers that—

(a) a regulating provision or practice has a significant anti-competitive effect, or

(b) two or more regulating provisions or practices taken together, or a particular combination of regulating provisions and practices, have such an effect,

he must make a report to that effect.

(3) If at any time the Director considers that—

(a) a regulating provision or practice does not have any significant anti-competitive effect, or,

(b) two or more regulating provisions or practices taken together, or a particular combination of regulating provisions and practices, do not have any such effect,

he may make a report to that effect.

(4) A report under subsection (2) must include details of the anti-competitive effect.

(5) If the Director makes a report under subsection (2) he must—

(a) send a copy of it to the Treasury, the Competition Commission and the Authority; and

(b) publish it in the way appearing to him to be best calculated to bring it to the attention of the public.

(6) If the Director makes a report under subsection (3)—

(a) he must send a copy of it to the Treasury, the Competition Commission and the Authority; and

(b) he may publish it.

(7) Before publishing a report under this section the Director must, so far as practicable, exclude any matter which relates to the private affairs of a particular individual the publication of which, in the opinion of the Director, would or might seriously and prejudicially affect his interests.

(8) Before publishing such a report the Director must, so far as practicable, exclude any matter which relates to the affairs of a particular body the publication of which, in the opinion of the Director, would or might seriously and prejudicially affect its interests.

(9) Subsections (7) and (8) do not apply in relation to copies of a report which the Director is required to send under subsection (5)(a) or (6)(a).

(10) For the purposes of the law of defamation, absolute privilege attaches to any report of the Director under this section.".—*[Miss Melanie Johnson.]*

Brought up, and read the First time.

4.45 pm

Miss Melanie Johnson: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government new clause 28—*Consideration by Competition Commission.*

Government new clause 29—*Role of the Treasury.*

Government new clause 32—*Misleading the Director General of Fair Trading.*

Amendment No. 30, in clause 2, page 1, line 22, at end insert—

"(bb) the maintenance of a vigorous and effective market in financial services;".

Amendment No. 192, in page 2, line 2, at end insert—

"(e) the maintenance of competition and promotion of United Kingdom competitiveness."

Amendment No. 49, in page 2, line 3, leave out from "must" to end of line 18 and insert "seek to—

(a) use its resources in the most efficient and economic way;

(b) take into account the responsibilities of those who manage the affairs of authorised persons and ensure that it does not intrude unnecessarily into their management of the commercial affairs of such persons;

(c) impose burdens or restrictions on a person, or on the carrying on of an activity, only if they are proportionate to the benefits, considered in general terms, which are expected to result from the imposition of that burden or restriction;

(d) facilitate, and not unnecessarily impede, innovation in connection with regulated activities;

(e) maintain the international competitiveness of the United Kingdom and authorised persons;

(f) impede or distort competition between authorised persons only to the extent that such impediment or distortion is necessary.".

Government amendments Nos. 240, 316 and 317.

Amendment No. 231, in clause 132, page 61, line 3, leave out—

"may, if he thinks fit"

and insert "shall"'

Government amendment No. 447.

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[Mr. Deputy Speaker]

Amendment No. 232, in clause 133, page 61, line 23, after "information", insert "relevant to the investigation".

Government amendments Nos. 318 and 319.

Government new schedule 2.

Miss Johnson: These new clauses and amendments are part of the package of changes that we are making in response to Don Cruickshank's interim report on banking services, which helped us to identify a number of useful amendments that we could make to improve the FSA's internal processes in taking account of competition and to strengthen the external scrutiny arrangements. I set out what we intended to do in Standing Committee A on 9 November. We shall also table similar amendments to the analogous regime for recognised bodies and that proposed for the competent authority for listing. I could run through, at great length, how the process will work, but it might be helpful if I focus on particular aspects. If Conservative Members have queries that are not resolved, perhaps they will raise them.

I begin with the role of the Treasury in respect of new clause 29. The Competition Commission, when it has considered a report from the director general, will produce its own report, except where it feels that that is not necessary. If the commission concludes that there is no significant anti-competitive effect, that will be the end of the matter. If it concludes that there is significant anti-competitive effect and that is justified, it will state that in its report. Where the commission concludes that the anti-competitive effect is not justified, it will recommend changes to the FSA's regulating provisions or practices in its report.

The Competition Commission's conclusion will not be subject to routine second guessing by Ministers. It will stand, except where the Treasury considers that exceptional circumstances cause it to reach a different view. We can envisage a Treasury override being triggered when it is necessary to meet our international obligations—for example, to give effect to European Community legislation—or when the Treasury thinks that there would be significant implications for the operation of the financial system as a whole if the changes were to be made. In the unlikely event of its exercising that override, the Treasury will have to publish a statement of its reasons and lay that before Parliament.

Mr. Tyrie: Those remarks are close to those the Minister made in Committee when we did not have time to absorb them, although we have subsequently done so. New clause 29(3)(a) says that the Treasury may set a direction aside if it considers it

"unnecessary for them to give a direction"

as a result of action taken by the authority. Can she explain the purpose of new clause 29? No reference was made to it in Committee.

Miss Johnson: I am looking for the new clause in my amendment paper; perhaps I can return to that matter.

When the commission finds that an anti-competitive effect is not justified and there are no grounds for an override, the Treasury will do whatever it thinks necessary in the light of the Competition Commission report. In taking action, the Treasury must have regard to the Competition Commission's opinion when deciding what to direct the FSA to do. The Treasury must also have regard to the views of the FSA and other interested persons when considering whether to give a direction.

Those new arrangements will ensure that, other than in exceptional circumstances, it will be the Competition Commission, not Ministers, who will come to the decisive view on whether anti-competitive effects are justified.

Sir Nicholas Lyell: Can the Minister clarify what seems to be a fundamental question? When we talk about competition and anti-competitive effects, are we talking about the competitiveness of the United Kingdom financial services market as against the French, New York or Frankfurt markets, or are we talking about distortions of competition within the UK market?

Miss Johnson: Basically, we are talking about distortions of competition within the UK market. I shall come to the issue of international competitiveness, which the right hon. and learned Gentleman raised earlier, when I reach Opposition and other amendments that relate more closely to that issue.

As I said, generally, it is not Ministers who will reach the decisive view on whether claims of anti-competitive effects are justified. Where exceptional circumstances cause Ministers to override the Commission, the Bill provides for a high degree of transparency. Of course, we expect that the relevant Select Committee would wish to question Ministers in more detail about use of the override, but who in this House would wish to suggest that a Select Committee did anything in particular?

The other part of this package of amendments is a change to the competition principles in clause 2. These principles are at the heart of the processes that the FSA goes through when making regulatory provisions and otherwise discharging its general functions. If the processes work as they should, the external scrutiny arrangements should be academic.

Perhaps I can come on to the "have regard to" phrase in the chapeau to clause 2(3). We undertook in Committee to look at whether this is the right formulation and carries sufficient weight to ensure that the FSA takes full account of the principles in discharging its general functions. As I explained in Committee, the objectives and principles must be considered together. The objectives are about the aims and purpose of regulation. The principles are about the manner of regulation. They are, in effect, statements about good regulatory practice and act as constraints on over-regulation.

In determining how to discharge its general functions, the FSA will go through a single process in order to come up with the right result. It will consider the clause 2(1) objectives together with the clause 2(3) principles in discharging its general functions—that is, in making rules and guidance and in coming up with its general policies.

We have explored with the draftsmen whether the "have regard to" formula is the right one to describe what we want the FSA to do in respect of the principles in this process. We want something that requires the FSA to give proper weight to the principles and to ensure that it takes them properly into account but, at the same time, does not expose the regulators to tactical litigation on individual regulatory decisions. Exploration of these issues has led

us to the conclusion that the current formulation strikes the right balance and that it is clear that the FSA must give proper weight to the principles. To pay lip service to them will not be enough.

Clearly, however, it would be nonsense if the FSA were under an obligation to go through the objectives-principles balancing process every time it takes a decision on an individual case. As well as being pretty much an impossible task, it would open up the scope for judicial review of individual decisions. For example, the FSA could be challenged on whether it is right to engage in an advertising campaign to improve consumer awareness or whether it is employing too many people on the pensions review.

If there were a significant risk that the FSA would have to contest actions for review at every turn, it would be a serious impediment to good regulation. The Joint Committee agreed with this when it concluded that the objectives and principles should apply at the level of general policy and principles, rather than directly to every single act and decision of the FSA. Naturally, it is important that the FSA is accountable for its decisions. Judicial review of whether it is carrying out its legislative and general functions in accordance with the requirements of clause 2 will be possible.

Our carefully considered view is that the current formulation and structure is the right one. It will not be enough, as some have suggested, for the FSA to pay lip service to these principles. The FSA must give the best effect it can to them. That is the nature of the duty.

The "have regard to" formulation is not new. It applies in other legislation in similar contexts, for example, in the Coal Industry Act 1994 and the Civil Aviation Act 1982. It is fair to say that the statute book is peppered with requirements for people to "have regard to" X or Y when carrying out their duties, and have regard to these things they must. It is a strong requirement.

We also undertook to look again at the competition principle in clause 2(3)(f). We agree with Don Cruickshank that it is vital that competition concerns are given proper weight by the FSA. Amendment No. 240 introduces changes and does three things. First, it introduces a more positive principle as regards the adverse effects of competition. Rather than the principle being that the competition should not be impeded or distorted unnecessarily, it now makes it clear that the FSA must consider how to take active steps to minimise the adverse effects on competition.

Secondly, the amendment removes the reference to authorised persons. In exercising its general functions, the FSA can do things that impact on other groups. For example, it could make a rule requiring authorised persons to use the services of a particular software provider or telecommunications firm. Where things do impact on other groups, the FSA should take care to minimise the adverse effects on competition.

Thirdly, the amendment requires the FSA to have regard to the desirability of facilitating competition between those subject to regulation. That recognises that there are things that the FSA can do in regulating which are sensible for a financial services regulator to do and which will make it easier for firms to compete.

The new principle is designed to make the FSA think hard about what it can do to facilitate competition between those it regulates. It makes it clear that it will have to address the question of how, through different ways of regulating, it could remove unnecessary barriers as well as not erecting them in the first place.

On amendment No. 30, there is no doubt about the importance to the economy of the financial services sector. I share the concern that it should continue to be vigorous and effective. I understand and fully agree with the aim, but the amendment is not the way to achieve it. It would not be appropriate to give the FSA such an objective.

Although the FSA is responsible for creating and maintaining a regulatory framework in which a vigorous and effective market can exist, it is up to the market itself, through competition and innovation, to maintain its vigour and effectiveness.

The FSA must not, of course, put up unnecessary barriers in the way of that, or rip down necessary barriers. Under-regulation and over-regulation both have adverse effects, but the regulatory objectives and principles that the Bill gives the FSA are aimed at ensuring that it arrives at the right level of regulation, which keeps costs down while maintaining the confidence of consumers and the integrity of the markets. That is what the FSA can do to help to maintain the vigour and effectiveness of the UK financial services industry. The rest is up to the industry itself.

On amendment No. 192, as I said in Standing Committee a number of times and as I am sure everyone accepts, competition and competitiveness are different. The amendment seeks to combine them. The bodies responsible for competition regulation in the UK are the Office of Fair Trading and the Competition Commission. Their responsibilities extend throughout the economy. It would be their responsibility to investigate and to deal with, for example, a suspected cartel of insurance companies in the same way as a suspected cartel of supermarkets.

The FSA is not a competition regulator, but is concerned with the prudential supervision of the financial services industry and the protection of consumers. If it had a competition objective, it would have to duplicate and, potentially, interfere with the job that is already done, and done well, by the OFT and the Competition Commission. That would be a recipe for total confusion.

That does not mean that the FSA has no interest in competition. It must always be aware of the danger that, in regulating, it might unnecessarily restrict competition. That is why we have provided in subsection (3) that it "must have regard to" that matter and why we have backed that up with the special competition scrutiny regime in part IX.

Mr. Tyrie: The hon. Lady says that competition and competitiveness are fundamentally different. In a sense, they are because competitiveness is concerned with overall economic performance, but could any action be taken to improve competition that would be deleterious to competitiveness?

Miss Johnson: I do not think the two things link in that simple way. I should like to come back to another point that the hon. Gentleman raised with me, but it does not fit very well here, so may I finish dealing with competitiveness?

[Miss Johnson]

Competitiveness is another area where primary responsibility does not lie with the FSA. Instead, the international competitive position of the UK financial services industry will be maintained by the same people who built it: financial service businesses.

5 pm

It is not clear what role the FSA will have to take on in promoting competitiveness, but if it entailed the FSA trying to pick winners among United Kingdom firms or telling them how to run their businesses, it would be more likely to do harm than good. However, I am not saying that the FSA has absolutely no interest in competitiveness. We realise that, as with competition, the way in which the FSA regulates can have an impact on competitiveness, and subsection 3(d) requires the FSA to have regard to that fact. However, as I said, such a requirement is very different from a competitiveness objective.

The hon. Member for Chichester (Mr. Tyrie) asked about the purpose of subsection 3(a) of new clause 29. The paragraph deals with situations in which, as a result of a Competition Commission report, the FSA decides to abandon the rule or practice that has been condemned. If the FSA acts to abide by the commission's conclusions, there is no need for the Treasury to give a direction. New clause 29(3)(a) allows for that position. It deals with situations in which action has been taken.

The Opposition have suggested, in amendment No. 49, a formulation to be inserted in the "seek to" formula. That formulation would require the FSA to take action to try to achieve the objectives in clause 2(3). I agree that that is what we want the FSA to do, and I am grateful to Opposition Members for confirming that that is also how they want the Bill to work. However, that is also the effect of the "have regard to" formula, and the "seek to" wording does not really work with the other provisions of clause 2. It makes no sense, for example, to talk about the FSA "seeking to impose burdens or restrictions on a person" or "seeking to impede or distort competition", regardless of the wording that follows.

The second change that the amendment would make is to require the FSA to seek to ensure that it does not intrude unnecessarily in the commercial affairs of authorised persons—I assume that "such persons" refers to authorised persons. Although that is certainly part of what the principle is about, it is not the only thing. Additionally, I am not convinced that it would be very helpful to spell out the various elements in that manner.

Amendment No. 49 also seeks to address the issue of facilitating innovation, and the desirability of doing so. It would provide that the FSA should seek to ensure that it does not unnecessarily impede innovation. Although that is clearly an important consideration, it is covered adequately by the existing principle in the Bill and by other principles. If the FSA has regard to the desirability of facilitating innovation, it should not do things that unnecessarily impede it.

Earlier, I said that I was sympathetic to the general provisions of Opposition amendment No. 232. Although I ask the House to reject that version of the provision, I repeat my assurance that similar provision will be made—requiring that the director can request only information that is relevant to his investigation, and reproducing a provision on documents currently in the clause—and that, later in the Bill's passage, we shall return to the issue and make changes if we think that they are necessary.

I hope that hon. Members will support the Government's new clauses and amendments in this group and oppose the Opposition amendments.

Sir Michael Spicer (West Worcestershire): Collectively, the Government new clauses and amendments in this group are quite admirable in their intent. The problem is that they are completely in conflict with the majority and thrust of the Bill. Clause 2 lists market confidence, public awareness and consumer protection as the regulatory objectives. Clauses 3 to 6 set out the details of the regulatory objectives. I still do not understand what promoting awareness will mean in practice for the FSA, but clause 5 covers the protection of consumers and specifies that the FSA must have regard to

"the differing degrees of risk involved in different kinds of investment or other transaction . . . the differing degrees of experience and expertise that different consumers may have in relation to different kinds of regulated activity . . . the needs that consumers may have for advice and accurate information".

In other words, the Bill conflicts with the Government amendments and new clauses that we are discussing. It gives the FSA powers to intervene in the market, and even to promote and develop particular products, in the interests of consumer protection.

If the new clauses and amendments are passed, the Director General of Fair Trading will go rushing off to promulgate competition, but he will be pulled back because the Bill will require the FSA to intervene and distort the market—the opposite of competition.

The regulatory regimes that the Government are imposing right across the commanding heights of the British economy use the words—and often the institutions—of the previous, Conservative Administration. The Government amendments use words such as "consumer" and "competition", but they would achieve and impose the opposite of what the previous Government had in mind. The concept of fuel poverty, for example, is no doubt admirable, but it is being imposed as an overriding objective for the electricity regulator. Similarly, Oftel has been burdened with the concept of total coverage, and the Post Office with that of social obligations. Even the FSA is required to engage in the concept of social banking.

Such notions conflict with the objectives that the Conservative Government set for the regulatory bodies. The amendments are a perfect example of how we are seduced into believing that the Bill is about competition rather than its opposite. The intervention proposed in the Bill is the exact opposite of what is proposed in the amendments.

The previous Administration set up the regulatory bodies with competition as the primary objective. When I took the Bill to privatise the electricity industry through Standing Committee, it was clearly understood that competition and the protection of competition was the Bill's primary objective. The Conservative Government privatised the utilities across the board. The intention was that, once they began to benefit from competitive pressure, the regulatory bodies would begin to withdraw and retract. Control of the utilities and the interests of consumers would be left to market forces.

In the electricity industry, for example, the regulatory regime became lighter as competitive pressure built up. However, the exact opposite is happening under this

Government, and that is illustrated by the Bill: as competitive pressures increase, the Government's objectives move away from allowing the marketplace and competition to work and towards greater intervention.

It is precisely because these clauses will be made totally ineffective—I would say because of their hypocritical nature—that I object to them. They form, as the whole Bill forms, part of a panoply of new parallel government which is being set up throughout the commanding heights of the economy. It is socialism by the back door, nationalisation by the back door, and control and intervention by the back door, through the regulatory regime.

Mr. Beard: The clauses that so aggravate the right hon. Gentleman are there to provide for a watchdog over the Financial Services Authority, so that nothing it does unnecessarily impedes competition. That seems to be entirely reasonable. It divides the role on competition between the FSA and the Director General of Fair Trading. I do not understand why the right hon. Gentleman sees such dire consequences arising from what is plain common sense.

Sir Michael Spicer: For the precise reasons that I have given, the entire thrust of the Bill is in opposing directions. The objectives set for the FSA, in particular, are entirely opposite to that of competition. To have a fig leaf in the form of the new clauses will make it extremely difficult for the bodies that exist to oversee the tribunals and the various review arrangements in the Bill for overseeing the FSA. It will be extremely difficult to come to a judgment in terms of the law that we are passing, because the whole thrust of the Bill is in the opposite direction to competition; it is in the direction of protectionism and interventionism. Therefore, at the very best it will make it extremely difficult for the tribunals, other bodies and fair trading organisations to take a view, because, if we pass the Bill, they will face legislation the thrust of which is in opposing directions.

The Bill does not mention competition at all among the objectives of the FSA set out in clauses 2, 3, 4 and 5. I would argue that the objectives are exactly the opposite to competition, for the reasons that I have given.

At the very best, the Bill makes it impossible for the adjudicating bodies—there are one or two points where they are in the Bill—to take a view. At worst, it provides a fig leaf for the continuation of a regime that the Government are setting up across the board of regulation, which has as its objective not competition—though it uses the word often, just as it uses the words "consumer protection" and "consumer"—but the opposite: the imposition of political objectives that have to do with income redistribution, protectionism and interventionism. I object to the new clauses being introduced as a fig leaf for a policy that thrusts in the opposite direction to that which the Government profess.

Mr. Flight: Even the Government must have perceived some of the fundamental truth in the comments of my right hon. Friend the Member for West Worcestershire (Sir M. Spicer). I recollect a conference organised just before Christmas by the Treasury to focus on the arguments about the regulation of mortgages, where it was duly noted that the large players in the industry were asking to be regulated. An ironic comment was made by a certain senior Treasury official.

The large players welcome regulation. It raises the threshold of entry enormously. The innate tendency on regulation is towards consolidation and cartels. This point has been grasped very powerfully by Don Cruickshank, which is why he, like us, has called for the competition theme to be included in the key territory of objectives.

Let me get rid of one Government argument in the other direction, which is invalid. It is nothing to do with the concept of the FSA's being a regulator of competition. It has to do with the simple proposition that the objective of the rules and conduct of the FSA, and the way in which it handles them, should be to avoid doing things which damage either domestic competition or the UK's international competitiveness.

5.15 pm

The Government seek to buy off Don Cruickshank by means of what strikes me as an over-complicated mechanism, proposed in new clauses 27, 28, 29 and 32. The first reference to the proposals was made by the Chancellor of the Exchequer in his green Budget statement. This is yet another example of spin that turns out to be different from the reality. The Chancellor suggested then that the Competition Commission would be established as an independent body to direct the FSA to change rules that were damaging to competition, adding the footnote that the Treasury would have a reserve power.

The Bill, however, makes it clear that the commission will be piggy-in-the-middle between the Office of Fair Trading and the Treasury, and that only the Treasury is empowered to tell the FSA to change rules. Moreover, that power is hedged around. If the Treasury considers that there is a case for retaining a rule that protects consumers in regulatory terms, it will opt for retaining it even if it is uncompetitive.

That brings us full circle. Unless one of the FSA's key instructions from the public via Parliament is that it must do its best not to produce anti-competitive rules and regulations, it will tend to do anti-competitive things. It is ludicrous to set up all this complicated machinery involving the OFT, the commission and the Treasury without giving the FSA the right brief in the first place. While I hope that the machinery will lead to some useful analysis, it will undermine itself unless the FSA is given the right brief. Amendments Nos. 192 and 30 deal with that.

We will not press amendment No. 30, which I confess was tabled in the fear that amendment No. 192 might not be accepted. Amendment No. 192 makes our point. It deals with both domestic competition and international competitiveness, an issue that the OFT/Competition Commission machinery ignores. The United Kingdom's financial services industry has become our biggest employer, biggest exporter and biggest contributor to gross national product.

Sir Nicholas Lyell: When my hon. Friend said that the proposals for the Competition Commission ignored the issue of international competitiveness, the Minister shook her head, suggesting that he was wrong. I believe that he is right. Perhaps he will elaborate.

Mr. Flight: I thank my right hon. and learned Friend. I was about to elaborate.

[Mr. Flight]

The Government seem not to have made provision for what the Opposition want: the establishment of a unit in the OFT to monitor the international competitiveness of British regulations as against those of the United States, France or Switzerland, particularly for international business. Nor have they provided for either the commission, as originally suggested, or the Treasury, to be directed to change rules if they are found to be severely damaging our international competitiveness. I at any rate can find no such provision. I recollect a reference to the Competition Commission having to be aware of international competitiveness, but cannot remember where I saw it.

The huge recovery in Britain's international financial services industry in the past 30 years has rested on extremely competitive tax arrangements, technical ability and software administration. Those are all delicate matters. That is why the Chancellor of the Exchequer has fought so strongly to keep us out of the net of the European withholding tax. That is why the Government will have to change stamp duty arrangements—business will leak away elsewhere if we have an expensive stamp duty.

If our regulation is unclear or too expensive, or if it does not provide clear, safe harbours within its rules, a lot of international business will go to, or go back to, New York and other financial centres. How our regulatory regime compares with others is immensely important to employment and the prosperity of the industry. As Howard Davies has so often said, good regulation is an asset; bad or unclear regulation a liability.

If there is a serious desire to control the inevitable tendency of regulation to lead to a lack of competitiveness and to create cartels and consolidation, the regulator must have an upfront brief as an objective not to do that, which will be as important as his other objectives. We welcome the proposed monitoring, and will see how it goes, but to have such an expensive and complicated mechanism simply to monitor domestic competition and not international competitiveness is to miss out half the key point.

Mr. Cousins: I am following the hon. Gentleman's argument and am studying the proposals in amendment No. 49 extremely closely. If the amendment were accepted, would it encourage the Financial Services Authority or the relevant competition authorities to regulate such matters as, for example, the introduction of charges by bank cartels for access to their cashpoint machines, or would it deter them?

Mr. Flight: I was actually talking about amendment No. 192, the key amendment, which would add competition and competitiveness to the list of objectives. Amendment No. 49, which the Minister has referred to as our "seek to" amendment, is designed to beef up the second part of clause 2, which deals with principles. The phrase "have regard to" in the clause as drafted is extremely woolly. Indeed, although the FSA repeats that phrase in its literature and brochures, it has made it very clear that it views the objectives as far weightier than the so-called principles.

Secondly, I think that the part of the amendment to which the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) may have referred is that which calls upon the regulator not to interfere unduly and unnecessarily in the internal management of businesses. However, it all depends on the justification. If a bank cartel charges in a cartelised fashion, the regulator has every justification for interfering.

Mr. Cousins: May I draw the hon. Gentleman's attention to paragraph (b) in amendment No. 49? Does he understand that as inhibiting the capacity of a regulator or a competition authority to deal with such matters as charging for access to cashpoint machines? The provision would seem to have that effect.

Mr. Flight: The hon. Gentleman is referring to the provision that I mentioned. The amendment calls on the authority not to interfere unnecessarily in the management of the commercial affairs of the businesses or persons whom it is regulating. The provision is clear; in no way would it fetter the activity of the regulator, where the regulator perceives the operation of cartelised pricing practices. Indeed, as I have pointed out, the real problem is that regulation encourages such cartelised practices.

The purpose of the amendment is clear. If the FSA was carrying out its regulatory duty, and if it were set to do its competition duty, it would get on with it. If the authority extended its activities beyond that, as is the tendency of bureaucracies, it would be restrained. Under the provision, competition is required to be an objective; in many cases, the right action of the FSA depends on competition being an objective.

Sir Michael Spicer: The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) wants to intervene, to stop people doing things and to run things by bureaucracy, whereas my hon. Friend is making a brilliant case that it all depends on whether the practice is anti-competitive. If there is a purely commercial judgment, in which transparency comes into charging, that is good, if it would improve competition. My hon. Friend is correct to draw that distinction. Labour Members do not want to make that distinction; they want to interfere come what may.

Mr. Flight: The point is clear.

Mr. Cousins: Will the hon. Gentleman respond to the point made by his hon. Friend the Member for West Worcestershire (Sir M. Spicer)? Is it the policy of the official Opposition that charges should be introduced for access to cashpoint machines, in the interests of transparency of costing?

Mr. Flight: The hon. Gentleman seems to be intervening in a most incoherent fashion. I have made it clear that the policy of the Opposition is, first, in favour of competition, which represents an important protection for consumers. Secondly, in attempting to get the measure right, there is a risk that regulation will damage competition, in exactly the ways to which the hon. Gentleman referred—thus the need for competition as an

objective. Thirdly, as the measure is about checks and balances, it is unreasonable for the regulator to have powers to ferret into businesses, other than where justified under its objectives. If part of its objective is that it is supportive of competition, it would be empowered in the whole matter of banking cartels. The hon. Gentleman may be surprised to learn that the person whom the Government have appointed to examine banking competition, Don Cruickshank, entirely agrees with our views. The compromise is insufficient to achieve his objective of the more competitive banking system that we and the hon. Gentleman want.

5.30 pm

Mr. Beard: Such arguments have been rehearsed before. On each occasion, the case made against including competitiveness as an objective of the Bill is that under the Competition Act 1998 there exists the Competition Commission. To give authority for regulating competition to the FSA in respect of financial matters would mean two organisations regulating one sector of the economy, which could lead to nothing but muddle.

The second argument reflects the importance of competition, which is acknowledged by hon. Members of all parties. It is far more powerful to have a separate watchdog over the FSA's activities that takes steps to regulate competition when a breach occurs than to incorporate safeguards in the organisation that we want to avoid breaching competition.

Those arguments have never been answered by the Opposition in their continual efforts to promote the idea that competitiveness is neglected.

Mr. Flight: The hon. Member could not have been listening. We are not calling for the FSA to regulate competition. We argue that in its rule making, a key objective should be not to regulate in a way that damages competition or international competitiveness but in a way that increases competition. That has nothing to do with the role of a competition regulator. We entirely agree that the Office of Fair Trading and the Competition Commission should cover that territory.

It would be extraordinary to incur the expense and burden of the OFT and commission in monitoring to ensure that the FSA is not making rules damaging to competition if it is not a priority instruction to the FSA to avoid so doing. That is just making jobs for people by having the FSA wrongly briefed. That is a clear answer to the bogus argument about making the FSA a competition regulator.

We are reasonably happy with the machinery, although we question what the Competition Commission adds. We imagine that OFT investigations will be at a more general level and the commission will undertake something more in-depth before passing a recommendation to the Treasury. That would put in another process which might not be entirely necessary; but reviewing competition to secure against anti-competitiveness is a good and sensible objective. We believe that there should be a parallel requirement in respect of international competitiveness. To complete the logic of the scheme, it needs to be made clear to the FSA that its regulation is to be competition friendly rather than unfriendly and competitiveness friendly rather than unfriendly.

Sir Nicholas Lyell: This is the most important debate on Report and we are focusing on the most important subject that is at all controversial. I say, I hope with reasonable humility, that there is serious misunderstanding in this Chamber and the Government of the distinctions between competition and international competitiveness. The roles that the Competition Commission and the Director-General of Fair Trading are being given by the Government—which we welcome—have nothing to do with international competitiveness. I should be grateful if the Economic Secretary would nod to show that she recognises that, and to show that she recognises that they are concerned with the avoidance of distortion of or interference with competition in the UK market. That is their function under the Competition Act 1998.

Those bodies have two main functions—the avoidance of cartels and anti-competitive agreements, and the avoidance of businesses being able to exploit dominant positions. It is desirable that nothing in the regulatory system that the Bill proposes should distort competition within the UK. That much is desirable, and I support the Government's new clauses on that matter.

That is not the issue between the Government and the Opposition.The issue is the promotion of the UK market and its international competitiveness with the United States, Japan, France and Germany. It is important to decide whether, as we say in amendment No. 192,

"the maintenance of competition and promotion of UK competitiveness"

should be made an objective in the Bill. We say that it should, as that is fundamental to the success of the City of London and of the financial services industry that the FSA will regulate. That will be to the benefit of consumers here and worldwide.

If we have a healthy, vigorous and competitive market, consumers in this country are likely to get better value. I should have thought that, with new Labour, there could be agreement that vigorous competition is, in the end, the best regulator. It should not be the only regulator—we are not arguing for that. However, it is the best of all, and I am pleased to see that the Economic Secretary and the Financial Secretary agree with that sentiment. What follows from that common recognition is that that matter should be an objective under the Bill. We should not deceive ourselves.

Miss Melanie Johnson *indicated dissent.*

Sir Nicholas Lyell: The Economic Secretary is now shaking her head, but I ask her to listen for a moment. Why is it not good enough that the proposal is simply what is described, rather grandiosely, as a principle under clause 2(3)? Why is it necessary—in my opinion and that of my hon. Friends—that it should be an objective in clause 2(2)? This is fundamental to the structure of the Bill and to what we are seeking to create.

There is an important difference in the wording between clause 2(2), which deals with the objectives, and clause 2(3). Clause 2(1) states that the FSA must

"so far as is reasonably possible, act in a way which is compatible with the regulatory objectives".

Clause 2(2) sets out the objectives, and clause 2(3)—which deals with what some have called the principles—says that the FSA must "have regard to" the principles.

[Sir Nicholas Lyell]

Paragraphs (d) and (e) are the key. Paragraph (d) refers to

"the desirability of facilitating innovation in connection with regulatory activities",

and paragraph (e) refers to

"the international character of financial services and markets and the desirability of maintaining the competitive position of the United Kingdom".

We must recognise how much weaker the words "must have regard to" are when compared with the words

"must, so far as is reasonably possible, act in a way . . . which is compatible",

which are used about the objectives. The words relating to the objectives are intended to be stronger—and they are stronger. The fact that they are intended to be stronger means that each of the four objectives that are set out in clause 2(2) is specifically analysed and expanded upon in clauses 3, 4, 5 and 6.

The objectives are market confidence, public awareness, the protection of consumers and the reduction of financial crime—all worthy objectives which we support. However, it must be remembered that all those objectives will tend to increase the weight of regulation and the requirement on the authority to ensure that it—I almost said darned well—regulates.

Clause 2(3) then tells us that the authority must have regard to other desirable aims, including our international competitiveness. However, that is put too low. The Minister replied with a carefully crafted portion of her speech. I realise that it was rightly pored over by her advisers. She said that the Government had reconsidered everything and thought that it was right and adequate simply to mention the competitive position of the United Kingdom as something to "have regard to". That puts the aim far too low.

Let me meet what might be the counter argument. One could argue that if maintaining our competitiveness was an objective, it would make the other four objectives impossible to achieve. That argument does not hold water. If one had five objectives instead of four, with the maintenance of the competitive position of the United Kingdom as one of them, one would set exactly the right balance. In a sense, one would lift a little bit of responsibility off the FSA. If the FSA under-regulates at present, it can be criticised for failing to meet its objectives. However, if it over-regulates, it will at least meet them. If one points out that it does not have regard to the desirability of international competitiveness, it will say that it paid regard to that, but that it had to strike a balance. That will result in over-regulation.

Why is that approach damaging? I want to refer to a speech made recently by the Lord Mayor of London, when he described in simple statistical terms the relative competitive positions of the City of London and of our competitors in New York, Frankfurt, Tokyo and so on. If London had a base figure of 100, the costs of doing business in New York were said to be 117; in Japan 134; in Paris 154; and in Frankfurt 163. Two things threaten our competitive position. One of them is stamp duty and the other is the burden of regulation. Everyone should have regulation, but over the past few months we have been thinking about—and I know that Ministers have—how we can make regulation not too expensive and burdensome. That is the balance that we must get right. Clause 2 sets the scene and it would be a better clause if it put the objective of our international competitiveness upfront and not down among the things that we must have regard to.

Mr. Cousins: I remind the right hon. and learned Gentleman that the first of the regulatory objectives set down by the Government is market confidence, a concept which embraces both competition and competitiveness. If the Opposition's new regulatory objective were added, what would a regulator do to deal with a bank that had inadequate capital, but was trading both in the UK and abroad? In that case, the regulator would be faced with a conflict of objectives. That would be wrong. The regulator should focus on market confidence as the single most important objective embracing both competition and competitiveness. It should judge its actions in the light of the need to protect market confidence and not be confused by any other consideration.

Sir Nicholas Lyell: The hon. Gentleman might be right in one part of his intervention; I shall wait to find out whether Ministers think that he is. If he is, he has sold the pass—I withdraw that remark, which is not a kindly way of expressing myself. However, he is wrong in the other part of his intervention. If market confidence includes our international competitiveness, it is plainly acceptable to put that up among the regulatory objectives. Therefore, I am delighted to have the hon. Gentleman's support.

Mr. Tyrie: The Bill clarifies the meaning of "market confidence" in clause 3, which states:

"The market confidence objective is: maintaining confidence in the financial system."

That is a matter of systemic risk—making sure that the financial system is not imperilled and does not collapse. It has no bearing on whether the financial system is more or less competitive, and no reasonable reading of clause 3 would ever lead one to suppose that it did.

Sir Nicholas Lyell: My hon. Friend is entirely right. Unfortunately, although I would like to think that the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) has made a point with which Ministers can agree, I do not believe that he has.

I do not think that there would be any serious problem with disciplining an undercapitalised player in the market. The fact that the FSA had to consider as an objective our international competitiveness could not possibly inhibit its putting out of business a player who lacked sufficient capital. Nothing could damage the UK's international competitiveness more swiftly than significant players in the UK market going down the drain for lack of capital.

The amendment of the Bill in this respect is the most important point that we shall discuss today. I should like to think that Ministers will offer to go away and reconsider the matter, and I am quite happy that they should agree to do so without obligation. It is highly desirable that they should think again, even if correction has to wait until the Bill is debated in another place.

Mr. Timms: Amendment No. 192 refers to

"the maintenance of competition and promotion of United Kingdom competitiveness."

However, the right hon. and learned Gentleman has concentrated so far on the competitiveness aspect. Does he envisage greater importance attaching to that than to competition, which has previously appeared to be the main focus of Opposition concern?

Sir Nicholas Lyell: That brings us back to a matter of language, and I am grateful to the Financial Secretary for enabling me to clarify the position.

As I understand his remarks, the hon. Gentleman uses the word "competition" to mean competition within the United Kingdom as regulated, supervised and controlled by the Competition Commission, the Director General of Fair Trading, and so on. That is important, but that was never the key thrust of the Opposition's concerns regarding competitiveness; obviously, we failed to make our point.

There was a period—it may even have extended into this debate—when "competition" and "competitiveness" were used interchangeably. There may have been room for confusion. We support what the Government are doing vis-à-vis the non-distortion of the market by the anti-competitive effects of regulation within the UK market. That is good and detailed and it has my support. However, it does not meet our overall concern, which is that the burden of regulation and the manner of it could damage our international competitive position. That is where further thought is needed, and that is where the Bill needs to be adjusted.

Sir Michael Spicer: I may have misheard one of my right hon. and learned Friend's earlier remarks, but I thought I heard him say that the best regulator was competition in the first sense in which the Minister gave it. I understood my right hon. and learned Friend to say that that was at least as important in terms of regulation as international competitiveness.

Sir Nicholas Lyell: My hon. Friend is right. Again, we are into the matter of language. The best regulator is competition in that it keeps businesses up to the mark and makes them provide better products. It possibly makes it less, rather than more, likely that people will be charged for using their access cards in various machines. Competition is plenty of good, healthy businesses competing with one another. It does not matter whether the business is a United Kingdom bank or an American or Japanese bank. In one sense, the healthy effect of competition is the best regulator. However, there is common ground between us that we need regulation as well. That is the subject of the Bill, and in this instance we are discussing the objectives that should be put to the regulators.

I am arguing, in accordance with amendment No. 192, that we should make as part of the objectives not only competition in the internal UK sense in which the Minister and I understand it, but our international competitiveness. That is deeply important.

Mr. Beard: The right hon. and learned Gentleman has introduced the international dimension to the debate. Will he say what would happen to the FSA if it went into international negotiations to establish an international regulatory arrangement, if it had at the centre of its objectives the maintenance of competition and promotion of United Kingdom competitiveness? Those with which it was negotiating would say immediately, "This country is not negotiating to establish the integrity of international financial arrangements. It is negotiating to give the United Kingdom a strong competitive edge." The negotiations would therefore fail.

Sir Nicholas Lyell: The hon. Gentleman is probably wrong about that, but in any event it is not what we are discussing. If we were setting up an international regulatory system, which is not what we are doing—you will call me to order, Mr. Deputy Speaker, if I go on too long about this—but which to some extent we have under European directives, our objective would at least be to ensure that the international competitiveness of the United Kingdom would not be damaged by that system. The hon. Gentleman can go along with me to the extent that it should be one of our objectives to safeguard—I think that "promote" is a perfectly fair word—our international competitiveness. I understand the point that the hon. Gentleman is making, but I think that he makes too much of it.

I stand by the desirability, as I thought we all did, of the United Kingdom financial services market being highly competitive. That is our objective. I shall conclude with the words of Don Cruickshank in his letter to the Chancellor of the Exchequer of 22 July 1999. When asked to look at the international position vis-à-vis the banking sector, he made the following point:

"Our priority should be to develop a strategy for striking the optimal balance between competition and necessary regulation. In the search for a higher sustainable growth rate for the UK beyond a stable low inflation macro-economic climate, there is in my view nothing more worth while for government to do than to get this balance right."

At the moment we have not got it right, and our new clause would help us to do so.

Mr. Tyrie: It is annoying to speak after my right hon. and learned Friend because one always finds that he has stolen a little of one's thunder. I had intended to quote the same passage from the Cruickshank report. However, I am sure that I shall find other passages on which to draw.

The absence of a countervailing pressure on the FSA to set against the urge to regulate lies at the heart of the our anxieties about the Bill. We have said from the start that stronger provisions to inculcate competition and encourage international competitiveness should be included in it. Despite the Government's new clauses, such provisions will remain lacking.

There are three major lacunae. First, the FSA's overwhelming incentive will be to watch its back so that no one accuses it of failing to regulate strongly enough. When Conservative Members said that in Committee, we were accused of simply representing City interests. However, the consumer will pay for excessive regulation to ensure that the FSA watches its back. The consumer always pays when competition is eroded through increased regulation. The failure to strike a balance between regulation and competition, to which my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) alluded, is a central weakness in the measure.

[Mr. Tyrie]

The second lacuna relates to the point that my hon. Friend the Member for West Worcestershire (Sir M. Spicer) made a moment ago. It is not sufficiently well understood that competition acts as a regulator. It is often the best regulator. That applies especially to new entrants into a market. The scope for new entry into a market is especially vulnerable to high levels of regulation because the detailed knowledge that is required to get into a market inhibits new entrants. However, new entrants often create greater competition—that is the so-called theory of creative destruction that Schumpeter propounded in the 1930s. He argued that competition was not necessarily achieved through lower prices, but through people entering markets and offering new and better products.

My right hon. and learned Friend the Member for North-East Bedfordshire alluded to the third lacuna. It is competitiveness, on which the Bill is almost silent. The Financial Secretary to the Treasury asked an important question, and was thinking his way through to the answer as he listened to my right hon. and learned Friend's response. Improved competition will almost always lead to improved economic performance, but better regulation may make no difference. Indeed, competitiveness could be eroded by regulation that is introduced to ensure that there is no miscreant or bad apple in the barrel. That trade-off goes to the heart of our anxieties.

The Government's response has been to deny the fact that there is a trade-off between regulation and economic performance. They claim that perfect regulation will lead to maximum probity and credibility in the market, and to respect for the product from consumers and foreign counterparts. According to that theory, there is no need for checks and balances in the system because there is a happy coincidence of interests between optimal regulation for the prevention of financial crime and misdemeanours, and optimal economic performance. Regrettably, that is not the case. There is a tension between those two objectives and the FSA will have to deal with it—day in, day out. Our concern is that that balance has not been addressed properly by the Bill, which is why we have tabled amendments so vigorously. We believe that the FSA must be required by statute to take that trade-off fully into account, and the only way to achieve that is by including competition in the Bill as an objective.

6 pm

Cruickshank's report is important in that respect. I do not know the official Opposition position on it, but I think that it is an outstanding and brief exposition that anyone interested in these matters should read. It talks about striking the right balance—the very balance to which I have alluded. Cruickshank made that a sub-heading of the document and his letter to the Chancellor described the trade-off between the objectives of regulation and economic performance, but I will not detain the House by reading the passage out.

The question of whether the Government's new clauses respond adequately to the Cruickshank report and take those concerns into account is crucial. They were tabled only a few days ago. As they deal with the heart of what we have been discussing for months and months, it would have been immensely helpful had they been tabled earlier. The report was published in July, but the competition clauses were not dealt with in Committee until November, so although the Government had ample time, they waited until the Bill was on Report to table new clauses. Conservative Members, the House, the City and the industry all regret that.

How far have the Government gone towards meeting Cruickshank's six recommendations? I shall not go through them all, but should refer to two. The most important recommendation is the first. The report unequivocally states:

"the FSA should have a primary competition objective, in addition to its regulatory objectives."

It forms the second, emboldened paragraph of annexe 3—it is crucial. Cruickshank says, more or less, that unless it is implemented, all his other recommendations, whether implemented or not, will be mere sticking plaster to patch up something that will inevitably be inadequate and second best. On page 13, he says:

"Getting the regulator's primary statutory duties right is essential . . . A competition objective that is weak relative to the regulator's other objectives is unlikely to be delivered effectively."

He makes it clear that his other recommendations would be far less effective without that central objective, but that is exactly the route the Government have taken. They have left competition as a principle and introduced changes to the competition regime without including it in the Bill as a central objective, although they have moved on Cruickshank's other recommendations, reducing the extent of the financial sector's exclusion from general United Kingdom competition law and strengthening Office of Fair Trading oversight. There has been some progress.

The Government have failed to take up Cruickshank's unequivocal recommendations on a further crucial question. The report said that the Competition Commission's findings, not those of the Treasury, should be the final arbiter. I remain concerned that the revised new clause leaves much more discretion to the Treasury than initially appears to be the case. The Minister has gone some way towards assuring me about subsection (3)(a), but I remain concerned about the wording and about what "exceptional circumstances" could be taken to mean.

The Treasury can decide that there are exceptional circumstances, so that it can overrule—

Miss Johnson *indicated dissent.*

Mr. Tyrie: The Minister shakes her head as if I am getting this wrong. If I am wrong I should be grateful if she would clarify where in the Bill "exceptional circumstances" are explicitly limited so that we can be sure of what the phrase means. Can she do that and go beyond the mere assurances that she has already given us?

Miss Johnson: Briefly, I have described how "exceptional circumstances" are to be regarded. I gave the assurance that any reason why the Treasury had to override any proposal or report would be laid before the House and we would expect debate on it. I covered that fully in my earlier remarks.

Mr. Tyrie: What assurance do we have that the Treasury cannot define "exceptional circumstances" widely? All we have are the Minister's assurances. We do

not have any statutory limitation to the exercise of the Treasury's power in this area. I hoped that there would be and I remain concerned about the drafting of new clause 29 as a consequence.

The Government's new clauses remain out of kilter with Mr. Cruickshank's central demands. He demanded that the Treasury be kept out of this altogether, but that is not what we have. He said that we should avoid a blurring of responsibility for the delivery of the competition objective, but we have blurring. The competition objective is weakly included in the FSA statement of principles. The OFT is to play a major role, the Competition Commission is to be an appeals system and the Treasury has the power of override, limited by the phrase "exceptional circumstances" which is as yet untested.

If the Minister is to reply, I should be grateful if she could clarify one point. As I understand it, under the Competition Act 1998, a ruling by the Competition Commission may go to appeal on a point of law. Would the FSA have the right to appeal against a Treasury ruling in the event of there being a dispute on a point of law, or is the FSA excluded from access to the courts in this area?

More generally, I remain concerned that Cruickshank's primary recommendations have been wholly ignored. As he himself makes clear, without that first basic building block of competition as a primary objective, most of his other recommendations will be difficult to implement. Furthermore, in the long run, the dynamic effects of the inadequate treatment of competition could be profound for the City. He points to the danger of damage to the City through inadequate consideration of the dynamic effects of weakened competition.

Finally, as my right hon. and learned Friend the Member for North-East Bedfordshire said a moment ago, the FSA is required to have no more than "regard to" the United Kingdom's competitive position. That is hopelessly inadequate. Of all the provisions in the Bill, that is the one that I hope we will find legislative time to put right when we return to power, which we will.

Miss Johnson: It will happen a long time from now, then. It has been difficult at times to understand whether the Opposition's view is that competition should become an objective, or that competitiveness should. Conservative Members have each advanced different arguments. I am left uncertain as to what the official Opposition view is. May I explain the Government's view?

Mr. Flight *rose—*

Miss Johnson: Clearly, I am about to get clarification. I am grateful to the hon. Gentleman.

Mr. Flight: Amendment No. 192 sets out that which we wish to add as an objective: competition and competitiveness.

Miss Johnson: The amendment sets out what the hon. Gentleman wishes to do, but I am still not clear what Conservative Members' real position is and what the real Opposition view is. Let me tackle both questions.

If competition is an FSA objective, it will, in effect, become another competition authority. It will also have competing objectives. In the event of conflict, it would go either down a particular path, or down no particular path, under certain conditions. It will leave the FSA in considerable difficulty as it carries out the objectives. It is not appropriate for competition to be an FSA objective.

I endorse the enthusiasm with which the hon. Member for West Worcestershire (Sir M. Spicer) pushed for recognition of the importance of competition and competitiveness. The Government recognise both the importance of competition and the value of competitiveness. We think that they are both important. None of us in the Chamber disagrees about that. We disagree about what the effect of including competition in the FSA's objectives would be and what the effect is of where it appears: under the principles in clause 2(3). We looked at the matter at considerable length. We responded to the Cruickshank review in July. A press release was issued when the matter was discussed in Committee in November. Don Cruickshank said:

> "I am not wedded to any particular means of achieving this, and I will welcome any changes to the Bill which deliver the outcome in practice."

The only issue has been how to deliver that in practice. There is no disagreement about the fact that competition is important and must be an issue that the FSA has regard to in all its dealings as a regulator.

Sir Nicholas Lyell: The Minister said that if competition and competitiveness were made an objective, it would make the FSA a competition regulator and a competition authority. Will she please reconsult her advisers and inform herself that that is nonsense? It would have no such effect. It would not put the FSA into the position of the Competition Commission, which seems to be what she fears. It would do what I am pleased to hear there is common ground about: put the competitiveness of the UK financial service markets in the Bill as an objective.

6.15 pm

Miss Johnson: I do not agree with the right hon. and learned Gentleman on that, and I shall not change my comments on the matter. We already have a body whose prime responsibility is to ensure that competition is engaged in wholeheartedly in all sectors of the economy, and that body is the Competition Commission. The commission, not the FSA, has that role and those functions. The Government do not disagree with his point that the FSA must have regard to competition. As I said, we considered different formulations of "regard to".

Sir Nicholas Lyell: The Minister said that she disagrees with what I have said. Will she examine the record, write me a letter explaining why she disagrees, and place a copy in the Library?

Miss Johnson: I shall consider the right hon. and learned Gentleman's request, although I am not sure that any useful purpose would be served by my complying with it.

As I explained, if there were a better formulation of "must have regard to", it is certainly not "seek to", as that would weaken the provision's force.

We have considered how best to address the competition issue in the formulation of the Bill's wording. As clause 2(3) states, in conducting its business, the authority must have regard to various specified principles. We believe that the strength of the injunction and the duty

[Miss Johnson]

imposed on the authority by the subsection will ensure that, in seeking to achieve its objectives, the authority will give full consideration to all aspects of its duty, including the particularly contentious issue of competition and competitiveness.

Sir Michael Spicer: I am grateful to the Minister for giving way, not only because of the lateness of the hour, but because, earlier she said that she was on my side—which seemed to worry the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) a bit. However, if there are various bodies with different objectives, how will we decide who should win?

Miss Johnson: We drafted the clause with that in mind.

Many hon. Members expressed an interest in the United Kingdom's international competitiveness. Clause 2(3)(e) provides that, in performing its duties, the authority must have regard not only to competition, but to

"the international character of financial services and markets and the desirability of maintaining the competitive position of the United Kingdom".

That requirement has now been encapsulated and included in the principles governing how the FSA does its business. It also addresses the issue of whether it is appropriate to impose such an obligation on the FSA. Some aspects of competitiveness are the Government's responsibility. There are aspects of competitiveness that are the industry's responsibility. The Bill encapsulates the responsibilities of the FSA in that regard.

The hon. Member for Arundel and South Downs (Mr. Flight) called the Competition Commission the piggy-in-the-middle in this matter. That is most unfair. The Competition Commission will take the place occupied by Ministers in the competition scrutiny regime. It, rather than Ministers, will take the final decision on whether a rule or practice is anti-competitive, or whether it is justified. The commission's decision will stand and will be put into effect, unless exceptional circumstances—some of which I set out earlier—lead Ministers to a different conclusion. Far from being the piggy-in-the-middle, the Competition Commission will be the final arbiter of competition matters.

Finally, several hon. Members have said how important it is to get the right balance between competition and competitiveness, and regulation. All have their proper role to play, but it is misleading to suggest that good regulation is anything other than an asset. The circumstances governing the competitiveness of the City of London are important, but so is the very good regulation in the UK, which continues to assure the City's position in the global market.

Sir Nicholas Lyell: The Minister is disagreeing with Don Cruickshank, the whole point of whose report was to tell the Government that the "have regard to" formula in clause 2(3), on which she is relying, is too weak. The report called on her to extend the regulatory functions in clause 2(2) to cover the requirements set out in clause 2(3).

Miss Johnson: As I said earlier, in his comments on his interim report and the Bill, Don Cruickshank said that he was not wedded to any particular means of achieving the balance between competition and competitiveness. We do not believe that the Opposition amendments would be useful in that regard, whereas we consider that the Government amendments will achieve the balance that we seek. They give full force to the role of competition when the FSA considers how it should perform its business.

I commend the measures to the House.

Mr. Heathcoat-Amory: The debate has been about a fundamental aspect of the Bill that goes to the core of what the FSA is set up to do. The Minister's responses have not measured up to the importance of the subject, and there has been no real attempt to answer the many questions of Opposition Members.

The Liberal Democrats tabled one sad little amendment that was not selected. That lack of enthusiasm is not surprising: almost no Liberal Democrat Members turned up to the sittings of the Standing Committee, which ran from last July to just before Christmas. Given that they could find no one to man the Benches then, it is hardly surprising that none has intervened in the debate. But given that that party is inclined to lecture the rest of us about the need for parliamentary scrutiny and all the changes it wants to improve it, it is treating the House with some contempt when it does not bother to put in the hours and the work to hold the Government to account on a Bill of this importance.

The Minister started her last speech rather unfortunately by saying that she was not clear whether we supported competitiveness or competition, when it is perfectly clear in our amendments, particularly amendment No. 192, that it is both. All my right hon. and hon. Friends who have spoken have made perfectly clear their concerns about both. If the hon. Lady has not understood our position on that, she cannot have been listening to us.

It is really quite simple: we want to elevate the importance of competition at home and the maintenance of international competitiveness to being an objective of the FSA. At present they are referred to as principles to which it must have regard. We are trying to do so on behalf of consumers at home, who will be better protected by a fully competitive market, and the million or so people who work in the industries concerned, whose jobs depend on maintaining international competitiveness.

This is a vulnerable, fragile market in a ferociously competitive global environment. Nothing that the regulator does must needlessly undermine that competitiveness. Therefore, it is essential that it be elevated from being simply a principle to which the authority must have regard to an objective that must be pursued. That is why Mr. Cruickshank in his report emphasised the importance of making competition an objective in the Bill.

Instead of that comparatively simple approach, the Government now wish to erect a fantastically complicated bureaucratic system, whereby supposed inadequacies in the Bill and in the way in which the FSA exercises its authority on this subject are referred to the Director-General of Fair Trading, then to the Competition Commission and then to the Treasury, which will have the final say, and then back to the authority to make the changes. How much better it would be to put in the Bill the duty, the obligation, the requirement, the objective of competition so that the FSA can do it right at the start.

Sir Nicholas Lyell: Does my right hon. Friend agree that this is all pointless on the key question

of international competitiveness, because under the Competition Act 1998 none of these important bodies has any role in that repect whatsoever?

Mr. Heathcoat-Amory: My right hon. and learned Friend reminds me of that essential point. International competitiveness is nothing to do with the authority's duty, so that would go entirely by the board.

Mr. Cousins *rose—*

Mr. Heathcoat-Amory: I hope that the hon. Gentleman will forgive me if I do not give way. I am concluding.

To express our dismay over the way in which the whole issue of competition has been handled, we shall divide the House on new clause 27, as a mark of our suspicions and doubts not only about the new competition authority, but, more important, about the Government's wholesale rejection of our alternative approach, which would be simple and which has the support of outside commentators and experts, including Mr. Don Cruickshank. We believe that a Division is essential to demonstrate those points.

Question put, That the clause be read a Second time:—

The House divided: Ayes 282, Noes 124.

Division No. 53] **[6.28 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atkins, Charlotte
Austin, John
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Burden, Richard
Burnett, John
Campbell, Alan *(Tynemouth)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Cranston, Ross
Cryer, John *(Hornchurch)*
Curtis–Thomas, Mrs Claire
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hoey, Kate
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marshall, David *(Shettleston)*
Marshall–Andrews, Robert
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moore, Michael
Moran, Ms Margaret
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Reed, Andrew *(Loughborough)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian

Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Starkey, Dr Phyllis
Steinberg, Gerry
Stinchcombe, Paul
Stoate, Dr Howard
Stunell, Andrew
Taylor, Ms Dari *(Stockton S)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverhton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. David Jamieson and
Mr. Gerry Sutcliffe.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, Rt Hon James
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Keith Simpson and
Mr. John Randall.

Question accordingly agreed to.

Clause read a Second time, and added to Bill.

New Clause 28

CONSIDERATION BY COMPETITION COMMISSION

".—(1) If the Director—

(a) makes a report under section (*Reports by Director General of Fair Trading*)(2), or

(b) asks the Commission to consider a report that he has made under section (*Reports by Director General of Fair Trading*)(3),

the Commission must consider the matter.

(2) The Commission must then make its own report on the matter unless it considers that, as a result of a change of circumstances, no useful purpose would be served by a report.

(3) If the Commission decides in accordance with subsection (2) not to make a report, it must make a statement setting out the change of circumstances which resulted in that decision.

(4) A report made under this section must state whether, in the opinion of the Commission—

(a) the regulating provision or practice which is the subject of the report has a significant anti-competitive effect, or

(b) the regulating provisions or practices, or combination of regulating provisions and practices, which are the subject of the report have such an effect.

(5) A report under this section which states that, in the opinion of the Commission, there is a significant anti-competitive effect must also—

(a) state whether the Commission considers that that effect is justified; and

(b) if it states that the Commission considers that it is not justified, state its opinion as to the action, if any, that ought to be taken by the Authority.

(6) Subsection (7) applies whenever the Commission is considering, for the purposes of this section, whether a particular anti-competitive effect is justified.

(7) The Commission must ensure, so far as that is reasonably possible, that the conclusion it reaches is compatible with the functions conferred, and obligations imposed, on the Authority by or under this Act.

(8) A report under this section must contain such an account of the Commission's reasons for—

(a) any opinion which it has expressed in the report, and

(b) if it has reached a conclusion on whether a particular anti-competitive effect is justified, that conclusion,

as is expedient, in the opinion of the Commission, for facilitating proper understanding of that conclusion or opinion.

(9) Schedule (*Role of Competition Commission*) supplements this section.

(10) If the Commission makes a report under this section it must send a copy to the Treasury, the Authority and the Director.".—*[Mr. Timms.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 29

ROLE OF THE TREASURY

".—(1) This section applies if the Competition Commission makes a report under section (*Consideration by Competition Commission*)(3) which states that in the opinion of the Commission there is a significant anti-competitive effect.

(2) If the Commission's opinion, as stated in the report, is that the anti-competitive effect is not justified, the Treasury must give a direction to the Authority requiring it to take such action as may be specified in the direction.

(3) But subsection (2) does not apply if the Treasury consider—

(a) that, as a result of action taken by the Authority in response to the Commission's report, it is unnecessary for them to give a direction; or

(b) that the exceptional circumstances of the case make it inappropriate or unnecessary for them to do so.

(4) In considering the action to be specified in a direction under subsection (2), the Treasury must have regard to any opinion expressed by the Commission when it complied with section (*Consideration by Competition Commission*)(5)(b).

(5) Subsection (6) applies if—

(a) the Commission's conclusion, as stated in its report, is that the anti-competitive effect is justified; but

(b) the Treasury consider that the exceptional circumstances of the case require them to act.

(6) The Treasury may give a direction to the Authority requiring it to take such action—

(a) as they consider to be necessary in the light of the exceptional circumstances of the case; and

(b) as may be specified in the direction.

(7) The Authority may not be required as a result of this section to take any action—

(a) that it would not have power to take in the absence of a direction under this section; or

(b) that would otherwise be incompatible with any of the functions conferred, or obligations imposed, on it by or under this Act.

(8) Subsection (9) applies if the Treasury are considering—

(a) whether subsection (2) applies and, if so, what action is to be specified in a direction under that subsection; or

(b) whether to give a direction under subsection (6).

(9) The Treasury must—

(a) do what they consider appropriate to allow the Authority, and any other person appearing to the Treasury to be affected, an opportunity to make representations; and

(b) have regard to any such representations.

(10) If, in reliance on subsection (3)(a) or (b), the Treasury decline to act under subsection (2), they must make a statement to that effect, giving their reasons.

(11) If the Treasury give a direction under this section they must make a statement giving—

(a) details of the direction; and

(b) if the direction is given under subsection (6), their reasons for giving it.

(12) The Treasury must—

(a) publish any statement made under this section in the way appearing to them best calculated to bring it to the attention of the public; and

(b) lay a copy of it before Parliament.".—*[Mr. Timms.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 32

MISLEADING THE DIRECTOR GENERAL OF FAIR TRADING

". Section 44 of the Competition Act 1998 (offences connected with the provision of false or misleading information) applies in relation to any function of the Director General of Fair Trading under this Act as if it were a function under Part I of that Act.".—*[Mr. Timms.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

RESTRICTIONS ON POWERS OF TREASURY

"(1) Where given power under this Act to make regulations or orders, the Treasury shall not exercise those powers so as to impose restrictions or requirements which are likely to have any of the relevant effects, except to the necessary extent, and shall disapply, limit or relax restrictions or requirements imposed by or under this Act so as to seek to ensure that they are likely to have the relevant effects only to the necessary extent.

(2) The relevant effects are: impairing, impeding, restricting or distorting competition or innovation.

(3) The necessary extent is: the extent necessary to protect actual or potential consumers and financial markets or exchanges or to maintain confidence in the financial system.

(4) Competition is: the international competitiveness of the United Kingdom, the financial system or UK persons and competition between authorised persons.

(5) 'Consumers' has the same meaning as in section 5.

(6) 'The financial system' has the same meaning as in section 3.

(7) 'UK person' means a person whose registered office (or, if he does not have a registered office, whose head office) is in the United Kingdom.".—*[Mr. Heathcoat-Amory.]*

Brought up, and read the First time.

Mr. Heathcoat-Amory: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this it will be convenient to discuss amendment No. 52, in clause 372, page 194, line 37, leave out—

"other provision of this Act"

and insert—

"provision of this Act other than section *(Restrictions on powers of Treasury)*."

Mr. Heathcoat-Amory: The new clause and amendment No. 52 are important because they would restrict the power of the Treasury. The Bill would subject the FSA to certain restrictions. As we have heard in a previous debate, the authority would be given objectives and principles to pursue and by which it would have to abide. However, those provisions would not be binding on the Treasury.

The Treasury has considerable powers under the Bill. In earlier debates, some Labour Members complained about the Treasury's power of appointment over certain

[Mr. Heathcoat-Amory]

individuals and members of the authority itself. If those hon. Members believe that the Treasury should be constrained in the exercise of its powers, they have the chance to join us in supporting a new clause and an amendment that would do so.

The Treasury has major powers; for example, to grant exemptions under the financial promotion regime, and to specify what are regulated activities. Furthermore, it can exempt professional firms, such as lawyers and accountants, from the provisions of the Bill.

Those wide-ranging powers are best summed up and illustrated by clause 372, which is the subject of the new clause and the amendment. Clause 372 states:

"The Treasury may by order make such incidental, consequential, transitional or supplemental provision as they consider necessary or expedient for the general purposes, or any particular purpose, of this Act or in consequence of any of its provisions or for giving full effect to it."

That is a Henry VIII clause. The Treasury is given the power to alter primary legislation by the use of orders.

We have debated the inadequacy of the scrutiny of the House in respect of such orders, so it is important further to constrain the Treasury in that regard. Even Henry VIII would have been jealous of clause 372. Henry VIII clauses are so called because in 1539 Parliament passed the Act of Proclamations, which authorised the use of proclamations as an alternative to statute law. I do not know the circumstances in which that Act was passed. I imagine that Parliament felt it was better to regulate matters in some way, even though it could hardly have approved of that exercise of authority by the king.

Proclamations issued by the king were always fairly minor and never affected life or property, whereas the orders that can be brought forward under the Bill may affect property in the form of people's money and investments. Proclamations in the middle ages were generally not enforced or the courts were reluctant to enforce them, whereas the Bill will be rigorously enforced. *[Interruption.]*

Mr. Deputy Speaker: Order. There is a great deal of private conversation in the Chamber and beyond the Bar of the House. Perhaps hon. Members will come to order and allow the right hon. Gentleman to continue.

Mr. Heathcoat-Amory: Clause 372 goes wider than any of the powers available to Henry VIII. It is important that the House wakes up to the potential for, if not abuse, at least the possibility that this primary legislation could be altered by orders and statutory instruments in a way that goes entirely unscrutinised.

New clause 1 makes it clear that orders must not restrict competition beyond protecting consumers or pursuing the Bill's other objectives. That would be a useful counterbalance to the inevitable tendency of all regulators to over-regulate and of all regulatory systems to end up with excessive costs and regulation. The Government were reluctant to accept any of our earlier amendments for elevating competition to one of the Bill's objectives. This proposal is a useful alternative and I commend it to the House.

Mr. Timms: I understand the thinking behind new clause 1 and have some sympathy with what it seeks to achieve. It is certainly not our practice or intention to make regulations that would in any way damage competition, competitiveness or innovation.

There are a number of difficulties with new clause 1. At the heart of the problem is that its effect could not be determined until the Bill's powers were exercised. The European Union has some jurisdiction over matters covered by the Bill. Much of the Bill, to a greater or lesser extent, delivers on or is constrained by EU directives and treaties. We are required, for example, to bring within the scope of regulation any activities covered by insurance directives—life and non-life—that are undertaken by qualifying institutions. The same is true of investment and banking. We have no choice in the matter, so the new clause could cause difficulties.

Another example is where the purpose of the regulations might not properly be described as protecting consumers or maintaining confidence, but there was some other good reason for proceeding. The most obvious example is exercising powers in a way consistent with the FSA's objectives under the Bill that would prevent financial services business in the UK being used in connection with financial crime. That is not provided for in the new clause.

The right hon. Member for Wells (Mr. Heathcoat-Amory) referred to the breadth of clause 372, but his fears are not well founded. It is clear that the power is to make "incidental, consequential, transitional and supplemental provision" to deal with minor things where it is necessary or expedient for the purposes of the Bill, or to give effect to it. I do not agree that Henry VIII would have been envious of that power, as the right hon. Gentleman suggested.

Mr. Tyrie: Will the Minister give way?

Mr. Timms: No, I must press on.

I hope that I have been able to set out some of the difficulties with the Opposition's proposal. The Bill has been carefully formulated to ensure that the extent of the Treasury's powers is clear. It is not our intention to impose any more burdens on firms than is necessary, and wherever possible, we consult on proposals to make regulations so that those affected by them have an opportunity to comment on and influence them. The powers in the Bill are no different from the order and regulation powers under any other Act of Parliament, and I hope that that gives Opposition Members the reassurances that they seek.

Mr. Flight: The House may not be aware that the Bill, which proposes to set up and empower the FSA, reserves important powers to the Treasury—the most important, perhaps, is designating what are to be authorised and regulated activities. However, the Treasury's powers to exempt matters concerning promotion will be important.

We have looked at how the Treasury powers interrelate to the objectives and principles of the Bill. Clause 1 has been worded so as to pick up the relevant references, and it deals, quite appropriately, with the principles of not damaging competition or innovation. Competition is defined as both domestic competition and international competitiveness, and the Bill picks up the key objectives where the Treasury has power.

We do not accept the Minister's argument concerning technical difficulties with subjecting the Treasury to the same basic objectives and principles relevant to

its powers, as those objectives and principles apply to the FSA. If the Minister has sympathy with the objectives, what other proposals do the Government have to address them? As things stand—particularly where items of secondary legislation are dealt with by negative resolution, rather than positive affirmation—there is no guarantee that what the Treasury does will stick within the objectives and principles.

The amendment proposes essentially to apply the terms of clause 1 to the Henry VIII clause—which, to some extent, may limit its powers, but would tie the two together. We feel that that would address some incomplete business within the Bill, which is unsatisfactory without it. The Government have come up with no other method of tying the Treasury in with the rest of the Bill. However, this is not a matter that we would wish to put to a vote. Rather, we would hope to see what the other place could do to tie in the matter in a way that the Government would find acceptable.

Unless the matter is addressed, the two matters do not tie together—we have the FSA bound by relevant objectives and principles, while the Treasury is not so bound.

Mr. Deputy Speaker: Does the right hon. Gentleman wish to withdraw the motion?

Mr. Heathcoat-Amory: I beg to ask leave to withdraw the motion.

Motion and clause, by leave withdrawn.

Further consideration adjourned.—[*Mr. Sutcliffe.*]

Bill, as amended in the Standing Committee, to be further considered tomorrow.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Mr. Michael J. Martin): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

LOCAL GOVERNMENT FINANCE

That the Local Government Finance (England) Special Grant Report (No. 49) on the 1999/2000 Special Grant for Kosovan Evacuees (House of Commons Paper No. 115), which was laid before this House on 20th December, be approved.

LOCAL GOVERNMENT

That the draft Local Government Best Value (Exemption) (England) Order 2000, which was laid before this House on 11th January, be approved.—*[Mr. Sutcliffe.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That for the remainder of the present session, the Order [24th May 1999] relating to sittings in Westminster Hall shall have effect with the addition at the end of the paragraph (4) of the following words—

"(4A) Any member of the Chairmen's Panel may also take the chair at a sitting in Westminster Hall when so requested by the Chairman of Ways and Means, with the duties and powers conferred by that order on additional Deputy Speakers; and Members so appointed shall be addressed by name."—*[Mr. Sutcliffe.]*

Police Complaints (Civilian Employees)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Sutcliffe.]*

6.56 pm

Sir John Stanley (Tonbridge and Malling): As the House knows, there are two separate systems for the investigation of complaints against the police by members of the public. If the complaint is against a uniformed police officer, the statutory police complaints procedure comes into operation with independent supervision provided by the Police Complaints Authority. However, if the complaint involves a civilian employee of a police force—though the complaint will be investigated through the internal procedures of the police force in question—there is no statutory procedure and no statutory independent supervision. The fact that two separate systems run together can lead to serious shortcomings for members of the public. Such serious shortcomings have been graphically revealed in the tragic circumstances of my constituent, Mrs. Alexander.

On 20 July 1998, Mrs. Alexander's husband was a passenger in a car that went off the road, smashed through railings and ended up in a field. Mr. Alexander tragically died from the injuries that he sustained in the accident. Thames Valley police, in whose area the accident occurred, carried out its usual full investigation and submitted its report to the Crown Prosecution Service in November of that year. There was no other vehicle involved in the accident, and because of the death of Mr. Alexander and the absence of any other independent witness, the Crown Prosecution Service concluded that the only charge that it could make against the driver of the car in which Mr. Alexander had been a passenger was that of driving without due care and attention. That was the only charge that it judged to have a reasonable prospect of a conviction.

Under current legislation, a summons for driving without due care and attention must be served within six months of the date of the offence. As the then Attorney-General, Sir John Morris, confirmed to me, there is no provision in current legislation for extending the six-month deadline in any circumstances, however extenuating. That is a matter that the Government should reconsider in the light of Mrs. Alexander's case and perhaps of others.

With the accident occurring on 20 July 1998, the Thames Valley police had until 20 January 1999 to serve the summons. As the then Attorney-General informed me, the Crown Prosecution Service notified Thames Valley police of its decision to prosecute the driver for driving without due care and attention on 10 December 1998. That decision was further confirmed orally by the CPS to the Thames Valley police on 18 December of that year. However, by the time the file returned—

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now Adjourn.—*[Mr. Sutcliffe.]*

Sir John Stanley: By the time the file returned to the CPS, on 27 January 1999, the statutory deadline of 20 January had passed and Thames Valley police had failed to issue the relevant summons. As a result of that failure, the intended prosecution of the driver of the car in which Mr. Alexander had been killed could no longer take place.

With every possible justification, Mrs. Alexander made a formal complaint against Thames Valley police. She also came to see me, and I took up her case with all the parties involved. Finally, in a letter dated 12 July 1999, the chairman of the Thames Valley police authority, Mr. Glenn Maybury, confirmed to me the source of the mistake that had occurred within the police force:

"You are indeed correct in stating that 'the mistakes' were committed by a civilian member of staff and that the statutory police complaints procedure does not apply to complaints against civilians."

A terrible sequence of events means that Mrs. Alexander and her 15-year-old daughter have suffered three successive losses. First, and most tragic of all, is that Mrs. Alexander has lost her husband and her daughter has lost her father.

Secondly, because of "serious mistakes" made within the Thames Valley police force, acknowledged in writing by the chairman of the police authority, Mrs. Alexander has lost the due process of criminal proceedings taking place against the driver of the car in which her husband was killed.

Thirdly, because the mistakes were committed by a civilian employee of the police force, Mrs. Alexander has lost access to the statutory police complaints procedure, with its statutory independent supervision. That is a truly appalling catalogue of events. I know that the Minister will join me in expressing heartfelt and deepest sympathy with Mrs. Alexander and her daughter for all that they have had to bear since the death of Mr. Alexander.

There is nothing new about the unsatisfactory outcome that can arise, owing to the statutory police complaints procedure not currently extending to the civilian staff of police forces. When the Select Committee on Home Affairs conducted an inquiry, "Police Disciplinary and Complaints Procedures", in the 1997–98 Session, the Police Complaints Authority, in its memorandum to the Committee, called for an extension of its remit to cover civilians. Paragraph 85 of its memorandum states:

"Since the policy of civilianisation is unlikely to be reversed, the Authority believes that there should be some independent oversight of complaints against civilians carrying out tasks previously performed by police officers. We have therefore suggested that where the complaint, if substantiated, would involve a breach of the police discipline code or the PACE codes of practice, the Authority should review the matter and satisfy itself that the action proposed by the force was appropriate. This would provide an element of reassurance without unduly interfering in civilian personnel management."

Like the Police Complaints Authority, I, too, believe that there is a compelling case for extending the PCA's statutory remit to the civilian staff of police forces in the way in which the authority has proposed. I take that view for the following reasons. First, I am in no doubt that the public have much greater confidence in an investigation into a complaint against a police force if an independent element in that investigation is ensured by law, as would most certainly be the case if the PCA's proposal was implemented. I am glad that in its memorandum to the Select Committee on Home Affairs the Home Office acknowledged the importance of the public confidence factor. At paragraph 45 the Home Office stated:

"Although the police take any complaint seriously, the internal investigation process for a civilian employee may not command the same public confidence as the statutory police complaints procedure involving the PCA."

Interestingly, the Home Office stated in the same paragraph:

"The PCA's remit may need to be reviewed if there is a continuing shift of police duties to civilian employees and contracted out staff and if police services operated by local authorities become more prevalent."

The second reason for extending the PCA's remit to cover civilian staff is to ensure consistency for the public when making complaints between one police force and another. In Mrs. Alexander's case, if the accident had happened in a different location and the investigation was therefore carried out by another police force, the failure to issue the summons could well have been the responsibility of a police officer rather than a civilian. In that case, Mrs. Alexander would have been able to have an independent statutory investigation of her complaint. That inconsistency was indeed acknowledged by the Home Office in its memorandum to the Select Committee. At paragraph 44 it stated:

"Indeed, members of the public in the same situation may be dealt with by police civilian employees in one force when, were they in another force area, they would be dealt with by police officers. Only in the latter case, if they are unhappy with their treatment, would they have recourse to the statutory police complaints system."

I put it to the Minister that it surely cannot be right in a matter as important as the public's right to have complaints against the police investigated that it is now becoming almost a complete lottery, in the non-operational areas of police activity, as to whether the individual making a complaint gets an independent and statutory investigation. It depends solely on whether the particular post which has been the subject of the complaint happens to be filled by a police officer in uniform or by a civilian employee.

My final reason for wanting to see the PCA's remit extended to civilians is that the problem is bound to get worse if action is not taken. The civilianisation of non-operational posts is certain to continue for financial reasons alone. The Minister of State, Home Office the hon. Member for Norwich, South (Mr. Clarke) told me as much in a written answer:

"It is my policy to encourage authorities and chief officers to make efficient and effective use of staff resources. Police authorities have been required to plan and deliver efficiency gains of 2 per cent. year on year between 1999–2002. Efficiency gains totalling £440 million will be redeployed to support front-line policing. Civilianisation of non-operational posts can play a key role in releasing resources for operational work."—[*Official Report*, 18 January 2000; Vol. 342, c.375W.]

There is no doubt in my mind that the civilianisation process will be extended. That is clearly the Government's policy. The serious difficulties that I am highlighting in the debate will, therefore, increase if action is not taken.

As the Minister knows, I pursued with the Home Secretary last year the issues raised for police complaints procedures by Mrs. Alexander's case. The Minister of State, Home Office, replied to me on 5 August, as follows:

"Although there are no plans at present to extend the scope of the procedures to include civilians, the Government has accepted the Police Complaints Authority's view, expressed to the Home Affairs Select Committee, that its remit should be reviewed if there is a continuing shift of police duties to civilian employees."

That reply was somewhat disappointing, because the Government should move on from taking no action and simply making an undertaking to review the position. The Government should change their position and accept the PCA's proposal to extend its remit to the civilian staff of police forces.

Mrs. Alexander's tragic and deeply disturbing case could not provide a more compelling justification for the change that I seek.

7.11 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I join the right hon. Member for Tonbridge and Malling (Sir J. Stanley) in extending my condolences and those of the Government to Mrs. Alexander and her 15-year-old daughter for the tragic circumstances that have obtained in the case that we are discussing. It is regrettable that, through a series of administrative bungles, those circumstances have developed to the point where the right hon. Gentleman feels obliged to bring the case to the attention of the House. He is right to do that because the case raises some worrying points.

The right hon. Gentleman knows that I have examined the case only recently. It appears that one person was not exclusively at fault and that a series of apparently minor administrative errors, taken together, led to an outcome that simply was not good enough. Mrs. Alexander, and all members of the public, have a right to expect better. I express my regrets, and the deep regrets of Thames Valley police, for the errors that were committed. It is unfortunate that those errors were associated with such a serious and tragic incident. I can understand Helen Alexander's frustrations, anger and great distress, which are best expressed in her letter of 21 May. In her circumstances, I would feel exactly the same.

The right hon. Gentleman raised several issues, and I shall try to deal with some of them. The six-month deadline and whether it should be extended is a difficult consideration, especially with regard to the sort of offences that we are considering. It is wrong to allow something to hang over people for a long time, but a time limit is quickly eaten up by prolonged investigation and examination of papers. Perhaps I should discuss that with the Minister of State, Home Office, my hon. Friend the Member for Norwich, South (Mr. Clarke), who is responsible for the issues relating to the time limit, and ask him to write to the right hon. Gentleman, who may pass on to Mrs. Alexander his views on the prospects for looking at the matter.

The force investigated the concerns and I understand that steps have been taken in respect of the staff involved. I am informed that it acknowledged the issue from the outset and has taken steps to prevent any recurrence. Even if a more formalised procedure had been enshrined in legislation, it is unlikely that the outcome would have been different from that which resulted from the force's application of its own procedures. The mistakes were minor and administrative, but their conjunction produced an unacceptable outcome.

I understand that there has been a protracted correspondence, but am not sure whether that has not added to the frustration. I am asked to convey the fact that the force, having acknowledged its faults, has tried to explain itself as best it can. Nothing, however, will ever be sufficient to make Mrs. Alexander feel that she has been treated fairly, because obviously the outcome means that her grievance is in many ways justifiable.

[Mr. Mike O'Brien]

The right hon. Gentleman raised the broader policy issue of the complaints procedure in respect of civilian employees of police forces. Let me deal with that. The accountability and integrity of the police are paramount and we have a valuable opportunity to consider them. When mistakes are made—whether by police or by civilian support staff—it is essential that the service acknowledges them and ensures, so far as it is able, that appropriate action is taken to make sure that they are not repeated. That action must be taken not only in respect of those deemed to be responsible, but to ensure that outside parties are contacted so that they do not repeat their mistakes. There was some discussion with the Crown Prosecution Service. All this has taken some time. Although no one seeks to shift blame, we need to ensure that all the angles are considered. Where there was any slowness, it must be addressed.

Confidence in the police and their handling of complaints is essential and depends on their willingness to respond positively to mistakes and address any issues identified. The right hon. Gentleman is right that the proportion of civilians employed by the police has gradually increased since the late 1980s. As forces have driven towards greater efficiency, they have created civilian police posts by recognising that roles can be undertaken by civilians, thereby releasing trained and skilled police officers for operational duties. Like the previous Government, we take the view that there is a proper role for civilians in the police. Generally, roles undertaken by civilians are non-operational. Civilians are not in direct contact with the public and certainly do not exercise the statutory powers of a police officer.

The complaints procedure for the police is special. It has a broader application, but essentially the Police Complaints Authority becomes involved when the police may have gone beyond the expectations of ordinary individuals when exercising their powers. People need a particular assurance that no breach or abuse has occurred. That is the PCA's key role, or certainly was before all the civilian posts were created.

The move towards civilianisation has been encouraged and as a result civilian support staff within the police service represent on average 30 per cent. of force establishments. Clearly, with that number of civilian members of staff within the police service there will be occasions when complaints may be made in respect of them. If such complaints allege criminal conduct, they can be dealt with no differently from those of police colleagues in that a criminal investigation will be undertaken. However, where the complaint is of a non-criminal nature—an administrative error—unlike for their police colleagues, there are no procedures covered by legislation.

The Police Act 1996 covers complaints against the police, and the Police (Conduct) Regulations 1999 cover discipline procedures. Although procedures for complaints against civilian employees of police forces are neither covered by, nor required by, legislation, forces have developed their own codes of conduct and procedures for handling such complaints. Although they are not identical to those affecting police colleagues, they are similar in many respects. Force codes of conduct, for example, would embrace the principles contained within legislation covering employment law, equality of opportunity, discrimination, harassment and similar matters, as forces develop their own policies and procedures for the handling of complaints.

When forces receive complaints in respect of the conduct of civilian staff members they would normally be investigated. Depending upon the severity of the allegation and force policy, the investigator would be either a police officer or a civilian manager of a higher grade than the person about whom the complaint was made. The force complaints and discipline department which ordinarily undertakes the role of investigating complaints in respect of police officers also takes on the role of investigating complaints in respect of civilian staff members, particularly where the allegations are serious or the complaint also involves a police officer.

Where an investigation establishes that there is a case to answer, the severity of the complaint also determines how it is dealt with. Minor complaints are likely to be dealt with at a local level by line managers, perhaps by verbal advice or warnings, whereas more serious issues, perhaps amounting to gross misconduct, may lead to formal hearings with appropriate representation for the individuals complained about who may face sanctions which would include dismissal.

Unfortunately, complaints by definition mean that an individual or individuals are often, but not always, dissatisfied with the course of action taken. Regardless of how fair, impartial or open the process may be, there can never be any guarantees of satisfaction with the outcome of an investigation.

Expectations of complainants will invariably be linked to their perceptions of severity, often linked to the particular circumstances of their case. In this case the circumstances were obviously tragic. Errors and mistakes made by staff, even minor ones, are often not confined to one particular individual. Yet the expectation of complainants can be to see severe punishment imposed on individuals. That is more likely where errors, albeit minor ones, are associated with serious cases. Where someone is rightfully angry and upset they may well feel that the errors committed should be recognised much more forcefully. That is understandable. Clearly, in those cases where serious misconduct is established, one would expect appropriate levels of punishment to reflect the case.

That is not always the situation. The errors are not always great, even though the consequences of them may be serious. In such circumstances it becomes difficult for individuals to feel that they have been dealt with fairly. Someone may have received a reprimand or been disciplined according to internal discipline procedures for what on the face of it—the way in which they conducted their job—has been an administrative error but which may have been much more serious for the person who had to bear the consequences of it. There may well be a feeling that what ought to have been done has not been done. It is particularly galling where an individual has had to face those consequences and perhaps does not feel entirely happy that all the circumstances have been revealed. In such circumstances, again, it is understandable that people still feel angry and expect better.

Sir John Stanley: I am sure that, in the closing minutes of the debate, the Minister will wish to deal with the

central issue: whether the Government will now accept the proposal for the extension of the PCA's remit to civilians in the way that the PCA has proposed.

Mr. O'Brien: We will look at the points that the right hon. Gentleman has raised, but we have examined the matter and, so far, very few requests have been made for that extension. The view expressed to us is that there is insufficient cause to consider legislation to bring civilians within the independent police complaints procedure.

I would be happy to look at the issues that have been raised and discuss them with my hon. Friend the Member for Norwich, South, who is directly responsible for those issues, but the independent complaints procedure was set up to deal with the application of the police's extra powers. Therefore, there should be an independent mechanism to ensure that there is no abuse in their application. A civilian who may be acting as part of a police authority and performing a role on behalf of the police normally does not exercise those powers. Civilians are not expected to do so. Therefore, the procedures to deal with them as employees rather than as police officers are probably appropriate.

On a wider issue, there is a case for saying that there should be more standard procedures in different police forces to deal with civilians, particularly where those civilians have been engaged in administrative tasks that have affected the outcome of a legal procedure. Whether that needs to involve the independent police complaints process is a separate issue.

I do not want to say a complete no and to stonewall, particularly in a case such as the one that the right hon. Gentleman has raised. I will draw the issues to the attention of the Minister and, indeed, to my right hon. Friend the Home Secretary, but the way in which the issue has developed so far has not produced great demand for civilians to be brought within the police complaints authority procedure. The right hon. Gentleman will no doubt regret that, but that appears to be the state of play.

Sir John Stanley: I am grateful to the Minister for saying that he will consider the matter further. Given the ambit of the local government ombudsman, health service ombudsman and so on, is it not true that the civilian employees of police authorities are almost the only people at local level with regard to whom there is no independent and properly accountable recourse if members of the public have complaints of maladministration?

Mr. O'Brien: We will need to consider that point. When bringing the right hon. Gentleman's views and those of his constituents to the Home Secretary's attention, I will ensure that that issue is raised. All I can say is that, at this juncture, it has not produced the need for change. However, the arguments that he has put are worthy of full and proper consideration by Ministers and by the Government. I am anxious, and he will understand the reasons—

The motion having been made at Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half-past Seven o'clock.

House of Commons

Friday 28 January 2000

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Point of Order

9.33 am

Mr. Nick Gibb (Bognor Regis and Littlehampton): On a point of order, Madam Speaker. Yesterday, the Postal Services Bill received its First Reading in this House. The Secretary of State for Trade and Industry has been all over the media this morning, debating and discussing the Bill with the country. However, I was not able to get a copy of the Bill from the Vote Office, and will not be able to get one until later this morning.

Given the Government's general contempt for the House and their obsession with the media, can it be right that the procedures of the House encourage such practices? Should we not change our procedures so that, when Bills receive their First Reading, hon. Members are able to get copies of them?

Madam Speaker: The hon. Gentleman is quite right. Our procedures have been such that, when a Bill receives its First Reading, it is not made available immediately. The hon. Gentleman may have a very good point to make, and perhaps he will take it up with the Procedure Committee. We talk about modernisation, and a modern practice such as the hon. Gentleman has described can be employed here.

BILL PRESENTED

SEXUAL OFFENCES (AMENDMENT)

Mr. Secretary Straw, supported by the Prime Minister, Mr. Secretary Blunkett, Mr. Secretary Milburn, Mr. Secretary Mandelson, Mr. Secretary Reid, Mr. Secretary Murphy and Mr. Paul Boateng, presented a Bill to reduce the age at which, and to make provision with respect to the circumstances in which, certain sexual acts are lawful; to make it an offence for a person aged 18 or over to engage in sexual activity with or directed towards a person under that age if he is in a position of trust in relation to that person; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Monday 31 January, and to be printed. Explanatory notes to be printed [Bill 55].

Medical Treatment (Prevention of Euthanasia) Bill

Order for Second Reading read.

9.35 am

Mrs. Ann Winterton (Congleton): I beg to move, That the Bill be now read a Second time.

In previous years, I must admit that I have been one of the last to sign the book for the private Members' ballot. However, last year, quite by accident, I was in the No Lobby when I happened to see the Clerk with the ballot book. I said, "My goodness, you're not open for business yet, are you?", and he said, "Yes, I am." I saw that no one had signed the book, and we exchanged some banter about being able to sign No. 1, which I did. I did not appreciate that that number had as good a chance as any other, and in the event it emerged first when the ballot was held. So that is how winning the ballot is done.

It was a great surprise to me. After the initial excitement and euphoria died down, I had to deal with the mountain of post that all hon. Members who are successful in the ballot receive virtually automatically.

I gave the question of what should be the subject of my Bill a great deal of consideration. I came to the conclusion that I had chanced upon the one opportunity that a Member of Parliament gets to try to introduce to the House of Commons a measure that has very personal importance. I therefore chose this Bill, which deals with a subject on which I have campaigned for a number of years, to which I am committed and in which I believe, heart and soul. That is the way in which the Medical Treatment (Prevention of Euthanasia) Bill came to be born.

The purpose of the Bill is to call a halt to what has become the slide towards the acceptance and practice of euthanasia by making it clear to doctors that they cannot intentionally bring about the death of their patients, by action or by omission. Before I expand on the Bill, perhaps I should explain the context in which the need for it arises.

Food and fluid, administered by mouth or with the assistance of tubes, has always been regarded as a basic human right. Everyone is entitled to food and water, which are basic needs. However, for many years the international euthanasia bodies have promoted the idea of withdrawing assisted feeding from profoundly disabled people as a first step towards achieving euthanasia.

Another aim was to have living wills made legally binding, so that people could state in advance whether they wanted treatment in any given situation. I believe that that too was a first step towards people being allowed to say in advance whether they wanted a lethal injection if they became incapacitated.

In 1992, the British Medical Association produced a report in which the suggestion was made that assisted food and fluid amounted to treatment that could be withdrawn. The following year, assisted food and fluid was first legally defined as treatment by the Law Lords' decision in the case of the Airedale NHS trust against Mr. Anthony Bland. The BMA report was cited by some of the judges in justifying their decision.

The judgment caused such public concern that the House of Lords established the Select Committee on Medical Ethics to consider euthanasia and the treatment

[Mrs. Ann Winterton]

of the sick and dying. Its unanimous report was published in 1994 and opposed euthanasia. It also opposed the concept that living wills could be legally binding, and it was against enshrining the Bland judgment in statute.

In addition to opposing the principle of doctors killing patients, the Committee was seriously perturbed about the obvious abuses that that could lead to, when old and vulnerable people might be pressured into agreeing to have their lives ended. We all know that elderly people do not wish to be a burden on their family or society.

There was disagreement on the Committee about the legal definition of assisted food and fluid as treatment. None the less, it recognised the dangers of having this enshrined in statute, thus allowing doctors to withdraw tubal feeding from patients who were not dying.

It had been made clear to the Select Committee by a number of organisations, including doctors involved in care for the dying, that the only reason for defining assisted food and fluid as treatment was to enable doctors to bring about the deaths of patients whose lives they considered should be ended. Shortly thereafter, however, the Law Commission report on mental incapacity was published in 1995. Although the law commissioners paid lip service to the House of Lords Committee, purporting to support its decisions against euthanasia, their report included a proposed Bill in which were clauses to make advance directives—living wills—legally binding. There was also a clause that would have enshrined the Bland judgment in statute.

The previous Government declined to introduce the proposed Law Commission Bill on mental incapacity, fearing that it would weaken our laws against euthanasia. In addition, both the previous Government and the present Government have cited the House of Lords Select Committee when voicing their opposition to euthanasia.

In December 1997, the Government published "Who Decides", a consultation document on care of the mentally incapacitated. This followed very closely the report of the Law Commission, and appeared to accept the concept of medical killing by the withdrawal of assisted food and fluid, thus causing death by starvation and dehydration. The document provoked a large and robust response, with more than 4,000 submissions. Indeed, it is the first time in more than 30 years that Churches of virtually every denomination, as well as the Muslim and orthodox Jewish communities, have united on a single issue.

The Government's response to the consultation, "Making Decisions", was published last October. The Government have subsequently made it clear that they have no intention of enshrining the Bland judgment in statute, and that they do not intend to take forward legislation to put advance directives on a statutory footing.

Since the Bland judgment, the British Medical Association has sought to widen the circumstances in which it is allowable to withdraw assisted food and fluid. In June 1999, the BMA produced guidance on withholding and withdrawing life-prolonging medical treatment. It included the recommendation that tubal feeding should be withdrawn on the agreement of only one independent doctor for a wide selection of people such as those who have had severe strokes or those with dementia.

The guidance states that its main focus is on

"decisions to withdraw or withhold life-prolonging treatment from patients who are likely to live for weeks, months or possibly years if treatment is provided but who, without treatment, will or may die earlier. In some areas mention is also made of treatment decisions for those patients whose imminent death is inevitable".

This clearly indicates that the BMA intends the guidance to apply to those who are not dying as well as to those who are. That is of concern, because a recent statement published in the Voluntary Euthanasia Society of Scotland newsletter shows how, with the BMA's concurrence, we are sliding towards the practice of euthanasia. An article penned by Professor Sheila McLean, co-author of a draft assisted suicide Bill, as well as pro-euthanasia publications, tells us:

"My suspicion is that the routes taken by courts have been tailored so they cannot be seen as endorsing voluntary euthanasia . . . Yet, arguably, the conclusion must be that the courts are endorsing a form of non-voluntary euthanasia . . . "

That is significant because Professor McLean, an academic lawyer, was an important contributor to the British Medical Association guidelines on withholding and withdrawing life-prolonging medical treatment.

The BMA maintains that it is opposed to euthanasia and that its guidelines do not seek to extend any such practice. But as I have already said, its guidelines seek to widen the categories of cases from whom treatment, including assisted feeding, could be withdrawn, with the clear intention of ending the lives of patients who are not dying. In other words, the BMA guidelines extend the cases to whom they could apply what Professor McLean describes as "non-voluntary euthanasia". By contrast, the American Medical Association is actively opposed to any form of doctor-assisted dying, by either action or omission.

There has been much recent publicity about a number of cases throughout the United Kingdom in which it was alleged that many elderly patients were being denied appropriate medication and food and fluid in our hospitals. While the cases highlighted differed from those in which assisted food and fluid is deliberately withdrawn with the aim of ending the life of patients who are not dying, they reveal a growing lack of respect for and value of the aged and those with disabilities. I know that that is of great concern to many people in the country and in the House of Commons.

Mr. Quentin Davies (Grantham and Stamford): I congratulate my hon. Friend on introducing such an important measure this morning. Does she share my concern at growing anecdotal evidence that in the national health service people are being denied certain types of operation or other intervention simply on the grounds of age, and that de facto age discrimination is creeping into the NHS? Will she confirm that her Bill will outlaw that particularly pernicious form of age discrimination?

Mrs. Winterton: My Bill will not target specifically the matters that my hon. Friend raises. But I think that people on both sides of the House believe strongly that elderly people and those with disabilities should have the same opportunity for treatment as able-bodied and younger people. Such a state of affairs would receive universal approval. There is no doubt that there are growing stresses in the national health service. However, I do not believe, and I doubt whether anyone in the

Chamber does, that those who are less fortunate than ourselves should not receive the very best medical and nursing care.

Speaking about the recent cases highlighted by the media, one eminent physician, Dr. Adrian Treloar, said:

"If the medical profession is going to move, as they have done, to a position where they accept the deliberate withdrawal of food and fluid from patients, then it's very difficult for patients to trust the doctors."

That is a very valid point.

It is against this background that I bring before the House for its consideration the Medical Treatment (Prevention of Euthanasia) Bill. It has been drafted in consultation with John Finnis, Professor of Law at Oxford university and Dr. John Keown, lecturer in medical law at Cambridge university, who are among the country's most eminent experts in law and medical ethics. Many other eminent doctors have also been consulted.

The Bill is short, clear and focused—something that, while difficult to draft, is essential to a private Member's Bill.

Sir Paul Beresford (Mole Valley): I congratulate my hon. Friend on having produced an extremely simple Bill. I have an interest to declare—I am on the Board of Dental Protection, which is part of the Medical Protection Society Ltd, a large mutual society for doctors and professionals in the medical field. The society advises and assists doctors and medical professionals on legal matters. It has deep concerns as to the simplicity of the Bill and foresees the potential of double jeopardy for doctors. Will my hon. Friend meet representatives from the Medical Protection Society to discuss the introduction of some amendments that would allay their fears and concerns?

Mrs. Winterton: I am grateful for that intervention. As I continue my speech, I may be able to reassure my hon. Friend as to the Bill's provisions, and he will see why the measure is so simple, and why it is good to lay down a basic principle.

I realise that no Bill is perfect and that there are concerns about mine. I should be delighted to meet my hon. Friend's colleagues on the medical and dental organisations to which he referred to discuss their anxieties. I am sure that many such matters will be discussed in Committee. I hope that I have been able to reassure my hon. Friend.

The two experts and the other advisers who helped me to draft the Bill urged that it should pursue one simple objective: to restore the integrity of the fundamental principle of the law of murder. That is exactly what it does. The Bill concentrates on the purpose of the doctor in withdrawing or withholding medical treatment, or food and fluid, however delivered.

If the doctor's purpose is to end or shorten the life of the patient, then the withdrawal or withholding is unlawful homicide. That wording, specifically drafted by Professor Finnis and Dr. Keown, leaves undisturbed decisions to withdraw or withhold medical treatment, or food and fluid, where those decisions are made without purpose of causing the death of the patient, but rather because the treatment would not be of benefit to his or her health, or would be too burdensome for the patient.

Mr. Joe Ashton (Bassetlaw): The hon. Lady refers to murder. There appears to be no penalty in the Bill—for example, whether the sentence should be life, 14 years or whatever. Is she aware that, in America, in similar circumstances, 85 cases have been brought to court, but none were successful? It was impossible to prove the case beyond reasonable doubt, which, as any lawyer knows, is essential in the prosecution of cases of murder or manslaughter.

Mrs. Winterton: The hon. Gentleman makes two points. The first is that there is no provision for sentence in the Bill. There does not have to be such a provision, because the measure merely plugs a loophole in the law that has existed since the early 1990s. No change is needed to the rest of that law.

The second point is that in America, where there is a different legal system, there have been no successful prosecutions. That is why the word "purpose" is used. That word is widespread in common law and is easily understood by professionals and by the general public. The hon. Gentleman makes a forceful point, but it would not apply to my Bill.

Mr. Crispin Blunt (Reigate): As my hon. Friend points out, the word "purpose" is of key importance. Does she agree with Lord Brown-Wilkinson, whose judgment in the Bland case is central to the matter? He stated that the whole purpose of stopping artificial feeding was to bring about the death of Anthony Bland. If my hon. Friend's Bill had been law at that time, that would have been a case of murder, because the purpose was to bring Anthony Bland's life to an end.

Mrs. Winterton: That is an interesting observation. I should have thought that it was obvious to anyone in the House that, if it is the purpose of the doctor, in withdrawing medical treatment and food and fluids, no matter how delivered, to end the life of the patient, that is euthanasia. I suggest to my hon. Friend that the case he cites describes that situation.

Mr. Peter Bottomley (Worthing, West): My hon. Friend has been most helpful to hon. Members and to those outside the Chamber by setting out plainly the general circumstances and the purpose of her Bill. She knows that she will receive my support on Second Reading. I think that she also knows that I do not want to reverse the Bland judgment, so she may find that, today, she has support from Members who differ from her over one part of the measure. I hope that she will take account of that point, as it may affect some of the debate on Third Reading.

Mrs. Winterton: I have heard my hon. Friend's comments; he has expressed that view to me privately. I understand where he is coming from.

The Bill deals with omissions—

Mr. Ashton: Will the hon. Lady give way?

Mrs. Winterton: I have already given way to the hon. Gentleman and answered the two points that he made. I shall make a little more progress before giving way again.

The Bill deals with omissions rather than positive actions, because the latter are already murder under existing law. There is no doubt about that. However,

[Mrs. Winterton]

the Bill leaves undisturbed the double effect principle, when a doctor adopts a course of treatment to ease a patient's pain or discomfort, but which may shorten the patient's life. The purpose of treatment in such a case is not to shorten the patient's life; it is to ease pain or discomfort.

The measure will bring to an end the efforts of the euthanasia lobby and of the BMA to widen the loophole created by the Bland judgment, which allowed doctors deliberately to end patients' lives, because those lives were thought to be of no value, rather than because the treatment was of no value. To tackle in one go all the issues relating to advance directives, or "living wills", is too great a task for a private Member's Bill. That is why the Bill does not do so.

Currently, there is much debate about the extent to which advance directives are legally binding. The Bill will not affect their legal status in any way, but a substantial vote in its favour will slow down the development of legally binding advance directives by sending a clear message that Parliament does not want the law to go further in that regard. The House would thus endorse the Government's decision not to proceed further with the development of advance directives.

Helen Jones (Warrington, North): I am grateful to the hon. Lady for giving way. She knows that I have much sympathy with what she is trying to do. I am anxious about the problem of double effect. As the measure is drafted so as to rely on the doctor's purpose, that poses an evidential problem. It could put at risk doctors who have given a patient treatment which they know will both relieve suffering and hasten death. Will she expand on that point? As she will appreciate, it is difficult to prove purpose in a court.

Mrs. Winterton: I am grateful to the hon. Lady for making that point. I assure her that the Bill will not affect double effect, which is accepted medical practice at present. The best lawyers have assured me as to that. The measure will allow doctors to continue their present practice, as long as their purpose is to relieve pain and suffering. That would be obvious when a person is terminally ill; indeed, many of us have had experience of such cases. The measure would not prevent the doctor from giving the best possible treatment to his patient, even though the effect might be to shorten the patient's life. That is because the measure takes the common law definition of purpose, which is understood by everyone. The Bill will not change that in any way.

Several hon. Members *rose—*

Mrs. Winterton: I will make a little more progress and then I will give way.

For all the reasons that I have given, the Bill has one simple focus—to try to restore the integrity of the fundamental principle of the law of murder and to make doctors responsible in law for their purposes in deciding on treatment of their patients. Several organisations have made misinformed comments about the Bill, so it might help the House if I made it clear what the Bill will not do.

First, the Bill will not require doctors to strive officiously to keep alive patients who are dying but, in accordance with good medical practice, they will need to ensure that appropriate care is given to such patients.

Secondly, the Bill will not prevent doctors from ceasing tubal feeding and hydration of patients where, for example, its provision has become too burdensome to the patient or where its continuation would not be of benefit to the health of the patient. However, the Bill will prevent them from ceasing tubal feeding for the purpose of killing patients.

Thirdly, the Bill will not prevent mentally competent adults from taking decisions relating to their own health care—for example, by refusing surgery, by refusing chemotherapy or by refusing blood transfusions.

Fourthly, to reinforce the point made by the hon. Member for Warrington, North (Helen Jones), the Bill will not prevent doctors from providing palliative care or other medical treatment for patients, provided such treatment is appropriate to their condition and necessary to reduce pain and discomfort, even if that has an unwelcome side effect of reducing life expectancy.

Dr. Jenny Tonge (Richmond Park): I very much appreciate the hon. Lady's reference to doctors not striving officiously to keep alive. In my practice and in all our practice, we have always obeyed "thou shalt not kill", but we have also always obeyed

"but needst not strive

officiously to keep alive".

The problem with the Bill is that it will cause us officiously to try to keep alive.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I remind the hon. Lady that this is an intervention. She may wish to catch the Chair's eye later to put her case.

Mrs. Winterton: I reassure the hon. Member for Richmond Park (Dr. Tonge) that I am no vitalist who believes that we must deploy the full weight of medical science and technology to prolong life whatever the circumstances. On the contrary, I accept—

Dr. Tonge: The Bill forces doctors to strive "officiously to keep alive."

Mrs. Winterton: No, it does not.

I accept that death is the inevitable conclusion of life—indeed, to some of us, its culmination. It is an event for which we should prepare and to which we should move forward with confidence and security, not with fear of our own doctors and their motives.

Ms Julia Drown (South Swindon) *rose—*

Dr. Evan Harris (Oxford, West and Abingdon) *rose—*

Mrs. Winterton: I give way to the hon. Member for South Swindon (Ms Drown).

Ms Drown: The hon. Lady says that she does not want to make treatment too burdensome for patients and that that is allowed for in the Bill, so that a kidney dialysis patient who is deteriorating and says, "I want to die"

would be allowed to have their treatment withdrawn; but the Bill just says that a doctor cannot "withdraw . . . treatment . . . if" the "purpose" of so doing

"is to hasten . . . the death of the patient."

Could she clarify that?

Mrs. Winterton: I could indeed. The hon. Lady is muddling up two completely different things. First and foremost, every mentally competent patient can refuse treatment, as I said. There is no need for the Bill to say that because the Bill does not change the present law in any way. Therefore, a patient can refuse to have treatment. The rather stupid example cited by the BMA does not hold water because someone who is on kidney dialysis and then has cancer that is terminal can refuse to be on dialysis. His doctor would of course explain the consequences of that, but the patient who has made up his mind can refuse treatment. If the doctor tried to give dialysis or any other treatment against the wishes of a mentally competent patient, that would be assault; the present law makes that absolutely clear.

Dr. Peter Brand (Isle of Wight): Will the hon. Lady give way?

Mrs. Winterton: No, I will not give way. I have answered the point as clearly and forcefully as I can.

Ms Drown: Will the hon. Lady give way?

Mrs. Winterton: I shall give way once more, but then I intend to proceed.

Ms Drown: I am grateful for that explanation. If, in a similar set of circumstances, a patient wanted to have food or fluid withdrawn, would the same argument apply?

Mrs. Winterton: If the patient was mentally competent, one would try the purpose test, and if the patient was mentally competent, the law would be as it is now—that a patient can refuse anything. My Bill does not alter that in any way.

Dr. Harris *rose—*

Mrs. Winterton: I intend to make progress, because I realise that many hon. Members on both sides of the argument and both sides of the House wish to contribute.

Last week, I met representatives of the BMA medical ethics committee, including its chairman, Dr. Michael Wilks. Despite my best efforts to allay their fears, Dr. Ian Bogle, chairman of the council of the BMA, has subsequently written to many hon. Members opposing my Bill. However, I must tell the House that their arguments are flawed. Their letter has entirely mistaken the legal effect of the Bill.

Dr. Bogle says that the Bill would "diminish consideration" of the patient's best interests—including values, beliefs, views, and desires about degree and type of medical treatment—and would "make worthless" a patient's valid refusal of treatment

"by restricting the law to have regard only for 'the purpose or one of his purposes' of the doctor (Clause 1)".

That is utterly mistaken, as I have just tried to tell the hon. Member for South Swindon. The Bill would in no way diminish the law's requirement and the doctor's responsibility and right to take into account the best interests, values, beliefs, views and desires of patients. The Bill would do nothing except prohibit the doctor from pursuing a purpose of killing or hastening the death of the patient by withdrawing or withholding treatment.

The law has always forbidden doctors to give medicines with a purpose of killing or hastening death. That prohibition in no way diminishes the doctor's duty and right to take into account the patient's best interests, beliefs and so on when deciding whether to give treatment and what treatment to give.

Under the ruling of a majority of the Law Lords in Bland—a ruling unnecessary to the decision in that case—it was equally clear that no one responsible for a patient could withhold or withdraw treatment, care or sustenance with a purpose of killing or hastening death. That prohibition, too, in no way diminished the doctor's duty to take into account the patient's best interests and so on when deciding whether to withhold or withdraw treatment. The Bill would do nothing but restore that legal prohibition.

Dr. Bogle's two scenarios are also entirely erroneous. As I have said, the Bill would certainly not have the legal effect of preventing a doctor from withdrawing dialysis at the request of a patient, nor would a doctor whose purpose in withdrawing treatment for cancer was to follow the patient's informed and expressed view be regarded as having the purpose of bringing about the patient's death. As I said, a doctor whose reason for withholding or withdrawing treatment is to respect the valid wishes indicated by a competent patient, is doing so for that purpose and not for the purpose of killing or hastening death. The same is true of a doctor who decides to withdraw or withhold treatment on the ground that it is medically futile or too burdensome to the patient.

No doctor need fear that the Bill would affect any part of their existing legal and ethical responsibility and opportunity to take full account of the patient's best interests, beliefs, wishes and so on. The Suicide Act 1961 already forbids doctors to assist in suicide. The only doctors who would be affected by the Bill are those who, being responsible for a patient too ill to take his or her own decisions, set out precisely to try to shorten such a patient's life by a course of omissions adopted for that purpose.

Dr. Harris: Will the hon. Lady give way?

Mrs. Winterton: I will not; I intend to continue my speech because I have given way so many times already. I hope that the hon. Gentleman will have an opportunity to speak, and, if he catches your eye, Mr. Deputy Speaker, I am sure that he will do so.

Dr. Bogle's claim that the Bill is simplistic and would complicate and hinder the practice of medicine is like saying that the law prohibiting insider dealing is simplistic and hinders investment fund management. Like that law, the Bill would clarify the situation. It would also alleviate well-founded fears of victimisation, free up doctors to use their professional skills to the full and restore a boundary line essential to patients' confidence and trust in their doctors.

[Mrs. Winterton]

The BMA's hasty interpretation of the Bill is completely wrong. My Bill is totally in line with the law and with medical ethics as generally understood and accepted until 1993—and still very widely accepted indeed. It is unlawful and unethical purposefully to hasten death by an act. The Bill would simply return coherence to law and medical ethics by restoring the law's prohibition on the purposeful hastening of death by omission.

Since I announced my Bill in December, I have received a great number of letters and messages of support from a wide variety of sources. Many individuals and doctors have contacted me to tell of their own experiences. I have received messages of support from many leaders of the various Christian denominations, including bishops and archbishops of both the Anglican and the Catholic Churches. In addition, I have received the backing of the Chief Rabbi, Dr. Sacks, as well as of a number of prominent leaders among the Muslim community.

My Bill not only conforms with the European convention on human rights, but positively seeks to entrench its most fundamental right—that of right to life itself. The Bill specifically conforms to article 2 of the convention, which states that

"no one shall be deprived of his life intentionally".

The Bill also promotes the principles adopted by the Parliamentary Assembly of the Council of Europe in its report on the "Protection of Human Rights and the Dignity of the Terminally Ill and the Dying", which states:

"The Assembly . . . recommends that the Committee of Ministers encourage the member states of the Council of Europe to respect and protect the dignity of terminally ill or dying persons in all respects by upholding the prohibition against intentionally taking the life of terminally ill or dying persons".

In giving its support to my Bill, the House would give a clear signal that it supports Hippocratic medicine. It would also continue to send the message that it is opposed to euthanasia either by action or omission. In December 1997, the hon. Member for Bassetlaw (Mr. Ashton) sought to introduce the Doctor Assisted Dying Bill under the ten-minute rule. On that occasion, the House gave its resounding view that such a Bill was not one it wished to see introduced and refused to give leave for the Bill to be introduced, by 234 votes to 89. The House should maintain the course that it set that day by endorsing my private Member's Bill.

There is a need for the House to send a clear and unequivocal message to the vulnerable, the elderly, the disabled and the terminally ill that they are still valued members of our society. Equally, I believe that it is imperative that we send a message to the doctors and health care workers of this country. That message is that their hard work and dedication to the health of their patients must not be undermined by accepting an ethos, promoted by only a few in their profession, that some lives are less worthy than others and should be brought to an end.

The Bill is short and simple and I shall not claim that it is perfect, but it is a genuine attempt to address a very real problem. Members have intervened on a number of occasions to raise concerns. When those concerns are legitimate, I assure the House that we shall return to them again in Committee. Bearing that in mind, I ask the House to give the Bill a Second Reading and allow it to proceed to Committee, where such points can be considered. I commend the Bill to the House.

10.15 am

Mr. Jim Dobbin (Heywood and Middleton): I congratulate the hon. Member for Congleton (Mrs. Winterton) on coming first in the ballot for private Members' Bills. She has told us how she manipulated that, which was very interesting. I also congratulate her on choosing what I know is a very sensitive but important issue for the House and the whole country. The Bill would go a long way to alleviate some of the unease experienced by elderly and vulnerable patients in hospital.

As the hon. Lady said, statute law is becoming confused by recent developments in the courts and there is a need to prevent the principles applied in the Bland case from being extended to patients with other conditions. An increase in the number of patients dying from lack of food and fluid will increase calls for euthanasia. In 1984, Dr. Helga Kuhse, a leading campaigner for euthanasia, said:

"If we can get people to accept the removal of all treatment and care, especially the removal of food and fluids, they will see what a painful way this is to die and then, in the patient's best interest, they will accept the lethal injection."

The elderly and the disabled are the weakest and most vulnerable in our society and they deserve to be protected. They are not always able to express their views and they need a voice to speak on their behalf. The law, at present, is open to abuse and at times it seems, by withholding or withdrawing food and fluid, euthanasia may already be taking place.

Hydration and nutrition are basic human rights and should never be regarded as treatment, and I would like to describe two cases to substantiate my view. An elderly constituent of 92 was admitted to hospital after breaking her femur. She made a fairly good recovery and was transferred to another hospital for physiotherapy and other appropriate rehabilitation.

In the second hospital, the family visitors were requested to avoid meal-times and to visit in the evenings. It soon became apparent to the family that the patient's condition was deteriorating. Her lips were dry, she appeared to be asleep or very lethargic at visiting times, she had developed a bad cough and her colour was poor. The family became alarmed and, when they could not rouse the patient, they asked if she had had anything to eat or drink. They were told that the patient did not want anything to eat and that they could not force feed her. No monitoring of food and fluid intake had taken place.

Fortunately for that lady, her family were determined. They were able and willing to demand that care, treatment and rehabilitation took place and they insisted that their mother be given the treatment, which was the physiotherapy, and the care, which was the food and the fluid, that she needed and deserved.

Several months later, the lady is back home, walking and eating well, and she has made a successful recovery. The family are, of course, happy at the outcome, but dissatisfied with the initial lack of food and fluid and treatment in the second hospital. Therefore, I am pursuing that case with the trust concerned.

Should food and fluid be regarded as treatment or as a basic human right? Without food and fluid, the lady would have died. She is now at home with her family around her, is enjoying life and has regained her mobility.

Dr. Harris: Does the hon. Gentleman accept that there is no disagreement that normally given food and fluids are basic care and should never be withdrawn? The argument—and there is an argument—is about artificial feeding through intravenous lines or gastrotomy tubes placed during an operation under general anaesthetic and not about the basic food and care that is fundamental to good medical and social care.

Mr. Dobbin: I accept that, but I suggest that there is now an increasing number of cases where what I describe occurs. There have been several such cases in my constituency.

The second example is that of my own grandson, who was born with an extremely rare congenital neuromuscular disorder, one of the effects of which is that he has great difficulty swallowing. His condition was not diagnosed until more than 10 weeks after his birth; in the intervening period, he lost weight continually. He was tube fed: that feeding was not treatment, but basic care, given to keep him alive until diagnosis could be made. With the help of a drug, taken every three hours for the rest of his life, my grandson can swallow and so eat and drink normally.

Both the cases I have describe prove that food and fluid, however administered, should not be classified as medical treatment. All people, sick and healthy, need food and fluid to live. There have been recent reports of elderly patients being deprived of food and fluid, and I understand that the Crown Prosecution Service is reviewing several such cases. Certain cases in the United Kingdom courts have made the current law unclear, and the Bill would clarify that law.

Dr. Tonge: Does the hon. Gentleman really believe that the sometimes extremely painful and distressing insertion of a nasal tube leading to the stomach, or an operation for a gastrotomy, which puts food directly into the stomach, do not constitute medical treatment? He has just said that the provision of any food or fluid is not medical treatment.

Mr. Dobbin: In my view, the feeding process is not treatment, but constitutes care to keep the patient alive.

The BMA recognises the difficulty arising from the blurring of the law and has issued guidelines to doctors. Unfortunately, those guidelines recommend the principle of withholding food and fluid from patients who are likely to live for weeks, months or possibly years if treatment is provided, but who without treatment will or may die sooner. That adds up to a deliberate decision to dehydrate someone who is not dying. The guidelines recommend that the withdrawal of tubal feeding should be allowed for a range of patients, including those who have suffered severe strokes and seriously handicapped newborns, on the agreement of one doctor only; there is no need to apply to the court. Far from clarifying the position, that recommendation confuses it still further.

In the cases I have described—I could have added others—it is obvious that the BMA guidelines could have resulted in wrong decisions being made by medical teams. Since when have we given doctors and medical staff the duty of deciding whose life is not worth living? We expect doctors to cure us and, if that is not possible, we expect good care and relief of suffering. Hon. Members should ask themselves these questions: if they were taken to hospital and found that they were unable to communicate, would they feel confident that they would be given every care and treatment necessary, or would they worry that their death would be hastened or brought about by dehydration?

The BMA guidelines do nothing to alleviate such fears, which have been experienced by many of my constituents and clearly expressed in many letters that I have received on the subject. The BMA is understandably anxious to protect its members and ensure that no doctor is criticised for decisions about the care of patients. We accept that. However, it is astonishing that the BMA does not support the Bill and that its reasons for not doing so take no account of the clear wording of and intention behind this very simple Bill.

The Bill is not designed with the aim of keeping patients alive at all costs. Nothing in it suggests that treatment, hydration or nutrition should be forced on a patient who is in the process of dying or in cases where the placement of tubes would be regarded as intrusive, inappropriate or engendering excessive risk. The Bill would merely make it an offence to withdraw or withhold medical treatment or food and fluid if the purpose of so doing is to hasten or otherwise cause the death of the patient. Nothing could be clearer.

Mr. Ashton: Does my hon. Friend accept that the BMA states as a condition for doctors that

"both legally and ethically, all treatment decisions must promote the patient's 'best interest'"?

If the BMA guidelines are rejected, who is to promote the patient's best interest if the patient is unconscious?

Mr. Dobbin: I accept my hon. Friend's point, but I believe that the BMA guidelines are unclear, both to doctors and to the public.

The Bill would protect vulnerable citizens from becoming the subject of direct killing by making it clear that a doctor cannot act with the purpose of deliberately ending human life. In a letter sent to Members of Parliament, the BMA has put an extraordinary interpretation on the Bill. It cites the example of a patient with long-standing but progressive cancer who may wish to state in advance what treatment should be given, withheld or withdrawn in the event of the cancer spreading and the patient becoming unable to express a view. The BMA claims that to follow the patient's informed and expressed view would be open to interpretation as having the purpose of bringing about the patient's death.

That is incorrect, as the BMA acknowledges in its own guidelines, which state that, although a health care team may foresee that withholding or withdrawing life-prolonging treatment will result in the patient's death, that is fundamentally different from action taken with the purpose or objective of ending the patient's life. It appears that the BMA is confused and requires the guidance of the law to protect its members' interests. The medical

[Mr. Dobbin]

profession is split on the BMA guidelines, believing that the guidelines are open to different interpretations and that they will cause unnecessary confusion.

Mr. Blunt: The hon. Gentleman says that the BMA guidelines are confused, but I remain confused about the hon. Gentleman's views on the basic issue of whether or not artificial feeding and hydration is treatment. In response to interventions, he implies that it is not treatment and should not be regarded as such, but he then states that it is treatment when describing the circumstances in which one might be regarded as seeking officiously to sustain life. What is his conclusion on whether artificial feeding and hydration can be described as treatment?

Mr. Dobbin: My view is simply that providing food and fluid constitutes care of the patient.

The difference of opinion within the medical profession was made clear in a letter sent to all Members of Parliament by John Finnis, professor of law at Oxford university, John Keown, lecturer in medical law at Cambridge university and Lord McColl of Dulwich, professor of surgery at Guy's hospital. The hon. Member for Congleton has already quoted the letter, but it is worth repeating one sentence:

"This Bill is totally in line with the law and medical ethics as generally understood and accepted until 1993, and still very widely accepted."

That provides important clarification. In addition, not all members of the BMA medical ethics committee, which published the guidelines, were in agreement on the final version. To allow the current position to persist leaves a loophole that opens the way to euthanasia. I urge the House to support the Bill.

10.28 am

Dr. Peter Brand (Isle of Wight): I congratulate the hon. Member for Congleton (Mrs. Winterton), not only on coming top of the ballot but on her choice of the subject of her Bill and, indeed, its title. For some weeks prior to its publication, I was in some difficulty as to the reply I should send to the many constituents and organisations that wrote to me about it.

There is no doubt that the practice of medicine is changing, as is the way in which people interact with medical services. The traditional pattern of people knowing their avuncular, paternalistic local GP for 10, 20 or 30 years is fast disappearing. I have been privileged to spend the past 20-odd years practising in the same village, caring for the same population, but that is no longer the norm in much of our country.

If the Prime Minister is to be believed, we shall from now on gain access to the national health service through the telephone lines of NHS Direct or through polyclinics with a duty doctor or nurse. The hospital sector will be far more "industrialised", with people being rushed through. Standards of nursing care remain technically good, but are sometimes lacking in the care aspects because of the sheer pressure of work that hospital workers experience. I understand why the hon. Member for Congleton has picked this important issue. Many people are uncertain as to what the practice is now and what it should be. Clearly it is a matter that should be debated.

There has been some discussion this morning on what constitutes treatment and what constitutes care. I take the view that that does not matter one little bit. In my view, whatever makes people feel well, even if it does not necessarily make them feel better, is treatment. Having a care assistant sitting beside a bed holding someone's hand when they are confused is treatment. I see little point in pursuing the argument about feeding through a gastrotomy tube or a nasogastric tube, or through a spoon or dribbling cup, because I am not sure whether it makes any difference. The essential difference is the stress that the process causes to patients.

Where I part company with the hon. Member for Congleton is when she draws a parallel between acts of omission and acts of commission. I find that extremely difficult. We have all been bombarded with bits of paper from various organisations, some very reasonable and some entirely extraordinary. I have received a very good leaflet from Right to Life. It is a well-argued set of paragraphs. However, the people who call themselves Right to Life seem to forget that there is a parallel to the right to life, and that is the right to death. We sometimes forget that people are entitled also to slip away and to leave this life in a quiet, peaceful manner. If the Bill had been an Act and part of the law when I qualified as a doctor in 1971, I think that I would now be a multi-murderer. Medical killing is equal to murder. The withdrawing of treatment or not instituting treatment, knowing that that will hasten or even cause death, would be murder.

It is a curious thing—

Mr. Kevin McNamara (Hull, North): The hon. Gentleman is making an important point that needs to be clarified. Is he saying that his purpose in withdrawing treatment was to hasten or otherwise cause the death of a patient? That is the nub of it.

Dr. Brand: That is an extremely good question. I think that the answer is that I allowed death to occur. That is the nub of the argument. To assume that medical intervention can guarantee life or death is nonsense. That assumes that doctors have powers that they do not possess. It assumes powers of prognostication that doctors do not have. I do not know which of the Members now in the Chamber will drop dead tomorrow, next week or during the next 10 years. I cannot tell.

Mr. Nicholas Winterton (Macclesfield): Neither can they.

Dr. Brand: Quite.

I may be faced with an elderly lady who I know has been very unhappy over the past five years, who has been increasingly confused and who is finding life a real burden. If that lady develops bronchopneumonia and I know that she does not want any further treatment because we have talked about the matter, and I withhold antibiotics, I might have made an assumption that if I treated that bronchopneumonia that lady would get better and might carry on for another five years. On the other

hand, I know that there is a greater likelihood if I withhold the antibiotics that she will die, probably in the next few days, quietly slipping away.

Mr. Winterton: I am following the hon. Gentleman's argument closely. I respect him because he is a qualified doctor.

Dr. Brand: That is no reason to respect me.

Mr. Nicholas Winterton: I think that people instinctively respect the medical profession, and I want that respect to continue. The hon. Gentleman is talking about treatment, but in the example that he has given, would he withdraw food and hydration? I think that that is an important question. Will he answer it?

Dr. Brand: That is a good point. There is a distinct difference between medical interventions in the sense of giving antibiotics, performing operations, putting people on a heart-lung machine, putting up drips and all that sort of paraphernalia, and basic care—for example, keeping people warm, keeping them supported and making sure that, even if they are not conscious, there is someone sitting with them.

When I used to train general practitioners, they were always astonished when I said, "One of the most satisfying things as a general practitioner is to have been involved with a good death." We all become excited about curing people and delivering babies, for example, and that is all splendid. However, there is something intensely satisfying when at the end of the day someone passes away quietly and in dignity while supported by his family. That person feels that he has not upset other people and the people concerned are not upset. The whole process is a happy one. That might seem bizarre.

That sort of death with dignity involves the support of others. There should be good nursing so that people do not have dried, cracked lips. They should have regular mouth washes and lip salves should be applied. They should not be allowed to develop bed sores. That is good basic nursing and care.

I would differ slightly from the hon. Member for Macclesfield (Mr. Winterton) if that good basic nursing and care involves struggling with and half drowning people to get water into them, by placing tubes down their gullets when they do not want that to happen. That is not basic sense.

Mr. Winterton: That is not what the Bill says.

Dr. Brand: With all due respect, to take up that sedentary interjection, the Bill is not clear. The Bill provides that there shall be no omission that will knowingly hasten death.

Dr. Tonge: May I give another example to the House? Let us say that a terminally ill patient dying from cancer has a cardiac arrest and could be resuscitated with cardiac resuscitation. If the doctor decides not to provide that treatment in the best interest of the patient, with the purpose of letting the patient die, is that what the Bill will prevent?

Dr. Brand: I do not know. I am not a lawyer. As I read the Bill, however, it would prevent just such a thing. An earlier example was the kidney patient on renal dialysis. That patient can refuse further dialysis and therefore choose to die. If that patient cannot make that declaration and goes into a uraemic coma, and if the renal physician had been aware of his feelings but the patient had not been fit enough to refuse dialysis, should he impose dialysis on the patient, or could he allow him to slip away? According to the opening remarks of the hon. Member for Congleton, I imagine that it would be incumbent on the renal physician to dialyse, otherwise he would be committing murder. I find that extreme. There is a real difficulty because the Bill seems bland and innocent, but some of the arguments around it are fairly extreme.

Mrs. Ann Winterton: The Bill describes a purpose against which judgments can quite easily be made. No treatment that is burdensome to a patient needs to be undertaken when that patient is dying. That is established practice now. No tubal feeding need be proceeded with if the doctor's purpose is not to impose treatment that will be burdensome or will not improve the health of the patient. However, the Bill is absolutely clear when the intention behind the withdrawal of food and fluid is for the purpose of ending life. If food and fluid is withdrawn by whatever means, a horrific death occurs. The next step is when relatives are distressed when food and fluid has been withdrawn and say, "Please, doctor, will you give Aunt so-and-so something to put her out of her misery?" If basic hydration and nutrition is withdrawn, the patient is killed. In terms of the Bill, the doctor's purpose is the telling factor.

Dr. Brand: That was a good intervention, but it does not relate to the Bill's contents, which cover "medical treatment", which is a wide term. The Bill does not specify uncomfortable, intrusive or unexceptional treatment.

Another misapprehension relates to the clinician's motivation in making the decision. The people who drafted the Bill believe that doctors are cleverer than they are. I cannot know whether a patient will derive the benefit that I seek from any intervention that I make. I can only know that my action will probably help that patient because it has helped others in similar circumstances. I can say that withdrawing or not prescribing antibiotics for bronchial pneumonia may lead to death. However, I have frequently been proved wrong, and I am pleased that there are higher powers than doctors to deal with those ultimate questions. There is a difference between actively knocking out the bronchial pneumonia sufferer with morphine, thus causing death, and withholding antibiotics.

Mr. Blunt: The hon. Gentleman talks of lack of clarity and confusion. When I asked my hon. Friend the Member for Congleton (Mrs. Winterton) about Lord Browne-Wilkinson's opinion in the Bland case, she agreed with his definition as purpose of treatment to shorten a life. If a doctor withdraws treatment in the knowledge that a likely consequence is shortening a life, that action is defined as purpose, despite the other definitions that my hon. Friend provided. There is a basic confusion about purpose, which makes the Bill as it is currently drafted flawed.

Dr. Brand: The Bill hinges on motivation and purpose. That makes the meaning extraordinarily difficult to tease

[Dr. Brand]

out in a court of law. One can always claim, "I knew there was a likelihood of this person dying, but that was not my primary purpose." That takes us back to the secondary purpose argument.

Mr. Steve Webb (Northavon): I have great respect for my hon. Friend's knowledge, but, to avoid doubt, will he confirm that he speaks from his personal experience, that there is no party line on the issue, and that several of his hon. Friends oppose his views?

Dr. Brand: I intended to mention that as I wound up. I, like other hon. Members, speak as an individual on a private Member's Bill. We are considering an important subject, which is a matter of personal conscience, and we have different views.

Mr. Patrick McLoughlin (West Derbyshire): The hon. Gentleman's experience leads the House to listen to him with care. However, an important purpose of a private Member's Bill is to get an issue raised. The Bill should be considered in Committee, so that some of the hon. Gentleman's points can be fully discussed. There is not sufficient time to do that today.

Dr. Brand: I would have had some sympathy for that point if the Bill had been drafted in a slightly broader way.

Dr. Julian Lewis (New Forest, East): Let it be amended in Committee.

Dr. Brand: The Bill is not amendable because its premise is that acts of omission equal acts of commission. A Bill on euthanasia, which spelt out clearly what could not be done, would have been great. We could then have argued whether omission and commission were the same, and whether basic hydration and food constitute treatment. However, we have missed an opportunity.

Mr. Tony McWalter (Hemel Hempstead): Although the hon. Gentleman's primary purpose in the cases that he has cited from his personal experience was not to hasten death, one of his purposes was to do that, and the Bill claims that if hastening death is a purpose of the person responsible for the care of the patient, he is guilty of murder. Does the hon. Gentleman agree with that analysis?

Dr. Brand: The Bill states clearly that action by the person responsible for the care of the patient is unlawful

"if his purpose or one of his purposes in doing so is to hasten or otherwise cause the death of the patient."

The hon. Member for Congleton equates that to murder. I am, therefore, a multiple murderer under the terms of the Bill.

When I had been qualified for a couple of years, I worked as a senior house officer in paediatrics for a year. I looked after a very brave two-year-old kid who had leukaemia. The child suffered many recurrences, which involved a lot of unpleasant treatment, including drips and injections. I could not tell—the consultant could not tell, nobody could tell—whether further treatment would have been successful. However, one Tuesday afternoon, during yet another flare-up, the parents said that neither they nor the child could cope with it any more. They asked for all the tubes to be taken away and to be allowed to sit with him. They did, and he died 48 hours later. That was a profound experience. That was not dual effect, for which the arguments of the hon. Member for Congleton allow, but active withdrawal of treatment for a condition that might have responded to treatment. Clearly, I did not withdraw the treatment with the purpose of killing that child, but to prevent further distress to that child and his family. I allowed a death to occur, and that removed distress. The purpose of my action was, therefore, to promote death or at least to enable death to occur. That is an important point.

The hon. Member for Congleton asks us to second-guess God by claiming that we should continue doing whatever we can to keep people alive if they are not guaranteed terminally ill. I cannot guarantee that someone is terminally ill, or how long a patient will live. However, clinicians—and I include the wider team, because nurses have as much, if not more, input, than doctors—relatives and the patient should be allowed to say, "We do not want any further treatment. We want you to stop treatment, even though it may hasten death." Under the Bill, that would become difficult.

I am also worried that the Bill would prevent doctors from initiating treatment because they could get away with not initiating treatment, but not with the decision to switch off and stop treatment. For example, after a stroke, it is right to provide all the high-tech treatment, set up drips, insert tubes and ascertain how people get on. However, if the patient remains vegetative after a week or more, and further progress will not occur, it is clearly humane to be able to withdraw treatment, even though that withdrawal causes death.

Mrs. Claire Curtis-Thomas (Crosby): As the daughter of a mother who existed in a clinically defined permanent vegetative state for more than six months, came out of it and went on to live as a quadriplegic with a very good quality of life for five years, I strongly object to the hon. Gentleman's point that it is appropriate for a doctor to withdraw the treatment that sustains life after a week. That is profoundly morally unacceptable to a significant number of people in this country and has led my hon. Friend the Member for Congleton (Mrs. Winterton) to produce the Bill to curtail that limited understanding of what constitutes life and what should be preserved. The Bill does not advocate—

Mr. Deputy Speaker: Order. I must stop the hon. Lady there.

Dr. Brand: That is an extremely valuable intervention and I look forward to it being expanded in a speech. [HON. MEMBERS: "In Committee."] That is up to the House. May I respond to the very valid question that was raised? There is no doubt that there is a need for clearer guidelines, but they must be guidelines and they must be worked through, and not from the particular narrow point of view that all life needs to be sustained, no matter what is done to sustain it. The right to life should not deny a person the right to death and the fact that someone is not dying does

not necessarily mean that he is living. *[Interruption.]* When I sit in the House I sometimes think that I am not dying, but it is not exactly life as we know it.

Mr. Desmond Swayne (New Forest, West): There is a measure of profound agreement with what the hon. Gentleman says among Members on both sides of the argument, certainly with respect to the anecdote he told—I found myself in agreement with him. It is not my perception that the Bill would outlaw what he described; it is a matter of argument. He has referred to the drafting several times and said that the Bill defies amendment. Is that his personal hunch or has he sought advice from the Clerks?

Dr. Brand: I have not sought advice, but I immediately noticed that the Bill's title includes the words "prevention of euthanasia". However, the Bill does not address that; it deals with acts of omission versus acts of commission. It represents a missed opportunity and I am afraid that I shall vote against Second Reading.

10.53 am

Mr. George Galloway (Glasgow, Kelvin): I warmly congratulate the hon. Member for Congleton (Mrs. Winterton) on introducing this important Bill to the House. She stands sentinel on these ethical questions in the House of Commons and Parliament, and the country should be grateful to her for that. I am neither a doctor nor a lawyer, so I shall not detain the House with any technical matters, either legal or medical, but if war is too important to be left to generals, then the mightiest of ethical issues—life and death—is certainly too important to be left to doctors and lawyers.

Mr. Ashton: Or politicians.

Mr. Galloway: My hon. Friend says, "Or politicians," but we are supposed to represent the country—we are elected to do so—and we should echo the points of view of the British people. We do that, by and large, and certainly no one else can do so.

If I had not believed before I came into the Chamber that these issues were too important to be left to doctors and lawyers, I would by now have had the view that it is profoundly confirmed, particularly by the hon. Member for Isle of Wight (Dr. Brand)—the general practitioner on the Liberal Democrat Benches—whose speech I found disturbing, alarming and chilling. I was grateful for the intervention of my hon. Friend the Member for Hull, North (Mr. McNamara) at the point at which I thought the hon. Gentleman was about to incriminate himself. Inspector Knacker of the Yard was about to appear at the Bar of the House, so I was glad that he was diverted from an extraordinary, ill-prepared stream of consciousness. However, it was extremely revealing.

My hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) intervened but has left the Chamber—distressed, I think, by the hon. Gentleman's contribution. Personal experience makes me, like my hon. Friend, particularly angry at the hon. Gentleman's speech. My own father died of a stroke. After exactly a week, his doctor put to me the very point that the hon. Gentleman made: treatment should be discontinued. From that moment, I profoundly distrusted my father's doctors and harbour a resentment against them still, which is probably unwarranted. He probably would have passed away in any case, but my trust in the doctors was undermined by their suggestion: "Well, it's been a week so perhaps we should stop treating the pneumonia that accompanies the stroke. He is still vegetative"—which I think was a word that the hon. Gentleman used. That profoundly upset me and the rest of my family and led us to distrust each and every thing the doctors said thereafter.

I believe that the Bill is not against the medical profession. A Conservative Member made this point: it has been introduced not because we want to distrust doctors or because we do not respect them, but to buttress and protect their integrity so that no one will be in any doubt as to the motives and purposes from which they speak. It should be supported.

Dr. Julian Lewis: I support what the hon. Gentleman says. I am close friends with a family in the Netherlands, where euthanasia was legalised. The father collapsed from a heart attack and, after a short time, attempts at resuscitation were given up. The family have never been able to trust the doctors again and believe to this day that that decision was made because the general respect for trying hard to save life had been undermined by the introduction of euthanasia. That has had a knock-on effect.

Mr. Galloway: The hon. Gentleman makes a good point. We have to support the Bill precisely because we do not want to go down the road towards euthanasia.

Ms Drown: Will my hon. Friend give way?

Mr. Galloway: May I proceed with this section of my speech?

No one is introducing to the House a Bill to legalise euthanasia. Indeed, almost everyone except cranks says that they are against euthanasia, but it is clear that we have creeping euthanasia in this country—euthanasia by the back door, by court judgments rather than judgments made here in Parliament, and by general practitioners. I am very glad that the hon. Member for Isle of Wight is not my GP. People are making those decisions without any ethical guidelines from the House of Commons and making those judgments without reflection and without taking the temperature of the British public, who should be the ultimate arbiter of such issues.

Ms Drown *rose—*

Dr. Tonge *rose—*

Mr. Galloway: I give way to my hon. Friend the Member for South Swindon (Ms Drown).

Ms Drown: I thank my hon. Friend for giving way. I understand and am distressed by the story of his experience with his father, but does he agree that it is equally distressing to think of those who are in a persistent vegetative state for many, many years? Surely many people have the inkling or feeling that they would not want to live like that. Has he a solution to the problem? Perhaps we should discuss living wills to enable people

[Ms Drown]

regularly to consider what they would want to happen should such an event occur. I feel that that is the solution that we should be discussing.

Mr. Galloway: I understand my hon. Friend's point of view, but there is a problem. My hon. Friend speaks of a persistent vegetative state lasting for years; but after only a week, the hon. Member for Isle of Wight was ready to omit or commit acts, one of the purposes of which would be deliberately to cause death. My hon. Friend the Member for Crosby told us that her mother had been in a so-called vegetative state for six months, and had gone on to live for five good years, loving and loved by her family.

There are tremendous ethical problems. I take the old-fashioned, perhaps unfashionable, view that only God can decide—only God is fit to decide—who leads this life and who does not.

Mr. Ashton: Professor Bryan Jennett of Glasgow, a specialist in comas, says that no one in a coma has ever lived for longer than a year—although the longest anyone in a coma has been kept alive is 36 years, according to "The Guinness Book of Records", and up to 2,000 people may be in a coma at any one time.

Mr. Galloway: That is preposterous rubbish. Many people have emerged from comas.

Rev. Martin Smyth (Belfast, South): I am amazed that any professor gave such a statistic. Any hon. Member who cites it obviously does so with no knowledge. A woman who went into a coma during childbirth emerged from it after 16 years, to the amazement of the person who found her out of bed.

Mr. Galloway: I am astonished that my hon. Friend the Member for Bassetlaw (Mr. Ashton), who takes an interest in these matters, should cite so obviously bogus a statistic.

There is a whole industry out there full of people who note court decisions, look for any sign of weakness and, for some peculiar and bizarre reason, dedicate themselves to advancing the frontiers of euthanasia. Some make a practice of it in the United States and elsewhere. That is why it is so important for us today to send a message stating clearly where Britain stands on the matter.

Dr. Tonge: The hon. Gentleman says that we should not rely on doctors in this context, and I entirely agree.

Is it not up to every individual to make it clear to doctors and relatives how he or she wants to die? The hon. Gentleman is making a very good speech, which is an excellent argument for advance directives and living wills.

Mr. Galloway: I think that that is beyond the scope of the debate. Let me say in passing, however, that people can change their minds. When people are fit and strong, they may have a take on the issue that they will not necessarily have when they are much further down the line. I do not agree with the hon. Lady, because I do not believe that it is for us or for others to make decisions about whether we live or die.

Dr. Tonge: Many people, whom I respect although I do not happen to agree with them, do not believe in God or in life after death. Why, in their lives and their deaths, should something be imposed on them that they simply do not believe?

Mr. Galloway: I am not asking anyone to accept my own religious convictions. The Church is not the arbiter in this Chamber; but we are, and I think that we must reflect the prevailing ethical and moral issues among the population that we represent. Indeed, I think that we do reflect them and will continue to do so, in regard to this and other issues.

I must proceed with my speech. I fear that I am already detaining the House for longer than I meant to. The loophole that the hon. Member for Congleton wants to plug has allowed creeping euthanasia following court judgments, and I commend her for what she wants to do. No one should assume that we are in any way critical of the families of Tony Bland or Janet Johnstone, the grandmother in the Law hospital case in Scotland; I have no doubt that their intentions were good. The road to hell is paved with good intentions, however, and this loophole could open the way to other cases.

Mr. Lindsay Hoyle (Chorley): We have been hearing about services being withdrawn after a week. Is it not the case that they are sometimes withdrawn after 24 hours? Pressure is exerted on families when they are weak and vulnerable, and they make decisions that they may regret later.

Mr. Galloway: Yes. That applies particularly to people who have no religious faith. It was impossible for me to accede to the wish of my late father's doctor, for religious reasons, but someone without the bedrock of belief, feeling vulnerable and shocked because a close relative had suddenly been struck down, might well accede to such a request, and spend the rest of his or her life bitterly regretting it and hating the doctor who made the suggestion in the first place.

Mr. Nicholas Winterton: The hon. Gentleman is making an excellent speech based on experience, and I agree with every word that he has uttered. Can he balance what has been said by two medical Members who take a different view by confirming that many eminent clinicians, professors and experts support the Bill?

Mr. Galloway: That was a timely intervention. The Bill was not produced by the minority of active believers in the House; it is a scientific measure, with unimpeachable scientific, ethical and medical support. It is not necessary to agree with me or with the hon. Member for Congleton on religious matters to support it.

Food and fluid were withdrawn from the grandmother Janet Johnstone, and she lingered for several days, dying a death that we would regard as a war crime had she been conscious. Leaving someone sitting there, and refusing them food or fluid, would be not only murder but murder most foul. It would be cruel and unusual punishment. It would be outlawed in any circumstances. If the death penalty were permitted, no one would suggest that it should be implemented by allowing someone to starve to death over several days. This is cruel and unusual, yet it is permitted following the judgment of a Scottish court. The Bland case is very similar, if not identical.

The consequence of our allowing those judgments to go unchallenged—we must set the parameters within which courts make judgments—can only be to accelerate and to give power to the demand for euthanasia. If I am asked, "Should someone be allowed to starve to death over several days, or be injected and killed?" and those are my only two choices, even I will have to opt for the injection and killing because it is less cruel and less wicked than to starve someone wilfully to death. That is why that loophole has to be closed. It will make euthanasia inevitable, when the clear majority of people in the country do not want euthanasia to be introduced. I believe that the clear majority of hon. Members do not want it to be introduced, either.

The hon. Member for Macclesfield, whom I greatly respect, said that he had agreed with every word I had uttered. I fear that he will not agree with my next words. They are directed perhaps mainly at Labour Members. Euthanasia is the ultimate capitalist policy. Members may laugh, but it is the ultimate capitalist policy because it seeks to dispose of those from whom further profit and surplus value will never be able to be wrung.

Mr. Nicholas Winterton *indicated assent.*

Mr. Galloway: I am grateful to the hon. Gentleman. I believe that he agrees with me.

The end point of the process, which I am arguing we are already on, is the medical cleansing of geriatric wards, chronically sick wards and of people who will only ever be a financial cost to society, who will never again be a financial benefit and turn in a profit for anyone, and who can look forward only to using up society's resources.

We are being softened up for that argument. All the time, I see disrespect for old people and for disabled people—the deliberate fostering of the idea that they are a burden. How many articles have we read and how many items have we seen about the ever increasing proportion of old people in our society, as if it were some monstrous carbuncle growing on society, instead of just all of us, our mothers, fathers and grandparents growing old? They talk as if it were some problem that people are living to a greater age, instead of something for which we should be thanking God.

How many times have we read and heard arguments asking how we are going to pay for the treatment of the elderly and saying that there are not enough young people? I agree that there are not enough young people. That is one of the reasons why we need to up the birth rate and why we should thank God for my right hon. Friend the Prime Minister showing the way in that respect. That is the way to tackle the problem: increase the birth rate, not the death rate.

The argument that that section of the population is a burden is deliberately fostered in society. If that debate continues unchecked, old people themselves may begin to believe that they are a burden and sign up to be dispatched, so as not to be a burden on relatives.

On the subject of relatives, in parenthesis—although, of course, it does not apply to the Bland or Johnstone families—I may say that I have come across many families who, metaphorically speaking at least, are sitting at the bottom of the elderly relative's bed, waiting for the off and the disbursement of the will, so I do not think that relatives per se are qualified to sign off other people's lives, any more than doctors and lawyers are.

The deliberate fostering of the sense that old people, disabled people and chronically sick people would be better away is a profoundly unethical, unchristian idea. It comes from those who believe that our only real purpose is to work, to earn and to be individuals when we are strong. It is the weak, vulnerable and those not able to speak for themselves whom hon. Members have to speak for and to protect.

I said that I was old fashioned and indeed unfashionable in some of my views. I clearly am in my last one. I saw the British Medical Association's pronouncements on the Bill and was not surprised. If war is too important to be left to generals and the ethical question of euthanasia too important to be left to doctors and lawyers, it is certainly too important to be left to the BMA.

The BMA is on record as wanting to extend the Bland judgment to stroke victims and to new-born babies. It wants to push the frontier, to open new loopholes and to create the demand for enlarging those loopholes. Before we know it, we will have creeping, back-door, but none the less deadly euthanasia.

Dr. Tonge: It is not only the BMA that opposes the Bill. The Alzheimer's Society and Age Concern also oppose it.

Mr. Galloway: I am surprised to hear that point because Alzheimer's will be one of the next ones down the line. After new-born babies, stroke victims and the persistently vegetative who may or may not recover, believe me, that will be a next one. Would we want an old grandmother to go on dribbling in her chair? She cannot even tell us whether she wants to stay alive. That will be the next demand. My hon. Friend the Member for Bassetlaw is on record as supporting the foul industry of assisted suicide and the rest, so I am not overly concerned about his disapproval of what I am saying, but I am absolutely sure that Alzheimer's sufferers will be the next cab off the rank if the process proceeds any further.

Mr. Edward Leigh (Gainsborough): It is not just a "maybe": it is actually in a document from the BMA ethics committee on withholding and withdrawing lifelong medical treatment. It says:

"Tube feeding should be withdrawn from patients who have suffered a severe serious stroke or have severe dementia."

The kernel of the hon. Gentleman's comments is that we should not leave it to doctors to decide whether a patient's life is worth while.

Mr. Galloway: That is exactly my point. I could not have put it better.

Dr. Brand: Will the hon. Gentleman give way?

Mr. Galloway: It is probably a good time for me to draw my remarks to a close, but, as I have described the hon. Gentleman's deadly bedside manner so graphically, I will give way to him.

Dr. Brand: If God has decided to visit the old grandmother that the hon. Gentleman described, who is obviously in some distress with her Alzheimer's, with an

[Dr. Brand]

illness that is potentially fatal, but treatable, are doctors not right to consider with the family whether that treatment should be given?

Mr. Galloway: That matter is beyond the scope of the Bill. I have a clear view on it, which I am happy to debate with the hon. Gentleman any time of his choosing, but the hon. Member for Congleton has specifically not gone down that path. Hon. Members who want to find an excuse for blocking her Bill are seeking to imply that it tackles each and every one of the ethical issues. It does not. She has drawn it very narrowly and made it as brief as it realistically could be precisely to command the broadest consensus, leaving aside some of the other ethical questions.

The Bill is about "the purpose" of the withdrawal of treatment, food or fluid from patients who are not in a position—who are not mentally at that particular time able—to give a statement themselves about what they wish to happen and are, thus, utterly vulnerable, lying there absolutely at the mercy of the doctor and other medical staff who are treating them. The Bill would make such actions an offence.

The hon. Member for Isle of Wight has—bravely, one might say, although I thought chillingly—described circumstances in which, had the Bill's provisions been in force when he was in medical practice, he would be considered to be a mass murderer.

Mr. Ashton: May I put the record straight? The Alzheimer's Society, in a letter that it must have sent to the hon. Gentleman—it sent a copy to all hon. Members—stated:

"The Alzheimer's Society is concerned that the Bill will diminish, rather than improve the quality of care provided to people with dementia."

It is signed by Harry Cayton, chief executive.

Mr. Galloway: It is beyond my imagination how anyone could say that the Bill would be against the interests of sufferers of Alzheimer's disease. At the beginning of my speech, I said that, on this and other occasions, the hon. Member for Congleton has stood sentinel on ethical questions, and I believe that she is guarding the interests of Alzheimer's patients and of the elderly. I am astonished to hear that Age Concern and the Alzheimer's Society are opposing the Bill.

Mr. Blunt: Will the hon. Gentleman give way?

Mr. Galloway: No; I really have detained the House too long, and should like to bring my remarks to a close.

The Bill is narrowly drawn and brief, and it should command support—at least sufficient support to get it into Committee, where the doctors and lawyers can have a field day. Nevertheless, the Bill's general principle should be able to command the support of a wide section of the House, because it reflects the views and values of a wide section of British society. I again congratulate the hon. Lady on promoting it.

Mr. Deputy Speaker: Order. Before I call the next hon. Member, I appeal for brief speeches, as many hon. Ladies and Gentlemen have applied to speak.

11.22 am

Sir Nicholas Lyell (North-East Bedfordshire): The road to hell is paved with good intentions, and the intention of making a brief speech is one that has shown itself elusive in today's debate. I shall do my best.

Like other hon. Members, I start by congratulating my hon. Friend the Member for Congleton (Mrs. Winterton) on introducing this debate on a deeply important subject. Every speech that has been made today has demonstrated how important it is that the Bill should be sent to Committee, so that hon. Members—the elected representatives of the people of the United Kingdom—have an opportunity to focus on an issue that has so far been too much the domain of the medical profession and of my own profession, the legal profession.

I come from a family of doctors, on my wife's side and my children's side, and lawyers, on my father's side, and I have spent hours discussing the vital subject dealt with in the Bill. The Bill provides a real opportunity to try to take a few steps forwards in a sphere in which I fear we shall otherwise move backwards.

I cannot support my hon. Friend the Member for Congleton fully in her Bill as it is currently drafted. I have real worries about the effect of clause 1, and its reference to "purpose" or "one of the purposes", and the Bill's intention as stated in the long title. I believe, for example, that it would, as she rather suggested, negate the Tony Bland case. That case was taken all the way to the House of Lords, where amicus curiae and leading barristers, putting every point of view, produced a sensible result in those very difficult circumstances. Although I do not want that to be undercut, I also sympathise with many of my hon. Friend's fears. I should therefore briefly state where I am coming from.

I have always been passionately opposed to euthanasia in the broad sense. If we allow any notion that the United Kingdom will permit euthanasia, as that word is generally understood, there is a huge danger that we would induce the fear that, should any one of us become a patient, we would not receive devoted treatment in accordance with the Hippocratic oath. If we go down that road, we shall devalue and undermine the respect and affection in which we rightly hold the medical profession. There are very real dangers there.

From a moral standpoint, I believe that it is our moral and our religious duty to see life through to the end. There are some qualifications to that, and the hon. Member for Isle of Wight (Dr. Brand)—who is himself a general practitioner—made some very valuable comments. We look to doctors, in extremis, to help us on our way. When it comes to terminal cancer or some other terminal disease in which we are in great pain, I think that all of us hope that doctors will give us a little bit more morphine, rather than a little bit less, and enable us to slip away quietly and with dignity.

In the Bill's literal wording, however, the doctor's purpose in doing so must be to hasten death, even if by only a few hours, days or weeks. However, that is the stated purpose. In legislation, it is vital that we get the wording right and that we do not undermine those particular aspects.

There is certainly need for guidance on the issue to the United Kingdom medical profession generally, and I congratulate the British Medical Association on seeking to give that guidance. However, just as we lawyers have

produced guidance running to hundreds of pages, but very few helpful principles—as in the Tony Bland case and other cases—the BMA's guidance, as published on its website, which must run to 70 pages of extremely indigestible material, makes life very difficult for doctors.

The guidance genuinely raises the type of fears about which the hon. Member for Glasgow, Kelvin (Mr. Galloway), with his vision of life from the heights of Highgate cemetery and elsewhere, has rightly warned us. There are genuine fears that medical treatment will be withheld when it should not be, and he gave a valuable example.

There has been too much in the press recently—I know that my hon. Friend the Member for Congleton realises this and rightly drew attention to it—about elderly people, either in hospital or in old people's homes, not being provided with basic food and drink in order to hasten death. I do not know whether those stories are true, but there is no smoke without fire. It is very important that valuable guidance be given on the issue.

I am not a doctor, as is perfectly clear, but I think that there is a significant difference between going through all the business of putting tubes down people's throats, gastric operations to get food into their stomachs and, as the hon. Member for Isle of Wight said, flooding—nearly drowning someone with water to try to get water down their throat, in a very undignified manner—and deliberately withholding ordinary food and drink that the patient might be able to take.

Mr. Michael Trend (Windsor): Does my right hon. and learned Friend accept that some of the cases that have been in the media recently, if they are true, might have been caused, at least in part, by the Bland judgment?

Sir Nicholas Lyell: My hon. Friend may be right to the extent that, across the country, people have different views on the issue. Some people believe—wrongly, in my view—that we should go further down the route towards euthanasia. I think that we have to be very careful about that.

Dr. Brand: Does the right hon. and learned Gentleman agree that care should never be withdrawn? Tony Bland, for example, was cared for in his last days and weeks. We are really talking about quite different matters: one is caring; one is not actively treating.

Sir Nicholas Lyell: I agree with the hon. Gentleman, who made the point very well in his speech. In those circumstances, I would be glad to have him as my general practitioner. I hope that he will follow the logic of his argument and help to ensure that the Bill is considered in Committee. The BMA and the country need the Bill to be considered further so that the matter can be followed through carefully.

At this stage, I cannot promise my hon. Friend the Member for Congleton that I will support the Bill on Third Reading, as I believe that, in its present form, it is too restrictive. None the less, I believe that she has done the House and the country a real service—and a brave one—in tackling one of the most important issues of our day and our generation. I understand that she is taking advice from very able people in the medical and legal professions and in the legal academic world, and I am grateful for their willingness to consider carefully the points of detail that we wish to discuss in Committee and on Report. On that basis, I urge the House to give the Bill a Second Reading.

11.31 am

Mr. Kevin McNamara (Hull, North): I too congratulate the hon. Member for Congleton (Mrs. Winterton) on introducing the Bill. It is important as it seeks to close the floodgates on what might have been the consequences of the Bland decision—almost indiscriminate euthanasia in certain cases.

I listened carefully to the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) and I agree that there may be scope for producing a clearer definition. However, we need to establish purpose. That is a fundamental issue. If the purpose is to hasten someone's death, the Bill says that it is wrong. I agree. It is wrong ethically and morally and it is contrary to the common Christian tradition and that of other religions. It is also a defiance of the European convention on human rights, which we were so proud to put into our legislation 18 months ago. We look forward to its proper incorporation.

I was the rapporteur of the Legal Affairs and Human Rights Committee of the Council of Europe. It considered the report that was published last year on the treatment of the terminally sick and dying. One clear and direct message from the community of nations in Europe was the degree to which they upheld the idea of the sanctity of life and the need for proper care and attention.

The treatment of people who are ill is not an easy issue, but one bubbling with ethical, legal, moral and medical questions. In addition, it cannot be regarded as absolute, as the degree of medical attention and expertise that can be applied depends on society and its expectations. In poor areas where very little can be spent on medical treatment, questions of intravenous feeding and operations putting tubes into people's stomachs never arise. Neither the money nor the expertise is available. In our society, however, with the advantages that we have and the continuous advances in medicine, not only are those procedures commonplace, but the possibility of the extension of life and of cures, using man's God-given ingenuity to extend hope and improve the quality and nature of life, is important.

Although circumstances will differ, the mere fact that we have advanced sufficiently to be able to feed people intravenously and put tubes into their stomachs should not necessarily be regarded as an extraordinary way of keeping them alive. It is part and parcel of the development of the human mind and the human situation.

The issue has arisen of the quality of life of the people who are subject to such treatment. All too frequently, we draw conclusions from our own perspective without considering that of the person involved.

Back in 1966 when we were discussing the Medical Termination of Pregnancy Bill, I remember reading a letter that had been read out in another place by Lord Iddesleigh. It had been printed in *The Daily Telegraph*,

[Mr. Kevin McNamara]

which is not my normal bedside reading. However, I found it very moving and perhaps we should bear it in mind when we talk about the quality of life:

"Sir—We are disabled from causes other than thalidomide, the first of us having two useless arms and hands, the second two useless legs, and the third the use of neither arms nor legs.

We are fortunate only, it may seem, in having been allowed to live, and we want to say with strong conviction how thankful we are that no one took it upon themselves to destroy us as useless cripples. Here in the Thomas Delarue School for Spastics . . . we have found worthwhile and happy lives and we face our future with confidence. Despite our disabilities, life still has much to offer and we are more than anxious, if only metaphorically, to reach out towards the future."—[*Official Report, House of Lords*, 30 November 1965; Vol. 270, c. 1175.]

That statement of concern and principle should underlie our attitude towards the Bill; it is profoundly important. That is why we should uphold the basic principle of the Bill.

My next point may not receive universal acceptance in the House. I was one of the few hon. Members who voted against the Second Reading of the Medical Termination of Pregnancy Bill. At the time, we were told by the then proposers of the Bill that it would deal only with the really hard social cases—those in which the mother's life was at risk, or when the circumstances involved such extreme social conditions that a termination was necessary. However, since the passage of that Bill there have been more than 3 million terminations. We were told that there would be only a few—the equivalent of the Bland case.

Hon. Members underestimate the degree to which passing legislation can affect the attitude of society. That legislation changed the nature of regard for the right to life of the unborn child. I put it to the House that if we blithely accept the provisions in the Bland case, we will raise the question of the cripple and, in the terms of the BMA proposal, the new-born child.

I have had some experience of this subject. I had a grandson who was born after six months. I watched with pain and love how doctors at St. George's hospital and the Hedon road maternity hospital in Hull fought to keep that child alive. However, at the end, the nature of the treatment was causing such enormous distress to the child—with no prospect of the lungs developing—that, the decision had to be taken to stop it. Clearly, that was a cruel decision for the parents, and for the doctors. There is no way that I would argue that the purpose of the doctors was to hasten the death of that child. They would be completely clear under the terms of the Bill.

That is why I found it so disturbing, chilling and profoundly cruel to listen to what the hon. Member for Isle of Wight (Dr. Brand) said. I thought that it was eugenics gone wrong. Those were the arguments of the Nazis—that a child or person is not healthy or suitable, and that we should proceed in the way suggested by the hon. Gentleman. I know the hon. Gentleman, and I would be more than willing to share yet another carafe of beaujolais with him. However, I am not certain that I would want him as my doctor.

In terms of definition, I would have thought that most of the cases that the hon. Member for Isle of Wight cited were covered by the Bill. Most of the difficult cases referred to today would be covered by the Bill, which is concerned with the purpose to kill or the purpose to shorten life. I hope that the hon. Gentleman would not say that it was his purpose to shorten a person's life or to kill that person.

Dr. Brand: I am surprised at the hon. Gentleman's interpretation of what I said. I said that the purpose of the withdrawal of treatment at that time—I was talking about a child, as he spoke about the grandson that he lost—was to allow nature to take its course and for death to occur. There is a vast difference between that and the hon. Gentleman's interpretation. That is the real argument that some hon. Members accept although, clearly, others do not.

Mr. McNamara: The hon. Gentleman said that the treatment of the child was becoming intrusive and that when it was becoming an assault on the child, the parents took the decision. I understand that. However, there is no way—certainly from what he said of the parents—that they said, "This will hasten death, and that is the purpose of what we are doing." From his own description of the case, it was not like that. He said that the treatment was intrusive and an assault on the child, and that there was no certainty of any success. I recommend that the hon. Gentleman read the report on this issue by the Council of Europe's committee—of which, sadly, he is no longer a member. It goes into these questions a great deal.

If we do not put a stop to this behaviour, it will become, like the BMA's guidelines, a slippery slope in terms of who is and who is not valuable in society, who decides, and on what basis and criteria. The only person who is not deciding is the person involved. We can only second-guess, at best, what their opinion might have been, because they would always be entitled to change their minds.

A person has a right to deny treatment, and to say that they do not want such violations done to themselves. A person has the right to want that to stop. However, we do not have the right, and doctors do not have the right, to say that we will take that decision purely and simply to terminate a person's life or hasten their end. We as a society cannot accept that, and that is why we should give a Second Reading to the Bill.

11.45 am

Rev. Martin Smyth (Belfast, South): The hon. Member for Hull, North (Mr. McNamara) and I differ on certain issues, but we are at one on this one. The hon. Member for Glasgow, Kelvin (Mr. Galloway) referred to the Christian position, but we are joined on this issue by people of the Muslim faith, the Jewish faith and those who do not profess any faith. This is a deep human issue, with moral implications.

I was fascinated to discover that the hon. Member for Isle of Wight (Dr. Brand) recognised that sins of commission and sins of omission are of equal heinousness in the sight of Almighty God. In other words, he has been well brought up. I would say that one can do wrong by deliberately committing, and one can do wrong by deliberately omitting—sometimes not even by deliberately omitting, but by failing to do what was needed at a particular time.

I join other hon. Members in congratulating the hon. Member for Congleton (Mrs. Winterton) on coming first in the ballot. The right hon. and learned Member for

North–East Bedfordshire (Sir N. Lyell) said that he may not vote for the Bill on Third Reading. He might discover that, as happened earlier this week, many who are not here at Second Reading will vote on Third Reading in favour of the Bill.

We have to face reality, and I try to do so. I have served for 29 years as a pastor, four of which involved a chaplaincy in a hospital with which I have close links. For 18 years, I have been deeply involved as the Ulster Unionist party health spokesman, and I have an awareness of what is happening not only in Northern Ireland, but in the nation as a whole. Internationally, one sees the drift on this issue, which is manifested in the way we treat people who need what the hon. Member for Isle of Wight describes as "care".

Often in hospitals and residential homes, the staff are so hard-pressed that they do not have the time to feed patients properly. That is an indictment of our society. We must recognise that food is treatment. The old adage is "Feed a cold and starve a fever". Anybody who says that that does not make any difference must face reality.

Reference has been made to the type of intervention. My nephew—an orthodontist who is now in Australia—developed a system for helping children with severe cleft palate problems to eat. He went to an orthodontists' conference in Nairobi to speak about it. That system was an intervention to allow a person to feed who would not normally be able to do so. It was a good intervention, but he was humbled out there to discover that the problem was not an intervention to help those children to feed but how to get them food at all.

I use that illustration to show that we are aware of the issues. I recall a young man some three years ago who was in a semi-coma after being brutally beaten by a bunch of so-called loyalist thugs and left for dead. His father sat by his bed, week after week, and he clearly never forgot the old adage that where there is life, there is hope. If we legislators signal to the medical profession—or anyone else—that life can be stopped, we will be failing in our duty.

Earlier, I intervened the hon. Member for Bassetlaw (Mr. Ashton). The harsh reality is that people all over the world have been in comas for years and then recovered. I read about one last year in the *Reader's Digest* non-fiction series. A woman, although she could not communicate, was able to hear and understand what the doctors and nurses said and did. She went through agony at the way she was treated.

Mr. Ashton: Is the hon. Gentleman aware that many doctors say that absolute dogmas do not work? Each case is different, and only the doctors can decide what is best.

Rev. Martin Smyth: Even doctors now would not accept that only they can decide. This is the age of partnerships—consultants, general practitioners, nurses, physiotherapists, occupational therapists and family members can all contribute to decisions, which go beyond the merely medical. The Bill tries to close a loophole that has developed very rapidly.

Interestingly, the BMA has admitted that a body of law has sprung up based on legal decisions. I am worried that to some extent this country is adopting the American approach, whereby judges decide issues of morality in society, instead of the elected representatives of that society setting the standards that they believe that society should uphold.

I remind the House that the Bill does not encourage unnecessary interventions. Some hon. Members are worried that a section of the medical profession believes that such interventions are warranted. For example, medical researchers sometimes intervene to prolong life unnecessarily when there is little or no likelihood of improvement. They want to advance their medical knowledge, and I appreciate that that may ultimately benefit many people throughout the world. However, the Bill says nothing about that.

Dr. Brand: I should be grateful if the hon. Gentleman expanded that point. Is he saying that non-intervention not to prolong life is not the same as non-intervention to stop life?

Rev. Smyth: I am saying that the problem is that people are terminating life deliberately. The hon. Gentleman himself said that he did not want to play God, but withdrawing treatment or food is playing God just as much as deciding whether a person will die. I was making the point, bluntly, that people have been used for experiments, and that that did not happen only in the second world war. I do not consider that proper, but my point is that the Bill does not cover it.

The Bill does not require doctors to keep alive people who are dying. I am a long-time supporter of the hospice movement, and I am committed to proper palliative care. I cannot accept the imputation that giving a person a drug that will help him or her to endure pain—thereby prolonging life a little—is moving that person towards termination. The hon. Member for Isle of Wight spoke of a family gathering around a dying person, and I believe that that is the best thing. Sometimes we must help people and it is part of my calling as a pastor to be with people at such times. I do not think there is a proper connection between the concept of withdrawing treatment and palliative care. However, such details can be discussed in Committee.

The BMA has referred to a body of practice that makes euthanasia legal, but it is trying to have it both ways. Sometimes the House makes decisions that not every hon. Member agrees with, and which some will try to amend in due course. Similarly, statements from the BMA or the Royal College of Nursing do not necessarily reflect the sentiments of all their members. I have received letters from nurses, doctors and clinical engineers urging me to support the Bill. I gladly do so.

11.57 am

Mr. Marsha Singh (Bradford, West): I begin by congratulating the hon. Member for Congleton (Mrs. Winterton) on winning the ballot and choosing this topic for her Bill, which she introduced with an excellent presentation. I cannot match her clarity, nor the passion with which my hon. Friend the Member for Glasgow, Kelvin (Mr. Galloway) spoke, but I shall try my best.

The hon. Member for Isle of Wight (Dr. Brand) said that he could not second-guess God. However, the issue is not one of second-guessing God, but of whether anyone should play God. That is the fundamental principle.

[Mr. Marsha Singh]

Many of us disagree with the technicality of blocking private Members' Bills and preventing them from making progress. I ask the hon. Member for Isle of Wight whether he will refrain from using his right as a Member of Parliament to block the Bill so that we can pursue these arguments in Committee.

Dr. Brand: Having listened to the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell), and various points that have been made, I am persuaded that the Bill needs to go into Committee.

Mr. Singh: I rise to speak primarily because of my beliefs on the subject. However, I also wish to reflect the concerns of my constituents and the Christian, Jewish and Muslim organisations which have made their views known to me. Euthanasia is the intentional killing of a patient by act or by omission as part of their medical treatment when the patient's life is felt to be not worth living. I do not think that anybody should have the right to decide that a patient's life is not worth living.

In this country, thankfully, euthanasia is illegal, and that is the way it should remain, even though, with the Bland judgment, we now have a back-door method of euthanasia by withdrawing food and fluid. The problem in changing a principled stance on euthanasia or the law on euthanasia is that once we draw a new line, it can be redrawn time and time again. It may at first be a case of people in a coma, but it will not finish there. Who will be the next to be added to the list, and the next, and the next? Once we draw a line, it can be redrawn according to the politics and society of the day.

Dr. Tonge: I should like to turn the hon. Gentleman's argument on its head. With the advance of medical science, we can prolong life almost indefinitely, and in the future it will be indefinitely. Does the hon. Gentleman not think that that, too, is interfering with God's will, and that we should consider those issues?

Mr. Singh: I am not talking about God's will. I believe that as human beings, our brain produces the technology to master some of the things that have always happened in nature, and to improve our lives by doing so. Letting nature take its course is a dangerous argument. The Spartans, for example, used to put their babies at the bottom of a mountain and let nature take its course so that the weak were killed and the strong survived.

Dr. Brand: It is clear that hon. Members on both sides of the House go in for hyperbole. We all understand that care should always be there for the individual patient, so I do not think that the Spartan argument quite stands up.

Mr. Singh: The hon. Gentleman is probably right.

Euthanasia is illegal in this country, but let us have a look at a country where euthanasia is permitted—Holland. My description of what is happening there will show the House that there is a slippery slope.

Mr. Blunt: On the definition of terms, euthanasia is not allowed in Holland—voluntary euthanasia is legal in Holland. There is a fundamental difference between euthanasia—which is murder under any reasonable description—and voluntary euthanasia, which is not.

Mr. Singh: I thank the hon. Gentleman for that clarification, but as I continue, he may hear some facts to make him reconsider whether euthanasia in Holland is voluntary or not.

Mrs. Ann Winterton: I am sure that the hon. Gentleman recalls that in 1990, of the 3,000 cases of euthanasia in Holland, 1,000 involved patients who had not expressed any wish to be killed in that way. There is a slippery slope. It is well documented in Holland, and counters the point of my hon. Friend the Member for Reigate (Mr. Blunt).

Mr. Singh: The hon. Lady anticipates some of the points that I was going to make. My figures show that in Holland in 1990, patients had not given their consent in 1,000 cases of euthanasia. There were 2,700 cases of euthanasia or assisted suicide, and in a further 7,000 cases, there was an act of omission by the doctor with the explicit intention of shortening life. In another 15,800 cases, that was the partial intention. According to the magazine "Faith in the Family", the situation in Holland is out of control. In 1990, 20 per cent. of all deaths were the result of euthanasia, in which the doctor's intention was—at least in part—to shorten life.

I am sure that the House will agree that those figures are horrific. They are eye-opening. We do not need a vision of where we might end up with euthanasia; the practical reality is on the other side of the channel. If we reflect on that, we must decide that Great Britain does not want to go down that road.

As has been explained, the Bill was drawn up as a result of the judgment in the Bland case, in which the House of Lords decided that artificial feeding and hydration could legally be withdrawn and that such withdrawal constituted an omission, not a positive act. I respect the eminent Law Lords, but if one withdraws something from someone, that too is an act. However, I accept that the Bill refers to an omission and that we should use that word.

The BMA guidelines, issued in June last year, were also a factor in the introduction of the Bill. They stated that food and fluids constituted medical treatment.

Dr. Harris: The hon. Gentleman might find that, if he considers those guidelines carefully, they point out that the Law Lords in the Bland case ruled that artificial giving of food and fluids counts as medical treatment, whether it be intravenous or through a gastrostomy tube, surgically placed during an operation under general anaesthetic.

Mr. Singh: I accept that. My point is that, with those guidelines, the BMA is encouraging a wider group of doctors to view food and fluids as medical treatment. That is a dangerous path to take.

The publishing of those guidelines has led many people to fear—whether their fears are real or not—that in this country there is a creeping euthanasia culture. The Bill would put a stop to that. It is both timely and necessary. If euthanasia were introduced as an answer to difficult and extreme clinical problems, there would be a strong economic temptation to save resources and time by

bringing life to an end sooner rather than later. I am sure that that temptation would arise. If I may revert to new Labour parlance, that would present a huge risk to the many in an attempt to provide an answer for the few.

The Bill will not prevent doctors from ceasing tubal hydration and feeding when its provision has become too burdensome for the patient. However, it will prevent doctors from intentionally bringing about the death of their patients by actions that they take or omit to take. The problem of omission is the loophole that resulted from the Bland judgment; the Bill will close that loophole. The Bill will make it an offence for a doctor to withdraw or withhold from patients treatment or sustenance, if one of his or her purposes is to hasten or cause the death of the patient.

Care for the vulnerable, the elderly and the terminally ill should never be about cost or convenience— it should be about dignity, proper palliative care and better standards of care. We should be very wary of the argument that euthanasia is a compassionate act or a mercy killing.

I received some information today: in cases where hydration has been withdrawn, it takes 16 days for the person to die. Is that compassionate or merciful? I think not. If it is so compassionate and merciful, why is it that in Holland elderly people carry passports for life, to avoid euthanasia if they happen to end up in hospital? That does not sound very compassionate to me.

Mention was made of Happi, a woman in New Mexico. We read about her in the newspapers, under headlines such as "Coma wife wakes after 16 years". She went into a coma after complications in childbirth. She was in a catatonic state, unable to eat, speak or move, and was kept alive on a life support machine. Sixteen years later, she awoke. Very soon after, she was able to swallow food, move a little on her own and talk.

What would have happened to that woman in the United Kingdom? Would she have been denied the right to life when it eventually came? I think that, given the Bland judgment, she would have been executed by the withdrawal of medical treatment or nutrition and hydration.

Dr. Harris: The hon. Gentleman should be careful. I am not aware of the details of that case, but "persistent vegetative state" is tightly defined and it does not involve patients who are mechanically ventilated on a life support machine, as the hon. Gentleman suggested that that person was. It is very dangerous to take an anecdotal case from the world's press and say that that has implications. In contrast, judges in cases such as Bland, where there is no statute law, have made their judgments based on the global evidence and specific definitions.

Mr. Singh: I thank the hon. Gentleman for that intervention. My argument is that doctors do not always get it right; in fact, in very many cases they get it wrong. I do not want them taking decisions about people's lives.

Dr. Tonge: Will the hon. Gentleman give way?

Mr. Singh: I am concluding my speech. I have given way numerous times.

For me, this is a Bill for the Happis of the future. It will reassure many elderly people, and it is a Bill for life. It deserves the support of the House.

12.13 pm

Rev. Ian Paisley (North Antrim): Much has been said in the debate, but I shall be the first to congratulate the hon. Member for Congleton (Mrs. Winterton), who brought the Bill before the House. We are again indebted to her for her eagle eye and defence of principles that some of us believe in and really want maintained for the benefit of all people in this country.

I of course approach this subject as a Christian, but I am glad to say that those of other denominations, of no denomination or of other religions are agreed on the matter. It is good that there is wide agreement on it.

I believe that the vulnerable, the elderly and terminally ill require more, not less care; more, not less respect; more, not less support; and that they do not deserve killing. I want to make that very clear today. Killing is not the answer. The answer is more care, more respect and more support.

The hon. Member for Glasgow, Kelvin (Mr. Galloway) mentioned some of the undertones of what is called "mercy killing." As he said, there is pressure to free hospital resources and pressure from the greed of the beneficiaries who want to inherit.

My colleague, the hon. Member for Belfast, South (Rev. Martin Smyth), spoke about his experience as a minister of the gospel. I have been 52 years in the pastorate and I am alarmed at the rush to get elderly people out of hospitals and out of real care. I salute the work of the hospices. Without the hospices, I do not know what many elderly people would do. The hospices believe that we should call for more care, not for less, and they refuse to accept the pressure that is placed on hospitals. They offer the elderly what they richly deserve. Any country can be judged on how it treats its children and its elderly. This country will certainly be judged according to that principle.

I am alarmed at the attitude of the BMA. It has persistently sought to widen the grounds for the withdrawal of treatment. If people have no confidence in their doctors when they are ill or severely ill, a shadow is left over them that they are not able to bear along with the physical trials that they face. The BMA wants to use the pressures as a loophole to widen the opportunity for what it would call "mercy killing".

The Government's response to the "Who Decides" consultation paper was entitled "Making Decisions", and I regret it. The withdrawal of treatment should not be a matter for a court of protection. The fundamental issue is the right to live and no court should be allowed to make the decision for me or anyone else. That is an important principle.

Far be it from me to praise anything from Europe, but the right to life is a principle of the European convention on human rights. There is some advantage to being in Europe and putting one's view at various times and in various places.

I shall be brief, and I am sure that the House will be glad of that. The Bill will prevent doctors from intentionally being able to kill their patients. I was alarmed by some of the things said from the Liberal Democrats' Front Bench by the hon. Member for Isle of Wight (Dr. Brand), and I think that the county would be alarmed, too.

The Bill follows the Bland case in which a patient was permitted to starve to death. That loophole must be plugged. The Bill is about people, not abstractions. Death

[Rev. Ian Paisley]

is not the answer to medical problems and need. Medicine should be about life, not about affirming the principles of how people can die and die quickly.

The Bill is about the many, not the few. Only a few people are concerned about pushing the case against the Bill. We should seek cures not cuts and, if the Bill receives a fair wind, it will provide a signal to the whole country that a large section of our community is not prepared to sit idly by and allow mercy killing to continue.

I recently read a study on the issue, which said:

"More than half of all the patients retained consciousness until shortly before death. Basic interventions to maintain patients' comfort were often not provided: oral hygiene was often poor, thirst remained unquenched and little assistance was given to encourage eating. Contact between nurses and the dying patients was minimal; distancing and isolation of patients by most medical and nursing staff was evident; this isolation increased as death approached."

That is not a good way to have patients die, and it is something that we should all be alarmed about.

If the Government are truly interested in good health care, they should start with compassion for the sick—all the sick, even those who are dying. The argument is about resources, technology and research—it is about cutbacks, in every sense of the word. It is also about how we care for all, not only the dying. The needs of a seriously ill person and a terminally ill person are very similar. Killing cannot ever be a substitute for dying. The whole concept of mercy killing is so open to abuse that it can never be properly policed or legislated for.

Christian values are being assaulted. As a Christian, I trust that those values will be upheld by giving the Bill a good send-off to Committee. I trust that any improvements necessary to establish and defend the right to live will be made there.

12.21 pm

Dr. Brian Iddon (Bolton, South-East): I was brought to the debate by the publication of the BMA guidelines in June 1999. In my opinion, doctors should not have the right—at least, not the sole right—to withdraw food and drink from a patient, especially one who is clearly not dying. As other hon. Members have said, food and drink are basic necessities of life. The BMA made an extremely dangerous decision in publishing the guidelines, which are not supported by a considerable number of its members. In that sphere of medical practice, it is not sufficient for the BMA to give doctors "guidance notes" that are likely to be followed to the letter. Instead, it is important to define the position in law—to state, within reasonable limits, what doctors can and cannot do. That is what the Bill is designed to achieve.

I do not want to over-litigate the health sphere, in which clinical evaluation, evidence-based medicine and considered opinion are paramount to provide the optimum care to patients. I pay tribute to all those staff—doctors, nurses and others—who perform the tremendous task of treating and caring for patients throughout the NHS. That should be said in today's debate. I am here to protect the interests of those who have no voice: the elderly, the weak and especially the extremely infirm. In this country, euthanasia, including involuntary euthanasia, is unlawful. The Bill is designed to define the law so that patients and their relatives will have recourse to the courts where that is necessary.

Debate is urgently needed in the light of the trend apparent worldwide in the medical profession, signalled in this country by the publication of the BMA guidelines. Given that there are nearly 115,000 doctors practising in this country, it is regrettable that the consultation exercise that preceded the publication of the guidelines resulted in the receipt by the BMA of only slightly more than 2,000 responses. A considerable number of those came from members of the general public and various organisations. That is a small return, on the basis of which the BMA decided to publish extremely important guidelines, which have prompted today's debate.

Many doctors who are members of the BMA have expressed dissatisfaction with the guidelines. The Medical Alliance Opposing the Guidance on Withholding and Withdrawing Food and Fluids, has been set up; it already numbers among its membership 6,000 doctors—three times the number of respondents to the consultation that led to the publication of the guidelines. GP Anthony Cole, a founder member of the alliance, has criticised the guidelines as being tantamount to the introduction of a death ethic into the doctoring profession in this country.

In 1991, *The Lancet* reported that voluntary euthanasia by administering legal drugs at the patient's request seems to have been carried out in the United Kingdom in 1.8 per cent. of all deaths. In my opinion, the percentage is much greater than almost 2 per cent.

The authenticity of a patient's request is clearly not easy to validate.

Mr. Blunt: Will the hon. Gentleman give way?

Dr. Iddon: No. I want to make progress because I know that other hon. Members want to speak.

Last year, the medical profession displayed mixed reactions to the case of Dr. David Moor, who was acquitted of the murder of a terminally ill 85-year-old patient by an overdose of morphine. Of greater concern is the case of the now sadly deceased nursing-home patient, Mary Omerod, whose GP, Ken Taylor, withdrew nutritional supplements without discussions with the nursing staff, although the patient's family was consulted. Mary lived from June to August without food and drink. She died extremely emaciated, weighing less than four stones. The GP in question was suspended from practice for six months by the General Medical Council.

Since the debate was announced, we have been inundated by information about such cases from across the country, by letter and by telephone from individuals and organisations who are against euthanasia. I have not been referring to isolated cases.

The media are peppered with reports of poor decisions that have been made by doctors, sadly, to the detriment of their patients. Do we have the compassionate health service that we want for our increasingly ageing population? I think not. My hon. Friend the Member for Bradford, West (Mr. Singh) has already referred to the case of Patricia White Bull in the United States, who has recovered to a degree after 16 years in a coma. The question is—it has already been posed—whether she would have lived 16 years in this country under those conditions.

The demographic picture of Britain is changing. The number of people over 65 years of age is predicted to rise by 10 per cent. in the next 10 years. The greatest increase

in numbers will be those who are over 80. Regrettably, a quarter of those over 85 will develop dementia. We must pre-empt these changes by ensuring that high-quality standards of care are available to these people, and not seize upon involuntary euthanasia as a panacea for the demands of the new century.

It is estimated that about 6,000 deaths per day in the United States are in some way planned or indirectly assisted, probably by the double-effect principle, where strong pain-relieving medications are administered that may simultaneously hasten death.

In a study conducted in New South Wales, it was found that more than a quarter of the doctors who were surveyed said that they had taken steps to hasten the death of their patients. The British people must make up their minds—I hope that we are representing their opinions today—and decide whether they want to proceed along the paths that have been taken by other countries such as Belgium, Holland and Australia.

I have cited cases to demonstrate that the Bill does not anticipate the future. Death hastened by commission or omission is already happening throughout the world. Euthanasia is undoubtedly a sensitive issue. We are discussing not only the lives of people or their deaths, but their values. How much do we value human life? To deny a person the enactment of his values at the precise moment of his death must be one of the most irreconcilable of all wrongs.

In 1998, the BMA initiated a consultation exercise on the issues raised by a number of cases, and most notably by the Bland case. As I have already said, more than 2,000 responses were received as part of the consultation exercise. However, who were the respondents? The BMA has not listed them. I cannot find the names of the organisations or doctors who responded. The views of the 2,000 self-selecting people are not necessarily represented by the BMA, yet its guidelines display a significant move towards involuntary euthanasia by claiming to make distinctions between life-prolonging treatment and basic care. It condones the withdrawal of basic life-stuffs, thus hastening death.

The guidelines that the BMA issued in 1999 reveal that it believes that involuntary euthanasia should be routinely condoned without recourse to the courts. However, in 1998, it stated:

"An active intervention by anybody to terminate another person's life should remain illegal. Neither doctors nor any other occupational group should be placed in the category which lessens their responsibility for their actions."

In 1993, it stated:

"In the BMA's view, liberalising the law on euthanasia would herald a serious and incalculable change in the ethics of medicine."

What has happened to the BMA? It has executed a complete U-turn. It has been followed by the Royal College of Nursing, which expressed one view two years ago, but an entirely contrary view now.

Dr. Tonge: Will the hon. Gentleman give way?

Dr. Iddon: The hon. Lady has almost made speeches through her interventions, but I will allow her to intervene.

Dr. Tonge: I am grateful to the hon. Gentleman, but does he understand the way in which the BMA works? He criticises the number of people who responded to questionnaires. I do not wish to apologise for the BMA, but it is a democratic organisation. We send representatives of our branches to the BMA annual council, which approved the guidelines.

Dr. Iddon: I am glad to hear that, but the way in which the BMA has misled hon. Members in the past two days by sending out two letters that contain errors is disturbing.

The legal precedent set in the Bland case determined that the medical profession regarded artificial feeding as a form of medical treatment, not that it should be regarded as such in all cases. We should not fall into the trap, as the BMA apparently has, of extrapolating general principles from a borderline case, such as the Bland case, which was determined in the courts.

One of the most common forms of rebuttal by doctors is stating that patients requested assistance to allow them to die. In one study, 60 per cent. of doctors in this country said that they had been asked by their patients to hasten death. How many doctors complied with that demand? Such a request to hasten death may seem an example of an intensely personal moment for the patient, which is met by a caring and empathic response from the doctor. However, how can the authenticity of the patient's request be measured?

One study showed that mild to moderately depressed patients were more likely to exhibit a decreased desire for life-prolonging therapy than non-depressed patients. It has been observed that patients' wishes are not always consistent over time, and can change as disease advances, sometimes in an unpredictable way. How can we be sure that when a patient says yes today, he means yes?

Before doctors decide to omit or withdraw treatment or food and drink, they should consult not only one other doctor, who should be independent of the medical team on the case, but the nurses in the team and close relatives who are involved with the patient. A case conference is appropriate. Although BMA guidelines propose that procedure, I do not believe that it is carried out in all cases of hastened death. In cases of dispute, there should always be recourse to the courts.

I want to refer to palliative care, which has largely not entered the debate. As my hon. Friend the Member for Bradford, West said, voluntary euthanasia is legal in the Netherlands. There are only 70 palliative care beds in the entire country. Such minimal provision stands amid controversy there, and there are reports that euthanasia law is constantly abused. Euthanasia should not be regarded as an alternative to high-quality palliative care.

Palliative care is not only about the quality of life; it is also about the quality of death. Like others, I pay tribute to the hospice movement, which does a wonderful job, and although some do, I wish that all hospitals provided such high-quality palliative care. Doctors should be given instruction in palliative medicine as part of their core training. As far as I am aware, that is not happening. Such training should definitely include the skill of titrating strong analgesics to the patient's pain and condition. There are many routes by which to administer the wonderful drugs of morphine and dianorphine, but I do not believe that all doctors involved with caring for the terminally ill have the skills to administer those drugs as carefully as many of us think they can. We could have debated how the double-effect principle operates

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throughout the national health service. I have only anecdotal evidence for my opinion—that is all it is—that double effect is convenient for some doctors to over-hasten death. It is hard to collect the statistics, but if hon. Members walk round the hospitals and talk to relatives who have recently been involved with death they will hear the stories from them.

I began by telling the House that I am here because I am adamantly against the BMA guidelines. I want to protect the elderly, the weak and the infirm, who have little or no voice. We must make decisions because of changing demography, and the medical profession needs guidance from us. We must lay down the law rather than allow it to use its own guidance, as it appears to wish to do. The Department of Health should put much more effort into promoting palliative care throughout the NHS.

12.38 pm

Mr. Michael Trend (Windsor): It is a great pleasure to follow the hon. Member for Bolton, South-East (Dr. Iddon) and I have much sympathy with most of what he said. I shall come to the Bland judgment, but perhaps the House needs to look at double effect again and debate how it is developing.

I congratulate my hon. Friend the Member for Congleton (Mrs. Winterton) first and foremost on her good fortune in securing victory in the ballot and on her good sense. She is a well-known campaigner on such issues and has introduced a timely Bill on a matter about which the public are becoming increasingly concerned as a result of the Bland judgment and developments since it was made. I admire the sense of proportion in her Bill. We have had a fascinating debate and understand that this issue has been highly complex throughout human history, but since the Bland judgment, and after various advice and guidelines were provided by the British Medical Association, we have all been conscious of being on new ground. We must stop and ask ourselves whether that is where we want to be.

As many hon. Members have pointed out, we have arrived at this situation partly because of the extraordinary advances in medical science over recent years, which are wholly welcome. We must also note that those difficult decisions used to be made mainly at home with a family doctor who knew the people involved intimately. Now they are increasingly made in institutions, and it should be legitimate for those institutions to test what they are allowed to do much more publicly.

In modern society, there is also an increasing tendency to delegate responsibility for difficult ethical decisions to those whom we suppose to be experts, as happens in the case of human fertilisation and embryology. That, however, can be only a temporary solution in the most difficult instances. From time to time, it is essential for ethical issues to be retrieved from the experts and, indeed, the courts, and decided here in Parliament. It is only through the House of Commons that ordinary people have an absolute right to be heard, and, in this instance, the voices of the people are what matters most. That point was made strongly by the hon. Member for Glasgow, Kelvin (Mr. Galloway). Apart from his attack on capitalism, I agreed with every word that he said. I do not think I have ever agreed with any word in any of his other speeches, so I was happy to be on his side on this occasion.

We all accept that science moves forward, and by and large we are grateful for that; but the fact that science moves forward does not necessarily mean that we must develop new public doctrines. We can and, in certain circumstances should, insist that modern developments in medical practice conform to a basic code rooted in popular understanding and support. My hon. Friend the Member for Congleton seeks to stop doctors intentionally bringing about the death of their patients, and I believe that her view has overwhelming public support.

Specifically, my hon. Friend addresses the question of whether those charged with the medical care of patients can withdraw nutrition or hydration if that would cause death. I accept that her Bill does not require doctors to strive officiously to keep alive patients who are dying; I also accept that doctors can cease medical care if it is no longer in the overall interest of a dying patient. I accept the doctrine of double effect, which means that doctors can administer drugs to control pain even at the cost of shortening a life.

As I have said, my hon. Friend has a sense of proportion. What I believe she cannot accept—I cannot accept it either—is the view that food and drink should be regarded as a medical treatment, the omission of which would kill a patient.

Mr. Gordon Marsden (Blackpool, South): I am sure that other hon. Members have, like me, received letters from hospice doctors. Does the hon. Gentleman agree with Mr. Richard Lamerton, from the Hospice of the Valleys, who says that withdrawing medical treatment in this way

" puts doctors in a new world of value judgments which are very dangerous. Those of my colleagues who are happy to dance across this minefield are the very ones I would be most scared of if I found myself in hospital after a stroke and unable to communicate."

Mr. Trend: There has been a good deal of discussion about that today. The question of which hon. Member present we would like to have as our doctor has arisen frequently.

Dr. Julian Lewis: Three Liberal Democrats who are doctors are present, and they all seem to be against the Bill. I cannot resist asking my hon. Friend whether he thinks that being Liberal Democrats makes them believe in euthanasia, or that believing in euthanasia makes them Liberal Democrats.

Mr. Trend: I think that my hon. Friend is being mischievous, although amusingly so.

Dr. Brand: That was a cheap intervention. I said at the outset that I opposed active euthanasia. Indeed, I voted against a ten-minute Bill on the subject presented by the hon. Member for Bassetlaw (Mr. Ashton).

Mr. Trend: I do not think that my hon. Friend was questioning the hon. Gentleman's medical qualifications; I think that he was questioning his party allegiance, which many people find curious.

I read the Bland judgment with as much care as I could devote to it. It is a terrible case. When one reads about it, one's heart goes out to the family of the young boy, especially his father—and also to the judges, who had to

make a very complicated and difficult decision. In the end, the Law Lords were persuaded, although for different reasons, that the decision was justified within the current legal framework. As one of Law Lords put it: they were

"forced to take the law as we find it and try to make it work".

They are fascinating judgments. I have enormous respect for them, but I should like the Bill to be passed, so that the courts find a different law.

Initially, I made an intuitive judgment. When I first read of the Bland decision in the press, I felt a cold shiver of apprehension. Whatever the highly complex arguments, my intuitive feeling was that it would lead us into unwelcome territory.

Like all hon. Members, I am sure, I have received a substantial mailbag from my constituents in the run-up to the Bill. For once, I do not detect signs of organised writing. People have written from their own experience, just as we have heard many anecdotes from the experience of hon. Members. My correspondents have precise views on the Bill. All the letters that I have received share the view that it should make progress.

I shall share with the House some of those sentiments—some of the voices that have reached me from Windsor and the surrounding area. In doing so, I hope to make some general points in support of the Bill.

Many of my correspondents are elderly. As one puts it rather well:

"As . . . a senior citizen I think you will agree that I have a vested interest."

It is the elderly who are most likely to feel fear at the ways things are going. I suppose that it will come to us all in the end.

It is interesting that many people who wrote belonged to the medical profession. The person whom I quoted is a retired nurse. Another nurse writes:

"I am a RGN and worked as a Community Nursing Sister for 20 years in full charge of giving nursing care to all in the community. We allowed all people to die with dignity. To die with their boots on so to speak.

I am horrified at what is happening now."

She gives an example of a case where someone died of malnutrition and dehydration. It is a harrowing account whose details I would rather not give to the House. She gives a second example of a young girl dying in a hospice with her father next to her. When he asked why the girl had not been fed, the nurse said:

"why bother when she is dying anyway?"

That will strike a chord with everyone. The father said:

"My daughter is dying of starvation not a brain tumour".

That concern is widespread in the country. It is frequently touched on in the correspondence that we have had. To the majority of people, starvation is simply not an acceptable death.

A retired doctor with 25 years experience as a consultant surgeon and 40 years experience in all in the national health service also refers to the practice of withholding assisted feeding from disabled patients under the pretext that food and fluids are medical treatments. He says:

"This practice leads to a miserable death by dehydration and should not be allowed."

Others have a strong ethical view. They think that it is our ethical responsibility to protect patients from being intentionally killed by their doctors, either by actions that are taken, or by actions that are omitted, showing that people fully understand the complications of the Bill. Others believe that

"it is a fundamental human right for any person to have sufficient food and water to sustain life until the point of death."

One of my correspondents writes:

"To deny this is a denial of our rights if not an affront to basic human dignity.

You may be interested to know that some of my elderly neighbours have been afraid to go into hospital."

We have heard about the experiences in Holland. People are beginning to experience what those people carrying passports for life in Holland are experiencing.

Another correspondent writes:

"There is a tremendous difference between doing all one can to avoid as much pain and suffering at the time of death—and actually killing someone. That decision is not for man to make."

There is a strongly held religious view on the subject, and it is very important that it should be respected.

I believe that, in the variety of examples that I have outlined, my constituents accurately depict the various deeply held feelings on the issue across the United Kingdom. We have heard much in the press about recent tragic cases in which hospitals have seemed to fail their patients in their last moments, and there may well be a growing feeling among doctors and nurses that in letting a patient slip away, perhaps through a lack of nutrition, they are acting out of a form of mercy. However, I do not believe that that is the view of the vast majority of people in the United Kingdom.

If that form of involuntary euthanasia—or "silent euthanasia", as one of my constituents called it—is allowed to continue, there will be a fundamental shift in the relationship between patient and doctor, and there will be a growing lack of confidence and trust, as evidenced in Holland. That consequence, on its own, is not a price worth paying. In all the complex relationships that exist between human beings, that between an individual and his or her doctor is surely one of the most important and valued, and one that we do not want to see diminished in any way.

I suspect that the core reason for the intense feelings that the subject inspires must be found at a deeper level. People fear that, unless we respect other people's rights to life and a dignified death, we should not be surprised if other people do not respect ours. We should do unto others as we would have them do unto us.

There is a widespread fear that once the principle that people can be killed by withholding food and drink becomes firmly established, it will lead on to a slippery slope—a slide, as we have heard often in the debate. I understood the case made earlier by the hon. Member for Glasgow, Kelvin (Mr. Galloway) that, if one were given the choice between allowing a patient to die from starvation or from the administration of a drug, the second would seem the more humane course. That is a very vivid example of how slippery slopes develop.

The Bland judgment and developing medical practice are the immediate reasons why this is a timely Bill. The fear about where the current position might lead is a legitimate concern, and the issue needs to be addressed. We also have to protect the vital doctor-patient relationship. Finally, proper respect needs to be given to

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those who view life as a gift and as a mystery. Those are the reasons why I shall give my full support to my hon. Friend and her Bill today.

12.52 pm

Mr. Tony McWalter (Hemel Hempstead): Many hon. Members have prefaced their speeches by stating their general ethical framework, and I shall do the same. My ethical position on the issue is not overtly a Christian or religious one, but is derived from the ideas of Immanuel Kant. Although that tradition has strong connections to the Christian tradition—what I like to think of as the best elements of the Protestant tradition—and the ideas in the tradition command wide agreement in our society, whether people realise it or not, the tradition does not overtly raise the theological issues that some hon. Members have raised today. The tradition will be germane to some of the conclusions that I draw.

I should like to focus on the Bill's implications for the doctrine of double effect. Before doing so, however, like other hon. Members, I offer a testimonial to the hon. Member for Congleton (Mrs. Winterton): she, like other hon. Members, has raised an issue that has precipitated a very considerable correspondence from my constituents.

Many of my elderly constituents are particularly frightened by a variety of matters. They are certainly frightened that, if the Medical Treatment (Prevention of Euthanasia) Bill were thrown out, euthanasia might not be long in coming. To the extent that there is an issue that needs to be addressed, we as politicians are failing to provide many of our citizens with the type of reassurances that they need about their lives and how they are valued. Equally, the hon. Member for Congleton has identified some aspects of the law that are deeply troubling.

Much of the debate has been around whether people should be denied access to sustenance, and we heard a graphic portrayal of the terrible death that can often ensue. The hon. Lady is right to have raised that issue, so there is some sense in the Bill being considered in Committee. Having said that, however, clause 1—its defining clause—includes the word "or" four times. I am grateful to my hon. Friend the Member for North–East Derbyshire (Mr. Barnes) for pointing out that that means that the Bill contains not one proposition, but 16.

The debate has focused on the withdrawal of sustenance by any person responsible for the care of a patient if his purpose is to hasten the death of the patient. That is one of the 16 propositions in the Bill. What about the other 15? Another proposition in this incredibly complex clause is as follows:

> "It shall be unlawful . . . to withhold . . . medical treatment . . . if . . . one of his purposes in doing so is to hasten . . . the death of the patient."

That is a very different proposal.

My hon. Friend the Member for Hull, North (Mr. McNamara), who is no longer in his place, said that the purpose of medical treatment was to cater for the best interests of the patients. That principle should be etched into medical practice. Other hon. Members have said that the primary purpose of medical treatment is often to alleviate pain. However, if the primary purpose of treatment is to alleviate pain, but in doing so it hastens the death of the patient, it could be demonstrated that one of its purposes was to hasten the death of the patient. So there are major discrepancies between the intention of the Bill and its wording.

We are all drawing on our own case histories—often on the suffering of our own families. I had an uncle—a philosophical farmer—who influenced me a great deal. He was a gentle, kind man who got cancer of the spine. He was taken to a hospital in Dublin where the doctrine of double effect was not particularly well regarded. In Dublin in the 1960s many people took the view that a person suffering mortal torture would get some time off from purgatory and that the only reason God could let anyone suffer was that it was part of his plan. Their attitude to death has been described several times today: "God will take you when it is your time, although he offers human beings the opportunity to alleviate pain." In my uncle's case, the hospital did not countenance any dose of morphine that might shorten his life, even by the smallest amount.

I heard the terrible description of what it is like to die of hunger and thirst. The hon. Member for Congleton rightly addressed that issue, and I have paid tribute to her. However, my uncle weighed under [illegible]r stone when that medical neglect finally reached its tortured and terrible conclusion.

The doctrine of double effect, which my hon. Friend the Member for Bolton, South-East (Dr. Iddon) was drawing into question, is in part a doctrine which embodies compassion and respect—a key theme in the Kantian ethic—and enjoins each and every one of us to show not merely respect for one another, but reverence. To treat somebody as if they must be denied, on some technical grounds, the kind of care and support that we all owe one another and which we owe our elderly constituents is wrong; it is morally wrong.

Among other aspects of the debate, we have heard from the hon. Member for Congleton that it is up to patients to decline treatment. I can say that I do not want that striving "officiously to keep alive"—I can say no. We have heard cases of someone having cancer and needing kidney dialysis. I can say no to the dialysis until I am unconscious. However, the doctor then has a slight problem. He is not allowed to withhold medical treatment from me if that would hasten or cause my death. If he decides that withholding dialysis would hasten or cause my death, he is guilty, under the Bill, of murder. As a result, having finally got to the stage where I am no longer able to decline treatment, the Bill now enjoins the doctor to take over. It obliges him legally to do so.

Mrs. Ann Winterton: No.

Mr. McWalter: The hon. Lady says no, but much of the debate is about whether people's views should be treated with respect or not. I completely agree with my hon. Friend the Member for Bradford, West (Mr. Singh) about the absolute necessity of avoiding involuntary or non-voluntary euthanasia. However, if my view about my life is that I do not want to be on a life-support machine for 16 years even if a miracle is going to happen—no thank you, I do not want to do that to my family and those I love—others may have a right to say that also.

We have all seen the horror films in which people are conscious and their eyes are open, but people think that they are dead. We have all lived in that horror film and,

from my correspondence, I can see that some of my elderly constituents are living in it. Those late-night films reach their summit when the coffin is opened and the person has been scratching at the lid because they were alive when buried.

We have to make judgments about probabilities. In practice, if I am asked to weigh up the probability of wanting to avoid being a tremendous encumbrance on those I love for many years, or escaping from the coma after 15 years, it is up to me to take the former option. In practice, if people decline treatment, very often that is overridden because of Bills such as this.

My card from the Voluntary Euthanasia Society declines treatment. Now I do not want to die, and I certainly do not want to be put down if I have good prospects, but I want people to accept that the enormous medical effort involved in treating brain-dead people would be inappropriate for me. That does not mean that it would be inappropriate for anyone else: other people can do what they like, but I believe that I have freedom of choice in the matter, and I want other people to respect what I consider to be best when it comes to my life.

However, if my elderly constituents feel uneasy at that, we must acknowledge that unease. We cannot allow people to believe that what I want today will be forced on them tomorrow. That would be the creeping euthanasia that was mentioned earlier. If people are worried about that, we must change the legal framework. People must not be left utterly disconcerted by a patchwork of case law that does not embody clear ethical principles or respect for people's views.

Equally, I do not want doctors, such as those who were too frightened to treat my uncle properly, to risk being arraigned for murder. It is reasonable for the BMA to be worried about the sloppy, 16-fold complexity that is clause 1.

In the end, the debate comes down to the most sombre subject of all—death. We all face our own personal death, and we are discussing the conditions in which other people will decide—or not—that we are near our time, at our time or, possibly, beyond our time. We must address the problem from the perspective that death is part of life, that there is such a thing as a good death, and that one can die loved, cherished, respected and revered. Everyone has a right to such a death, and no one has a right to countermand anyone else's view on a matter that is so near to us all, and so delicate.

In Committee, we must try and ensure that the genuine compassion evident in the Bill is gilded with sufficient logic that the law that eventuates from the process retains a reverence for people, and expresses that reverence more clearly than hitherto.

Mr. Ashton: On a point of order, Mr. Deputy Speaker. I seek your advice about the composition of the Standing Committee. So far, some nine hon. Members have spoken in favour of the Bill, and two have spoken against it. However, I think that at least four or five other hon. Members want to speak against the Bill.

Will the Standing Committee scrutinising the Bill reflect the total number of speakers today, or will it take into account those hon. Members who oppose the Bill but who did not get the opportunity to speak?

Mr. Deputy Speaker (Mr. Michael Lord): That is entirely a matter for the Committee of Selection, not for the Chair.

1.9 pm

Dr. Evan Harris (Oxford, West and Abingdon): I hope that my speech will redress the balance a little, but first I want to compliment the hon. Member for Congleton (Mrs. Winterton). She not only won the ballot, making all of us jealous, but she put her case very clearly and patiently this morning, and has been very willing to consult people about the way in which the Bill is formulated. Even those of us who do not support everything that the Bill proposes recognise the open approach that she adopted, and are grateful for it. I also compliment the hon. Lady on the stamina that she has shown in sitting through the entire debate and listening carefully and attentively to all the contributions.

As it happens, I am a member of the BMA medical ethics committee. I have had a long-standing interest in matters such as these, but I can tell the hon. Member for Bolton, South-East (Dr. Iddon) that I was elected by the profession to that committee, which contains a wide range of people. However, I would like to make it clear that I do not speak for the BMA medical ethics committee. The views that I express are mine, not those of the committee or, indeed, the Liberal Democrat party, as I think that the hon. Member for New Forest, East (Dr. Lewis) tried to impugn in an earlier intervention.

I believe that the Bill is flawed, and that what it sets out to do is wrong. I do not agree with the end that it seeks to achieve. However, in contrast to my hon. Friend the Member for Isle of Wight (Dr. Brand), I think that it may be—just about—amendable in Committee. It is certainly debatable, and it is appropriate that we should look forward to a Committee stage where, in a spirit of constructive debate, we can discuss the issues and see whether the result that the hon. Lady wants can be achieved in a way that does not invite opposition from so many people.

The BMA guidelines are valuable, and a useful addition to the debate. The Under-Secretary of State for Health in the other place said in response to a question by the Baroness Seccombe that they were a welcome addition. The hon. Member for Bolton, South-East made a powerful speech, but it was regrettably hostile to the BMA and the work of its ethics committee. Those guidelines are based on case law. The hon. Gentleman may disagree with the judgments that have formed our case law, but it is right that decisions about end-of-life issues and how doctors behave are there for people to see. In that way, people such as the hon. Gentleman and the hon. Lady can take issue with them. It is better than having everything done in secret on a "doctor knows best" basis. The fact that there are detailed guidelines that have been subject to consultation, that have gone through the BMA's democratic process, and are published on a website should be welcomed.

Dr. Iddon: Does the hon. Gentleman believe that something as important as that should be based on only 2,000 responses—

Mr. Deputy Speaker: Order. This is the second time that this has happened in just a few moments. Members have referred to "this" or "that" without saying what they mean. Visual aids are not encouraged in the Chamber, and for the sake of the *Official Report*, it would be helpful if the hon. Gentleman says what he is talking about.

Dr. Iddon: My apologies, Mr. Deputy Speaker. Does the hon. Gentleman believe that such an important

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document as the BMA guidelines should have been published on such an important topic, considering that it was based on only 2,000 responses out of 115,000 possible responses and that some of those 2,000 were not members of the British Medical Association?

Dr. Harris: With respect, I do not believe that that is the point. I know that much consulting is done through local medical committees and BMA divisions, which then put a view. There was a very wide debate in the professional medical press about the guidelines, and there continues to be a debate about them at the council of the BMA and its annual representative meeting. They will continue to be debated. I think that any Government would worry if a threshold number of responses to consultations had to be reached before legislation resulting from a White Paper or Green Paper was promulgated.

Mr. Blunt: Does the hon. Gentleman agree that this subject is agonisingly difficult and presents the medical profession, which is at the front line, with hideous decisions to make? Does he also agree that it is rather odd that the hon. Member for Bolton, South-East (Dr. Iddon) should suggest that a three-clause Bill could replace 70 pages of medical guidelines, together with the case law that stands behind it?

Dr. Harris: I agree with the hon. Gentleman. The problem for doctors considering this difficult issue is that there is no statute law, there is only case law. Doctors cannot be expected, I believe, to read the law reports. They should be given a digestible form of advice so that old habits which may be wrong—and, in certain cases, have been wrong—are not simply continued without the due process of audit and check. The Government's quality agenda in the health services, which is backed on the Liberal Democrat Benches and, I believe, throughout the House, seeks to do that. There should be a framework which professionals, not just doctors—and, indeed, not just in the health service—can use to check their actions.

Dr. Julian Lewis: I thank the hon. Gentleman for his courtesy in giving way, but I am not satisfied that he has dealt with the strong points made by the hon. Member for Bolton, South-East (Dr. Iddon). The hon. Gentleman pointed out that the survey was not representative of BMA membership and that, a few years ago, the BMA was making the opposite argument. Why has there been a U-turn?

Dr. Harris: First, there is no U-turn. Secondly, the hon. Gentleman will never be satisfied on some of his points. There was no survey; the guidelines were sent to a large number of members—perhaps all of them—and those who wanted to do so made a response. There is no doubt that the guidelines represent the settled view of the BMA. In any organisation, there will always be a minority who question the general view.

The medical profession is not unanimous in its view on the Bland judgment. It would be astonishing if it were. However, as case law evolves, it is right that the profession should issue its own guidance so that doctors can ensure not only that their actions comply with best practice but—given that the actions of health professionals are subject to the law and, indeed, the criminal law—that they do not end up being held to account for their actions in court.

The more that I read the guidelines, the more I support them. They are extremely clear. They do not contain the terrible ideas that have been described. Obviously, we should read the full text, but the guidelines include the following headline points:

"1. The primary goal of medical treatment is to benefit the patient by restoring or maintaining the patient's health as far as possible, maximising benefit and minimising harm.

2. If treatment fails, or ceases, to give a net benefit to the patient (or if the patient has competently refused the treatment), the primary goal of medical treatment cannot be realised and the justification for providing the treatment is removed. Unless some other justification can be demonstrated, treatment that does not provide net benefit to the patient may, ethically and legally, be withheld or withdrawn and the goal of medicine should shift to the palliation of symptoms."

Such decisions are taken every day, on every ward, in every hospital. They are set out clearly in the guidelines in the best possible way.

The guidelines continue:

"3. Prolonging a patient's life usually, but not always, provides a health benefit to that patient. It is not an appropriate goal of medicine to prolong life at all costs, with no regard to its quality or the burdens of treatment."

We are debating that issue of quality—especially in relation to the Bland judgment—and whether life should be prolonged at all costs because there is some sanctity attached to it that overrules everything else.

Mr. Andy King (Rugby and Kenilworth): I am grateful to the hon. Gentleman for allowing me to intervene. It is good that a member of the BMA ethics committee is in the Chamber. Will he explain why the committee should adopt shoddy guidance, which does not enhance good practice, but reduces it and does harm to the medical profession? I quote from a letter written by Cardinal Winning. He wrote:

"The new guidelines are both sinister and worrying. They will cause very sincere anxiety to thousands of patients and their families who will now find themselves in a state of fear and alarm when they have to enter hospital."

He continued:

"That this should happen in NHS hospitals"—

Mr. Deputy Speaker: Order. The hon. Gentleman's intervention is long enough. He has made his point.

Mr. Swayne: The cardinal was right about section 28.

Dr. Harris: The cardinal's views on other matters did not cover him in glory. The House should feel strongly about that. *[Interruption.]* I feel strongly about the matter—as do some Conservative Members in the opposite direction.

There will be subjective views on the guidance. The hon. Member for Rugby and Kenilworth (Mr. King) is within his rights to say that it is shoddy. However, I do not believe that to be true. It would be more helpful to the debate if hon. Members noted—as some have done—that they think that the case law is wrong and that they wanted to overturn that law. I support the case law, but the argument should be about that law, not about guidelines designed to clarify it for professionals working in the

field. To scapegoat the BMA when one disagrees with case law in Bland and subsequent cases is to choose the wrong target.

I shall now discuss a key point: the issue of artificial nutrition and fluids, which the hon. Member for Hemel Hempstead (Mr. McWalter) discussed cogently. The question whether artificial nutrition and hydration should be considered a medical treatment is not dealt with in the Bill. I believe that the hon. Member for Congleton recognises that whether or not it is within the terms of the Bill, if one of the purposes or the purpose of the doctor in withdrawing artificial food and fluids is to hasten death, such withdrawal should not be permitted by statute law. I repeat that the question whether artificial feeding should be classified as treatment or basic care does not impact on the effect of the Bill. I believe that such feeding is treatment, for reasons that I can give.

Mrs. Ann Winterton: The argument about whether food and fluids are medical treatment goes to the heart of the Bill and of today's debate. In 1991, the BMA—the doctors' trade union, which does not speak for all doctors, as not all doctors are members—defined food and fluids as treatment. That was picked up in the Bland case. Many colleagues, and myself, do not concur with the BMA's definition. We believe that food and fluids are not artificial. They may be given by tube or in another way, but food and fluids are not artificial in themselves; they are basic requirements of life, and should be considered as part of basic nursing care.

Dr. Harris: Clarification is helpful. To my knowledge, no one is arguing that orally given food and fluids are not part of basic care. I have been speaking about artificially given assisted feeding, whether it be tube feeding into the stomach; or a tube, such as a gastrostomy, which comes from the outside into the stomach through the abdominal wall, given through an operation under general anaesthetic; or intravenous feeding, which is covered by antibiotics, has a range of important hygienic and aseptic techniques and must be given by trained medical staff.

The BMA, supported by the judges in the Bland case, recognised that such feeding was treatment, but that is academic when we consider the Bill, because regardless of whether it is treatment or is just considered to be food and fluid, the withdrawal of such feeding would be caught under clause 1. As the hon. Member for Hemel Hempstead said, this is not a narrowly drawn Bill in that sense.

I do not consider that the issues raised in the Bill have anything to do with poor care delivered to elderly patients in geriatric wards in the national health service. The stories that we have read recently are of great concern to everyone. I do not believe that such instances are new, and I know that the Government are anxious to prevent such instances happening. Some of the stories that have been told about ill or dying patients having food and drink removed, or not being offered food and drink, are evidence of inadequate basic care, nursing care and medical attention to those patients; they have nothing to do with the Bland judgment or with the things that the hon. Member for Congleton would probably wish to be outlawed if her Bill became law.

Dr. Tonge: Does my hon. Friend agree that many of the instances that we are all hearing about in our mailbags—complaints against people in the national health service for not feeding people who cannot feed themselves—are a consequence of the shortage of medical, nursing and auxiliary staff in the NHS? That is not just due to underfunding of the national health service by successive Governments. Does my hon. Friend agree that it is the responsibility of the British people to call for higher taxes, not tax cuts, in order to get more staff into the NHS?

Dr. Harris: I think that that point is well made. In fairness to the BMA, it has long called—and certainly since I have been a member—for older people to enjoy standards of treatment and care on an equal basis with other adults.

Elderly patients and their relatives have two fears about NHS treatment. The first is that they will not get the treatments and the care that they need because of rationing or discrimination. The other is that treatments that are not effective will be continued beyond the point that is reasonable or compassionate. I have received a number of letters from elderly constituents who are fearful about the Bill being passed in that it might deter doctors and others who care for patients from acting in a compassionate way because they will seek to prolong life at all costs. I understand that that is not the intention of the hon. Member for Congleton and I have attempted to reassure my constituents that even this Bill, with which I disagree, does not seek to do that. However, the hon. Lady must recognise that that fear stalks the land.

When the quality provisions of the Health Act 1999 were considered, an amendment was tabled in Committee and on Report to put a duty on the NHS not to discriminate on the basis of age unless clinically justified. I am sad to say that that amendment, which was tabled by the Liberal Democrats, was not supported by other parties. I urged the Government to recognise that they should at least live up to the commitment that they had made before the last election to conduct an audit to see whether such practices took place. They gave the commitment to Age Concern and other charities that age discrimination would be tackled. It is a pity that a legislative opportunity was lost by the Government and by the Conservative Opposition because they did not support the amendment.

I turn to the Bland case. Hon. Members have described it as a loophole that the BMA and others may seek to expand. That is a subjective view: one man's loophole is another man's safeguard. Those of us who support the ruling in the Bland case recognise that there must be a safeguard for doctors seeking to withdraw treatment—be that life-support treatment or the artificial giving of food and fluids—from patients in such circumstances. Patients must be safeguarded from the prolongation of life when that is no longer in their interest.

The Bill is designed to drive a coach and horses through Bland. It is not helpful for people to misunderstand what that was about.

Dr. Iddon: Does the hon. Gentleman accept that the Bland decision was a judgment and that the Government have said that they do not want that judgment to be enshrined in statutory law? It seems that the BMA almost envisaged the judgment being enshrined in statutory law.

Dr. Harris: That is a matter for the Government. The fact that the Government do not want statutory law to

[Dr. Harris]

apply to such issues is a matter that may concern the promoter of the Bill because of its effect on the likelihood of her ever getting it on to the statute book.

The key point is that, when Tony Bland was 18, he was starved of oxygen after being crushed against the barriers at Hillsborough along with a close school friend of mine, Andrew Devine. I followed the case all the way through when I was at medical school. Tony Bland's family and the local Member of Parliament at the time, who was not a supporter of moves toward euthanasia, made a plea for Tony Bland to be allowed to die peacefully. The court granted doctors the permission to help that to happen. As far as we know, he died peacefully after artificial food and fluids were removed.

We have heard a lot of heightened language about the expression "starving to death". That has been a little glib, even though I understand the intentions behind it. People may die of asphyxia when their brain is starved of oxygen because their heart has stopped; they may die of suffocation when they have respiratory disease—that might not be considered to be pleasant they may bleed to death or, if they have liver failure, they may clot to death. The key question is whether death can be made peaceful, with the patient not in pain. It has to be made clear that, in the event of treatment or artificially given food and fluids being withdrawn, the basic duty remains to ensure that the patient is not distressed or in pain and that symptoms are palliated, so that the patient can die a peaceful death. Talk of the withdrawal of food and fluids inevitably causing distressful deaths is wrong. That is not the aim.

The BMA raised with the hon. Member for Congleton the question whether the Bill would prevent doctors from stopping administering dialysis to a patient who had terminal cancer who did not want further dialysis, but that issue has been dodged by the Bill's supporters. In answer to that case, the hon. Lady said that the purpose in withdrawing dialysis from such a kidney patient who had terminal cancer would not be to hasten death, even though it would hasten death, but would be to carry out the views of the person concerned, expressed when that person was competent. I would question whether that can ever be the purpose in giving medical treatment. Obviously, when giving treatment, one is generally seeking to go along with the patient's views, but it is sophistry to answer that case by saying that withdrawing dialysis, which would hasten death, is not the purpose because the sole purpose is to follow the views of a competent patient.

Mrs. Ann Winterton: The hon. Gentleman has misunderstood my earlier remarks. What he describes is not relevant to the Bill. The Bill does not change either law or practice; all it does is forbid doctors to pursue a purpose of killing a patient by omission. The case he cites is a spurious one that is not relevant to the Bill. The practice if the Bill were passed would be exactly the same as it is now.

Dr. Harris: I accept that the hon. Lady genuinely believes that, but the Bill contains no mention of a competent patient asking for treatment to be withdrawn. She says that no such reference is needed, but if it is not needed, how does she draw a distinction between a competent patient making a decision to have dialysis withdrawn and a patient who is no longer competent having said in advance that, if he or she becomes terminally ill, no aggressive treatment such as dialysis or life support should be administered?

The hon. Lady says that there is a difference, as do the supporters of her case. But we are in no doubt as to their views on advance directives. A helpful briefing from Right to Life states:

"There is currently much debate about whether Advance Directives (living wills) are, or should be, legally binding upon doctors. The Bill will not change the status of such Advance Directives but will make it clear to Government and the Courts that it is not the will of the House that such directives should be given any greater legal force than they already have. It will strengthen the hand of those doctors who are faced with Advance Directives the status and applicability of which may be in doubt by making it clear that the doctor cannot act with the purpose of deliberately ending a patient's life."

In her December press statement, the hon. Lady said:

"The Bill . . . will prevent the development of legally binding advance directives which compel doctors to take action making them complicit in the assisted suicide of mentally incapable patients."

The aim of the Bill's supporters is to detract from the legal status given to advance directives.

What would the hon. Lady do about a patient with a long-standing but progressive cancer of the breast, who may wish to indicate in advance what treatment should be given, withheld or withdrawn should the cancer spread to other organs and the patient become unable to express a view? Would following the patient's informed advance expressed view be open to interpretation as having the purpose of bringing about the patient's death?

Mrs. Winterton: The hon. Gentleman raises an interesting point. If a woman with advanced breast cancer who is mentally competent says to her doctor at the time that she does not wish to have any more treatment, she is perfectly within her rights so to do. The question of living wills is a red herring: they are not currently legally binding and the Government have stated that they do not wish to make them legally binding in statute. Therefore, the case the hon. Gentleman describes would not be affected. I have given him a straight answer: if my Bill were passed, the case would be exactly the same as it is now.

Dr. Harris: These are matters that will have to be discussed in more detail in Committee. If the Bill becomes statute law, with the Act stating that doctors may not withdraw treatment from patients, and there is an advance directive that has backing in case law that it is a valid indication of the patient's wish if there is no reason to think that the patient was not competent at the time or has changed his mind, then there is a balance of case law against the statute. That is why at the very best the Bill will need considerable amendment to make the hon. Lady's point clear. My view, and that of many people to whom I have spoken, including legal experts, is that it is not clear.

Ms Drown: Is there not something peculiar in the intention that lies behind the Bill, which is that it would be all right for someone there and then to say, "I want to refuse this treatment", when we have heard from other hon. Members that they are worried that on one day someone could refuse treatment and on another day wish not to refuse treatment? Yet the proponents of the Bill do

not want to pursue living wills in which people can state consistently over long periods what they would like in certain circumstances. Is it the hon. Gentleman's view that it would be better that people said consistently over a period what they wanted, rather than leaving it to an instant decision?

Dr. Harris: I agree entirely. The question of autonomy for patients is critical. A debate took place in the House of Lords a few days ago which had been promulgated by Baroness Seccombe. During the debate, Baroness Miller said that she was shocked to hear that her mother had been asked on admission to hospital whether in the event of a cardiac arrest she would want to be resuscitated. She took the view that it was outrageous that a patient should be asked for his or her view on that matter and it was outrageous also that she had not been asked for her views instead of the patient.

The House and the public cannot have it both ways. We cannot tolerate any longer a culture where "doctor knows best" and that decisions will be made by doctors about whether to take active resuscitation measures or not without consulting patients. It is unfair to criticise doctors for consulting competent patients about their wishes for intervention while also complaining that doctors are acting as if they know best.

Mr. McWalter: Will the hon. Gentleman give way?

Dr. Harris: I am conscious of the need to conclude my remarks so as to give sufficient time to those on the Front Benches. However, I shall allow the hon. Gentleman to intervene.

Mr. McWalter: The hon. Gentleman has concentrated on the withdrawal of medical treatment. However, the withholding of medical treatment is a much larger category. It is that which will make doctors especially liable to prosecution under the Bill.

Dr. Harris: Absolutely. The issue of do-not-resuscitate orders is important. When people die in hospital, and many do, they run the risk of a bunch of white-coated doctors running along the ward with a trolley and administering electric shocks, and even opening the chest, as in the drama series "ER", to prevent death from cardiac arrest taking place. That can be inappropriate in many cases, but patients need to be asked for their views in a sensitive way. Guidance has come from the chief medical officer that it is not for doctors, and certainly not for junior doctors, to scribble on notes "Do not resuscitate" without consulting the patient, if that patient is competent.

I know that the situation has come as a shock to Members of the House of Lords, and perhaps to Members in this place. That is why we need to debate these issues. The public, with their British reserve, must be dragged away from their view that it is not appropriate to talk about death. In fact, it is extremely important to do so if we want our autonomy to be respected. That was put cogently by the hon. Member for Hemel Hempstead.

Mr. James Gray (North Wiltshire): Does the hon. Gentleman agree with me that the argument that he is advancing could equally well be advanced in support of euthanasia?

Dr. Harris: Yes, I am aware of that. In my opinion, current practice is not euthanasia, but it is that which the hon. Member for Congleton wants to stamp out by means of the Bill. Nevertheless, I am on record as saying—my views were known by the electorate before I stood as a candidate—that I want to see liberalisation of the law on voluntary euthanasia, with adequate safeguards. People who oppose the Bill have different views on that. For example, as my hon. Friend the Member for Isle of Wight made clear, the BMA remains fundamentally opposed to voluntary euthanasia. However, there is a utilitarian argument, which claims that, ethically, an act of omission is the same as an act of commission, and that only the end result matters. I believe that if a patient wants the suffering to be ended, doctors should be allowed to do that, with appropriate safeguards, by an act of commission as well as an act of omission. Although that is a separate argument, I have never been shy of expressing my view on the matter.

I want to refer to some of the religious opinions that have been expressed. I bite my tongue when I hear some religions' views, which I find fundamentally illiberal. However, as the Chief Rabbi is the head of the religion into which I was born, it is reasonable for me to comment on his view. On death with dignity, he is quoted in the House of Commons Library briefing as saying:

> "Ultimately, the test of our humanity is our ability to face our fate and that of those close to us with courage, humility and dedication; not to hasten death because dying has become burdensome."

I disagree. If dying is burdensome, doctors should not be forced to make that death drawn out. I understand the view of the Chief Rabbi, but I do not believe that it is the general view of Jewish people that we should all cope with death, however burdensome, and that there should be no defence against it being prolonged unnecessarily. Heads of religions do not necessarily speak for all the people who subscribe to their religions; the BMA can claim to speak only for its members, not for all doctors.

Mr. Andy King: I wish that the hon. Gentleman had finished the quotation, because it continues:

> "It is the duty of religious leaders and physicians to preserve this conviction in the conscience of humanity."

Surely it is also our duty to reflect the conscience of our society.

Dr. Harris: That is a subjective view.

The Minister, who has sat patiently throughout the debate, is young. Part of the problem in this country is that young people—and even middle-aged people—see themselves as immortal and will not discuss, think about or plan for their death. Death is inevitable, and ought to be discussed. It is sometimes upsetting to do that, and I respect those whose family experiences have been distressing. However, we must set an example. I hope that we will be able to do that in Committee and on Report and thus consider critical issues fully.

1.43 pm

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): This has been an extremely interesting debate. I congratulate the hon. Member for Congleton (Mrs. Winterton) on winning the ballot and on choosing such a serious and weighty subject for her Bill. I also congratulate the hon. Lady on her arguments, which were clear and measured, on an emotive subject.

[Yvette Cooper]

The Bill covers difficult, sensitive and controversial issues of medical practice. As we heard in the debate, many hon. Members support the Bill because they want to stop what they perceive to be a move towards the acceptance of euthanasia. At the outset, I emphasise that the Government remain completely opposed to euthanasia, by which we mean the intentional taking of life, albeit at the patient's request or for a merciful motive.

The hon. Member for Congleton said that the aim of her Bill is to restore the integrity of the law on murder and to ensure identical treatment for acts and omissions in medical treatment and artificial nutrition and hydration. She also said that she does not want the Bill to make doctors strive officiously to extend life, or to stop doctors respecting patients' rights to refuse treatment or to prevent them from providing appropriate palliative care or withdrawing treatment or artificial nutrition and hydration that is burdensome or no longer of benefit to the patient. I hope that I have understood her correctly, and I appreciate her anxiety to make clear in her speech exactly what she wants the Bill to achieve. However, I do not believe that it would do what she intends—or what she outlined in her speech—on palliative care, burdensome treatment and other issues.

Many hon. Members have pointed out that we can wrestle over those matters in Committee, and obviously that is right, but it is worth outlining the concerns in detail at this stage. I want to make something clear before I do that, however. Several hon. Members talked about elderly patients receiving inadequate care in hospital. The Government are wholly opposed to poor or inadequate treatment for all patients and for elderly patients as much as anyone else, whatever their age. I reject the claim that elderly patients are routinely starved in the national health service. That does a disservice to NHS staff, many of whom make the welfare of the patients they care for their top priority. We take individual claims about inadequate treatment extremely seriously and will investigate them. We are also drawing up a national service framework for older people with the assistance of an external reference group to set out standards of care, including issues such as the nutritional needs of elderly patients and their care in the NHS.

That has nothing to do with the Bill, which is not about remedying inadequate care. It concerns deliberate decisions to withhold or withdraw treatment. As I have made clear, euthanasia is wrong and unlawful in the United Kingdom. It will remain so. Such a deliberate act cannot be justified, but the case law on the withdrawal or withholding of treatment—which have been described by many hon. Members as an omission rather than an act—is, unsurprisingly, complicated. When a patient is in hospital there is no doubt that the doctor owes the patient a duty of care. That certainly includes a requirement not to kill the patient intentionally by any means, action or omission.

However, all patients are different, so saying that a doctor has a duty of care does not tell us exactly what that doctor should do. That would depend on the needs of the patient. Under current case law, a doctor can only have a duty to offer treatment that would benefit the patient. That point is crucial. A doctor's omissions in respect of providing beneficial treatment to a patient to whom she owes a duty of care can be just as culpable—just as unlawful—as a positive attempt to kill that patient using a toxic drug. However, under current case law, when treatment is of no benefit to a patient, a doctor has no duty to provide it. Failure to provide such treatment, even when it is of no benefit, is an omission, but it cannot be unlawful even if the patient dies of his or her illness as a result. Equally, under present law the doctor has no duty to provide a treatment that the patient refuses. If a patient is offered and refuses treatment, the doctor's omission in not providing it cannot be culpable.

The Bill proposes a radical change in the law surrounding the withholding or withdrawal of treatment—not so much in terms of the intentions described by the hon. Member for Congleton, but in terms of practical application. It would switch the focus from the rights and best interests of the patient to the purpose or one of the purposes of the doctors. If it were passed, the law would judge a situation in which treatment was withdrawn or withheld not according to the decisions, rights and interests of the patient, but according to what was in the mind of the doctors.

Present law is based firmly on the rights of the patient to consent to or refuse treatment. When the patient has not made a decision in advance, and is not capable of making decisions for himself or herself, the best interests of the patient are paramount. Competent adults have the right under common law to give or withhold consent to treatment, including the use of artificial nutrition and hydration. They have that right even if that may lead to their death. Indeed, people may exercise it to bring about their own death if they so choose. People have a right to be free from unwanted bodily interference, including medical interventions. Any exception to such a right must be very seriously justified. In particular circumstances such as those governed by the Mental Health Acts, exceptions have been made, but only after careful consideration.

The Bill suggests that the law should consider each and every purpose of the doctor to decide whether an action is unlawful. It introduces a new test of "purpose", as distinct from the existing tests based on the rights and interests of the patient or, alternatively, the criminal law concept of intention, which is applicable to, for example, the homicide laws.

The hon. Member for Congleton said that she wanted to restore the integrity of the law relating to murder, but, given that the criminal laws relating to murder and manslaughter use the concept of primary intention and gross negligence rather than the concept of purpose, it is not clear how the Bill would, in practice, fit in with those existing laws.

Mr. Leigh: Does the Minister accept that a doctor who turns off an artificial breathing apparatus does so not with the intention of ending life, but with the intention of ending a treatment that can no longer serve its purpose, namely the recovery of the patient? In those circumstances, that doctor would not be affected by the Bill.

Yvette Cooper: The interpretation of "intention" can include what someone regards as being likely to happen, and what someone can know as the likely consequences of his or her decision. I shall say more about that shortly, and attempt to answer the hon. Gentleman's question in more detail.

I wonder whether the use of the words

"purpose or one of his purposes"

will be workable in practical terms. A doctor can always state his main purpose in performing an action, which will be sufficient to explain what has been done and which the law can and does already judge. But how can we know whether the doctor has another purpose as well? How often can we say that we know all the purposes of the people whom we know best—not just their main purpose, but one of their other purposes, even if it is as simple as doing the washing up? Just as we can never completely know the minds of those closest to us, the law has no mechanism for finding out every purpose of the doctor. As I have said, I fear that the Bill would be unworkable in practice.

Used in this sense, "purpose" appears to carry a meaning close to that of "motive". In law, the word "intent"—a concept that the hon. Member for Congleton has tried to avoid—is currently used, rather than "purpose" or "motive"; but it is not clear what "purpose" actually means. Under the Bill, attempts could well be made to interpret it in line with the legal concept of intention.

It is important to recognise what that would mean. I shall not take up the House's time with a full account of the criminal law concept of intention, but I want to highlight one aspect. Questions of intent are determined by juries following appropriate direction by the judge. The factors that they must take into account may include the probability of the outcome, and the extent to which it was foreseen by the defendant, even if it was not the main intention behind the defendant's action. From that they may infer intent, which, in law, is very different from motive or desire.

We should consider some of the consequences of change, whether it is to "purpose" or to "intent". The hon. Member for Congleton has made it clear that she wants to leave undisturbed the current position, whereby a competent adult can refuse medical treatment, but I do not think that the Bill does that. For one thing, it makes no distinction between patients who are competent to make their own decisions and those who are not: the same arrangements would apply to all.

If a doctor knew, virtually for certain, that withholding or withdrawing treatment—even at the patient's request—would result in the patient's death, and if the current legal concept of intention were applied, the doctor could be held to have intended the patient's death. The Bill would make it unlawful for a doctor to respect a patient's rights.

Even if the term "purpose" is given a more everyday meaning, the Bill requires every one of the doctor's purposes to be considered before it is decided whether withholding treatment at the patient's request is lawful.

Mr. Ashton: Is not the purpose of the Bill deliberately to introduce confusion, and to provide a deterrent? Is it not intended to frighten doctors away from taking any specific action?

Yvette Cooper: I certainly think that its consequences would be confusing, and that there would be a good deal of reliance on its interpretation by the courts. It is important to spell out those consequences.

Sir Raymond Whitney (Wycombe): I am no lawyer and am deeply confused by what the Minister is saying, as I suspect that most non-lawyers would be. She seems to be unhappy about the doctor's purpose being the mainspring of the law. The hon. Member for Bassetlaw (Mr. Ashton) has suggested that that would lead to confusion. Surely, the opposite is the case. If we had a law on the lines proposed by the Bill, the matter would be clear. If death occurred, it could be established whether that was the purpose of the doctor. It seems a straightforward issue, on which the House has the right to make a judgment. It would be easy for the courts to implement the law. The Minister's proposition is obfuscating the situation, rather than the reverse.

Yvette Cooper: As I have tried to make clear, if the doctor has a duty of care towards the patient and if treatment to which the patient has consented will be in his or her best interests and beneficial, intentionally to withhold it will fall under "purposes or intention" and be unlawful. That is the current law.

Dr. Julian Lewis: It is a simple point of logic. I thought that I heard the Minister say that, to check whether one of the doctor's purposes was the termination of life, it would be necessary to know what all his other purposes were. That is a logical fallacy and simply untrue. All we have to do is look at his purposes until we find the one we are looking for. We do not have to know all the rest. There is a logical flaw in what the hon. Lady says.

Yvette Cooper: The law says that it will be unlawful if the purpose, or one of the purposes, of the doctor is to hasten death. As soon as we find that one of the purposes was to hasten death, we have found that the doctor's decision is unlawful. That does not help us in a case where the purpose is not unlawful, or if we think it should not be unlawful.

Mr. Blunt: The intervention of my hon. Friend the Member for Wycombe (Sir R. Whitney) was clear. He said that the Bill would make the law extremely clear. The Minister is approaching the matter from a position of complete rationality, mentioning doctors trying to make sensible decisions with all the competing difficulties, but the Bill will make the law completely clear. It will turn the hon. Member for Isle of Wight (Dr. Brand) and all the other doctors who make these difficult decisions every day into murderers.

Yvette Cooper: Implementing the Bill as it stands would certainly have complicated effects, making decisions unlawful that the hon. Member for Congleton does not want to make unlawful. The doctor's main purpose may be to respect the competent patient's right to refuse treatment. The Bill means that any other purposes that the doctor may have in respecting that request should be relevant, too. That would make the lawfulness of respecting the patient's rights dependent on the mindset of the doctor, not the patient's rights in the first place. The hon. Lady has made it clear that she does not intend the Bill to have any such impact, but making acts and omissions identical and focusing on the doctor's purpose would do exactly that.

Further problems arise from the Bill. The hon. Lady has said that she has no intention of preventing appropriate palliative care, or to render unlawful what is described as the principle of double effect. In such situations, clearly,

[Yvette Cooper]

the doctor's main purpose or intention is to relieve pain, but the Bill says that all his or her other purposes are relevant.

Therefore, a doctor might be afraid to give the treatment necessary to relieve pain for fear of a potential court case calling into question what his or her other purposes might have been. I am concerned that, as a result, the Bill may lead to inadequate palliative care to patients. The Government are committed to ensuring that terminally ill patients should receive appropriate palliative care.

Many patients who need palliative care remain perfectly competent to take their own decisions about medical treatment. They may have a clear idea about the likely prognosis of their illness, and the potential effects on their quality of life. Even if the highest quality of support is available, they may still decide that they do not want to continue with their treatment.

A patient with advanced motor neurone disease, for example, may develop disabilities that make it necessary for her to receive increasing help with the tasks of daily living, such as bathing and feeding. If the person subsequently develops pneumonia, which without treatment could be fatal, she may decide that she does not want to receive that treatment, in full knowledge of the likely consequences. If the doctor understands the patient's position and desire to hasten her own death, could it be held that the doctor's purpose, or one of the doctor's purposes, was also to hasten death? For fear of that, would the doctor feel compelled to provide treatment?

As the Bill does not distinguish between the position of those who are capable of deciding for themselves and those who are not, the Bill, once interpreted in practice, could end up undermining the principle of consent.

Not all adults are capable of giving consent to, or refusing, medical treatment. That fact does not reduce or render less important the patient's human rights, and a physical intervention on the body of that person is still a violation of that person's bodily integrity. Consequently, the justification for medical treatment or intervention on any person who cannot personally consent must be considered carefully.

If the patient has already expressed his or her views by making an advance refusal of treatment that is applicable to the circumstances, current case law requires that to be respected. The House of Lords, in 1990, made it clear that if there is no such refusal, the doctor must act in the best interests of an adult patient. That does not necessarily mean only the best medical interests of the patient, but may include considerations such as the patient's psychological health and well-being.

People have very strong and conflicting views on how a patient's best interests are to be determined. Some people argue that mere existence is a benefit to be taken into account and may supersede all other considerations; others argue that it is not. In the Tony Bland case, Lord Goff pointed out:

> "To presume that the incompetent person must always be subjected to what many rational and intelligent persons may decline is to downgrade the status of the incompetent person by placing a lesser value on his intrinsic worth and vitality."

Mr. Blunt: On a point of order, Mr. Deputy Speaker. I anticipate that, in a few moments, a closure motion will be moved. When you come to consider it, will you bear in mind that neither the chairman nor the two vice-chairmen of the all-party parliamentary doctor assisted dying Bill group were fortunate enough to catch your eye?

Mr. Deputy Speaker: Order. That is not a matter to be raised now.

Yvette Cooper: In current case law, only when an intervention or medical treatment is in the best interests of the patient, taking all relevant factors into account, is it lawful to start it. Similarly, only if an on-going intervention is in the best interests of the patient is it lawful to continue it. If the treatment is not in the best interests of the patient, it is not lawful to give it; hence, the doctor can have no duty to give it.

The lack of reference in the Bill to consideration of the patient's interests means that there is a risk that doctors, to ensure that there could be no doubt about any of their purposes, may feel pressurised to provide treatment beyond the point at which it is in the patient's best interests.

The hon. Member for Congleton and others have made it clear that they do not want to stop doctors withdrawing treatment that has become burdensome to the patient. However, the Bill does not say that. Clearly, a doctor's main purpose might be to withdraw treatments that are burdensome. However, if they know for certain that life will consequently end, what could their other purpose be? The Bill as drafted asks us to judge situations not according to the burden on the patient, but according to the doctor's purpose.

The issue is of course relevant not only to adults. Sadly, children may also suffer from illnesses, such as cancer, that may bring their lives to a premature end. When a young child—too young perhaps to understand what is happening to him or her—is seriously ill, the child's parents may be faced with agonising decisions. The child should of course be involved as far as possible in the decision-making process, but, if he or she is unable to be involved, the rights and best interests of the patient should be considered. The present law is based firmly on those rights.

The parent must exercise the decision-making power for the welfare of the child, in the child's best interest. If further treatment has little chance of success and may place a great burden on the child—as with some types of chemotherapy for cancer—a parent may decide it is not in the child's best interests to undergo it. The courts can review the decision if the clinical team have doubts about the parent's choice, but they too will base their assessment on the welfare of the child.

The welfare of a child is not mentioned in the Bill which deals only with the doctor's intentions or purpose. As a result, when the child's death, although almost certain with treatment, is inevitable without it, the doctor may be held to have intended the child's death. The Bill covers only the doctor's intentions and makes no reference to the best interests of the patient.

The clinical professions recognise that the withholding or withdrawing of medical treatment is a particularly difficult and sensitive area of medical practice. That is one reason why the BMA issued guidelines in June last year.

At present, decisions on withdrawing artificial nutrition and hydration from patients in a permanent vegetative state have to be reviewed by the courts, but those are not the only circumstances in which consideration may need to be given to those issues. That is why the BMA proposed additional safeguards.

When the courts considered the very sad case of Tony Bland, they considered whether artificial nutrition and hydration was part of medical treatment and care or something entirely different. I should emphasise that where a patient is capable of taking nourishment, it must always be offered.

Deeply divided views are held on the subject. The courts considered that artificial systems for delivering nutrition form part of the medical treatment or care of the patient. There is no doubt that such artificial systems can place burdens on patients—as a result of which it is not uncommon for patients in hospital to try and pull such tubes out.

Under the current case law, if artificial nutrition and hydration is agreed not to be in the best interests of the patient, to continue with it is unlawful. The Bill would change that.

Some hon. Members who disagree with the decisions made in the Tony Bland case, will be keen to support the Bill. Others—like the Government—strongly oppose euthanasia as the intentional taking of life. Many will be keen to support the Bill as a way of reaffirming their opposition to euthanasia. I hope that I have made it clear that the Bill would go further than that and shift the focus from the best interests of the patient to the purpose of the doctor. As a result, the Bill, as drafted, is unworkable in practice. For those reasons the Government are unable to support it.

2.3 pm

Dr. Liam Fox (Woodspring): The many fine speeches by hon. Members on both sides of the House have made the salient points in the debate, so I shall be brief. The House owes a debt of gratitude to my hon. Friend the Member for Congleton (Mrs. Winterton) for raising such an important subject.

I am not speaking in my capacity as shadow Secretary of State for Health, but purely in a personal capacity. I believe that no action is acceptable where the primary purpose is to kill. That is why I oppose in principle and vote against the death penalty, abortion and euthanasia.

As the hon. Member for Oxford, West and Abingdon (Dr. Harris) said, it is not simply a matter of the distress of a patient, but a fundamental question of morality and ethics. We need to distinguish between the purpose and effect of a treatment or the withdrawal of a treatment.

As a doctor, I accept the concept of double effect. I fully understand that to give a patient with terminal cancer a large dose of morphine which will make him more comfortable but shorten his life span is entirely acceptable. The purpose of the treatment is to make the patient more comfortable although the ultimate effect may be to shorten life. I do not have a moral problem with that. However, so-called mercy killing crosses the line because the purpose is to cause the death of the patient. It is part of the ratchet effect that would push us towards full involuntary euthanasia. As my hon. Friend's Bill seeks to protect us against that, it should proceed in Parliament.

I have the greatest respect for the BMA and I understand why it brought forward the guidelines, but I do not agree with them. Membership of the BMA is not compulsory for doctors in the way membership of a medical defence society is, and I hope that we are willing to make that distinction.

Most of all, there has been a confusion in the debate between ethics and morality on one side, and legality on the other. Legality is a moveable feast, whose direction is decided by the judiciary or by elected representatives. What is legal or illegal may be fluid, but basic morality is not. Because the majority say something is legal, it may be so. Because the majority say something is right does not make it so. The difference between right and wrong is not part of the democratic process, but part of a much higher order.

I hope that the Government will not use procedure or their parliamentary majority to kill the Bill. It is, literally, a vital moral argument. It crosses the party political divide and should be fully played out in the House. Our constituents will judge accordingly.

Mrs. Ann Winterton *rose in her place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House divided: Ayes 113, Noes 2.

Division No. 54] **[2.11 pm**

AYES

Amess, David
Ancram, Rt Hon Michael
Anderson, Donald *(Swansea E)*
Atkinson, Peter *(Hexham)*
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Beresford, Sir Paul
Bottomley, Peter *(Worthing W)*
Brazier, Julian
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Cable, Dr Vincent
Canavan, Dennis
Casale, Roger
Chapman, Ben *(Wirral S)*
Chope, Christopher
Clarke, Rt Hon Tom *(Coatbridge)*
Collins, Tim
Cormack, Sir Patrick
Cox, Tom
Crausby, David
Curtis-Thomas, Mrs Claire
Darvill, Keith
Davies, Quentin *(Grantham)*
Dawson, Hilton
Day, Stephen
Dobbin, Jim
Donaldson, Jeffrey
Duncan Smith, Iain
Edwards, Huw
Faber, David
Forth, Rt Hon Eric
Fox, Dr Liam
Gale, Roger
Galloway, George
Gardiner, Barry
Gill, Christopher
Gray, James
Green, Damian
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Harris, Dr Evan
Heald, Oliver
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hoyle, Lindsay
Hunter, Andrew
Iddon, Dr Brian
Jenkin, Bernard
Jones, Helen *(Warrington N)*
Kaufman, Rt Hon Gerald
Kelly, Ms Ruth
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Lansley, Andrew
Lawrence, Mrs Jackie
Laxton, Bob
Leigh, Edward
Lewis, Dr Julian *(New Forest E)*
Lilley, Rt Hon Peter
Llwyd, Elfyn
Lyell, Rt Hon Sir Nicholas
McAvoy, Thomas
McCartney, Robert *(N Down)*
McGrady, Eddie
Mackinlay, Andrew
McLoughlin, Patrick
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Maginnis, Ken
Malins, Humfrey
Marsden, Gordon *(Blackpool S)*
Mawhinney, Rt Hon Sir Brian
Morley, Elliot

Olner, Bill
Paice, James
Paisley, Rev Ian
Pickles, Eric
Pollard, Kerry
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Randall, John
Redwood, Rt Hon John
Roe, Mrs Marion *(Broxbourne)*
Ryan, Ms Joan
St Aubyn, Nick
Sayeed, Jonathan
Shepherd, Richard
Singh, Marsha
Smith, Angela *(Basildon)*
Spicer, Sir Michael
Swayne, Desmond
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Trend, Michael
Twigg, Derek *(Halton)*
Wardle, Charles
Webb, Steve
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Williams, Mrs Betty *(Conwy)*
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*

Tellers for the Ayes:
Rev. Martin Smyth and Mr. Joe Benton.

NOES

Harris, Dr Evan
Kirkwood, Archy

Tellers for the Noes:
Mr. Crispin Blunt and Mr. Joe Ashton.

Question accordingly agreed to.

Question, That the Bill be now read a Second time, *put accordingly and agreed to.*

Bill committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

Protection of Animals (Amendment)

Order for Second Reading read.

2.24 pm

Mrs. Claire Curtis-Thomas (Crosby): I beg to move, That the Bill be now read a Second time.

I am grateful for the opportunity to present my Bill, but saddened that I will not have more time in which to do so. My aim is to plug the very clear gap in the Protection of Animals Act 1911, the measure that protects animals from cruelty or neglect. As matters stand, animals which are the subject of cruelty or neglect proceedings can be left to suffer while the law takes its course. That cannot be right. My Bill would put right that anomaly and ensure that it is possible to act quickly where necessary in the interest of the animals. It would allow those prosecuting cases of cruelty under the 1911 Act to apply to court for a care order to protect the animals concerned. The magistrates would thus be able to grant an order to those prosecutors, allowing for the temporary care, or for the disposal, sale or slaughter of the animals.

Time does not permit me to explain the detail of the measure. The key points are that the Bill would apply only once proceedings under the 1911 Act were brought, and then only to animals kept commercially. The powers will be strictly limited and will be available only when a court takes the view that it is in the interests or welfare of the animals concerned, and that the reasonable costs incurred by those caring for the animals will be recoverable from the owners.

The measure is straightforward and has been wanted for some time by those closely involved in enforcing animal welfare legislation, including animal welfare organisations and members of the State Veterinary Service. I do not have time to outline practical examples of the way in which the Bill can be helpful, but I hope to have an opportunity to do so in Committee. The measure is sensible and provides a much needed addition to the protection of animals. I commend the Bill to the House.

2.25 pm

Mr. James Paice (South-East Cambridgeshire): I welcome the Bill and congratulate the hon. Member for Crosby (Mrs. Curtis-Thomas) on her decision to try to amend the 1911 Act. Nothing in the measure causes me or the Opposition grave concern. It is right that animals should be properly cared for, or disposed of, while a prosecution takes place. We know that such cases can take some time.

I have one slight anxiety as to the impact of the measure on defendants who are found not guilty. Would their interests be considered? However, that matter can easily be dealt with in Committee. I wish the Bill a fair wind.

2.26 pm

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): On behalf of the Government, I congratulate my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas). We welcome the Bill and the Opposition's support for it. I can reassure the hon. Member for South-East Cambridgeshire (Mr. Paice). As he knows, the courts will decide on these matters and will protect the rights of the

individuals concerned. Furthermore, the Bill includes provisions relating to the legitimate interests of individuals—for example, subsidies on animals, or any surplus from the sale of the animals being returned to the individuals concerned.

Individual rights will be protected. The measure is welcomed by the Government, by the State Veterinary Service, by local government agencies and by people who would be approved to take action in appropriate cases to protect the interests of the animals.

2.27 pm

Mr. Eric Forth (Bromley and Chislehurst): It is a great misfortune for the hon. Member for Crosby (Mrs. Curtis-Thomas), the promoter of the Bill, that, for reasons completely beyond her control, the debate did not begin until 2.24 pm. That means that the Bill cannot possibly receive proper consideration on Second Reading today.

Although the Bill is relatively straightforward, as the hon. Lady pointed out, and would update and make more effective the provisions of the 1911 Act, even at a cursory glance, it is quite substantial. There are several clauses and some important provisions—each of which is complicated, and some of which are difficult to understand. I suspect that they may be fairly difficult to implement.

I am aware that the Bill has been welcomed by the Royal Society for the Prevention of Cruelty to Animals and that the National Farmers Union believes that it is appropriate. However, that is not necessarily enough. Simply to say that groups who have an involvement, or are interested, in the subject of a measure have given it support does not justify it. That is especially true when a Bill includes complicated and difficult provisions that bear on judicial process and on disputes as to ownership—whether of animals, property or anything else—

Mr. Kevin McNamara (Hull, North): Will the right hon. Gentleman give way?

Mr. Forth: Certainly.

Mr. McNamara: Will the right hon. Gentleman allow those matters to be worked out in Committee?

Mr. Forth: I am grateful to the hon. Gentleman. His interventions are always helpful in elucidating matters. Any Bill—large or small—must surely be given proper consideration on Second Reading. The hon. Gentleman has enormous experience of the House and great respect for it; he must surely agree that six minutes is hardly adequate to get a sense of the views of the House.

The promoter of the Bill showed in her introductory speech that she had been admirably briefed, but unfortunately on this occasion we could not get the full sense of the response of the Minister and the Opposition Front-Bench spokesman. The Minister, for reasons that I can understand, was not able to give us the Government's fully developed view of the Bill, and my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) did not have time to give the Opposition's fully developed view. That arose quite simply from the fact that the previous business took so long—

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 19 May.

Remaining Private Members' Bill

SCOTTISH ADJACENT WATERS BOUNDARIES (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 14 April.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Thursday 3rd February, not withstanding Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall—

(i) put the Questions on any Motions in the name of Mr. Secretary Straw relating to Police Grant Reports (England and Wales) not later than Four o'clock; and

(ii) put the Questions on any Motions in the name of Mr. Secretary Prescott relating to Local Government (Finance) not later than Seven o'clock.—*[Mr. Jamieson.]*

Local Deprivation Index

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jamieson.]*

2.30 pm

Mr. Iain Coleman (Hammersmith and Fulham): I am most grateful for the opportunity to raise the issue of the index of local deprivation in this Adjournment debate. Many hon. Members will be well acquainted with the index, but some Members may be unfamiliar with the detail. Although the niceties of the subject are immensely complicated and enmeshed in highly technical detail, the workings of the index are crucial to local authorities. It has far-reaching implications for local authority finance, and in particular the allocation by central Government and Europe of regeneration and structural funding to local councils.

I shall briefly set out the background to the current position. The index is a statistical means of assessing levels and degrees of social and economic deprivation by local authority area. Its purpose is to identify areas suffering from multiple deprivation while also recognising pockets of intense deprivation in areas of relative affluence.

Several criteria referred to as indicators are assessed, which can be statistically combined to produce an overall figure for each local authority area. Those are then used to rank authorities in order of their overall level of deprivation. The rankings provided by the index are used as the crucial basis for allocating regional and structural funds to local authorities and regeneration partnerships.

Central Government funds such as the single regeneration budget and the new deal for local communities are focused on those areas identified by the index as the most deprived and the same is true of the allocation of European funds, such as objective 2. The designation of health and education action zones also uses ILD rankings.

In the allocation of the 1999 round of SRB funding, more than 80 per cent. of the available resources was allocated to those authorities ranked in the first 65 in the index. In practice, therefore, should a local authority fail to be included in that first batch of 65 councils, its potential for receiving regeneration resources through the key central Government mechanism is strictly limited.

In early 1999, the Department of the Environment, Transport and the Regions commissioned a study by social scientists and academics based at the university of Oxford into how robust a calculation of deprivation the index was, and whether it was possible to revise and improve it to ensure that it reflected the true levels of deprivation. The possible implications of that study are the basis of the grave concern felt by many local authorities throughout the country and by Members of the House, especially those representing urban areas.

The calculations used before the current review were based on 12 indicators, including levels of employment, levels of benefit receipt, mortality information, GCSE pass rates and the quality of housing. The Oxford study has concluded that the new index should be based on 32 indicators, forming six domains. There are several new criteria, in particular centring around geographical access to services, while others, including GCSE results and the cost of living in an area, have now—regrettably, in my judgment—been removed. There is also a very significant switch in the methodology used to calculate the index.

This is obviously a highly technical and complex matter, but the new methods of calculation would have, among other things, the effect of masking highly deprived areas that already sit uneasily alongside areas of considerable affluence. Although many London authorities would be especially harshly treated by the new proposals, many other regions would also suffer. The special interest group of metropolitan authorities outside London—SIGOMA—has made it clear in its detailed submission that it is very disappointed about the effect of the proposal and has raised concerns about the methodology and the consultation process. In particular, it has called for the complete removal of the geographical access to services domain.

Bradford, Birmingham, Leicester and a number of other metropolitan authorities have also made clear their hostility to the proposals. However, I hope that my hon. Friend the Minister will understand it if I concentrate principally on the effect that the proposals would have should they be inflicted on the capital city.

Most alarmingly, six London local authorities—Hammersmith and Fulham, Ealing, Hounslow, Kensington and Chelsea, Wandsworth and Westminster—would be dramatically disadvantaged by being pushed under the key threshold for SRB funding to which I referred earlier, while Barking and Dagenham, Brent, Camden, Greenwich, Haringey, Lambeth and Waltham Forest would all drop markedly within the proposed index and that would certainly affect their priority for future funds.

The average fall in the index would be 51 places. There were previously 13 London boroughs in the top 20 most deprived authorities in the United Kingdom; now there would only be six. My borough would be especially harshly treated. It would fall from 18th to 68th in the table. Every single ward in my borough would fall in ranking using the new criteria. There were 14 wards in the most deprived 10 per cent. of local government wards and now there would only be two. There were three wards in my borough in the most deprived 1 per cent; under the new proposal there would be none in the top 350.

As I said earlier, the technical detail of the statistical analysis of the data is staggeringly complicated, but it is quite obvious that there are serious flaws in the way that the calculations have been arrived at. Perhaps the most devastating effect on London would be caused by the new weighting given to the geographical access to services domain. It would be devastating—and I would respectfully suggest to the Minister inappropriate—because in urban areas its effect in practice would be to identify the most prosperous, and not the most deprived, areas.

If we were to apply that indicator, which we believe has proved to be especially heavily weighted, to my constituency, it would produce a bizarre and perverse effect. Easily the most affluent ward in my constituency is Palace ward. It is well known to my hon. Friend the Member for Ealing, North (Mr. Pound) because it is where Fulham palace and Fulham football club are located. In that ward, an average four-bedroomed house with a moderate-sized garden will cost a purchaser anything between £500,000 and £1 million; only 9 per cent. of households are in social housing; and only

2 per cent, of the economically active are affected by unemployment. It is not an area that one could really describe as deprived.

Yet Palace ward, which is the least deprived ward in my constituency on every other possible indicator that we might use, would, under the new indicator of geographical access to services, be ranked as the most deprived. In fact, it would be ranked as more deprived even than Broadway ward in central Hammersmith, where unemployment is more than twice the national average and more than 50 per cent. of households live in social housing. In Broadway, crime rates are high and the physical environment is blighted by chronic traffic congestion on major arterial routes. Indeed, it is on every other indicator the most deprived ward in my constituency.

The geographical access domain also appears to be in complete contravention of the criteria set out in the Government's strategy to combat deprivation. SRB round 6 guidance clearly states that more than 80 per cent. of the resources available will go to the 65 top-ranked ILD authorities. The guidance then sets out the following key objectives: first, improving employment prospects, education and skills of local people; secondly, addressing social exclusion and improving opportunities for the disadvantaged; thirdly, promoting sustainable regeneration, improving and protecting environmental infrastructures; fourthly, supporting and promoting growth of local economies; and, fifthly, reducing crime and drug abuse. There is no mention at any point of geographical access as an objective, so how can it possibly be right to use it as the key determinant of who receives more than 80 per cent. of the funding?

It is impossible to calculate why London has lost out so badly. That is why it is imperative that the full underlying data be released now, so that the Association of London Government and other interested parties can commission a full academic analysis of the study. It must surely be contrary to the Government's stated policy of open government any longer to keep those data secret from those who are seriously affected by their use. I hope that the Minister will give an assurance today that the new data will be released without further delay and procrastination on the part of the Government.

If the new index is to be the pivotal element in the allocation of billions of pounds of public money, it is essential that it can be shown to be robust, thorough and fair. Until such time as that can be demonstrated—it clearly cannot be at present—it is also essential that it is not used to allocate regeneration resources. I hope that the Minister will assure the House that there can be no question of using the new index to distribute funds this financial year.

I am bound to say that employing consultants—even ones as eminent as those who were engaged—to produce a piece of work and then to employ them to be the people responsible for the consultation exercise is, at best, a dubious practice. Surely officials at the Department of the Environment, Transport and the Regions should be responsible for that exercise. Will the Minister assure the House that the consultation exercise will be genuine, thorough and independent?

The process and the outcome of the review lack transparency for the following reasons. First, the time scales to respond were absurdly short: for example, the final technical document, which was immensely complicated, was released without prior notification two days before Christmas, giving local authorities only three weeks to respond—an impossible timetable. Secondly, as I have said, the full underlying data have still not been released, despite repeated requests from the Association of London Government, SIGOMA and others. Thirdly, the outcome is absurdly complex: only vastly experienced trained experts could possibly begin to fathom the detail of the new index. That would appear to represent a total reversal of the policy of simplifying the process of local government funding announced by the Secretary of State for the Environment, Transport and the Regions under the standard spending assessment review.

There was much rejoicing in my constituency when the Secretary of State announced last year that Hammersmith and Fulham's bid for the new deal for communities had been successful. I am pleased to report that work has already begun. I look forward to chairing an enthusiastic and imaginative partnership to deliver regeneration to a deeply deprived area of Fulham. However, it would appear that our bid could not have been successful under the new index. I urge and plead with Ministers to take a step back before introducing the new index proposals.

2.44 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Keith Hill): I begin, as is usual, by congratulating my hon. Friend the Member for Hammersmith and Fulham (Mr. Coleman) on having secured a debate on the index of local deprivation. I also congratulate him on his effective speech. I am grateful for the opportunity to inform him and the rest of the House about progress on my Department's review of the index. Before doing so, I shall explain what the index is and what it is used for.

At the heart of the Government's agenda lies our determination to tackle social exclusion and poverty in this country and to provide equality of opportunity. As my hon. Friend knows, that is one of the key commitments in our manifesto. The activities that we have undertaken since May 1997 include the work spearheaded by the social exclusion unit; setting up the new deal for communities programme, which has been so successful in my hon. Friend's constituency; and launching a refocused single regeneration budget. That shows clearly that we are firmly committed to helping those communities that live in the most severely deprived parts of the country.

Ask the average person in the street where the most deprived areas of England are located, and the chances are that he will think immediately of the great conurbations of the north, the west midlands and the inner-city areas of London. In many respects, that view would be right, but it is one that is more likely to be based on general impressions or gut feelings, rather than on a technical analysis. The Government, however, must make judgments on which are the most deprived areas that are based on a technical assessment of the factors that point to an area being deprived. The main measure that we use is the index of local deprivation.

The index is a measure of relative deprivation for local authority areas in England. It combines a number of indicators that are chosen to combine a range of economic, social and housing issues in a single deprivation score for each area. It enables areas to be ranked relative to one another according to their level of

[Mr. Keith Hill]

deprivation. The current index was published on 11 June 1998. It updated the 1991 index of local conditions, largely with 1996 data, and realigned it to the new local authority boundaries as they stood on 1 April 1998.

The index has been used by my Department to inform the development of policies and to target regeneration funding at the most deprived areas. It is being used increasingly outside the Department as well. For example, it is being used by the Department for Education and Employment for identifying areas for selecting area-based initiatives. Also, the social exclusion unit recognised the index as a key source of information about deprived areas in its report entitled "Bringing Britain Together: a national strategy for neighbourhood renewal".

Despite that background, there was heavy criticism of the methodology used to construct the 1998 index. Also, the data used to compile it were getting rather old, and better data for small areas were becoming available for the first time. To ensure that future policy decisions are based on the most relevant methods and the most recent information that enables smaller pockets of deprivation to be picked up, the Government decided to undertake a fundamental and independent review of the index. In December 1998, my Department commissioned the university of Oxford to carry out this work.

During the summer of 1999 there was an extensive consultation exercise about the indicators to be included in a new index. In the light of that work, and the many valuable points that were made during the consultation, it has been decided that the new index will consist of 33 ward-level indicators of deprivation. These will be organised into six key domains of deprivation: low income, employment deprivation, poor health and disability, low education and training, poor geographical access to services and poor housing.

These indicators and domains are a significant improvement on the existing index, which was largely based on district-level data, mainly from 1996. Where ward-level data were used, they came from the 1991 census. We shall now have 33 indicators that are more up to date, that relate to a smaller area level and that reflect a wider range of dimensions of deprivation than the previous selection.

The importance of obtaining and using data at small-area level to secure effective neighbourhood renewal strategies and programmes is likely to be emphasised by the social exclusion unit in its consultation document on the national strategy for neighbourhood renewal, which is to be published in March.

The 1998 index was generally considered too biased towards urban areas. That is why we have introduced a domain on geographic access to services. That will be based on four indicators, three of which concern people who depend on benefits being able to get to either a post office, a food shop or a general practitioner. The fourth indicator concerns people with children aged five to eight being able to get to a primary school.

Some of those who responded to the consultations claimed that by introducing this domain we are now biasing the index in favour of rural areas. The Government do not share that view. We acknowledge that people who live in rural areas are more likely to experience access problems, but who would disagree that the ability to get to a post office, food shop or GP is a necessity for all poor people? Geographical access has a weighting of only 10 per cent. in the index. My hon. Friend gave a dramatic example from Palace ward in his constituency, and he singled out geographic access. However, I have no doubt that if all six domains are considered together, the findings for Palace ward will be different.

After the Oxford university review team devised an agreed set of indicators and domains of deprivation, it created a methodology for bringing together all the indicators so that we have an index that identifies the location of the most deprived areas. That is far from easy, and we had to try to address the problem that the previous method—chi squared—tended to give higher deprivation scores to areas with larger populations.

The Oxford team consulted expert opinion widely, including eminent professional statisticians who were involved in the whole review. Moreover, in addition to a large interdepartmental steering committee, the Oxford team benefited greatly from an advisory panel, which included academics, statisticians and local Government officers. The Oxford proposals on methodology were put out for full public consultation in December.

The six-week consultation period ended on 17 January and we have received more than 120 responses. The approach that has been taken is supported by the majority. My Department and the Oxford team are now analysing each response. Unfortunately, therefore, I cannot report on the outcome of the analysis today. However, I stress that we shall consider carefully all the points raised in the responses, and undertake any extra work that may be necessary before making any decisions. We aim to publish a new summary index in the spring. That will be followed by a lengthier report from Oxford university, which will appear later in the summer.

It is perhaps an obvious point, but when we change the basis on which the index is calculated, some areas will move up and others will move down the index. We acknowledge that that may be due to the changed methodology and indicators more than to changes in overall patterns of deprivation. However, that should not prevent us from striving to put in place the best possible mechanism for identifying levels of deprivation.

My. hon. Friend expressed anxiety that the draft index may disadvantage some London boroughs, including Hammersmith and Fulham, because they will appear lower in the deprivation rankings under the revised index. However, I stress that the data on which this draft index is based are still being checked. Furthermore, the rankings may change if the methodology is revised in the light of consultation. I should also point out that, in the overall measure of deprivation on the draft index, which is at district level, five of the 10 most deprived districts were London boroughs. Indeed, the worst three districts were London boroughs.

My hon. Friend and others have asked why the new index does not recognise the sheer scale of ethnic minority populations in London and elsewhere. We are confident that the 33 proposed indicators fully cover the problems that ethnic minorities face. For example, we include indicators on income support receipt, unemployment, overcrowding and poor health, all of which are disproportionately experienced by many ethnic minority groups. However, we should not overlook the sheer

diversity within the ethnic minority community, as reported by the eminent 1997 Policy Studies Institute report. We therefore believe that it is inappropriate to include a reductionist indicator, which assumes that all ethnic minority people are deprived.

Hon. Members may also have noticed that the index does not contain a crime domain. There is a lack of crime data at the small area level. However, we hope to improve those data for the next revision of the index. The social exclusion unit's policy action team 18, which deals with better information, and my colleagues in the Home Office are examining that. The Association of London Government has examined the index closely and has submitted its comments on methodology. I give the assurance that those observations will of course be considered, along with all other responses.

My Department uses the index to target regeneration funding such as the single regeneration budget and the new deal for communities on the most deprived areas. On 17 December, we launched national bidding guidance for round 6 of the SRB. My hon. Friend and other hon. Members whose constituencies cover local authority areas among the 65 most deprived, according to the existing index, will be pleased to hear that those areas are eligible to bid for funding for comprehensive schemes under round 6. That eligibility will not be affected by their ranking in the revised index.

As my hon. Friend may know, the current index was taken into account in selecting areas to be invited to bid for funding under the second round of the new deal for communities, which my right hon. Friend the Minister for Local Government and the Regions announced on 10 November. He will certainly know that Hammersmith and Fulham is an invited area and I can confirm that, wherever it ends up on the revised index, its eligibility for the second round will not be affected. Furthermore, resources from European structural funds have been allocated for 2000-06 with reference to the 1998 index. I hope that those facts give my hon. Friend the reassurance he is looking for.

Looking to the future, funding for all regeneration programmes, including expenditure on programmes aimed at deprived areas, will be determined by the 2000 spending review, which is currently under way. Decisions have yet to be taken on how the index would be used to target resources at deprived areas and the weight to be given to deprivation scores and other relevant factors in determining funding allocations. We shall also consider the need for any transitional arrangements.

The rankings may change, but that should not prevent us from pressing on with a new index. My Department, other Departments and a range of outside bodies urgently need better information on which to target their policies and with which to address the significant problems that deprived areas face. We accept that the new index would never be perfect while we lacked small area data on some of the measures that we would like to cover. We also accept that it would not provide an absolute measure of deprivation and thus it would be important to use it sensitively and appropriately. Nevertheless, we are confident that the new index will provide us with the best possible means available at the moment for identifying the most deprived areas in England.

Question put and agreed to.

Adjourned accordingly at three minutes to Three o'clock.

House of Commons

Monday 31 January 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

National Lottery

1. **Mr. Barry Sheerman** (Huddersfield): What was the average amount received from national lottery funds in each parliamentary constituency in the last year for which figures are available. [105937]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): According to my Department's national lottery awards database, £784 million of lottery money was awarded in the calendar year 1999. That equates to an average of £1,189,590 per constituency.

Mr. Sheerman: Many hon. Members will have been astounded by how much their constituents have spent on the lottery over five years. How is expenditure from lottery revenues evened out throughout the country? The last time my right hon. Friend reported to the House there seemed to be much uneven distribution in favour of London and the south-east, whereas Yorkshire and Humber and Huddersfield were not receiving their share of the cake. What are we doing to distribute that very welcome lottery money evenly throughout the country?

Mr. Smith: I am very pleased to tell my hon. Friend that since the lottery began Huddersfield has received £15.7 million, which is 42 per cent. more than the UK average. However, he correctly makes the general point that it is important to ensure that the geographical spread of lottery awards across the country is as fair as possible. That is why we put in place the National Lottery Act 1998, insisted that lottery distributers have proper strategic plans, introduced the small grants scheme and focused the new opportunities fund particularly on areas of need. I gave directions to all the lottery distributers insisting that they endeavour to secure a fairer geographical spread for awards.

Mr. John Townend (East Yorkshire): Does the right hon. Gentleman agree that every constituency could have had considerably more money if the Government had not wasted £399 million on the dome? Although it is always easy to be wise in hindsight, does he not agree that it would have been better to spend the money on a permanent memorial to the millennium, not one that will be knocked down in 10 years?

Mr. Smith: If the Government whom the hon. Gentleman supported had had their way, the dome would have been knocked down after a year. The decisions that we took in 1997, immediately on coming to office, ensure that it will be in place for many years, if not decades, to provide a permanent legacy.

Angela Smith (Basildon): Is my right hon. Friend aware that for the past two years I have been trying to obtain from Camelot comparative information on the number of tickets sold and the lottery grants awarded in my and other constituencies? I am pleased that the information has now been provided, albeit reluctantly. My constituents have spent about £60 million on lottery tickets and received £1.5 million back. Is not that Robin Hood in reverse and what action can he take to rectify it?

Mr. Smith: I well understand my hon. Friend's anxiety. It is important to remember that only 28p of every pound spent on lottery tickets goes to good causes, with 50p going in prizes. Funds also go to the administration of the lottery and to the Chancellor of the Exchequer. However, her point is important, which is precisely why we have put in place the new directions and new structures under the 1998 Act. They will seek, over time, to rectify the problem.

Mr. Michael Fallon (Sevenoaks): Why should an extra £60 million of lottery funding given for those good causes be diverted, as is reported, to bail out the dome, which clearly does not have the proper strategic plan to which the right hon. Gentleman referred? Of which is he proudest: the river that did not catch fire, the eye that does not revolve or the dome that nobody wants to visit?

Mr. Smith: The reality is that no application for additional funding has yet been made to the Millennium Commission. However, on the advice of its accounting officer, when we met on Friday we took a prudent view of what the commission's opinion would be if an application for cash flow support were to be made. It was sensible to make such a decision. I strongly point out to the hon. Gentleman that such funding will and must be repaid; it is not an outright grant.

Arts Organisations

2. **Mr. Barry Jones** (Alyn and Deeside): If he will ensure that arts organisations benefiting from public funds make some unsold tickets available for use by schools. [105938]

The Minister for the Arts (Mr. Alan Howarth): I can confirm that we plan to introduce a requirement that every arts organisation subsidised by central Government must have an access policy for young people and that that should include an element of free or concessionary tickets. We have made it clear to the Arts Council of England that we intend to build that approach into the next revision of

our funding agreement with it for 2000–01. Meanwhile, we have asked it to take account of that in on-going discussions with arts organisations.

Mr. Jones: I thank my hon. Friend for that initiative. With £125 million extra available for the arts, how, specifically, does he intend to achieve a better, fairer regional spread, with Wales and the north-west in mind? Many children do not have an early introduction to the availability of music and the theatre, so may I commend to him the Royal Liverpool Philharmonic Society, which is working with families? Ian Wright, the timpanist, has informed me of the popularity of the concerts that the Phil organises for children. Can my hon. Friend ensure that more children are given returns and that the money made available is not wasted?

Mr. Howarth: My hon. Friend is right to praise the Royal Liverpool Philharmonic Society. I attended one of its concerts for children, and it was a very exciting and happy occasion.

I am grateful to my hon. Friend for mentioning the extra £125 million that we have provided for the arts. With that additional resource, we have embarked on a determined policy of devolving funds to the regions. In the present financial year, combined grant-in-aid and lottery money have increased in the regional arts boards by an average of some 44 per cent. We are determined that all our people, and all young people in particular, should have access to the very best of our culture.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): I welcome the Minister's indication of the Government's thinking, and the direction of their spending. Does he accept, however, that if there is to be a universal entitlement to access to the performing arts, it will depend heavily on the willingness of education authorities and teachers to co-operate fully? When authorities and teachers are burdened with core curriculum requirements, examinations and form-filling, they are not always as responsive as they might be to the idea of taking children to such events. Will the Minister enter into a dialogue with his colleagues in the Department for Education and Employment, and with the teaching profession?

Mr. Howarth: The right hon. Gentleman makes an important point. We are already engaged in close dialogue with friends and colleagues at the Department for Education and Employment.

The right hon. Gentleman will have noted that my right hon. Friend the Secretary of State for Education and Employment has asked the Qualifications and Curriculum Authority to look again at the role of education for creativity in the curriculum, in response to the thoughtful and important report by Professor Kenneth Robinson and his group. He will also know of the establishment of the National Foundation for Youth Music and the additional resources from both the Department for Education and Employment and my Department that are being spent on music for schools.

We recognise the importance of the issue that the right hon. Gentleman has raised, and are already vigorously pursuing policies that I hope he will endorse.

Social Exclusion (Sport)

3. **Maria Eagle** (Liverpool, Garston): What steps his Department is taking to encourage the use of sport to combat social exclusion. [105939]

The Minister for Sport (Kate Hoey): The social exclusion unit's policy action team on sport and the arts, which was led by the Department, looked specifically at this issue, and is proceeding with recommendations made in the report that it launched in July last year.

Sport England recently announced the designation of 12 sport action zones, which will aim to increase sporting participation and performance in areas of high economic and social deprivation.

Maria Eagle: I welcome the establishment of a sport action zone in my city of Liverpool. Indeed, I know that it will be widely welcomed. What can my hon. Friend do to ensure that girls in Liverpool, as well as boys, are encouraged to participate in the initiative and in sport?

Kate Hoey: I am glad that my hon. Friend welcomes the sport action zone. I know that it does not quite touch on her constituency, but I think that the whole of Liverpool will benefit.

Persuading more young women to participate in sport is very important to Sport England, to schools and to everyone who cares about sport. There have been a number of initiatives; but one of the most important requirements is that no lottery money should go to any sporting project unless it can prove that it has an equal-opportunities policy, and that young women and girls in particular are being helped to become involved in sport.

Mr. John Bercow (Buckingham): In the light of the Secretary of State's remarks to the Labour party conference about the unnecessary sale of school playing fields, can the Minister tell us in what circumstances she would judge such a sale to be necessary?

Kate Hoey: The Government have a clear commitment to protect school playing fields. We have introduced a number of strong measures, because too many in the past were not working. The last Government allowed schools to sell off their playing fields willy nilly, when it suited them; indeed, they required the Government to sell off playing fields when they considered them to be surplus to requirements. The present Government have introduced new legislation requiring all schools to seek consent for the sale of playing fields. Sometimes it is a very balanced judgment.

Sometimes, the playing field is sold to increase sporting opportunities, but, clearly, there is a balance to be struck. No one wants a kick-around area that young people can enjoy for play to be sold. The Government are delivering on their policy. We have not got it completely right. We are determined to ensure children's sporting opportunities will not be sacrificed through selling off playing fields.

Mr. Dafydd Wigley (Caernarfon): Does the Minister accept that sport offers great potential not only for combating social deprivation, but for economic regeneration, not least in areas of high social deprivation

such as parts of Merseyside, south Yorkshire, Wales and Cornwall, which have been designated by Europe for objective 1 status? Does she accept that objective 1 money can give sporting projects in those areas even greater value? Given the resignation of the hon. Member for Liverpool, Walton (Mr. Kilfoyle), partly because of a lack of match funding from the Treasury, can her Department ensure that money from the Treasury is maximised, so that European funds are taken up?

Kate Hoey: The right hon. Gentleman knows that, as Minister for Sport, I have responsibility for many things—which I am learning—but that I do not have responsibility for many of the things that he has asked me about. I am sure that he would welcome the fact that the south Yorkshire coalfield area was one of the designated sport action zones. We are aware of the particular problems of coalfield areas and mining communities. Of course, any regeneration will be helped by the sport initiatives that we are putting into place, but I cannot answer his specific questions. I am sure that the Treasury Ministry would be delighted to answer his questions.

Mr. Andrew Mackinlay (Thurrock): Why has not Sport England allocated funds to the eastern region in respect of the United Kingdom sports institutes? Does my hon. Friend realise not only that the region has problems of social exclusion—some deep pockets of it exist there—but that some of our finest athletes come from the region, and Essex in particular? Is it not about time that the decision was revisited, bearing in mind that it discriminates against my constituents and the people of six eastern England counties?

Kate Hoey: Clearly, my hon. Friend knows that Sport England, even with huge amounts of money, could not possibly put institutes in every region and every part of the country. It is important that the institutes reach out to all parts of the country. I am aware of the talent in his constituency and in the region. Indeed, I shall visit his constituency quite soon. I am sure that he will be able to introduce me to some of the initiatives that his local authority is involved in to improve participation in sport in the area.

Digital Television

4. **Mr. Tim Loughton** (East Worthing and Shoreham): When he proposes to make an announcement regarding the charging of a supplemental licence fee for digital television viewers. [105940]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): I intend to announce the Government's decisions on the recommendations by the independent review panel on the future funding of the BBC shortly.

Mr. Loughton: Before he does that, can the Secretary of State explain to my constituents why they should pay a television technology stealth tax to a state-owned broadcasting company, even if they choose to watch independent channels, as well as, we are led to believe, an above-inflation increase in the analogue television licence? Was the new BBC director general in favour of a higher, or lower surcharge than the £24 that has been recommended, or was he too busy with his property company directorships to proffer a view?

Mr. Smith: The hon. Gentleman is premature in making assumptions about any of the decisions that we may, or may not take on the matter. It was, of course, the Davies panel that recommended that there should be a digital supplement of £24 per year for those who use digital television. It is by no means guaranteed that we will accept that recommendation. We are considering it carefully. I remind him that at least 94 per cent. of UK households still view, or listen to at least two hours of BBC programming per week. The BBC is a major cultural institution. It produces programmes of unrivalled quality around the world. We should be proud of it.

Mr. Gerald Kaufman (Manchester, Gorton): Could my right hon. Friend explain how such a tax could be collected were it to be imposed? Are the lists of subscribers to OnDigital and Sky digital available under current legislation, or are they protected by the Data Protection Acts? If the latter, would primary or secondary legislation have to be introduced to make the lists available to the TV Licensing authority, and would such a process be subject to potential legal challenge by Sky digital or OnDigital?

Mr. Smith: The answer to my right hon. Friend's specific question, on the lists of subscribers to both OnDigital and Sky Television, is that, currently, no legislative power exists for any requirement to be made for the making available of those lists. Points on the relative administrative ease of collection are among the considerations that we are taking into account in examining those complicated issues.

Mr. Norman Baker (Lewes): Can the Secretary of State explain the delay that has occurred in giving the Government's official response to the Davies report? Is it true, as newspapers suggest, that there are disagreements among Ministers on whether to accept the digital licence fee? [HON. MEMBERS: "Surely not."] Such things are suggested.

I tell the Secretary of State that there is no public support for a separate digital licence fee, and that there is concern that it would be a type of second-rate tax. Would it not be more appropriate to examine whether the BBC could, from within its own resources, fund digital development, and perhaps to provide a role for the National Audit Office in that examination? If not, would it not be preferable to have a small increase in the normal licence fee, rather than a separate licence fee, to fund that development?

Mr. Smith: The hon. Gentleman should not believe everything that he reads in the newspapers. The issues that will dictate our approach on the matter are the need to ensure continuation of high-quality broadcasting in the United Kingdom into the digital age; the need to ensure the best possible choice for consumers; and also the need to ensure best value for money for consumers. Those are

the key criteria that we shall wish to bear in mind, and the hon. Gentleman should not jump to conclusions before we have reached them.

Mr. Robert Sheldon (Ashton-under-Lyne): Does my right hon. Friend agree that it is of supreme importance that the BBC's position in the cultural life of the country be maintained and enhanced by any action that he may take?

Mr. Smith: My right hon. Friend is absolutely right to point to the very great importance of the BBC in the United Kingdom's cultural life. I argue, and have often argued, that, in a multi-channel digital age, the BBC's role as our premier public service broadcaster and as provider of the benchmark of quality around which the rest of broadcasting should cluster becomes more important, rather than less important in the multi-channel age.

Mr. Peter Ainsworth (East Surrey): The Secretary of State is obviously having difficulty in making up his mind, but I have no doubt that No. 10 Downing street will be close at hand providing helpful advice on the matter. Does he think that a digital licence supplement would amount to a tax on innovation, which would be unpopular with broadcasters and viewers alike and that it would run completely contrary to this Government's and to the previous Government's commitment to encouraging digital take-up? Does he think that viewers will thank him if he rolls over in the face of the BBC's demands for extra money without even having bothered to sit down and work out the limits of what the BBC should be doing in a multi-channel age?

Mr. Smith: It is precisely because we want to get the decision right that we are ensuring that it is taken in the right way. That is why we allowed a sensible period for consultation, took no decisions until the Select Committee had reported and put in Pannell Kerr Forster to examine in detail and very rigorously the BBC's finances and to advise us. It is in the light of all those representations, and particularly the views of the general public, that we are now considering most carefully how to proceed on the matter.

Mr. Dennis Skinner (Bolsover): Does not Greg Dyke have enough on his plate sorting out digital television and all the rest of it without being involved in share dealing in independent television companies and fiddling about with property companies and people who have been declared bankrupt? Is not the BBC a powerful organisation to which he should be dedicating all of his time, rather than moonlighting all over the place?

Mr. Smith: First, may I say how wonderful it is to see my hon. Friend back in such robust form? I am certain that Mr. Dyke will wish to devote 100 per cent. of his time and energy to the task of running the BBC.

Competitive Sport

5. **Mr. Robert Syms** (Poole): What steps his Department has taken since 1997 to encourage competitive sport for children of school age. [105941]

The Minister for Sport (Kate Hoey): Competitive sport in school and between schools is one of the criteria schools have to meet to be awarded a sportsmark, and encouraging inter-school competitive fixtures will be key part of the role of the school sports co-ordinators.

We have also supported the Royal and Sun Alliance panathlon challenge, which supports inter-school competition between inner-city schools in London, Liverpool and Bristol.

Mr. Syms: Why have the Government seen fit to scrap compulsory sport for children aged over fourteen? Given the problems of obesity and general fitness levels among teenagers, is not this an area where the Government should reverse their policy?

Kate Hoey: The hon. Gentleman is right to raise this controversial issue. I am certain that we took the right decision as, at 14, many youngsters want to get involved in sporting activities that may not necessarily involve team competitions. We must make sure that team sport is still available in all schools for those who want it after the age of 14, and we must concentrate on getting the quality right at an earlier age.

Mr. Andrew Reed (Loughborough): Is not it crucial to try to get children to participate in competitive sport or physical education as early as possible? Is not the work of the Youth Sport Trust a good example of the kind of work that needs to be done? More specifically, will the Department for Culture, Media and Sport work much more closely with the Department for Education and Employment, as that is the key to ensuring that there is a link between schools and competitive sport in the community?

Kate Hoey: My hon. Friend is right that the links between this Department and the DFEE are being strengthened. I am delighted that, just before Christmas, we were able to appoint Sue Campbell of the Youth Sport Trust to act as a cross-departmental adviser to this Department and the DFEE as we work to identify and build the links between the Departments, particularly in terms of the role of physical education and school sports, as that is the core of getting sport right in this country.

Mr. Richard Spring (West Suffolk): Before the election, Labour's sport manifesto promised:

"We will tackle the decline in school sport by ending the sale of playing fields".

How does the Minister reconcile that with the fact that, since 1 October 1998, no fewer than 101 out of 103 applications have been agreed? As one surveys the attack on competitive sport, the decline in sports participation in schools, playing field sales, Wembley and the delayed sports strategy, one must ask—has there ever been such a mixture of broken promises and utter shambles?

Kate Hoey: The hon. Gentleman should concern himself with the real issues facing sport in this country, and he could then have a proper and sensible discussion. We have delivered on our manifesto pledge on playing fields. Clearly, a number were sold, but if he takes the time to look carefully at the cases, he will see that huge changes were made as a result of the involvement of Sport England and consultation with the local community. Concern will always be raised when some playing fields are sold off, but we are making sure that the money raised

from the sale of playing fields will be used for the proper development of sport. In most, if not all, cases, there has been a net benefit to sport or no loss of sporting amenity when playing fields have been sold.

Mr. Lindsay Hoyle (Chorley): Will my hon. Friend encourage the playing of rugby league on the playing fields that the Government will preserve, and ensure that the greatest sport in the world is promoted?

Kate Hoey: Rugby league certainly has some ardent supporters in the House. Of course it will be one of the sports that will benefit from all our policies on more sport, more competition and more team sports in schools. It will be a beneficiary, just like every other sport.

Air Passenger Duty

6. **Mr. Ronnie Fearn** (Southport): What discussions his Department has had with Treasury officials concerning air passenger duty. [105942]

The Minister for Tourism, Film and Broadcasting (Janet Anderson): My Department regularly reminds the Treasury of the tourism industry's concerns about air passenger duty, at both ministerial and official level. Any decisions about the duty are of course a matter for my right hon. Friend the Chancellor of the Exchequer in his forthcoming Budget.

Mr. Fearn: Does the Minister recognise that air passenger duty in the United Kingdom is the highest in the world and that it will provide £70 million to the Treasury in the coming year, on top of the £350 million that we have already lost through it? That £70 million could be used to exempt children from the duty. Will she urge the Chancellor to do that?

Janet Anderson: As I said, this is a matter for my right hon. Friend the Chancellor, but we have regular discussions at both ministerial and official level about the importance of the duty for the tourism industry, which, as the hon. Gentleman knows, we take very seriously indeed.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will my hon. Friend encourage the Chancellor to have a bit of hypothecation and use the money to train a few more skilled workers in the catering trades and to give them proper wages? If people, including those working in the House, got proper rates of pay, there might be greater expertise available.

Janet Anderson: As my hon. Friend will know, we have been very encouraged by the participation of the hospitality industry generally in the new deal. Together with Springboard, the national training organisation, we mounted a careers festival last year, and another is coming this year, to encourage people into the industry, which has also signed up to the minimum wage and was represented on the commission that considered it.

Miss Anne McIntosh (Vale of York): Will the Minister join me in hoping that, having recognised the principle of hypothecation in other transport sectors, the Government will use this opportunity to use the airport passenger tax to improve airports, bearing in mind that many United Kingdom airports have taken an enormous cut in earnings because of the loss of duty free last year and that the tax is used in many other European Union countries to build new airports, as in Athens and Brussels?

Janet Anderson: That is an interesting suggestion but, as I am sure that the hon. Lady realises, it is a matter for my right hon. Friend the Chancellor and for Ministers with transport responsibilities.

Strategy for Sport

7. **Mr. Derek Wyatt** (Sittingbourne and Sheppey): When he intends to publish the strategy for sport. [105943]

The Minister for Sport (Kate Hoey): I hope to publish the sports strategy in the next few weeks.

Mr. Wyatt: When my hon. Friend publishes the strategy, will it be fully costed and fully funded, and will it include details of the new opportunities fund with respect to green spaces? My constituency has very few green spaces and would love to buy up some brown ones.

Kate Hoey: The new opportunities fund announcement will be made separately. Any strategy must take into account what resources are needed and where. The strategy will be a major statement about how we can bring together everyone working in sport and form a clear view of where we are going and the pathways from participation to excellence.

Mr. Nick Hawkins (Surrey Heath): Will the Minister confirm that the strategy was originally due at the beginning of last autumn and has been delayed time and again, and that one of the reasons is that when she took up her current ministerial role she found that the strategy had not been worked out at all by her predecessor, who we all know is far more concerned about football than about the other sports in which she takes an interest? Will she further confirm that the shambles over Wembley stadium is once again rearing its ugly head and that she has a great task on her hands in correcting the mistakes of her predecessor?

Kate Hoey: The answer to all those questions is no. I do not feel that there has been any delay on the sports strategy. I took office in July and I wanted to talk to everybody involved in sport. I especially wanted to work with the Department for Education and Employment and other Departments, because it is important that we get the sports strategy right. It has taken a few extra months—the previous Minister hoped that it would come out in the autumn—but that will not make any difference, and may even be a benefit.

Mr. Peter Ainsworth (East Surrey): I have grown used to criticising Labour Ministers for delay, dither and indecision, but nothing better illustrates that tendency than the absurd delay in the delivery of the sports strategy. My hon. Friend the Member for Surrey Heath (Mr. Hawkins) said that it was due in autumn last year, but I thought that it was due as early as the spring. Summer and autumn came and went, and then we were told that it would be published in the winter. Then we were told it would

be early in the new year and now we are told in a few weeks or in the spring—again. However, given that the only substantive decision that Ministers have taken across the whole of their brief involves the fiasco of Wembley stadium, I say that they should carry on dithering. The last thing that we need is decisions from Ministers. Better still, it would be a relief for all concerned if Ministers made way for people who could get a grip on their brief.

Kate Hoey: The hon. Gentleman should know that it would have been a fiasco if we had not made the decisions that we did about Wembley. Today is the first time that I have commented on the sports strategy to the House, and I have said that it will be out in the next few weeks.

Sport (Television Rights)

8. **Mr. Andrew Love** (Edmonton): What steps he is taking to encourage professional sports bodies to invest income from the sale of television rights in local and non-professional sport. [105944]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Many governing bodies have signed the Central Council for Physical Recreation's voluntary code, under which a minimum of 5 per cent. of broadcasting income is invested in grass roots development. The football authorities, in particular, have recently reaffirmed their commitments to allocating 5 per cent. of future broadcasting revenues in that way. The Government are in detailed discussion with them about how best to ensure that those funds are used to improve the development of grass roots football in England.

Mr. Love: I thank my right hon. Friend for that reply and wish to draw his attention to the plight of Enfield Town football club, which was refused promotion because it lacked the finance to improve its facilities. Recently, it took the decision to sell its ground in the teeth of local opposition and it now has to play its home fixtures in St. Albans, which—frankly speaking—might as well be on the other side of the world. Does he agree that we need to ensure the redistribution of resources gained from television contracts to the grass roots, and that a deal providing a higher proportion would enable clubs such as Enfield Town to look forward to a more secure future?

Mr. Smith: I say three things to my hon. Friend. First, St. Albans is a wonderful place—almost as wonderful as Edmonton. Secondly, the supporters of his local club might be interested in the initiative that we announced last week—the setting up of the supporters direct unit, which will encourage local supporters to take an equity stake in the ownership of their clubs. A line of finance is being made available by the Co-operative bank to ensure that that can happen. Thirdly, it is important that money flows from the top of football through the game to smaller clubs and grass roots football at school and park level. We are in active discussion with the Football Association and the Premier League on that issue and we hope to make some substantive announcements shortly.

Mr. Owen Paterson (North Shropshire): Should the television rights to racing be sold to the highest bidder?

Mr. Smith: The television rights to racing are a matter for the racing authorities and the broadcasters to decide. However, the listed events provision ensures that the Grand National must be shown on free-to-air terrestrial television.

Tourism Summit

9. **Mr. Gordon Marsden** (Blackpool, South): If he will make a statement on the matters to be discussed at the forthcoming tourism summit. [105945]

The Minister for Tourism, Film and Broadcasting (Janet Anderson): The tourism summit, set for 1 March 2000, will be a meeting of Ministers from a range of Departments whose responsibilities have significant implications for the development of tourism. Our agenda will include consumer issues and quality improvement, sustainability and transport, employment, and training and information systems.

Mr. Marsden: Is my hon. Friend aware of how crucial for constituencies such as mine is the link that the Government have forged between tourism promotion and economic regeneration? Will she use the tourism summit to strengthen the message to her colleagues in other Departments that more seaside towns should be included in those areas receiving funds under the objective 2 and assisted area status schemes? Will she also make sure that the Treasury is aware of the benefits that it, too, might bestow on seaside towns?

Janet Anderson: I thank my hon. Friend for the welcome that he has given to the assistance that we have tried to provide for seaside resorts, which is in stark contrast to the record of the previous Government. I assure my hon. Friend that the Department of Trade and Industry and the Treasury will be represented at our tourism summit. We look forward to pressing the case of resorts such as Blackpool and others then.

Mr. Nicholas Soames (Mid-Sussex): Will the Minister, at the tourism summit or on another occasion, consider reviewing the very unattractive colour used in this country to point out major attractions? Will she see what she can do to come up with a new and more handsome colour that might be more in keeping with the exhibits that the signs point out?

Janet Anderson: The hon. Gentleman will be interested to know that the summit will discuss signage. I am sorry that he does not like the present colour of the signs. However, given the clamour for more of them around the country, I think that he is probably in the minority.

Helen Jones (Warrington, North): Will my hon. Friend also ensure that the tourism summit studies ways in which non-traditional tourist areas, especially those in places such as the north-west, can benefit from the tourism strategy? Many such places have good hotels, and their good transport links enable easy access to the tourism areas. Areas such as Warrington, for instance, may have a lot to gain from the tourism strategy.

Janet Anderson: I have visited Warrington many times, and I agree that it has a great deal to offer. We are in the process of establishing the regional cultural

consortiums, on which tourism will be well represented. The consortiums will work in close conjunction with the regional development agencies to ensure that regeneration in the regions is taken seriously at all levels.

National Lottery

10. **Sir Teddy Taylor** (Rochford and Southend, East): If he will make a statement on the geographical distribution of lottery funds. [105946]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Some regions have fared better than others from the lottery. Following the National Lottery Act 1998 and my revised policy directions, distributors must now take into account the need to ensure that all parts of the country have access to funding and the scope for reducing economic and social deprivation. Working with the lottery distributors, we have also commissioned joint research to establish what more can be done to help areas where the take-up of lottery funding has been low.

Sir Teddy Taylor: I thank the Minister for those assurances. However, is he aware of the frustration and anger in my constituency, because we spend 50 per cent. more than average on lottery tickets, but Rochford and Southend receive less lottery funding than almost any other area in the United Kingdom? In particular, is he aware that our pier—the longest in the world, and a very great one—was turned down for funding, whereas some rubbishy piers elsewhere received substantial amounts of money? I fully appreciate that the Minister is not responsible for handing out the funds, but will he let the distributors of the funding know that Southend-on-Sea feels that it has had a rotten deal so far, and that it is looking for an improvement?

Mr. Smith: I am sure that the lottery distributors will have heard the hon. Gentleman's views loud and clear. I do not want to disparage the wonderful piers at Southport, Brighton and elsewhere, which have received lottery awards. However, the various changes that we have put in place, particularly those to ensure that the lottery distributors must take account of geographical distribution when making their decisions, will gradually take effect. That is why I was very pleased that the figures for the past year show that the number of small grants awarded by the lottery distributors, right down to community level and right across the country, has doubled in the past year. It is why I am also pleased that the figures show that, up to the end of the last financial year, 41 per cent. of the money from the lottery in England has gone to the 50 most deprived local authorities.

Mr. Tony Banks (West Ham): Does my right hon. Friend know whether any Members of Parliament have said how grateful they were for money that their constituency has received from the lottery? I thought that I might have been in that position until I realised that my constituents in West Ham had spent more than £50 million. Any hon. Member who believes that there is a metropolitan bias should examine the situation in London, because clearly there is no such imbalance.

Would it not be helpful if Camelot told us how many winners there have been in each constituency? I do not think that there have been any large winners in my area of West Ham, and I should certainly like to set an example.

Mr. Smith: I am delighted to tell my hon. Friend that West Ham has received £10.7 million from lottery distributors over five years. That is almost bang on the national average.

Mr. Michael Jack (Fylde): It now appears that the lottery has become the easy bank for the millennium experience, and that Greenwich is receiving a disproportionately large amount of lottery money. Could the Secretary of State tell me, pursuant to his earlier reply, why £60 million may need to be made available to the dome? Is it because sponsors have not paid up? If it is because of falling ticket income, how on earth, in the remaining 48 weeks of its life, will the dome earn the £1.25 million a week necessary to pay back this sum of public money?

Mr. Smith: I am delighted to tell the right hon. Gentleman that Fylde has received £11.8 million in lottery money over five years, which is of course above the national average. As for the dome, I have already explained that no application for additional assistance has been received from the New Millennium Experience Company. However, if such a request does emerge, we at the Millennium Commission will want to give the most careful scrutiny to the dome's finances, expenditure projections, income projections and ticket numbers before making money available.

Mr. Peter Ainsworth (East Surrey): As chairman of the Millennium Commission, is the right hon. Gentleman not ashamed that, within a month of its opening, the dome has had to come back for more lottery money?

Mr. Dale Campbell-Savours (Workington): Have you been to it?

Mr. Ainsworth: Yes I have, thank you very much.

Mr. Dennis Skinner (Bolsover): Who paid?

Mr. Ainsworth: I did, and I am beginning to wonder whether it was money well spent. If even the sponsors are refusing to throw good money after bad, why should lottery players? How much money is the right hon. Gentleman prepared to squander on a life support system for the dome? By when must it be paid back?

Mr. Smith: The hon. Gentleman clearly has not heard what I have been saying. No such application has yet been received. All the surveys that have been undertaken, even by the most hostile of newspapers, show that, overwhelmingly, visitors to the dome have thoroughly enjoyed the experience.

Millennium Commission

11. **Mr. Ben Bradshaw** (Exeter): If he will make a statement on his plans for the money allocated to the Millennium Commission in future years. [105947]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): When the Millennium Commission's income from the lottery comes to an end, its share will be transferred to the new opportunities fund.

Mr. Bradshaw: Is my right hon. Friend aware that one of the best uses of millennium money has been to support the national cycle network, half of which will be opened this summer? Would it not be very sad if this exciting and permanent project were left half finished? Can he give me any encouragement that more money will be made available to complete it?

Mr. Smith: My hon. Friend is absolutely right. Sustran is one of the best schemes that the Millennium Commission is supporting. By the end of the year, I believe, some 5,000 miles of cycle route will be in place from the very north of Scotland to the foot of Cornwall. When the Millennium Commission's work comes to an end, we hope that some of Sustran's work may be applied to the green spaces and sustainable communities initiative under the new opportunities fund, which we have established, and which every Conservative Member opposed.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Millennium

30. **Miss Anne McIntosh** (Vale of York): What plans the Church Commissioners have to mark the millennium in 2000. [105967]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The commissioners have consistently encouraged every appropriate attempt to mark the millennium year as the 2000th anniversary of the birth of Jesus Christ. We all enjoyed the activities around new year's eve, even those around the millennium dome. However, churches will continue to stress the Christian story throughout the year, particularly during Pentecost—or Whit—weekend in June when hundreds of inter-church celebrations are planned all over the country.

Miss McIntosh: I am grateful to the hon. Gentleman for that helpful reply. Does he agree that one of the best ways to mark the millennium would be to reduce value added tax on church repairs? Can he update us on whether the Paymaster General has had legal advice to the effect that we can offer a reduced rate of VAT on repairs to churches?

Mr. Bell: I congratulate the hon. Lady on her tenacity. I raised the matter in an Adjournment debate in November, during which my hon. Friend the Paymaster General referred to a forthcoming meeting with the Joint Committee of the National Amenity Societies to review its research on how the VAT rate could be reduced at minimal revenue cost. The Church expects to participate in the meeting, and will continue to press a case for VAT relief on buildings. I shall ensure that the hon. Lady's point is included in the discussions.

Mr. Peter L. Pike (Burnley): While we do not want any obelisk or granite block to mark the millennium, does my hon. Friend not think that the Church Commissioners should use every means possible to dedicate the millennium to peace and to avoiding a repeat of the follies of the 20th century?

Mr. Bell: Yes. There was once a pamphlet titled "Peace, jobs and freedom", which someone said was better than "War, slavery and unemployment". The Church is naturally committed to peace and to promoting the message of peace. We shall ensure that we get that message across at home and in third world countries.

Parishioners

31. **Sir Sydney Chapman** (Chipping Barnet): To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what initiatives the Church Commissioners are taking to make parishioners better informed of their work. [105969]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The annual report and accounts of the Church Commissioners are published in April and circulated to more than 1,000 people, including all Members of Parliament, senior officials at diocesan level, those closely involved with church finances and other interested parties. A summary version is circulated to all clergy and receives a wide audience among parishioners through those clergy.

Sir Sydney Chapman: I am grateful to the hon. Gentleman for that information. Is he satisfied that the Church of England communicates in the most effective manner with its parishioners in this age of the internet and electronic commerce? In short, is the Church into web sites and other new-fangled technologies?

Mr. Bell: In time, the commissioners will have their own page on the Church of England web site. Work is in hand, and we plan to make a summary version of the 1999 report available via the internet. Information about the wider Church is available through the Church of England web site. As well as daily telephone and pager correspondence, we handle a substantial number of inquiries by e-mail.

Mr. Tony Banks (West Ham): Given the fuss made by a number of ecclesiastical figures about the content of the dome, has my hon. Friend visited the spirit zone, and have the commissioners found out where it is? Has any tally been kept of the number of clerics who have attended the spirit zone, given the fuss that was made?

Mr. Bell: I have twice visited the faith zone—as it is now known—at the dome. I was there with the Archbishop of Canterbury. The Church has been greatly

inspired by the contents of the dome—both by the Christian elements and by those of other faiths. The dome is a huge joy and achievement; I recommend any right hon. or hon. Members who have not yet done so, to visit not only the dome but the faith zone.

Mr. Norman Baker (Lewes): Will the Church Commissioners make it plain to parishioners why they are supplying chauffeurs to bishops at the same time that churches are crying out for investment and many clergy are living on a pittance?

Mr. Bell: The question of bishops' expenses and expenditure is the subject of a review. When we receive the results of that review, we shall share them with the House.

Church Buildings

33. **Mr. Gordon Marsden** (Blackpool, South): What recent representations the Church Commissioners have made to the Chancellor in support of the abolition of VAT levied on repairs or restoration of church buildings. [105970]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The Church's original submissions to the review of charity taxation highlighted the significant sums paid in VAT on repairs to working, listed church buildings. That burden usually falls on parishes, where most resources for local ministry and for building repairs are found by parish-based giving and fund raising. The imposition of VAT at 17.5 per cent. on church building repairs absorbs a large amount of locally raised funds and resources, for no local benefit.

Mr. Marsden: I thank my hon. Friend for that answer. Does he agree that, at the start of the third Christian millennium, it is both depressing and inequitable that £18 million should be paid in VAT on £123 million of church repairs at a time when domestic house repairs are assessed at 5 per cent? Will he urge his hon. Friends and the Church Commissioners to continue to press that point? He might even persuade the Primate of England to divert some of his formidable lobbying attentions from section 28 to consider a far more important issue.

Mr. Bell: I shall not be led to discuss section 28 today. However, the points made by my hon. Friend on VAT on church repairs are being raised with my hon. Friend the Financial Secretary—as are those that I mentioned in my response to the hon. Member for Vale of York (Miss McIntosh). We are seeking a meeting with my hon. Friend the Financial Secretary.

I am grateful to my hon. Friend the Member for Blackpool, South (Mr. Marsden) for confirming that £18 million of the £123 million that the Church spent on repairs was paid in VAT alone.

Mr. Owen Paterson (North Shropshire): From correspondence, the hon. Gentleman is aware of the problems with the major restoration of the parish church in Wem. We have trouble with SITA in organising a refund of the landfill tax. Will the hon. Gentleman personally organise a meeting of all the interested parties, so that that long-standing problem can be resolved?

Mr. Bell: I am grateful to the hon. Gentleman for putting that question on behalf of his constituents. I shall be glad to look into the matter and, if possible, arrange the meeting that he suggests.

Religious Broadcasting

34. **Mr. Ben Bradshaw** (Exeter): What recent representations he has received regarding religious broadcasting. [105971]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): I am aware of the great concern among Church people and others as to the amount, content and scheduling of religious programmes. The General Synod is due to debate that matter at its February meeting.

Mr. Bradshaw: Is my hon. Friend aware that more people in this country attend acts of worship than football matches? Does he agree that that balance is not reflected in the priorities of broadcasters, which seem to be dominated by a laddish sports culture? Will he use all his powers to ensure that the depth and breadth of spirituality in Britain is properly reflected by the broadcast media?

Mr. Bell: About 8 million people attend Church services throughout the year. Religious broadcasting helps to reflect the diversity of religious faith and experience to be found in our nation. As the recent report on the upper House made clear, religious and spiritual matters form an integral part of our nation's life; I trust that, in future, broadcasters will continue to make provision for that specialised coverage.

Mr. Peter Bottomley (Worthing, West): Will the hon. Gentleman confirm that the broadcasters pay far more attention to religion and religious services than do the printed media? Can we encourage the latter to ensure that they report more of what is said by clergy of all denominations, rather than merely waiting for scandal or excitement?

Mr. Bell: We should like to see newspaper coverage that is based on the facts and on the best aspects of the Church and other Churches, not on the negativism that we see so often in our newspapers.

Point of Order

3.30 pm

Mr. Kevin Barron (Rother Valley): On a point of order, Madam Speaker. Has there been any indication that the House will hear a statement by a Minister from the Department of Trade and Industry on the allegations in today's newspapers about tobacco smuggling and British American Tobacco—in particular, that its financial director, Mr. Keith Dunt, has been heavily involved in co-ordinating smuggling and tax evasion?

Madam Speaker: I have not been informed by Ministers that they seek to make a statement on that issue today.

Orders of the Day

Utilities Bill

Order for Second Reading read.

Madam Speaker: I have selected the amendment in the name of the Leader of the Opposition.

3.31 pm

The Secretary of State for Trade and Industry (Mr. Stephen Byers): I beg to move, That the Bill be now read a Second time.

As hon. Members will know, the Government are committed to modernisation and reform in a whole range of important areas of public life. The Utilities Bill is part of that agenda of modernisation and reform. It will modernise and reform the utilities markets and it will deliver efficiency and fairness, bringing together social justice and fairness—two sides of the same coin. It puts consumers first and provides a basis for effective competition and a stable framework of regulation for the future. It will deliver essential reform of the structure and framework that was introduced by Conservative Members at the time of privatisation.

The Conservatives' approach to the utilities owed more to dogma than to a real desire to raise standards for the consumers or to extend choice. The current ramshackle legislation does not effectively serve consumers, the business community or the utility companies themselves. It is simply not acceptable that consumers and business users should suffer from a rigged electricity market, but that is exactly what we have at present.

It is not acceptable that consumers have no way of telling whether directors' pay in companies enjoying a monopoly position is linked in any way to service standards. Indeed, the Conservatives' approach on privatisation to the directors of the former public utilities was a Conservative version of "Who Wants To Be A Millionaire?" However, the directors of the privatised utilities certainly did not need to ring a friend—or, perhaps, they had rung a friend before.

It is not acceptable that consumer bodies are so closely linked to the regulators offices that they even have to issue their press notices on headed notepaper from the regulators themselves. It is also not acceptable that decisions that shape the vital telecommunications and energy markets can be taken purely on the say so of an individual regulator.

Fair and open utility markets are essential for business and domestic users alike. If we are to be at the forefront of the digital economy, businesses and consumers need access to cheap, fast and reliable telecommunications. They do not have that at present. If we are to have a fair society, we must ensure that everyone has heat and light in their homes and access to new technology. At the start of the 21st century, it is simply not acceptable that too many people struggle to keep warm in their own homes.

The Conservative Government's approach to the utilities was to privatise them quickly, and that was driven by dogma to such an extent that precious national assets were sold at a knock-down price without real concern for the industry and the structures that were put in place.

Mr. Nick Gibb (Bognor Regis and Littlehampton): Given that the price of electricity has fallen by 29 per cent.

in real terms since privatisation, that the cost of gas to consumers has fallen by 29 per cent. in real terms since privatisation, and given that there has also been a fall in the price of telephone charges to the consumer of 50 per cent. since privatisation, does the right hon. Gentleman now regret the Labour party's opposition to those privatisations in the 1980s?

Mr. Byers: The hon. Gentleman misses the important point that although those price reductions are welcome, they would have been far more substantial if the structure that the Conservatives put in place had been different. This afternoon, we shall see an example of that because the Bill contains proposals to change the way in which electricity is traded; as a result, prices will be reduced by 10 per cent. Since privatisation, people have been paying 10 per cent. more than they needed to pay because of the way in which the policy was introduced by the Conservative Government. The hon. Gentleman makes my point: it is because the policy was driven by dogma that consumers have not fully benefited from the changes.

Mr. Dale Campbell-Savours (Workington): The point raised by the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) is interesting because it brings us into the discussion about BT and its charging structure. How is it possible for BT to charge, for long-distance calls in the United Kingdom and for overseas calls, often three times more than independent operators? How can Sky, through Skytalk, charge for local telephone calls about half of what BT charges, while BT turns over profits of about £3 billion a year? BT is grossly overcharging on all its calls and on internet access.

Mr. Byers: My hon. Friend, as always, makes a powerful and significant point, and I shall make sure that the regulator's attention is drawn to it. I have no doubt that the best way to reduce the costs and charges of companies such as BT is to introduce effective competition. We all know from the experience of the United States, where telephone charges are considerably lower than in the United Kingdom—particularly for the important service of internet access—that we need to ensure that the regulator takes into account the point that my hon. Friend has raised.

Mr. John Butterfill (Bournemouth, West): Is the Secretary of State aware that not all commentators who have studied the new electricity trading arrangements share his confidence that they will result in a further 10 per cent. fall in prices? As I hope to explain later, if I am fortunate enough to catch your eye, Madam Speaker, Professor Bunn of the London business school thinks that prices will rise, and his is by no means a lone view. Does the right hon. Gentleman think that we would have achieved the reductions that have occurred if we had carried on with his beloved Central Electricity Generating Board, under which prices went up every year?

Mr. Byers: The Bill does not seek to recreate the Central Electricity Generating Board. We are trying to introduce new trading arrangements. The hon. Gentleman makes an important point: one or two commentators are critical of the new arrangements. We have consulted widely on the new structure and, broadly speaking, most commentators believe that the arrangements will achieve a minimum of a 10 per cent. reduction in the wholesale price of electricity. In 12 months, we will be able to debate the matter knowing exactly what has happened as a result of the changes. We are confident, because of the advice that we have received, that the changes will achieve that reduction.

Later, I shall explain why the operation of the present system is fundamentally flawed and that by introducing a more effective market discipline we shall achieve a reduction in the wholesale price of electricity. I accept the hon. Gentleman's point that there is a debate about the benefits that will accrue from the new trading arrangements.

Mr. David Chaytor (Bury, North): Does my right hon. Friend agree that the problem of the previous, privatised regime was not only the costs themselves but the distribution of costs? One of the worst features of privatised utilities under the Conservative Government was that the distribution of costs in the energy industry was skewed against low-income households. For example, the standing charge was one of the ways in which low-income households paid, per unit of electricity or gas consumed, far more than better-off households.

Will my right hon. Friend join me in congratulating British Gas on announcing its intention to abolish the standing charge? Will he encourage other suppliers to follow that lead, not only in abolishing the standing charge but in ensuring that there is a much fairer tariff, so that low-income users—

Madam Speaker: Order. That is a very long intervention. The hon. Gentleman might like to save himself to make a speech during the debate.

Mr. Byers: My hon. Friend the Member for Bury, North (Mr. Chaytor) may not need to do so now, Madam Speaker. He raised two important points, the first of which relates to where the benefits of price reductions have gone. The price reduction that those who pay by direct debit have been able to achieve has been far greater than the reduction for those who have a pre-payment meter. There are concerns about that. My hon. Friend will know that we are introducing measures, through the Bill, that will enable us to ensure that all people can benefit from the price reductions that we are confident we shall achieve.

Secondly, my hon. Friend draws attention to the initiative from British Gas to end standing charges. I welcome that, provided that there is a real choice. Standing charges may go, but we must consider the unit cost that will be paid as a result. I would like to see a competitive market where the consumer has a genuine choice. It will be of benefit to some low-volume users to opt for a tariff that does not include a standing charge. That will not be the case for other consumers. Consumers should be able to choose the tariff that they want.

Mr. Norman Baker (Lewes): The right hon. Gentleman has talked about fuel poverty, and we all support him in his efforts to eradicate it. However, will he say something about the environmental implications of the Bill? Does he accept that it presents an opportunity to increase the amount that is spent on energy efficiency and

[Mr. Norman Baker]

to require, for example, generation from renewable energy? What will we be able to do through the Bill to improve the environment?

Mr. Byers: If the hon. Gentleman will wait a few minutes, I shall specifically address those matters in dealing with the environmental consequences of the Bill. I shall deal specifically with renewables.

Mr. Jonathan Shaw (Chatham and Aylesford): What assurances can my right hon. Friend give to my constituents and to constituents throughout the country that the regulator will examine the way in which the utilities reduce consumers bills? Many of my constituents have received vastly overestimated Bills. When they have complained, their complaints have been ignored. Many pensioners have paid those bills in fear of being cut off.

One couple, Mr. and Mrs. Balchin of Chatham, complained time and again for two and a half years, but little was done. Eventually, and understandably, they chose to take their business elsewhere. When they telephoned the company, they were told that it would take £4,000 to pay off or clear their account. When they questioned that, they were told, "No, it will be £4,100." It has been possible to intervene and get a fair deal, but what assurance can my right hon. Friend give that that sort of thing will no longer happen?

Mr. Byers: One of the important initiatives that will stem from the Bill will be far more powerful consumer councils. My hon. Friend has raised exactly the sort of issue that these councils will be able to address. Most importantly, they will have access to all the information in their own right, for the first time. It will not come through the regulator. They will be able directly to contact the regulator and draw the attention of the new authority to the sort of practice to which my hon. Friend has referred. It will then be for the regulator and new authority to take the appropriate steps. I am sure that my hon. Friend has raised exactly the sort of matter that the new independent consumer councils will wish to take up.

I shall try to make some progress. The previous Government's approach did not put the interests of the consumer first. There was no commitment to give the consumer a good deal.

Mrs. Angela Browning (Tiverton and Honiton): Disconnection affects the poorest people. Does the Secretary of State agree that during the last years of the nationalised electricity industry, there were 80,000 disconnections a year? Last year, there were only 373. When the right hon. Gentleman makes carping comments about what he inherited when he took office, does he not recognise that there is a vast difference between the way in which the poorest people are treated now that we have a privatised industry, compared with their treatment under his much preferred state industry?

Mr. Byers: The important point, as the hon. Lady will concede—this may be why she confuses nationalisation with privatisation—is that most companies in both the public and the private sectors now have a different approach to debt collection than they had 10 or 15 years ago. In the utilities sector, good practice is being adopted across the board. That is the truth of the matter. The situation reflects the changes in debt collection that have occurred.

Mr. Martin O'Neill (Ochil): On disconnection, is it not the case that just as many people are being disconnected as ever before, but that they are doing so themselves through their inability to pay their bills or to purchase charge cards and the like?

Mr. Byers: My hon. Friend makes an important point. By its nature, pre-payment means that many people who cannot afford it in the first place do not get access to energy. That is reflected in the figures as well.

The previous Government failed to introduce effective competition and created a system that was unstable. The result was that prices were higher than they needed to be and consumers were regarded as second-class citizens. Directors could end up getting vast amounts of money simply from being in the right place at the right time.

Furthermore, as regards energy in particular, the system that was set up paid almost no attention to environmental or social issues. Under the previous Government, the utility companies were allowed to put profits before service. They were generally sold as monopolies, with no provision for additional competition, making it difficult for new entrants to enter the market.

We need only look at the knock-down prices for which those national assets were sold. Vickers and Yarrow calculate that British Telecom and British Gas were undersold by £2.5 billion each, and Ernst estimated that the water and electricity privatisations were underpriced by £3.4 billion each—a total of £11.8 billion lost to the taxpayer because dogma was allowed to triumph over reason.

Mr. Patrick McLoughlin (West Derbyshire): Does the Minister accept that one of the reasons why the prices obtained for those privatisations were not as great as we might have wanted was that in the prospectus a clause had to be inserted stating that the Opposition were totally opposed to the privatisation and might well reverse it? What effect does the Secretary of State think that had on the share price?

Mr. Byers: Absolutely none. Anyone who looked at the opinion polls in 1985–86 would have guessed the result of a 1987 general election.

Mr. Alan Duncan (Rutland and Melton): Over the past few years, most of the privatised utilities have faced new entrants and new competition. Which utilities does the Secretary of State consider remain monopolies facing no competition?

Mr. Byers: As a result of the measures that we are introducing, there will be none. Telecommunications is a good example. Through the auction for the third-generation mobile telephones, new entrants will enter the market because of the way in which the auction is operated. British telecommunications is one of the sectors that will be affected by the Bill.

Not only was there an underselling of the assets contained in the utilities, but the electricity trading arrangements made by the Conservative Government put

in place a system that has failed to give consumers the benefits of effective competition. I shall give the House an example of the way in which the present arrangements work and why we need to change them.

Let us assume that the generators want to put in bids for up to 1,000 MW of power. Through the pool, the National Grid Company stacks up the bids, with the lowest at the bottom and the highest at the top. If it decides that only 500 MW is needed, the price in the middle that achieves 500 MW is the price paid to that generator, and to all other generators as well. Even though they may have put in lower bids, they are paid at the level of the generator that could deliver 500 MW.

As a result, we are paying over the odds for electricity because of the way in which it is traded. The regulator has calculated that the complicated pool bidding arrangements allow companies to manipulate the price. For example, he believes that last July, the generators were able to raise the price by more than £155 million over two weeks. That is the equivalent of £6 for every household in the country. The Bill will end those abuses.

Mr. Lindsay Hoyle (Chorley): I hope that my right hon. Friend will address another problem. Companies knock on people's doors to offer the so-called cheapest electricity and gas, but there are no clear guidelines about which company is the cheapest. Can he ensure openness about the cheapest product on the market and that there will be no misleading salesmen on the doorstep?

Mr. Byers: My hon. Friend raises two important issues. First, it is important to ensure that the domestic consumer in particular receives clear information. Our consumer legislation will introduce provisions to help consumers, and to ensure that companies are under an obligation to prevent mis-selling. We are all worried that mis-selling has occurred, and the regulator will be able to levy financial penalties for it in future.

Mr. Duncan: The hon. Member for Chorley (Mr. Hoyle) pointed out that most utilities face competition, and that people knock on doors to offer alternative sources of supply. Apart from water, which utility does not face such competition?

Mr. Byers: I do not believe that effective competition exists in the telecommunications market. My hon. Friend the Member for Chorley (Mr. Hoyle) made an important point about mis-selling. Many consumers do not transfer from one provider to another; there is resistance to doing that. We need to consider ways in which we can encourage people to benefit from competition. We want to introduce effective competition. The hon. Member for Rutland and Melton (Mr. Duncan) is terribly complacent if he believes that it currently exists. We can, and should, try to do better. The Bill tries to achieve that objective. Introducing effective competition is the best way of putting consumers' interests first.

Mr. John Bercow (Buckingham): Will the Secretary of State give way?

Mr. Byers: I have given way often, and I want to make progress. I should like to give way to the hon. Gentleman later. I am sure that there will be many occasions on which he will want to intervene.

We inherited a fundamentally flawed system. Our first action was not to rush into legislating, but to consult widely on the structures that would fulfil the needs of consumers, be good for business and provide a stable framework for utility companies. Extensive and wide-ranging consultation has taken place.

In March 1998, we published the Green Paper, "A Fair Deal for Consumers—Modernising the Framework for Utility Regulation". In July 1998, we published a "Response to Consultation", which set out our conclusions about the way forward. Two further consultation documents were published in autumn 1998. One covered the detailed arrangements for establishing independent consumer councils; the other dealt with the future of gas and electricity regulation. The Government published responses for consultation on those further documents. At each stage, we have tried to explain our thinking fully and to engage the sector in a debate, a dialogue and a discussion about the way forward.

Consequently, we have built and maintained support for the Bill from a broad cross-section of interested parties. We have the support of consumer groups, the regulators and the utility companies. The Electricity Association welcomed our commitment to

"ensure . . . stability, which is in the interests of companies and customers alike".

Callum McCarthy, the energy regulator, welcomed the Bill as laying down

"a framework for future regulation that will reinforce competition, which has led to lower prices and better services for gas and electricity customers".

He welcomed provisions,

"which will underpin changes in the electricity market needed to bring the full benefits of competition to electricity customers".

The National Consumer Council said that the Bill

"has the makings of a significant landmark for consumers . . . Giving the regulators of these industries a primary duty to protect consumers is an enormous and welcome change."

I have a few words about the Bill's format. I appreciate that it is quite complex and rather technical in many areas, but it is set out sector by sector. For example, reforms to gas and electricity regulation are in part I and reforms to telecommunications regulation in part II. However, a significant number of the provisions are identical or very similar for each sector—that has been done on purpose to achieve consistency across regulation—and they include the establishment of consumer councils, the new powers for regulators to impose financial penalties on companies and the improvements to the transparency and consistency of regulatory procedures. Where it is appropriate to adopt similar measures for each of the utility sectors, that is exactly what we have done.

In addition to the measures that apply to all four sectors, part I contains significant sector-specific reforms to modernise and align gas and electricity regulation. Part III contains a more limited number of water-specific provisions and part IV deals with the Competition Commission as an effective appeals body.

Mr. Bercow: Did an accidental oversight lead the right hon. Gentleman to fail to mention the observation of the outgoing Director General of the Office of Water Services, Mr. Ian Byatt, who has damned the Bill as over-complicated and over-prescriptive with too little left

[Mr. Bercow]

to common sense? To what figure does he expect the 2,800 regulations that have come from the Government to increase as a result of its draconian provisions?

Mr. Byers: I read the comments of Ian Byatt, the water regulator, with interest and am disappointed that he has been so critical. I should have thought that most regulators would support our approach of an arm's length relationship between them and the Government.

Mr. Bercow: Not him.

Mr. Byers: The hon. Gentleman is right, but Mr. Byatt is the only regulator who is uncomfortable. I regret that we have not taken him with us and hope that his successor will be more supportive of the proposals. I am sure that he or she will be.

Mrs. Linda Gilroy (Plymouth, Sutton): Will my right hon. Friend also take account of the briefing from Ofwat's national customer council? It says:

"We consider that there are shortcomings in the Government's proposals which mean that the Consumer Council for Water will not be as independent and powerful as possible".

We need effective, independent consumer champions and the customer council seems to be asking for more powers rather than fewer.

Mr. Byers: There may be concern about whether the Consumer Council for Water has fewer powers, but the structure of the independent consumer councils and the powers that they will have represent a significant advance. I accept that concern has been expressed, particularly about water, but hope that as we take the Bill through the House people will see exactly what the Government propose. I also hope that we can address those concerns and convince them of the steps that we are taking.

Mr. Archy Kirkwood (Roxburgh and Berwickshire) *rose—*

Mr. Michael Fabricant (Lichfield) *rose—*

Mr. Byers: I shall give way once more, to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), but then I must make progress.

Mr. Kirkwood: The Secretary of State said that there had been extensive consultation before the Bill's publication. That is accepted on all sides, but has he reflected the degree of concern, which I have picked up, about the six-figure salaries that some utility directors have acquired? The moves to link transparency on financial packages to service delivery are welcome, but would not it be better to have separate remuneration package votes at each annual general meeting to make sure that people know exactly what is going on?

Mr. Byers: The hon. Gentleman raises an important point. The House is considering specific proposals for greater transparency for the utilities in respect of directors' remuneration and the service standards that they provide. Given the concern expressed about the remuneration of directors in the utilities sector, we thought it appropriate to use the Bill as an opportunity to take specific powers.

Wider consultation is still taking place about directors' remuneration in all companies. When we have considered the responses that we receive, I am sure that the hon. Gentleman's proposal will be one of the issues that we shall want to examine; but we want to examine the remuneration given to all directors, not just those in the utilities.

Mr. Butterfill: Might it not be right to adopt the suggestions made by the National Association of Pension Funds in its response to the Government consultations, relating to corporate governance and approval of the work of the remuneration committees of the companies concerned?

Mr. Byers: That is an important point. We have discussed with the National Association of Pension Funds and other institutional investors how we can deal with concerns about the remuneration of directors. I hope that, when we respond to the consultation document—which I trust we will within two or three weeks—our response will command broad support among such organisations.

The Bill has four main objectives: to secure a fair deal for consumers, particularly the disadvantaged; to provide more effective competition in the utilities markets; to ensure that the utility sector contributes to environmental objectives; and to modernise the regulatory framework, making it more consistent, transparent and accountable.

The Bill seeks to put the consumer at the heart of utility regulation. We believe that competition is the best way of serving consumer interests, but in some areas it is not yet an effective discipline. In those areas, we will pursue tough but fair regulation in the interests of consumers; in areas in which competition is developing, there is still work to be done in ensuring minimum standards of service and building consumer confidence in the new competitive markets.

The Bill contains a package of consumer measures. It requires regulators to put consumers first; it enables regulators to impose financial penalties on companies for non-compliance with service standards; it includes measures to encourage shareholders to link directors' pay with service standards; and it establishes independent consumer councils to act as consumer champions. It gives regulators a new primary duty to protect the interests of consumers. To build consumer confidence in the utilities, we need minimum standards of service in both the competitive and the monopoly markets.

Mr. Christopher Chope (Christchurch): Will the right hon. Gentleman give way?

Mr. Byers: I hope that I shall be able to do so later, when I have made some progress.

The Bill will fill an important gap by allowing regulators to impose financial penalties for breaches of licence conditions, other obligations and service standards. Those penalties will be used to address company failures such as the mis-selling mentioned by my hon. Friend the Member for Chorley, interruption of supply, and delays in reconnection.

Several Members raised directors' pay. I want price-regulated utility companies to make a clearer link between directors' pay and the achievement of service standards. The Bill will apply pressure on utility companies to link directors' pay with the level of service provided, by requiring price-regulated utilities to publish the links—if they exist—between directors' pay and the service level achieved. Such transparency is necessary if the regulatory system is to be seen to serve the consumer interest, and, in the long term, it is also in the interests of the companies themselves. If consumers see directors awarding themselves high salaries when service is inadequate, that will not benefit utility companies.

The Bill, however, is about more than "naming and shaming". It provides real incentives for directors to give customer service standards the priority that they deserve. We have already urged the regulators to take account of levels of consumer service and satisfaction when setting new price caps, and the new powers to impose financial penalties will focus minds yet further. Shareholders will see that it is in the interests of the company to demonstrate a clear link between directors' pay and the achievement of service standards.

Hon. Members on both sides of the House have raised the importance of a voice for consumers being effective. Consumers need powerful champions to articulate their needs and interests. Under the current regime, which was established by the Conservatives, consumer bodies are too closely related and connected to the regulator. They have few rights and no guaranteed access to information to discharge their powers fully.

The Bill will establish independent consumer councils for each sector to act as effective consumer champions. More important, they will be independent of the regulator. They will have rights of direct access to the information that they need from the regulator and the utilities to carry out their functions effectively. They will be charged with investigating and resolving complaints. They will provide a single point of contact for consumers. That will end the uncertainty about who consumers should turn to for assistance and advice.

Mr. Chope: Where in the Bill is there any provision to deal with a situation where the consumer interest is opposed by the Secretary of State himself? He will know that Mr. Callum McCarthy has said that the Secretary of State has been acting against the interests of consumers in imposing restrictions on new gas-fired generation. How will consumers be protected from the anti-consumerism of the Secretary of State?

Mr. Byers: The hon. Gentleman makes an important point. There is a responsibility on the holder of my office to ensure that there is diverse energy provision. We believe that, by ensuring that a stricter gas consents policy is in place, we can have that diversity of provision. As he knows, there is not a level playing field at the moment. Coal in particular is discriminated against. We have introduced as a short-term measure the stricter gas consents policy to ensure that we can achieve a level playing field. We hope to do that as soon as possible, but he is right: it has those adverse consequences.

The holder of my position has to balance the needs of the consumer with the objective of having a diverse supply of energy and take a judgment accordingly, but the hon. Gentleman is right to point out that that policy has been criticised by the regulator. There will be an arm's length relationship between the Secretary of State and the regulator, but the Secretary of State will continue to have to act in the wider national interest. Obviously, I hope that we will be able to avoid those few situations where there is a conflict between the two.

The independent consumer councils will be a powerful voice for the interests of consumers. I am pleased that their establishment has been welcomed by consumer groups themselves. Rodney Brooke, chairman of the National Electricity Consumers Council, welcomed the fact that the Bill

"promises better protection and lower prices for consumers . . . we look forward to the creation of a new independent Consumer Council to represent the interest of electricity and gas consumers and to help them with their complaints."

The National Consumer Council has said that it

"is particularly pleased that the establishment of independent consumer councils is among the key planks of this consumer-friendly Bill".

Therefore, there has been a wide welcome from consumer groups.

I am conscious that one particular concern—it has been raised by some of my hon. Friends—is the position of people who are in fuel poverty. The benefits of competition should be enjoyed by all consumers, not just a few—not just high-volume users, but all people, including those who find it difficult to pay high energy prices.

That is why we have instructed the energy regulators to draw up a social action plan that is aimed at securing efficiency, choice and fairness for the disadvantaged. The Bill backs that up by giving Ministers reserve powers in the energy sector to lay regulations to reduce price differentials between the users of particular payment methods, such as pre-payment meters and frequent cash-payment schemes, and other consumers who might use cheaper payment methods. That goes to the heart of the issue that was raised by my hon. Friend the Member for Bury, North. We need to ensure that all people benefit. As a result of the Bill, Ministers will have a reserve power to intervene if it is essential to do so.

For the first time, all the regulators will have a duty to consider the interests of low-income consumers. The Bill will place regulators under a duty to have regard to statutory guidance issued by Ministers on the social objectives relevant to their particular sector.

The Government took office with a commitment to promote competition wherever possible, and the Bill continues with that objective. We regard regulation as being second best. However, in these sectors, with their monopoly history, network industries and elements of natural monopoly, regulation will still be needed.

When we took office, competition in energy was not adequately developed. There were questions about whether competition in electricity would happen at all. However, companies got the message loud and clear and have begun to operate in a manner that allows competition to be far more effective.

Mr. Gibb: Will the right hon. Gentleman give way?

Mr. Byers: No. I have given way on many occasions and want to make some progress, and many other hon. Members wish to contribute to the debate.

[Mr. Byers]

The Opposition spent years talking about reform of competition law, but did nothing. They have also resisted some of the measures that we want to introduce to ensure that competition is effective. Nevertheless, we have got on with it. In one month, the provisions of the Competition Act 1998 will come into force and ensure that effective competition is introduced into the utilities and into many other sectors. The Utilities Bill takes further action to secure more effective competition in the utilities market, particularly in energy markets.

The current electricity pool bidding arrangements allow manipulation of prices. The pool is more of a price-setting mechanism than a true market. It supports the exercise of market power by generators and is not open to consumers. The Bill will introduce powers to replace the pool with a new, market-based system that will encourage genuine competition in the wholesale electricity market.

Mr. Gibb: Does the right hon. Gentleman believe that there is still a role for the regulator when the utility sector involved—even if it is a narrow one—is fully exposed to fierce competition?

Mr. Byers: There may be a limited role, but it would depend on the specific circumstances. As a general rule, my personal view is that regulators are not appropriate in those circumstances, and I should much rather have the discipline of an effective market. However, there are concerns that, in some of the spheres dealt with in the Bill, the market is not effective.

We have to put in place a structure that will provide an effective market, which is what the Bill seeks to achieve. A good example of that are the new electricity trading arrangements that we are seeking to introduce, and that we believe will lead to a 10 per cent. reduction in the wholesale price of electricity. I hope that the hon. Member for Rutland and Melton will welcome that. I was looking at the figures supplied for the east midlands public electricity supply area—which covers Rutland and Melton, and in which he has a personal interest—*[Interruption.]* I cannot go through all the electricity supply areas in which he may have a home or two, but he stands to benefit enormously from the Bill's provisions.

Mr. Andrew Stunell (Hazel Grove) *rose—*

Mr. Byers: The hon. Member for Hazel Grove (Mr. Stunell) probably also stands to benefit from the provisions.

Mr. Stunell: I was planning not on making a regional point to the Secretary of State, but on asking him whether he shares my belief that the market is a very efficient mechanism for promoting efficiency of generation, but not for promoting efficiency of consumption in the energy market? Does he believe that there is a long-term role for the regulator in those circumstances?

Mr. Byers: The Bill's provisions to address energy efficiency and renewables are probably the better way forward. In line with the observation that I made to the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb), we need to consider carefully the spheres in which regulation is appropriate and the spheres in which it is not appropriate. The hon. Member for Hazel Grove is taking me down a route that I feel is not appropriate for the regulator.

As for the electricity bill paid by the hon. Member for Rutland and Melton—which I am sure is paid not only promptly, but by direct debit—on his home in the east midlands, he would stand to gain about £25 annually. Although I realise that that sum is probably insignificant to him, it would be a very useful reduction for many people.

There would be a useful reduction for some of our major companies. Companies such as BOC are likely to save £5 million a year as a result of the Bill's proposals, and high electricity users such as ICI are likely to save between £5 million and £10 million a year. That will make business more competitive—an important consequence of the Bill.

Hon. Members have asked how the Bill will protect the environment. I accept that, at the beginning of the 21st century, we need to recognise that environmental concerns cannot and should not be ignored. The energy and water utilities have a big impact on the environment, and they have a big part to play in the achievement of our environmental objectives. The Bill contains provisions to ensure that the utilities contribute to the achievement of our environmental objectives, and to put an end to the confusion that we inherited from the previous Government about the respective responsibilities of Ministers and regulators for environmental matters.

The Bill gives Ministers powers to make regulations to set targets for energy efficiency and the generation of electricity from renewable sources. Those matters will be the responsibility of Ministers, and we will be politically accountable for the regulations. This will contribute to our target of ensuring that 10 per cent. of electricity supply comes from renewable sources.

Joan Ruddock (Lewisham, Deptford): I remind my right hon. Friend of the Government's target of a 20 per cent. reduction in carbon dioxide and the renewables target of 10 per cent. Will he use the powers in the Bill to ensure that the utilities make a real contribution to those targets, because half of greenhouse gases come from the supply and use of electricity and gas? Will he consider the possibility of the gas and electricity consumer councils having not just a brief to look at energy efficiency, but a duty to report on overall environmental performance?

Mr. Byers: My hon. Friend raises a number of important points. I will consider her idea that there should be a duty to report, as that is well worth detailed investigation. She is right to point out the important contribution that those sectors can make to achieving our environmental objectives. It is for precisely that reason that we feel that a power should be given in the Bill to Ministers to achieve those environmental objectives. The utilities could play a damaging role in stopping us achieving those objectives. On the other hand, if we get it right, they could make a real contribution. That is a role that we will expect them to play.

That is a responsibility that will fall on Ministers. The Bill also places regulators under a duty to have regard to statutory guidance issued by Ministers on environmental objectives relevant to their sector. It clarifies the role of Ministers in relation to environmental policy. The Bill

gives Ministers powers to initiate service standards in the water industry, primarily for health and environmental matters that are outside the scope of the economic regulators' remit.

The Bill is forward-looking. It sets out a new framework for utilities regulation that is fit and appropriate for the 21st century. We have consulted widely on the Bill's measures, which are seen by regulators, consumer groups, the regulated companies themselves and others as sensible, balanced and fair.

The Bill establishes a stable, modern framework in which the respective roles of Ministers and regulators are clear, precise and transparent. It gives new duties to the regulator, and it places responsibility on the regulator to put the interests of consumers at centre stage. It gives more power to the consumer councils to represent the interests of those people affected by these vital utilities.

The Bill establishes a framework that ensures a fair balance between the needs of consumers and the legitimate interests of the utility companies. I am confident that it will promote high-quality services for consumers, put downward pressure on prices and promote further and more effective competition in utility markets. The Bill puts utilities regulation on a sure footing for the 21st century, and is good for consumers, good for competition and good for the utilities.

I commend the Bill to the House.

4.20 pm

Mrs. Angela Browning (Tiverton and Honiton): I beg to move, To leave out from "That" to the end of the Question, and to add instead thereof:

"this House declines to give a Second Reading to the Utilities Bill because, although it contains worthwhile provisions for merging the electricity and gas regulatory authorities, for separating the licensing of supply and distribution of electricity and for introducing new electricity trading arrangements, it also contains measures which increase regulation and intervention by government in the utility sector; which impair transparency and accountability in the regulatory framework; which add to industry costs which will ultimately be passed on to consumers; which introduce powers to levy unlimited fines; and which significantly undermine the independence of the regulators."

Regulation under the Telecommunications Act 1984, the Gas Act 1986, the Electricity Act 1989 and the Water Industry Act 1991 was established when the industries were privatised under the previous Government. The appointment of an arm's-length regulator, independent of Government, was intended to leave management free from Government interference. We wanted to prevent a read-across from the Government to the regulator and thence to the privatised industries and the services that they provide.

The idea was to promote a competitive market and to protect consumers' interests in the areas where competition had not yet developed or where natural monopoly was likely to remain. An effective regulatory regime—necessary to secure increased efficiency, lower prices and better quality—could be promoted through competition and protecting consumers' interests in markets that were still dominated by powerful incumbents and in which there were still large elements of monopoly.

Clearly, things have moved on since that time. I thought that the Secretary of State was somewhat churlish about the genesis of privatisation in this country. We pioneered it in the face of opposition from Labour and, often, Liberal Members, not only to the benefit of this country but in a way that has now been emulated throughout the world.

It was recognised from the beginning that a regulator would be necessary as a substitute for competition, especially where monopoly elements existed—for example, in the ownership of pipeline and wires—to protect the consumer. Conservative Members have had no problem, right from the beginning, in recognising that a regulator is necessary and should remain in the industries for some time to come.

I was interested to hear what the Secretary of State said in response to the question whether in a truly competitive environment regulators would be needed for ever. I hope that Ministers will outline in more detail at what point they believe that regulators would become unnecessary. The Bill shows clearly that they regard regulation as necessary, although in need of change.

There are parts of the Bill with which we do not disagree. I shall set out in some detail those parts that we hope to be able to support, provided that we have enough information from the Government, and those about which we have real concerns, as outlined in the reasoned amendment.

Since privatisation, monopolies have broken down. It has happened more quickly in some industries than in others but, since the laws were enacted, competition has encouraged investment and benefited consumers so that industries that for many years were a drain on the Exchequer now contribute to it.

Prices have dropped. Domestic electricity prices have dropped by 29 per cent. in real terms since privatisation; the same figure applies to gas; and there has been a 50 per cent. fall in the cost of telecoms. Privatisation, which has been such as success, was not only opposed but criticised by Labour and Liberal Members.

For example, the hon. Member for Gordon (Mr. Bruce) said of gas privatisation:

"16 million British Gas consumers can expect only one result—to pay increased gas prices, higher than the rate of inflation, for years to come."—[*Official Report*, 10 December 1985; Vol. 88, c. 793.]

How wrong he and the many others like him were when they flagged up how damaging privatisation would be for the consumer, and that has been demonstrated since. The present Prime Minister also made an interesting comment on the subject of the privatisation of electricity, when he said:

"the idea that we will have an influx of power stations, all competing on the grid, is nonsense."—[*Official Report*, 12 December 1988; Vol. 143, c. 683.]

How interesting that his Secretary of State today introduces a Bill that seeks not to reverse those Conservative policies but to take them forward for the next generation. He would not have been able to do so had he and his hon. Friends won the vote back in 1988.

The Bill is a classic example of new Labour in power. Yet more regulatory powers will be put on the statute book—we will have the opportunity to scrutinise the Bill in detail in Committee—but many of the powers will be introduced as secondary legislation. All too often, the House is denied the opportunity to scrutinise the real detail and the impact that Government legislation will have on the industry sectors and on consumers.

[Mrs. Angela Browning]

I thought that it might be helpful if I first set out those areas of the Bill on which, at first sight, we might support the Government.

Mr. Bercow: Before my hon. Friend talks about those areas on which we might agree with the Government, does she agree that it is all very well for the Secretary of State to prate on in a self-satisfied fashion about the new powers that the utilities will be able to exercise, but that it would be wiser for him also to take account of the fact that those new powers will expose the utilities to additional regulatory risk and, therefore, to an increase in the cost of their access to capital?

Mrs. Browning: My hon. Friend is right. When I have dealt with the issues on which there may be some common ground, I shall deal with those areas of concern, especially the issue of regulatory risk, which has been flagged up by many in the industry and could feed through into consumer prices.

We believe that we can support the merger of gas and electricity regulators, as outlined in clause 1, and the merging of the respective consumer bodies. I hope that the Secretary of State will take some comfort from that. It seems inevitable and the practical way forward. It also reflects the emergence of the two energy interests, as competition has enabled them to compete and to target the same customer base. Privatisation has helped to break down the barriers between the two sectors.

On the reform of the electricity pool and trading arrangements, we have some concerns, but—in principle—it is worth detailed scrutiny in Committee. The contracts between the suppliers, the regional electricity companies and the generators are different from what they were in 1981 when energy was privatised. The Bill's proposal for a bilateral system of contracts between regional electricity companies and generators, to be diversified over time, can be supported provided that the Government get it absolutely right. The Secretary of State will recall that my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) intervened in his speech to outline some concerns that the industry has expressed about the proposed 10 per cent. reduction in electricity prices that the Government believe will result from those changes.

The Government will also need to look carefully at the disproportionate cost that will fall on the shorter-term arrangements. I draw the Secretary of State's attention to the suggestion from Professor Richard Green of Hull university that the sale of generating capacity by PowerGen and National Power could make the electricity market more competitive. However, Professor Green does not believe that the new trading arrangements will achieve that.

It is very important when reforming or updating the arrangement—or modernising it, to use new Labour parlance—that the Secretary of State listen to the concerns that I have raised. The Opposition would like to support the proposals, but not if they give with one hand and take away with the other.

Mr. Byers *indicated assent.*

Mrs. Browning: The Secretary of State is nodding, and I am grateful for that constructive indication that we may be able to make progress, perhaps in Committee, on this part of the Bill.

Separate licensing for distribution and supply is to be welcomed, but I hope that the Minister for Energy and Competitiveness in Europe, when she winds up the debate, will give the House more details about how renewables will be handled. We welcome in principle the proposal that a percentage of renewables will be required, but I hope that the Minister will underline that there will be fairness in that regard.

There is much interest and investment in renewables, especially among smaller companies that need to be sure of their longer-term planning. When arranging their borrowing and investing, they need to be clear about what the Government have in mind. I understand that the Government intend to remove what was known as the NFFO—the non-fossil fuel obligation—round of competitive bidding for contracting in renewables. Such bidding was especially intense for start-up capital for new firms in the sector and for those involved in research and development and in bringing forward new ideas.

The detail of the Government's proposals in that regard will be especially important. In principle, it appears that the Government have acknowledged the difficulties associated with handling renewables, but I hope that the Minister, when she winds up, will fill in the gaps that remain in respect of individual companies.

I turn now to those matters about which we are genuinely uneasy. I listened carefully to what the Secretary of State said about wanting to support consumers and to ensure fairness in the consumer market. We share that objective, but the Bill gives huge regulatory powers to the Secretary of State, as well as more powers to the regulator. It is not clear from the Bill where the line of disaggregation will be drawn between what the Secretary of State demands that the regulator do and what discretion the regulator will retain. No doubt some of that will come to light as we scrutinise the Bill, but we are worried about the principle involved in the additional powers that the Bill proposes.

As for environmental and social policy, there is some disquiet about how the regulator will assume powers and ultimately make apparent policy decisions that hitherto would have been the responsibility of Ministers. The regulator is not answerable to the House, but he will assume—or be forced to assume—responsibility for political decision making. Some of the decisions will have to do with controversial matters with which I am sure the Secretary of State is familiar.

The regulator will be the person charged with putting those decisions into the public domain. Therefore, the Bill will transfer political decision making—and thus accountability—from a Minister accountable to the House to a third party outside the House. Perhaps I might identify, using the experience of one of the Secretary of State's ministerial colleagues, how that might have had the same read-across had a regulator been involved in policy decision making about the ownership and use of the motor car. Had the Deputy Prime Minister, at the beginning of this Parliament, been able to instruct or ask a regulator to make policies on environmental grounds about the usage of the motor car and the environmental considerations attached to it, he could have sidestepped much of the controversy that surrounded that decision making.

I am particularly anxious that powers that we would normally have expected to decide, challenge and debate in the Chamber will, under the Bill, be sent elsewhere

without the requirement for such accountability, and with the regulator having to take what hitherto have been seen as ministerial decisions.

Mr. O'Neill: The hon. Lady is talking about a point that occurred to us in the Select Committee on Trade and Industry when the last gas regulator came before us. Mrs. Spottiswoode quite frankly refused to have anything to do with social obligations and the financing of any undertakings that they might require, on the grounds that she did not run the Department of Social Security and that such obligations were not in legislation so she was not required to do anything. The Bill will require the regulator to take account of those obligations and to follow what seem to be instructions, subject to statutory instrument, by the Secretary of State. This is a means of addressing a shortcoming in the legislation which the previous Government put into place.

Mrs. Browning: I can understand the hon. Gentleman having a legitimate concern, which we all share, about some of the social problems involving people who have difficulty paying for, or run into difficulties with, their supply contracts for services as essential as water and fuel. However, the present system has seen significant reductions in price and in the number of disconnections.

I am not saying that there should be no change; I am simply concerned, bearing in mind that this has been the hallmark of the Government to date, that regulation through secondary legislation—the Bill shows that many of the powers will be dealt with in that way—will mean that there is no Committee stage in which hon. Members can challenge and question the detail of where the balance is to be struck. I hope that the hon. Gentleman will agree that such a balance is required regarding the appropriate power of a regulator.

I said at the beginning of my speech that the previous Government recognised that, when it came to privatisation, a regulator was needed, and that part of the regulator's job was to take account of the consumer, particularly on pricing. It is a matter of great concern if we do not have the necessary information when the Bill is being scrutinised in the House.

I should like to quote PowerGen. Having heard the Secretary of State's remarks, I realise that he may believe that anyone who is subject to the regulator should not be quoted in the House. The tone of his comments was that their views were perhaps of less importance than anyone else's. However, this sets out quite clearly PowerGen's concerns—which we share—about the way in which the Bill is presented. PowerGen says:

"The Bill will, however, substantially add to the powers of the Secretary of State (through a wide range of secondary instruments) and the regulator to intervene in the electricity and gas markets and to impose new requirements on companies. These have the potential to increase significantly the costs and risks of business operating in or considering entry to these markets, notwithstanding the intent of the Bill to create more stability. There is a concern that these powers could be used in a way which will de-stabilise the regulatory regime, increasing costs to companies and working against the long-term interests of customers. It is therefore essential that these powers are used in a consistent, non-discriminatory way within a clear policy framework and that significant decisions by the regulator and the Secretary of State are subject to full consultation, with independent routes of appeal where appropriate."

That takes us into the detail of how powers will be implemented and scrutinised. Such information should be available to the Standing Committee. It is not unreasonable of us to ask for an independent route of appeal. How will the Secretary of State disaggregate those areas of enforcement and legislative powers that will be devolved to the regulator from those areas in which he will retain powers to introduce statutory instruments in order to instruct the regulator? Giving the regulator an option is quite different from giving an option that allows the Secretary of State subsequently to take powers in secondary legislation or instruct the regulator.

A balance must be struck. Matters may have to be dealt with case by case, but the House must, at an early stage, receive information on the means to be used. Let us consider the case of a regulator instructed by the Secretary of State—statutorily obliged, therefore, to implement the instruction—who knows from experience of the industry involved that regional differences exist and that legislation may have different effects. As a south-west English Member, I think particularly of water. All south-west Members have made known to the regulator and Ofwat our views about what we think right for our consumers.

As a Member of Parliament, I should like to think that I can continue to do that. My constituents may suffer effects different from those in other regions. If the regulator has been instructed by the Secretary of State, he will not have the flexibility that he currently has to use his own judgment and common sense to bring fairness—the very thing that the Secretary of State says that he wants—to the means by which matters are dealt with. I fear that the Bill is both over-regulatory and too rigid. The Secretary of State should accept that we shall wish to consider those matters in much more detail in Committee.

My hon. Friends the Members for Bournemouth, West and for Buckingham (Mr. Bercow) raised the clear concern that the Secretary of State's proposals may increase regulatory risk. If what is imposed is so punitive that it increases regulatory risk, the cost to industry of increased capital borrowing will eventually filter through to consumers. A failure by the Government to do their homework on the Bill could prove counter to consumer interests. The Government must make sure that they take soundings and calculate exactly what any such filtering would mean.

The Conservatives may be forced to oppose the Government, simply on the grounds that the Government have not done their homework properly. If consumer interest lies at the forefront of the Bill's objectives—as we hope it does—the Government must try to carry out suitable investigations. Many interested bodies are sending the signal that that will be a possible consequence of over-regulation and the attendant costs.

The Secretary of State referred to the powers of the consumer councils. I have great concern about the councils, not least because of the United States experience. The councils will need to ensure that we do not end up with what is known in the US as the act of gaming, where people seek information and put it into the public domain simply to undermine those against whom they will be competing for customers or bidding for contracts. What checks and balances does the Secretary of State propose to ensure that that situation does not arise? If the consumer councils are to be the custodians, on behalf of companies, of information that could be quite market sensitive, and if they then put that information into the public domain, the measure should include provisions

[Mrs. Browning]

to ensure that the councils do not create difficulties that would not only affect the companies involved, but could damage the consumer in the longer term.

Mr. Byers: I am grateful to the hon. Lady for giving way. I support her comments. We are aware of the American experience, whereby people try to acquire confidential commercial information by using what appear to be reasonable and legitimate powers. We were intending to deal with that issue in Committee. I am delighted that the hon. Lady will be able to engage constructively with us when we discuss the means to overcome the particular problem that she has identified.

Mrs. Browning: That is most encouraging. We look forward to hearing how the Secretary of State will resolve the problem.

There is a real danger that the regulatory over-prescription of the measure will mitigate against the interests of the consumer.

Mr. Fabricant: Does my hon. Friend agree that it is a matter not merely of over-regulation but of overlap of regulations? Does she agree that there are real concerns in the telecommunications industry—especially on the part of BT—about the overlap between the consumer councils and the regulating authorities? Is she aware that that will impose extra costs on telecommunications companies and that those costs will inevitably be passed on to the consumer?

Mrs. Browning: My hon. Friend makes a timely and accurate point, as I was about to raise that issue. The costs of the Government's proposed changes must be considered. The costs of setting up, or changing, the councils and of related aspects of the measure must be taken into account, however well intentioned such provisions may be as protection for the consumer.

My hon. Friend mentioned the overlap of regulations. I would have thought that the Government would be especially sensitive to that matter, not least because they have just set up yet another Cabinet Office Committee to try to reduce the amount of regulation for which they are responsible.

I draw the Secretary of State's attention to clauses 9, 13 and 90, for example. We need far more detail about those clauses before we consider them in Committee. They contain the potential not only for over-regulation, but for the addition of further costs that will eventually filter through to consumers.

I do not doubt that, despite his rather caustic remarks about the success of privatisation, the Secretary of State's heart is in the right place and that he wants to protect consumers. However, in order to do so, he will have to provide much more information, or the measure will damage consumers in the long term. My hon. Friends and I put him on notice that we hope that he will provide that information. We have heard that many new clauses are likely to be tabled, and we shall have an opportunity to scrutinise them only when the Bill is in Committee. If the new clauses lead to reform and take account of the points that are made in this debate, we shall welcome them. However, we are concerned that the Secretary of State will make it an even bigger Bill than the one that we have seen to date.

The House is discussing the changes to the regulators for what were the nationalised industries only because of the Conservative party's great success in the 1980s. We had the vision, the foresight and the market sense to recognise that this country needed to enter the new millennium with industries that provided a good deal for the consumer, that attracted inward investment, that allowed members of the public—including their work forces—to invest in them and that contributed to the Exchequer and were not a drain on it.

All that was opposed, and I notice that the Secretary of State criticised some of the privatisations and the price tag attached to them. He accused the Conservative party of underselling many nationalised industries, but I hope that he will recognise that his words have been carefully noted. In particular, we shall watch very carefully to see at what price National Air Traffic Services is sold. We hope that he will sell it at a realistic price if he can get the proposal through the House, but I see that he looks rather doubtful about that.

We welcome the fact that, at long last, new Labour is a convert to privatisation. It will privatise NATS and all but privatise the Post Office. In fact, if new Labour is in government long enough, which I doubt, it will take the Post Office to full privatisation and we welcome that. If ever a sinner repenteth, he will receive warm words from Conservative Members.

4.52 pm

Mr. Martin O'Neill (Ochil): I notice that the hon. Member for Rutland and wherever else—[HON. MEMBERS: "Melton."] I knew that it had something to do with one confection or another. The hon. Member for Rutland and Melton (Mr. Duncan) will remember the passage of the Gas Act 1995, which had innumerable new clauses and umpteen late explanatory notes. It is in the nature of this type of Bill that such amendments will emerge. If the hon. Member for Tiverton and Honiton (Mrs. Browning) expects many new clauses to be tabled to this Bill, may I tell her that that is nothing new—and it is certainly nothing new from the Department of Trade and Industry?

Mrs. Browning: I have a huge respect for the hon. Gentleman's experience of such matters, but he will acknowledge that, when the Conservative Government privatised industries, we were pioneers. There is a difference between being a pioneer and being a Government who have learned from the dozens of privatisations that have already been carried out.

Mr. O'Neill: I do not want to sustain this argument, but the Gas Act 1995 was the then Conservative Administration's second attempt to get gas privatisation correct.

I hope that the Government will establish a consensus and secure the broad support of most of the parties involved. The Bill is long awaited. The Select Committee on Trade and Industry reported in 1997 before the general election and we had a Green Paper and the consultation and responses to it. It is regrettable that the Bill was not introduced earlier, but its complexity and substance have made it well worth waiting for.

It is legitimate to go over the arguments that relate to the privatisation of utilities that began in 1985. In large measure, the Conservatives used privatisation in the attempt to raise revenues, and precious little thought was given to the more important issue of liberalisation. If there was a fault in state monopoly, there was an even greater fault in the creation of private monopolies with regulatory processes that involved, to say the least, a very light hand on the tiller.

At that time there were arguments about price cuts and share prices, and in the 1990s the issue of fat cats arose. Directors' pay crystallised several issues. The fact that the cost structures of the privatised companies needed trimming was probably not in doubt. Most redundancies were voluntary and in large measure were smoothed by generous payments.

The achievement of even minor efficiencies in many of those organisations was not difficult, and when they were realised, in what was then a monopoly market, they often had a disproportionate impact on profits. It is little wonder, therefore, that the understandable initial caution of the regulators in price setting, combined with the savings that they were able to achieve, resulted in a leap in profits and in the share price.

Mr. Gibb: The hon. Gentleman makes a good point that goes to the heart of the privatisation policy, in that most people—the City of London, Members of the House and experts—underestimated the efficiencies that would be delivered by moving those companies into the private sector. Does that not demonstrate how inefficient industries are when they are left in the state sector, and how successful privatisation has been?

Mr. O'Neill: There are a number of arguments about the cost-cutting that took place. In the past week the National Audit Office has suggested that the cost-cutting undertaken by British Energy and the United Kingdom Atomic Energy Authority, which was done by outsourcing services, has resulted in a diminution in the quality of service and, on some occasions, in safety issues.

Mrs. Gilroy: Does my hon. Friend recollect, as I do, that in the early 1980s, owing to Conservative policies, domestic gas prices were put up by 10 per cent. more than the rate of inflation for three years running? The savings for which the Conservatives are claiming credit therefore simply reduced prices by the amount by which they were put up, which is, one might say, robbing Peter to pay Paul.

Mr. O'Neill: It is fair to say also that, at that time, price increases helped to reduce much of the companies' debts, and gave them the necessary degree of elbow room.

Mr. Ivor Caplin (Hove): Will my hon. Friend give way?

Mr. O'Neill: I want to make progress because I am conscious that many people want to speak.

Those savings and changes did not prevent fortunate managers and directors from securing remuneration packages—a combination of pay, share allocations, share options and bonuses—that were far in excess of what anyone might reasonably support.

We were told, and have been told again today, that taxpayers were no longer supporting those companies. However, British Telecom and the gas and electricity companies were not subject to great subventions from the Exchequer before privatisation, although they were during the period when their debts were being written off. By and large, however, they were pretty efficient in meeting Government standards.

One could argue that those standards were lax. It took six years for the Conservative Government to think of privatising British Telecom, so they were not that quick to recognise the apparent problem.

Mr. Butterfill: The hon. Gentleman neglected to mention the Central Electricity Generating Board, which was subject to very heavy Government subvention, as of course he will remember.

Mr. O'Neill: I remember the CEGB and the South of Scotland electricity board, too. One of the problems in the structure of our electricity generation was that, whenever one of our national flag carriers did not have enough orders for power stations abroad, it went to the CEGB, which went to the DTI or the Department of Energy and asked, "Can we build a power station, because there is a generating equipment company that needs orders?" There was a circular movement, and the private and public sectors were virtually indistinguishable because of their interdependence and their desire for Government support whenever they could get it.

Cynics could say—I include myself among them—that if shares are sold off at too low a value, their valuation is bound to increase if large sections of business debt are cut away. Performance is sure to improve if management then introduces efficiencies, and in this context these were efficiencies that the treasurer of a bowling club could have identified and carried through. In the circumstances that I have outlined, costs fall and profits rise. If the businesses concerned operated monopolies, or at least oligopolist markets, there would have been the need for price regulation of a toughness far greater than that which we saw in the early stages of the post-privatisation period.

We saw prices fall after regulatory reviews. Probably we all remember the 1993 electricity price review. The cuts were so ridiculously low that the greatest impact was on the company's shares, which rocketed. The regulator had to return to the matter the following year and take a second bite at the cherry. If anything discredited regulation, it was the ineffectiveness of the then regulator.

Mr. Gibb: Will the hon. Gentleman admit that none of these discussions or future price cuts would have occurred had the companies not been moved into the private sector? We would have had year-on-year increases, as we had until privatisation took place. Can he not just admit that point?

Mr. O'Neill: No, I cannot just admit that point. I am not prepared to accept that argument when we remember comparable companies elsewhere in Europe, which charge lower electricity and gas prices than those charged in the United Kingdom, and which are still in the public sector.

There is nothing intrinsically good or, in many respects, bad about privatisation in this context. However, if privatisation takes place and we allow monopolies to

[Mr. O'Neill]

shamble on as they did until the late 1990s, it is possible that there will be gross distortions in the market and gross abuse of power. That was evidenced by the introduction of a windfall profits tax by the Labour Government, about which there was precious little complaint. I have always wondered whether that tax was a bit too low. It has not dramatically affected the performance of the companies concerned or their capability to continue to reduce prices.

We must recognise that utility businesses, by their very nature, are long term: they are safe. We heard the special pleading of the hon. Member for Tiverton and Honiton in the context of the PowerGen press release. Any regulation and toughness that applies to PowerGen will have an element of novelty. The returns of its shareholders and of the shareholders of other utilities have been far in excess of the performance of the FT index over the years.

In other countries where utilities are quoted and traded and where markets are operating, their performance in stock market terms is far more modest than that of utilities in the United Kingdom. It is not the intrinsic efficiency of the UK that leads to the figures for our utilities being so much higher than their counterparts elsewhere. The reason is the weakness of the regulatory system, in its varying forms. Another factor is the personality of the regulators, on occasion. Sometimes they were scared to go in too hard because they interpreted too weakly the powers that had been determined by legislation. On other occasions, they were naive and had the wool pulled over their eyes.

There was the Littlechild experience, which could be described as naivety. On the other hand, there was the experience of James McKinnon in the gas industry. He was faced with the arrogance and obstructionism of a privatised company which refused to provide him with any information and treated him with contempt. However, he stuck to his last. He did not do so from any left-wing populist standpoint. James McKinnon was a regulator who was prepared to take on one of the great energy companies of the world and beat it in a number of areas. He did so with little or no support from the Government of the day. Sadly, that approach was not sustained by his successor.

We must get away from the personalisation of the regulatory system. That is why I recommend that, within the regulatory structure that the Government are putting forward, there should be a more collegiate approach. In addition, there should be a requirement on the director general, who is responsible to his college or board, to produce a clear programme of work. That is what Don Cruickshank did when he was at the Office of Telecommunications, but no one else did. Others merely had vague ideas of what they wanted to do.

The shambles that for a considerable time surrounded the liberalisation of the electricity market was due to the fact that the Conservative authors of the idea did not make it clear whether the Secretary of State or the director general was responsible for the liberalisation of domestic electricity prices. As a result, none of the companies moved in that direction for years, and it took my hon. Friend the Member for Leeds, West (Mr. Battle) to come to office, knock heads together and finally get things moving. The liberalisation took place, with all the attendant problems.

Mr. Butterfill: The hon. Gentleman has been extremely generous in giving way again. He will remember that the evidence given by consumer groups to the Select Committee on Trade and Industry, on which he and I serve and of which he is a distinguished Chairman, was against the idea of a board of regulators—a committee form of regulation—and that most of them took the view that it was better to have as a regulator a single personality, particularly a strong personality, because more would be achieved that way.

Mr. O'Neill: I think that the consumer organisations were wrong there, and I believe that my right hon. Friends on the Front Bench are of the same mind as I am. Over-personalisation is a draw-back.

The Bill is complex, and we could all make long speeches about it. I welcome the recognition of the fact that the gas and electricity sectors should be combined. I welcome the clarification of the social and environmental aspects of regulation. I have been extremely frustrated by the opportunities taken by obtuse regulators to reject the notion that there is a social dimension to their responsibilities.

Those who believe that regulation will wither away like Lenin's state will probably have to wait as long as people in the former Soviet Union had to wait for the withering away of at least part of the state. When environmental targets are adopted, as they were at Kyoto and subsequent conferences, and when the screw is turned, it will be important for the Secretary of State to be able to oblige the regulator to take that into account.

If excesses, profiteering and price fixing occur, as will happen in any business if people can get away with it, it is up to the regulator to exercise a degree of social discretion. However, it is not the responsibility of the regulator to run a social security system. That is the responsibility of Government, but it is the responsibility of a regulator to take account of the fact that, when price structures work against vulnerable sections of the community—not just the sick or the elderly, but the poor—we must allow some blurring of costs and some creative bookkeeping, to make sure that the poor are protected.

The services in question are not services that people can decide to have or not to have. It is not a matter of digital, colour or black and white television. There is no such choice when it comes to water, gas or electricity, and in most cases a telephone is required in a household. It is therefore not good enough to suggest that it will impose a massive burden on the regulatory system if it acquires social responsibilities which the Conservatives were never capable of imagining.

We must recognise that there is a broad sweep of regulatory concern and of concern on the part of consumers. Apart from the people who pay for fuel through meters or charge cards, there is an even spread of switching across social and economic groupings. People are interested in trying to get a better deal. It is important to consider the consumer properly. Even now, people are backsliding, for want of a better expression.

The director general of telecommunications told the Select Committee on Trade and Industry, which I chair, that there was a great scheme whereby people who were

on-line could key in details of their bills and requirements and be told which company was the cheapest service provider. No company puts on its bills guidance about access to that information. Poor people in my constituency are not currently on-line, but providing the telephone number of the call centre, which will be on-line soon, would be helpful. Nobody is interested in providing that number at the moment. I hope that the regulator and the consumer council will identify such issues.

I am worried about the exchange between those on the two Front Benches about providing information. I can envisage companies hiding behind commercial confidentiality—that most elastic concept—thus leading to difficulties in providing proper information to the consumer councils and in getting it into the public domain. As the Chairman of a Select Committee, nothing galls me more than receiving information that I cannot put in the public domain, when I believe that it should be there. In most instances, the competitors know about it; if they did not, they would not last long in business.

The Bill gives grounds for hope and a constructive approach to the future. It is encouraging to get a better trading system to end the abuse of the market, which has been the hallmark of the pool system. Between 70 and 85 per cent. of all price spikes are created by two or three companies. Seventy-three per cent. of price spikes used to be the responsibility of two companies. A wee bit of oligopoly was introduced to the market, the figure increased to 83 per cent., and the abuse about which the Secretary of State spoke took place.

New electricity trading arrangements will produce an improvement to 20 per cent., or 10 per cent. The latter would mean only 5 per cent. of a domestic bill, because generating costs constitute only half a domestic bill. We do not want to get carried away about what will happen, but I hope that the Bill will improve transparency and fairness. I appreciate that the matter is controversial. When two economists and a computer consultant are in the same room, and four people who have not been invited in are outside, there will be 12 different arguments. We are perhaps suffering from that.

Discussions of the Bill will be long and complicated, and I am pleased that I have failed to convince anyone that I was prepared to serve on the Committee that considers it. I have previously served on Committees that considered similar measures, one of which was only a quarter as complicated as the Bill, and I recognise the difficulties. Several issues will emerge only as consideration progresses. Some of the comments by the hon. Member for Tiverton and Honiton were correct, but the fact that we do not have all the information is a feeble reason for opposing the Bill.

The social action plan, produced by the director general for energy, will be central to dealing with fuel poverty. The first draft is not very good, and few people are happy with it. It requires much work. The director general for energy is examining the matter, and proposes to produce an amended version before long. My colleagues on the Select Committee and I want to spend time interviewing him and discussing it. I hope that we shall be able to do that in time to assist Report and Third Reading, if not the Standing Committee.

We are considering complicated and difficult issues, and we have a duty to ensure that we take the right steps. We have a liberalised system for selling electricity and gas. We also have a complicated series of markets in telecoms, where we are still bedevilled by the presence of the 16-tonne gorilla in the front garden in the shape of BT, and the water system is not yet in any way competitive. Work will have to be done there, but 15 years after making the first stumbling attempts at raising revenue through privatisation we are getting to a stage at which we can have utility services that are not publicly owned, but are at least publicly accountable and required to satisfy consumers.

I have spoken almost exclusively about domestic consumers, but industrial consumers are as important, if not more so, because they create the employment and the wealth that our people require. We have to recognise that a great number of our constituents are either shareholders or pension scheme members who have a vested interest in the continued success of those companies. We do not want the companies to be punished, but nor do not want them to engage in the profiteering and aggrandisement that were the hallmarks of the fat cats in the mid-1990s.

I wish the Bill well. It is exciting and worth while, and I am glad that my right hon. Friend the Secretary of State will be able to count on the support of so many of us in the Lobby tonight.

5.16 pm

Dr. Vincent Cable (Twickenham): As one of the economists in the Chamber, I hope that I shall not distress the hon. Member for Ochil (Mr. O'Neill) by complicating the arguments even further. In the broad sweep of the debate, the key fact is that after three years of Labour Government we are not considering a Bill to renationalise water and electricity. The Secretary of State is honest about his reappraisal of the arguments on public ownership, which is extremely important and to his credit. It would help the debate if there was open-mindedness on all sides because this issue is not best discussed in an atmosphere of ideological tribal warfare.

Experience of privatisation has been mixed. There have been success stories, but also a lot of blemishes. It is best to be frank about them. The Bill does not deal with the railways, but I find it difficult to believe that anybody would argue that privatisation has helped any public transport user. All kinds of questions have to be asked about some of the supposed success stories. For example, BT is regarded as a top company with world-class management and a history of reducing prices to consumers. Most people consider it to be one of the more successful privatised utilities, but why did the number of telephone disconnections rise from 330,000 to 700,000 between 1995 and 1998? Some people are disconnected because they are careless, but large numbers are low-income consumers—many of them elderly—for whom access to telecommunications is a lifeline. BT's aggressive, commercial approach to generating cash often causes considerable social distress. The company is not universally a success story. The telecommunications industry is high-tech, costs are falling everywhere, and even France Telecom, which is nationalised, is experiencing falling prices. The story is mixed.

Under privatisation, British Gas and Transco have produced a professional operation in many respects and their prices are also falling, although that is partly due to the availability of gas upstream. However, since 1995 the number of consumer complaints in the gas sector has risen

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from virtually nil to about 70,000 because of aggressive marketing. The complete collapse of the labour force, which is down from about 94,000 to 34,000, is another feature of the industry since privatisation. A large section of the British Gas maintenance labour force has been disbanded. Some though not all of that may be due to efficiency measures, but any hon. Member who has had a problem with a gas leak or tried to have a central heating boiler installed will know that, post-British Gas, we have rapidly found ourselves in the heartland of rip-off Britain as freelance plumbers with poor standards have replaced a somewhat slow but generally reliable system. There is a downside to the increased efficiency of British Gas.

In the case of the water utilities, the benefits are even harder to identify. Before Ian Byatt got stuck in last year, water prices had risen by an average of 55 per cent. since privatisation, with relatively little compensating advantage. It is a very mixed story.

However, let us look to the future. The hon. Member for Tiverton and Honiton (Mrs. Browning) presented her argument in a somewhat ideological spirit, but the issue that she raised—that of regulatory risk and its effects on the cost of capital—is crucial. I broadly support the Bill, and will vote for its Second Reading, but we must try to ensure that the pendulum does not swing too violently towards tougher regulation.

When utilities were under-regulated, they were often sold at undervalued prices. The pendulum has been swinging in the other direction, in many cases rightly. There has been tougher regulation: the windfall tax was introduced, and we now have tougher social and environmental regulations. The Bill will provide a tougher system of licensing and fines. It is tempting to say that the utilities deserve it—that they had it easy, and that now the authorities are getting tough with them. That is an understandable human reaction, but there is potentially a high price to be paid.

If the pendulum swings too far, equity prices may collapse, as has already happened with water and the railways. That will make it difficult to raise risk capital, and the utilities will have to borrow. They are already highly geared in many cases, so they pay a high premium on their borrowing costs. We are beginning to see that happening in the market now. It means that the utilities must either stop borrowing and underinvest—in which event we shall experience shortages in the future—or continue to borrow, with the result that future generations must pay through higher charges.

Regulatory risk is a real issue, and our attitude to the Bill will be governed partly by how the Government handle it. Some subtle but important questions will determine how well they do handle it. There is, for instance, the question of how they deal with fines. Large fines may be right in some cases, but it is important for fines to be imposed only when there has been negligence, or a deliberate intent to abuse the powers of the utility concerned. There must also be a proper system of appeals. If the balance is right, the arrangement may be acceptable, but regulators cannot be allowed to impose fines indiscriminately under an opaque system of regulation. Furthermore, we need a proper system of regulatory impact assessment to govern what will no doubt be a swathe of secondary regulations following the Bill's enactment. If we do not get the balance right, more harm than good will be done.

The key new element embraced by the Government is competition, taken in conjunction with the Competition Commission's new powers for utilities. In principle, it is right for there to be more competition—I welcome that general slogan—but the detail does not always make it clear what the commitment to competition actually means. There is, for example, an interesting disparity, which has not been explained, between the energy sector, in regard to which the Bill is committed to facilitating competition, and water, in regard to which it is committed to encouraging competition wherever possible. In the case of telecommunications, there is an odd exemption providing for the continuation of appropriate distortions. It is not clear why certain industries have been allowed to insert these words qualifying the provision for competition, although no doubt it will become clear as we work our way through the clauses.

I have a more fundamental problem with simply accepting the competition slogan as the be-all and end-all of the new approach to the utilities. Competition may well be desirable—it often is, in fact—but in some cases there is no competition, and is not likely to be; there is a natural monopoly. There can be common carriage in the water pipeline system, the ring main and the electricity grid system. Those are natural monopolies, and they will always need regulation.

More important, the way in which competition operates in relation to many of the products that we are discussing does not provide some of the advantages of a competitive market. Throughout the Secretary of State's speech the hon. Member for Rutland and Melton (Mr. Duncan) heckled, saying that electricity, water and gas were just like any other commodities. They are not. Electricity and gas contracts are very complicated: we know that, because 30 or 40 per cent. of those who change their suppliers opt for the first who telephoned them. It is rather like buying a private pension or an insurance policy. They are complicated products. Similarly, in many cases there are costs in switching those items. If people buy into a year's contract, they will not know what will happen next year. Charges may improve dramatically.

In many ways, the competitive market for gas, electricity and water, and the market for financial products, are analogous. One of the things that we recognise and which the Government have recognised in the Financial Services and Markets Bill is that, although it is important not to overregulate the wholesale bit—the City—it is important to have a tough and quite detailed regulatory system for the final products.

I think that the Government have recognised that by giving consumer councils strong status in the Bill. That is right. I take issue with Conservative Members emphasising the danger of consumer councils leaking information. There is a genuine problem, which the Secretary of State acknowledged. If consumer councils become a source of information that can be used for competitive positioning, it will be dangerous—but there is a greater danger that consumer councils will be starved of information.

The Bill contains a gagging clause on the consumer councils. What will happen if there is a conflict between a consumer council's demand for information and a

regulator's willingness to release it? Who will be the final arbiter? Much detailed argument will be needed to ensure that the balance is right. There are concerns not simply about the competing company aspect, but about consumer protection.

Leading on from that, there is the issue of the social justice agenda and how the Government are using the Bill for that purpose. The hon. Member for Ochil has said that, in general, the utilities are not a branch of the Department of Social Security and that other mechanisms have to be found to deal with poverty and inequality, but I welcome the fact that clause 109 introduces the principle that the utilities have an obligation towards people on low incomes, pensioners, the rural population and others.

I am not clear why the Government have been quite far-sighted in that respect in the Utilities Bill, but the Treasury has categorically ruled out any concern with social welfare in respect of financial services. A parallel debate is taking place. The issue might arise tomorrow during consideration of the Financial Services and Markets Bill. There is a problem of joined-up government, or perhaps there are different styles.

Sir Michael Spicer (West Worcestershire): The hon. Gentleman is not quite right. Apparently, the Treasury will encourage something called social banking, which seems to go against what he has said.

Dr. Cable: That may be the case, but I have tabled an amendment, which may be debated tomorrow, that suggests that the financial services regulator—the Financial Services Authority—should have an obligation towards low-income consumers. If what the hon. Gentleman says is right, I hope that the Government will concede generously. So far at least, there has been a disparity in approach.

This is an important area. Many people are hurt by fuel poverty. As the debate proceeds, we will want to know more concretely exactly what clause 109 will mean. There are a number of issues: disconnection; whether utility companies will make provision for charge cards that people have to use for pre-paid supply; how easily those can be obtained; standing charges for low users such as pensioners; and people on low incomes who have high energy bills, often within badly insulated homes. Those issues have to be dealt with. It is important that we make it clear how far the obligations of the utility regulators will take those considerations into account.

As I understand the Bill, there are some interesting and useful bits of parliamentary accountability. Clauses 9 and 13 suggest that new regulations will have to be considered by the House in a quite innovative way. That is positive, but the Government may be missing an opportunity to build in a much stronger system of parliamentary regulation.

Occasionally, utility regulators appear before the Select Committee on Trade and Industry, and they are investigated by the Public Accounts Committee. I have seen at first hand, on the Select Committee on the Treasury, the record of scrutiny of the Bank of England. In many ways, that scrutiny arrangement is an ideal model that the utilities should follow—with confirmatory hearings of the regulators or, in the water industry, the regulator, plus regular accountability at particular intervals. The Governor of the Bank of England has always acknowledged publicly that being held to account in that manner is one of the most intimidating jobs that he has to do as part of fulfilling his responsibilities. All the regulators should feel similarly intimidated.

We should take advantage of the growing interest in the parliamentary scrutiny offered by our Select Committees to build such accountability into the system of management of the utility regulators.

Mr. O'Neill: The Trade and Industry Committee tries, as best it can, to frighten the living daylights out of the regulators, and occasionally it does it reasonably well. At a Select Committee sitting, the utility will get a hearing, and everyone else will also get a chance. If a utility goes to the Competition Commission, it will cost £2.5 million; if a utility goes for judicial review—which is usually grossly unsatisfactory—it will cost a lot of money and time; but if a utility comes to a Select Committee, it will not cost very much. There is a two-way dialogue in the hearings. Quite often, the companies themselves want their case to be heard, and our informal structures facilitate such a hearing much more easily than many people appreciate.

Dr. Cable: That was a helpful intervention. I hope that the hon. Gentleman will persuade Ministers of the need to build that safeguard more strongly into the legislation.

I should like to deal finally with the electricity trading arrangements, which are important not only for the economics of the utilities, but for environmental reasons. The hon. Member for Bournemouth, West (Mr. Butterfill) has already made the very important point that what the Minister stated as a matter of dogma—that there will be 10 per cent. savings—is being very seriously questioned by the professionals involved.

Many other regulatory issues in electricity trading have not yet been addressed. There is now a very large market in paper products, such as futures and options, in electricity and other energy trading, and those will be subject to double regulation—by both the FSA and the energy regulator. No one seems yet to have clarified how that very important and large market, which will be crucial to the new regime, will work.

The key problem is the environment. As I understand the new electricity marketing arrangements—which are very complex; I do not claim to be an expert on them—it will be much more difficult for renewable energy to make competitive bids within the new pool system. Wind and solar power generators, for example, are not able to guarantee fixed supply, as will be required under the new long-term contract structures. It is therefore important that we are clear, particularly with the fossil-fuel levy, about weighting and how renewable power will be protected and strengthened in the system.

Another implication of the electricity trading arrangements is that it will become much clearer that gas, quite apart from its significant environmental advantages, has a competitive advantage over coal. As the Bill progresses, Ministers should clarify what they intend to do about the consents regime for gas-powered generators—which, when they were allowed to be developed, brought very considerable economic and environmental benefits to the United Kingdom. It is not clear whether the restrictions on supply from the gas sector will be maintained within the electricity trading arrangements.

[Dr. Cable]

The Bill contains many positive provisions which we support, such as the emphasis on competition, the new emphasis on social obligations and the more flexible approach to regulation—recognising that we are now moving past a resale price index-minus X type of regime for all the utilities. There are, however, major question marks about the strength of consumer protection and the environment, which Liberal Democrat Members will highlight in a series of detailed amendments.

5.34 pm

Mr. Ivor Caplin (Hove): It is always heart-warming to listen to a Liberal Democrat agreeing with some and disagreeing with others, and I pay tribute to the hon. Member for Twickenham (Dr. Cable), who has managed to do that for the last 20 minutes.

The most interesting part of the speech by the hon. Member for Tiverton and Honiton (Mrs. Browning) was the last few sentences, in which she gave the game away by going back to the old rhetoric of privatisation that has dogged the Tory party for so many years. It struck me that although the faces have changed in the Opposition Trade and Industry team, their policy—such as it is—is still rather Redwoodian. They must move their policy from outer space back to the real world, and I must tell the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb) that opposing a Bill such as this is not the real world. I will have more to say about him shortly, and he will enjoy that.

In an article in "The House Magazine" last year, I wrote:

"The fact that protecting consumer interests is not even a primary duty on the part of utilities regulators is the unfortunate legacy of the Tory Government. Put simply, the case for reforming the regulatory system is overwhelming."

I welcome the Bill in that regard.

Mr. Gibb: Does the hon. Gentleman know what the primary duty was under the previous legislation? If he does not, I can tell him. The previous primary obligation was security of supply. Does he accept that that should be the primary objective of the utilities?

Mr. Caplin: As I continue my remarks, the hon. Gentleman will realise that I have a different angle on this matter. If he had read that article, he would know that it was based on consumers, particularly vulnerable consumers.

In preparing that article, I looked at some key issues of post-privatisation Britain. Why had there been so many changes in the utility sector? It is clear that the number of customers having their service disconnected since privatisation has fallen, but, on the other hand—here I sound a bit like a Liberal Democrat—the number of complaints received by the various regulatory bodies has increased dramatically. The number of people employed by the utilities has fallen. The average bill in some utilities—such as gas, electricity and telecoms—has fallen, but the average annual bill for each of the privatised water companies has increased, and continues to do so.

Mr. Butterfill: The hon. Gentleman is right to note that water prices have increased, but he will know of two major factors. The first was years of Treasury reluctance to put capital into the industries, and the second—and more important one—is the correct environmental standards that are now required, not least by the EU, which have meant that even more investment is necessary.

Mr. Caplin: The hon. Gentleman may well be right, but I draw his attention to the comments of my hon. Friend the Member for Ochil (Mr. O'Neill) on the windfall tax, which we were told was unacceptable and would decimate the utility sector. However, it has been a great success, although it was opposed by the Conservatives and the Liberal Democrats.

My right hon. Friend the Secretary of State said that there were four key areas of the Bill. I think that there might be five, which I will take the House through. The first is to secure a fairer deal for consumers, which will be done by the establishment of the independent consumer councils so that there is an effective voice for those who pay the bills. The Bill will make sure that information can be published. There is also the principal objective of saying to the utilities that the protection and interests of consumers must be at the heart of their business.

The second area is that of disadvantaged consumers, to which reference has been made in the debate. The Bill proposes a new duty for the regulators—and the utilities, ultimately—to take into account the interests of low-income consumers. Few Labour Members will be unhappy to see that duty placed on the utilities.

Thirdly, the Bill modernises the regulatory framework. It is about 15 or 16 years since the privatisation of BT. We can argue about whether the framework used then was right or wrong, but we can all agree that the world has moved on and there is clearly a need for the system to be modernised to take account of market developments. *[Interruption.]* I understand that some Opposition Members may not want the world to move on. We have seen that already in the past two and a half years and we look forward to seeing it many more times.

Mr. Gibb: We were trying to convey the fact that the official Opposition agree with the hon. Gentleman's vital point that, yes, the world has moved on.

Mr. Caplin: I was trying to ask whether the Conservative party had moved on, but I realise that that was far too difficult a question.

As multi-utility companies are clearly emerging, we need a new, modern regulatory framework. I believe that the Bill achieves that.

Fourthly, the Bill recognises the importance of environmental objectives and brings them into the heart of the utilities and their regulation. It gives Ministers powers to make regulations to promote energy efficiency and the generation of electricity from renewable sources. I was certainly encouraged by my right hon. Friend the Secretary of State's answer to the hon. Member for Lewes (Mr. Baker) on that point. The Bill places a duty on the regulator to have regard to statutory guidance issued by Ministers on environmental objectives in the relevant sector. Even Greenpeace feels that the Bill has some positive impact on environmental considerations.

Fifthly, the Bill brings about a more stable, consistent and transparent regulatory framework. In any Bill dealing with regulation, there are technical parts. The hon. Member

for Tiverton and Honiton took us through many of those, so I shall not go over that ground again. The Bill is about building confidence by making regulation open, accountable and consistent and ensuring that the regulators' decisions are widely accepted.

I am glad that concerns in those five areas have been responded to over the past few months.

The hon. Member for Bognor Regis and Littlehampton and I both have electricity and gas provision from Seeboard in our areas. I gladly declare an interest in that Seeboard has 1,000 staff based in Hove. I asked the company what it thought about the Bill. In April 1998, it was the first electricity company in the country to abolish the standing charge, partly because of local pressure on behalf of people in fuel poverty. We are pleased that it responded, and that shows the effect that local campaigns can have. The Government also reduced fuel prices in their first Budget in 1997, by reducing VAT on fuel: a point to which we shall no doubt return in the general election.

Seeboard said that it supports the legislation because it recognises the existence of weaknesses in the current regulatory framework. It said that the legislation allows the current public electricity supply licence to be replaced by separate distribution and supply licences, which it supports, establishes a single regulatory body and sets up the consumer council, which it supports especially because of the regional element, which is important from its point of view. Seeboard also believes that the Bill will reduce the regulatory uncertainty that has existed in the marketplace for some time, but still allow companies to run their operations in the best long-term interests of their customers and, of course, their shareholders. Seeboard supports the changes in the Bill that are intended to give effect to those measures, and I am sure that the hon. Member for Bognor Regis and Littlehampton is pleased that the provider of power in our area gives the Bill a thumbs up.

The question of the social action plan and low income groups is at the heart of the Bill. That is the difference between the current, Conservative-sponsored legislation, which is about the supply of a utility, and this Bill, which is about putting the consumer first in utility regulation and the provision of services by utilities. The Bill will be regarded in years to come as an important, modernising Bill. It will reduce prices for the consumer, but it will do so in a way that allows the companies to continue to invest in their local areas.

5.46 pm

Mr. John Butterfill (Bournemouth, West): The Secretary of State was uncharacteristically churlish when he described what he had inherited in the industries that we are discussing. I remember well the situation in which privatisation first took place, because I had the honour of serving as Parliamentary Private Secretary to my noble Friend Lord Parkinson, who was then Secretary of State for Energy. Indeed, my hon. Friend the Member for West Worcestershire (Sir M. Spicer) was the Minister of State at the same time, and no doubt he will seek to catch your eye later, Mr. Deputy Speaker.

At that time, the nationalised industries provided a poor service to the consumer. In fact, they did not care much about the consumer. They provided their services at high cost, and there was no attempt to modernise the industries in the way that they were being modernised in other parts of the world.

When we first suggested privatising energy industries, Opposition Members opposed it in principle, but they also claimed that it would not work. They said, "You can't possibly privatise a monopoly supplier and introduce competition into the process." Well, it did work, and the Organisation for Economic Co-operation and Development, as recently as 1996, held this country out as an example of how it should be done. What we did was not perfect, because we were pioneering at the time. We were doing things that people did not believe to be possible.

Mr. Caplin: If the privatisation of British Telecom was pioneering in the mid-1980s, why did the Tories get it so wrong with the water industry in the 1990s?

Mr. Butterfill: I do not think that we did get it wrong, although it was not possible to get everything perfect. Much play has been made by Labour Members of the prices at which the industries were sold, but we should remember the climate. Privatisation had not been attempted before. Many people, especially all the then Opposition Members and including some people in the City, did not think that it could be done. People were nervous about the prices that the industries would be sold at, especially because they would be subject to close regulation. Indeed, people told us that it would not be possible to privatise electricity provision unless we took the nuclear industry out. That is why nuclear was not privatised at the same time as the other generators.

Sir Michael Spicer: My hon. Friend makes an extremely important point about the difficulties that we faced. Does he remember that the chairman of what was the Central Electricity Generating Board said that something called megavars would blow up the whole industry if we privatised it?

Mr. Butterfill: I remember that well. The CEGB chairman was ambivalent about the whole privatisation process. We were told that selling the industry would be difficult, and impossible if nuclear were included.

We took professional advice on the prices that could be achieved. It is also important to remember that the Treasury had a real interest in the price. Many civil servants at the Treasury at the time are still Treasury officials now, and they were extremely worried about how much money privatisation would produce.

It is wrong, therefore, to say that the Government of the day sold off the electricity industry cheaply. We wanted to get as much money as possible, but we wanted privatisation to succeed. We took professional advice on the price that could be obtained.

Everybody was surprised at the success of the enterprise. Labour Members were amazed that privatisation worked. It is wonderful to look back with hindsight and say that the industry was sold off cheaply, but at the time people were astonished that it was sold at all.

Mr. O'Neill: The old nationalised industry was run by technologists and, at best, technocrats, not by business people. The accounting systems were of a perfunctory character and were somewhat opaque in several respects. However, that was a reflection not of the quality of management, but of the emphasis on technology.

[Mr. O'Neill]

Technology was at the core of the business. If something could improve technological performance, it was tried, but the question of whether that was necessarily good for the consumer was not considered. That was one of the factors that made pricing difficult. However, a lot of people made a lot of money out of privatisation, and perhaps there was not quite so much naivete in the City as the hon. Gentleman suggests.

Mr. Butterfill: I do not think that anyone has suggested that the Government of the time were deliberately given inaccurate advice, nor that the advisers were guilty of professional negligence.

Mr. John Cryer (Hornchurch): Time and again, when they were privatising the railways, the previous Government were warned—by the unions and by independent bodies—that the price was set too low. They took no notice of that advice.

Mr. Butterfill: I recall that the unions opposed every privatisation. In the main, the reasons that they gave for that opposition have proved ill founded. I think that all hon. Members would agree—as would the Government, even—that privatisation has been benign, and that it has benefited both consumers and UK plc. That is evident in the falls in domestic prices: prices for both electricity and gas have fallen by 29 per cent., while telecoms prices have fallen by 50 per cent.—and by 80 per cent. when those prices take account of telecommunications with Europe.

It is proper now to look again at the privatisation process and seek to redress some of the imperfections in the original legislation. However, hindsight is a wonderful thing: it allows people to say how they would have introduced privatisation, but only after they have seen how the process turned out in real life.

I welcome several proposals in the Bill. The merger of Ofgas and Offer to form Ofgem is a good idea that the Select Committee recommended a long time ago, on the basis that one regulator for that sector offers a lot of advantages. That arrangement would not have been possible originally, as the two industries were privatised separately, but, in today's circumstances, it is a logical proposal. Similarly, the proposal for separate licensing of supply and distribution of electricity is sensible, and I support it wholeheartedly.

I am a little more worried about the proposals for the new electricity trading arrangements—NETA—which have attracted quite a lot of criticism. I have mentioned that Professor Bunn of the London business school thinks that prices will rise rather than fall. The difficulty is that the system to which we are moving is not based on real-time trading. Most of our western competitors have systems based on real-time trading, and they have achieved results in getting prices down. The new system is much more opaque and difficult to understand, and many of those being asked to participate in it have considerable doubts about whether it will work.

I hope that it does work, as all hon. Members are in favour of lower electricity prices for consumers. However, Larry Ruff of National Economic Research Associates does not think that abandoning real-time trading will work. He considers that it is not a sensible option, as it is wholly unproven. I should be interested to know how confident Ministers are that this novel idea will produce the hoped-for results.

There are concerns about certain participants in market supply. For example, I imagine that most hon. Members will agree that combined heat and power is an extremely good idea, being more efficient and economical. It is something that we should have been involved with a long time ago. However, the Combined Heat and Power Association has reservations about how it will be able to participate under the new trading arrangements. The association is at something of an impasse with Ofgem about the resources that might be given to it to allow it to participate in market supply.

In a recent submission to the Select Committee, the association stated:

"the CHAP is on the verge of having to withdraw from the NETA process, due to a complete lack of funding from OFGEM to resource the consultants and legal advisers needed to steer through the highly complex and opaque . . . process."

That is worrying. If important market participants such as the Combined Heat and Power Association think that the process is not working, many other, smaller contributors—which all hon. Members will want to encourage, because we all want greater diversity of supply—may have even greater difficulties. To describe the NETA process as "highly complex and opaque" is probably an understatement, given that even those of us who take an interest in the matter have experienced some difficulty in envisaging how the process will work. That is not a new experience, admittedly. Many of us found it difficult to understand how the pool would work; some of us still do.

Another worry has to do with security of supply. I am not sure who, under the Bill, will have primary responsibility for that. I hope that the Minister will be able to clarify the matter when she replies to the debate. It is an important issue. When members of the Select Committee went to see Ofgem, I asked how the new system of calculating electricity prices would affect the balance in the market of the different types of generator. Ofgem could not give a clear answer; in fact, it said that it was not its responsibility, and that projecting how the changes would affect the balance of supply was not within its remit. However, it seems clear that coal-fired energy producers may be at a disadvantage.

I am also concerned that there is no clear idea from Ofgem or the Minister about what will happen to nuclear energy. Our nuclear capacity is likely to disappear altogether over the next 15 to 20 years unless the Government make an announcement to renew it. Within that period, it will steadily decline as a proportion of the market. That has implications for our Kyoto obligations and for what we are going to do for replacement energy.

The Secretary of State has been refusing consents for increased capacity for gas-fired generation. How will the new obligations be met, and what effect will that have on other generators and the security of supply? Those are important questions, but they are not being addressed by Ofgem, which says that they are not its responsibility or, I suspect—unless I hear otherwise—by Ministers. Who will take the strategic decisions to ensure that we always have security of supply?

Mr. Bob Laxton (Derby, North): On security of supply, do you not agree that there are real dangers in putting all our

generating eggs into one basket? May I remind you of the occasion—I think that it was 17 November 1998—when the demand for gas outstripped supply and there was an increase of about 140 per cent. in the spot price for gas? There are real dangers, which you alluded to, about the difficulty of lack of security.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. First, the hon. Gentleman's intervention is a bit too long. Also, I have not taken part in the debate, so he is best not to refer to me.

Mr. Butterfill: I agree with the hon. Gentleman that we must have diversity of supply. We cannot be wholly dependent on one type of energy generator. I hope that combined heat and power will take off. I believe that the Government should be making decisions now on new nuclear installations, because it will not be possible for us to comply with Kyoto unless they do. Because it takes an awfully long time to get planning consent for all the public inquiries and then to build the installations, such decisions must be made sooner rather than later.

I am concerned that the powers of the Secretary of State under the Bill are very wide-ranging. They impose a heavy burden of regulation—a burden we do not yet know the full extent of. Most of what is proposed in the Bill will become apparent when the regulations are made. As previous speakers have said, Members of Parliament do not like measures carried out by regulation because they avoid parliamentary scrutiny. Yet the Bill goes much further in that direction. It includes, within the Secretary of State's powers, all sorts of matters that are not immediately perceived as directly pertinent to the regulation of a utility.

Much has been said about social objectives, and we all agree with the idea of having them. But they should be dealt with by the Department of Social Security, not through the regulation of the manufacture and sale of a product.

Mr. Bercow: In the light of what he has said, is my hon. Friend not concerned that the Bill will dramatically increase the 2,800 regulations that have spewed forth from the Government's machinery since 1 May 1997? As a business man, in contrast to Labour Members, is he not concerned that, by increasing the regulatory risk to which the utilities are exposed, it will be substantially more expensive for them to have access to capital?

Mr. Butterfill: My hon. Friend anticipates precisely what I was about to say. The increased burdens that the Bill is likely to impose on the industry may well increase the cost of electricity to consumers. That is not what the House should be doing. One day, in some utopia, we may not have social ills, but we do, and they need to be addressed elsewhere. They should not be dealt with by a method that will increase the cost to some of the most vulnerable people in our society, sometimes in ways that we do not fully understand.

For example, the hon. Member for Hove (Mr. Caplin) said that it was wonderful to have got rid of standing charges. In principle, I think that some change in standing charges is a good idea. But he knows that one of the main beneficiaries of the abolition of standing charges is that group of rather affluent people who have second homes in constituencies such as mine and his. They go down only at weekends, do not pay the standing charge, and have lower bills. The people who live there all the time foot the bill.

Mr. Stunell: Is the hon. Gentleman arguing for strong Government intervention and expenditure on social welfare provision, or for something else?

Mr. Butterfill: I am saying that it will always be the responsibility of Government to help the poorest and most needy in our society, and that the Bill is not the right place in which to do that.

Mr. Hoyle: Does not the hon. Gentleman recognise that if people can turn on their electricity and gas without fear because the standing charge has been removed, it benefits those in our society who are worst off, not those with second homes?

Mr. Butterfill: I think that the hon. Gentleman has missed my point. It would be better to have a mechanism whereby we assisted the group that he is concerned about but did not at the same time give a massive bonus to some of the very wealthy people who have second homes in constituencies such as mine and that of the hon. Member for Brighton and Hove. They can well afford to pay their electricity bills. The fact that they are not paying that element of their bills increases the bill for the more needy in society.

Mr. Caplin: I actually represent Hove—indeed, I was waiting for the hon. Member for Buckingham (Mr. Bercow) to come in there.

Why would the Electricity Consumers Council welcome the publication of the Bill and the duty that it gives regulators if it did not believe that it put consumers first? That is the essence of the Bill.

Mr. Butterfill: I do not find it surprising that the council welcomed the Bill as there is likely to be considerable improvement in the areas with which it is concerned. It would be more surprising if it did not welcome the Bill.

The Bill enormously increases the burden of regulation. It may increase the cost of electricity generation. We are returning to the nanny state beloved of the Labour party, which should have learned from what has happened here and around the world that we can best help the poorest in society by producing goods efficiently.

Mrs. Gilroy: Will the hon. Gentleman give way?

Mr. Butterfill: I am winding up and I have been generous, so I shall not.

We must produce goods more efficiently and at lower cost. That is how to increase the wealth of society and help the most needy.

6.10 pm

Mr. Bill Tynan (Hamilton, South): Speaking in debates is a new experience for me, and I am glad to have the opportunity to speak in such an important one. The Bill relates to the essentials of life for my constituents. The range of issues it covers will affect utility shareholders

[Mr. Bill Tynan]

and consumers. The Bill is the product of two years of extensive consultation, and the House should recognise the credibility that its proposals gain from that process.

The Bill's main principles deserve our support as they address some of society's problems. We must produce legislation that ensures the best delivery of service at the right price. However, we must also be committed to achieving the highest safety standards. Reducing prices at the cost of lower safety causes enormous problems. Recently, just four miles from where I live, a massive gas explosion destroyed a house, killing a family of four. The case is being investigated by the Health and Safety Executive, but pipes were known to have corroded. Concern remains that pipes on new estates in my constituency, which were recently laid, have the same problem. We must ensure that health and safety are not compromised by price reductions.

The Bill seeks to establish a fair balance between the interests of consumers and shareholders. The radical changes proposed will be welcomed by many. The establishment of an independent consumers council has prompted considerable debate, but unless we make the council powerful, we shall create a regulatory body that achieves nothing. Consumers' fears must be addressed. If consumers have problems or complaints, there must be a central point to which to take them. I welcome the introduction of a powerful council.

Regulators will have regard for the Government's social and environmental objectives. That approach is both sensible and desirable. It has not been taken in the past. I particularly welcome the Bill's provisions for increased transparency, accountability and consistency of regulation. There will be greater scope for consultation on key decisions in the various utilities, which will provide opportunities to examine what must be done and how it should be done.

It is inherent in that process that regulators should have more powers to publish information in the interests of consumers. I welcome openness. I recall that the distribution price review was based on a consultative report commissioned by Ofgem. The report assessed labour costs and possible savings, but its findings remain confidential despite their having been a key factor in the regulator's decision-making process. We never gained access to that report. Information is vital to the achievement of accountability, giving workers in industries and consumers the chance to see important facts that affect their lives. I would welcome an assurance from my hon. Friend the Minister for Competition and Consumer Affairs that reports of that nature will be accessible to the public when the Bill is enacted.

The final proposal that would benefit the consumer by creating a fairer system lies in the trading arrangements that other hon. Members have mentioned this evening. Making the market more competitive is the intention behind those arrangements. That would offer the prospect of lower electricity prices, which all of us should welcome. However, concerns remain about the Bill, arising principally from the proposal to reduce prices by 10 per cent. Consumers would welcome that, but I sound a slight note of caution. Reducing prices must not mean that utilities shed labour without regard for safety. It is easy for employers to decide that cutting labour should be the first way to reduce costs, but they must recognise the value of employees and search for greater efficiency and delivery of service.

Recent periodic price reviews in the electricity and water industries resulted in massive redundancies. Regulation should promote careful, constructive management of change rather than encouraging the short-termism shown by some electricity and water companies.

Mr. Chope: Will the hon. Gentleman comment on last week's news that water prices in Scotland will go up by 50 per cent. over the next two years? Does he think that that is good news?

Mr. Tynan: The Scottish Executive has dealt with price increases in Scotland. There are variations across the country. In the north, for example, there has been a lack of investment, and the price of water will increase. The increases for all areas were a decision of the Scottish Executive and were accepted by the Scottish Parliament.

The Bill seeks to ensure that disadvantaged consumers will benefit. Regulation must take the needs of all consumers into account. Anyone who has been unable to turn on heating or lights will know how important the Bill is. We must pass it through the House as speedily as we can. The new duty of the regulator to take into account the interests of low-income consumers must be applauded. Energy efficiency standards and performance that will help the poor to reduce their energy bills must be welcome. The modernisation of the regulatory framework is essential to the delivery of keener prices and better services.

Increased competition in electricity supply and the emergence of multi-utility companies have created the need for a flexible framework, which must be able to respond to change and the modernisation of the utilities. Environmental objectives, such as energy efficiency, must form part of the planning process for those utilities.

I welcome the fact that Ministers have the power to make regulations to promote energy efficiency in the generation of renewable energy. It is clear from the consultation process that there is substantial support for the measure. Opposition Members have also expressed support for many of the Bill's provisions.

The primary duty of the new Gas and Electricity Markets Authority—GEMA—to the consumer will be to ensure that the regulatory body accesses and monitors the safety record of utility companies. That will lead to joined-up working between GEMA and the Health and Safety Executive. That is essential in view of the high standard of safety required in the industry.

Mr. Bercow: In view of some of his earlier remarks, will the hon. Gentleman clarify his position? Will he confirm that he believes that prices should be set at such a level as not only to allow for energy efficiency schemes and the observation of health and safety standards, but to subsidise wage rates?

Mr. Tynan: That is essential in relation to health and safety. However, wage rates are normally dealt with between unions and employers. It is a question not of subsidising wage rates, but of ensuring that health and safety comes first with employers. I am sure that the unions would agree with that.

Joined-up working between GEMA and the HSE is vital. In addition, we need substantial monetary penalties for breaches of licence and of standards of service. The fines must not be meaningless. We must ensure that regulation and service are protected in the way outlined in the measure. Our standards must be set high because of our commitment to safety in the industry.

We have not said much about the employees in the utilities who will deliver those essential efficiency improvements. Those employees are also stakeholders; their needs should be taken into account when we consider the measure.

The Bill offers us a way forward. In Committee, we must examine the propositions put by Members on both sides of the House so that we can produce a measure that will benefit all the people whom we represent.

6.23 pm

Sir Michael Spicer (West Worcestershire): The hon. Member for Hamilton, South (Mr. Tynan) asked how prices could be reduced by 10 per cent. The answer is by competition. As the Bill is anti-competition and would prevent competition, it does not have a hope in hell of reducing prices by the amount that the hon. Gentleman wants.

Before I develop my argument, I declare an interest as the president of the Association of Electricity Producers, although I suspect that much of my speech will not win the support of members of that organisation. In view of my declaration, I hope that the Whips will acknowledge that I should be a singularly inappropriate member of the Standing Committee.

The second interest that I declare is the one referred to by my hon. Friend the Member for Bournemouth, West (Mr. Butterfill): I was the Minister who piloted the Electricity Act 1989 through Committee. In that capacity, I was opposed by the then hon. Member for Sedgefield (Mr. Blair), now the Prime Minister, who, in his inimitable way, made the suggestion—quickly agreed to—that the Bill should go through fairly easily, as he wanted to get home to his young family as often as possible. On four occasions, he asked whether he could issue press releases before lunch. We agreed to that, much to the chagrin—indeed outrage—of the Labour Whip who was in charge of the Bill. However, that was overridden, and the hon. Member for Sedgefield got his way.

I refer to the 1989 Act because it is highly representative of the Conservative Government's approach to utilities and regulation.

Mr. Bercow: The House is waiting, with eager anticipation and with beads of sweat on its collective brow, to discover whether my hon. Friend wisely retained his copies of the press releases issued by the Prime Minister when he was in opposition. If my hon. Friend has done so, we shall certainly be able to see that the right hon. Gentleman has changed his mind on every one of the issues.

Sir Michael Spicer: My hon. Friend makes an interesting point. There have already been allusions to the many unqualified statements made at that time by the now right hon. Gentleman—to the fact that such a measure would never work and that the industry would collapse. He made such pronouncements on three occasions. They are recorded in the press, because even in those days he was able to get himself into the newspapers, and they certainly bear much reading. My hon. Friend is right to draw the House's attention to that matter.

Mr. Butterfill: Does my hon. Friend agree that those statements might well be of interest to the Bill's Standing Committee?

Sir Michael Spicer: I have already made clear my own unsuitability for membership of that Committee—*[Interruption.]* I am sure that my hon. Friend the Member for Buckingham (Mr. Bercow) will tell the Whips what I said. However, I would certainly advise those of my right hon. and hon. Friends who are members of the Committee to look out those statements because there is no question but that they are worth reading.

The 1989 Act is highly representative of the previous Conservative Government's whole approach to the utilities and their regulation. The changes to that legislation included in the Bill are equally representative of the Labour Government's approach to those matters.

The general idea behind the 1989 Act was to privatise electricity in such a way as to maximise competition over time and, as that increased competition occurred, so to diminish those powers of the regulator which were specifically focused on competition. Over time, regulation would give way to competition as the best means of protecting the consumer. That aspect of regulation has escaped the Government and continues to do so.

Several features of privatisation helped to meet that objective; they are now under threat. The structure that we used militated against the vertically integrated franchise—the American model. We were against that model, because we did not want vertically integrated, local monopolies. We began with a brave move, as my hon. Friend the Member for Bournemouth, West pointed out—we broke up the Central Electricity Generating Board into about five separate players.

However, most important was the fact that we built into the measure a dynamic towards near-perfect competition, in an industry to which competitive pressures were extremely difficult to apply. We did that in such a way that not only were there new entrants to generating—to which the hon. Member for Hazel Grove (Mr. Stunell) referred—but the distribution and supply companies were subject to competitive pressures. By 1998, those companies were selling in and out of each other's markets and were entirely free from competitive restrictions, as had been planned at the outset.

The regulator was chosen, not only for his personality, but as someone who had competition at the front of his mind. Professor Stephen Littlechild was the nearest thing to a competition expert who could be found at that time. He has been replaced by someone who, whatever his merits—and Callum McCarthy has great merits—is really a high-flying civil servant. He is interested in politics and in the ways of Whitehall, but he has no experience of the marketplace, nor any particular interest in it.

Another part of the process of setting up a competitive industry—I shall return to this point—was the establishment of a half-hourly pricing system that was completely transparent. The pool may have had its faults—we can discuss them—but it was a transparent system of pricing and it allowed for marginal supply to come on-stream at the price that was appropriate.

[Sir Michael Spicer]

The effect of the competitive pressure that was built into the 1989 Act has been pretty dramatic. Reference has been made to the fact that we now have a much more competitive industry, but the figures are astonishing. In 1991, two companies—National Power and PowerGen—held 74 per cent. of the generating market. By 1998, National Power's share was down to 13 per cent. from 46 per cent.—it is set to fall to 8 per cent. this year—and PowerGen's share is currently at 14 per cent., down from 28 per cent. in 1991. The two biggest players now have only 22 per cent. of the highly competitive generating market between them. Today, 30 generators use the pool, as opposed to the five or so who used it regularly when it was set up.

The electricity market has been transformed into a highly competitive market. If everything is hunky-dory, why is there a need for the Bill? The answer is that competition is no longer the Government's primary objective in their regulatory approach to the utilities. The scene is set by the proposed new section 3A(1) in clause 12. It says:

"The principal objective of the Secretary of State and the Authority in carrying out their respective functions under this Part is to protect the interests of consumers in relation to the supply of electricity, wherever appropriate by promoting effective competition".

"Wherever appropriate" is the qualification attached to that.

In the name of competition and by using consumers as a human shield, the Government will create a whole new set of regulatory objectives, many of which will act against the interests of competition. One has only to start looking through the Bill to recognise that. Clause 12 also introduces the concept of income distribution, and reference has already been made to that. That concept has nothing to do with competition or electricity. It is questionable whether giving people access to electricity on special terms is the best way to help the disabled and those of pensionable age or on low incomes.

The Government should tell us why measures that will distort competition appear throughout a Bill that is ostensibly about competition. Proposals are made for the electricity and water industries and for the Office of Telecommunications. Why should a Bill, the early clauses of which are apparently dedicated to competition, contain objectives that will undoubtedly distort the marketplace? The Government's aims are confused, and clause 13 will create more distortions.

Mr. Butterfill: Does my hon. Friend agree that the Bill will create the need for a whole new almoning system in parallel with the social security system?

Sir Michael Spicer: I do agree with my hon. Friend. It is wasteful and untransparent to help people in need by regulation and through industry. It raises the question why one set of electricity consumers will have to pay more—I presume that they will—to subsidise other sections of the community. Would it not be much better to do that through the taxation system or through a more transparent use of benefits?

The same points apply to clause 13, which in the proposed new section 3(B)(1) introduces the objective of

"the attainment of any social or environmental policies . . . referred to in the guidance."

Mr. Stunell: I appreciate the hon. Gentleman's argument for completely open competition, but may I take him a little further? Does he think that it is right for urban consumers to subsidise rural consumers? Does he not concede that there are some areas in which the market needs to be regulated?

Sir Michael Spicer: If we want genuine competition and transparency in electricity provision, full costs and marginal costs should be made properly transparent. If the requirement is to subsidise rural communities, that should be done through direct Government subventions in a way that does not distort the market. The Government's approach is wrong. When the previous Government privatised the bus industry, we made a clear distinction between economic costings and social subventions, which were made through financial means, and proper pricing, which should reflect costs and the marketplace. That is a manifestly sensible way to support the people whom one wants to support without distorting the market system.

Mr. Alan Simpson (Nottingham, South): I am grateful for the honesty with which the hon. Gentleman makes the case for competition and for his point about the importance of covering full and marginal costs in the charging process. I understand his point that it is the Government's role to make compensatory payments. Given the additional costs that central Government would inevitably occur on a huge scale, how would he suggest paying for that if he were a member of a Government who were saddled with such bills?

Sir Michael Spicer: The way in which social benefits and payments are made is a matter for the Government of the day to determine. However, in the electricity industry, one set of consumers, some of whom may be poor or deprived but not specifically listed in the Bill, should not subsidise another. That will have distortive effects if the aim is genuinely to have a fair and transparent marketplace. Subsidies, however, are a matter for the Government of the day to determine.

Clause 56 also moves specifically against competition in the electricity industry. It relates to the pool and the new trading arrangements that the Government are belatedly proposing. There has been much to-ing and fro-ing, and everyone knows that they have had their difficulties in introducing the new arrangements. The pool is an open market that is priced on a half-hourly basis and in which—contrary to what the Secretary of State suggested—the price is the marginal price that comes on. Therefore, it is absurd to suggest that the pool is in some way less open and less supportive of competition than a system comprised of bilateral contracts made and agreed—by the regulator, by Government or who knows?—in many cases behind closed doors.

My hon. Friend the Member for Bournemouth, West made an important point about the difficulty, in those circumstances, of ensuring security of supply. That is certainly true. The pool system may have its deficiencies, but they could have been put right if the Government had not taken the doctrinal view that it should be

abolished altogether. However, those deficiencies at least accommodated the concept of the marginal supplier coming on board at a price. There was always going to be a marginal supplier, which ensured security of supply.

In a system in which bilateral agreements are to be struck behind closed doors, nobody knows how the contracts will be assured and there is no way of guaranteeing security of supply. I totally agree with my hon. Friend. My point, however, is that the system is fundamentally anti-competitive.

Let us consider a plausible example in which a contract with a large supplier of coal-based electricity receives the Government's blessing. It is more than likely that such a contract already exists. That electricity could be extremely expensive but it fits in with the Government's intention to continue to protect the coal industry. Who knows how that contract came about? Who knows what factors lay behind it? Who knows whether there are political objectives behind it which are completely contrary to the marketplace objectives of a free flow of information and proper pricing according to competitive cost structures? Nobody knows because a new system of secret pricing is emerging.

The Government portray the Bill as legislation that will bring down prices, but nobody knows what will be the basis of those contracts. Indeed, in my example of a secret contract involving a supplier of coal-based electricity, or in the case of a contract with a supplier of nuclear-based electricity, it is likely that prices would rise.

The Secretary of State said at the beginning of his speech that electricity prices will come down by 10 per cent. That claim seems bizarre, given the way in which the new system has been explained to us. The truth is that the Government do not like the market-based system that we provided; they like intervening and interfering, particularly to protect certain sectors of the industry with which they have connections.

The best way to do that is to set up a system of secret pricing and of bilateral contracts being struck behind closed doors which are not transparent and do not meet the needs of the marketplace. I am not surprised that a Labour Government are doing that. My objection is that they are pretending that the system is more competitive than the previous one, not to mention my hon. Friend's point about the dangers of having no security of supply.

The Government's approach to regulation applies to the four industries in the Bill. The excuse for that approach is the consumer. The word "consumer" appears often. However, if one believes that the consumer's best protection is proper competition, most of the policies and regulations are contrary to the consumer's interests.

The Government's new form of regulation is radical and in its objectives it is completely different from the regulation adopted by the previous Government. It applies across the board and is part of a pattern. It applies to rail regulation and integrated transport. It applies to the Financial Services and Markets Bill, which we debated last Thursday and which will introduce social, universal and compulsory banking. It applies to the Post Office regulator—who has been given the job of working out how to privatise the industry—and the concept of total coverage. It applies to the way in which the water industry is to be regulated according to environmental interests rather than those of the consumer. It applies to Oftel, which is given the objective of providing total coverage in the Bill.

All those regulators are being given social and political objectives, which are antithetical to competition. We are witnessing a parallel system of government emerging. I shall use the idiom "joined up" because, in their consultation paper "A Fair Deal for Consumers", the Government suggest having a cabinet of regulators who would work out together each industry's capacity to achieve the various political objectives, which have no bearing on competition. The political imperatives will be provided by the Government, and the regulator will implement them with all-pervasive powers of intervention.

That is socialism by regulation; it is socialism on the sly and it is nationalisation by the back door. I hope that one of our first objectives when we return to government will be to dismantle all the regulatory apparatus, except for that which focuses on competition, because competition is the true friend of the consumer.

6.46 pm

Mr. Gareth R. Thomas (Harrow, West): At the beginning of the speech by the hon. Member for West Worcestershire (Sir M. Spicer), I would have been happy to accept his view of his unsuitability for the Standing Committee. Having disagreed with much of the thrust of his speech, I hope that Opposition Whips believe that he was being too modest and that they will regard him as a suitable case for the corrective discipline that the Standing Committee should offer. I should have loved to have helped the hon. Gentleman through the experience of that Committee, but I hope that the Government Whips will take note of my service on another one.

I warmly welcome the Bill. It modernises the regulation of our utilities and locks in train the twin principles of fairness and concern for the environment. It will help further to stimulate efficiency, innovation and higher standards in the utilities. The Bill continues the process, within one key part of our economy, of integrating economic, social and environmental needs, and of ensuring joined-up decision making, which is crucial to moving us towards a sustainable economy.

Crucially, and to the relief of my constituents, the Bill puts consumers truly at the heart of utility regulation. Many of my constituents remember well how, in the summer of 1996, our local water company suffered an outbreak of crytosporidia in the water supply, causing concern and inconvenience to constituents and local businesses. I remember in particular the concern about the company's attitude and the deep frustration felt by the president of my local chamber of commerce about a utility company that was insufficiently accountable to its consumers.

More, recently, I shared with constituents living in Holmwood close—a small, low-lying cul-de-sac—the frustration about another utility company's failure to take the necessary remedial action to protect their homes from the many incidents of flooding that they had experienced. It should not require pressure from a Member of Parliament and senior councillors to force a utility company to listen. The company in question has finally taken action, and my constituents and I welcome that.

I am pleased that the Bill introduces new, enhanced consumer councils, which will be able to act as public advocates for all utility consumers. They will be able to mediate between complainants and the utility companies

[Mr. Gareth R. Thomas]

and to act as champions of the consumer. I am sure that my constituents will welcome the likely price reductions and the publication of links between directors' pay and levels of service.

There are examples of good practice among utility companies which the Bill will build on. Eastern Electricity, which serves the interests of my constituents, has committed itself to achieving 10 per cent. of its energy from renewables, and has been at the forefront of efforts to promote consumer usage of renewable energy. My hon. Friend the Member for Hove (Mr. Caplin) highlighted the positive decision by Seeboard to abolish the standing charge. That is a positive move for those of us who are concerned with social justice.

A crucial part of the backdrop for the Bill is the environmental imperative to reduce our emissions of carbon dioxide and other greenhouse gases. The promotion of a new drive for energy efficiency, which will be stimulated by the Bill, will be a welcome adjunct to the climate change programme that the Government are due to publish soon. That is one example of the reductions in emissions that the Bill will further stimulate.

It is worth restating Lord Marshall's view, which was published in his report on economic instruments and the business use of energy:

> The commitments agreed at Kyoto are only the beginning if we are really going to tackle the threat of climate change."

He added:

> This is not least a competitiveness point . . . There is a risk that firms investing now may get locked into capital stock which does not meet the requirements of the future.

As well as the environmental imperative, there is a need for utilities to invest appropriately. Climate change offers new economic opportunities for business, which many of our utilities will be well placed for, thanks to the Bill: it will drive down business energy costs. It is yet another example of the Government's success in creating the conditions for business to thrive.

I welcome the focus on fuel poverty, the alleviation of which the Bill will help to stimulate, specifically by highlighting the interests of low-income and disadvantaged consumers. It will allow further attention to be given to tackling the problems of those in fuel poverty. Research shows that cold homes are associated with increased winter mortality, ill health and impaired quality of life. I understand that research shows that about 30,000 more people, mainly over 60, die during the winter in the United Kingdom than would be expected given the average death rate over the year. This so-called excess winter mortality is caused by exposure to outdoor conditions as well as cold homes. However, it is much higher in the United Kingdom than in other countries, including those in Scandinavia, where winter outdoor conditions are more severe but where homes are more energy efficient.

The 1996 English house condition survey estimated that there were at least 4.3 million households spending more than 10 per cent. of their income to maintain a satisfactory level of heating. In other words, those households were living in fuel poverty. Given these figures, it is entirely right that we take further action to require the utilities companies to promote action on fuel poverty. I say that even though the Government have already taken several measures to confront the problem. For example, there have been the reduction in value added tax, the introduction of the £100 winter fuel allowance and the new home energy efficiency scheme—all welcome initiatives.

The general duty on the regulator to have regard to ministerial guidance on social and environmental objectives, for example, and the fact that the guidance will be published and laid before Parliament are also welcome moves. I share the view of my hon. Friend the Member for Lewisham, East (Ms Prentice), which she expressed in an intervention on my right hon. Friend the Secretary of State. Utility companies should report on their progress towards achieving environmental objectives.

I shall now concentrate my remarks on clauses 50 to 56, which deal with electricity produced from renewable sources and the establishment of the new electricity trading arrangements. Economic opportunities flow from renewable energy because of environmental pressures. The renewable energy industry is one of the hinges between the needs of business and the need to protect the environment. My hon. Friend the Member for Hamilton, South (Mr. Tynan) referred to employees within the utility industry. Having read the statistics in a House research paper on employment in the utilities, and the figures produced by my union, the excellent Amalgamated Engineering and Electrical Union, on jobs in the electricity industry work force, the significant feature I note is the huge loss of jobs over the past 10 years in the utility sector. It makes depressing reading.

The renewable energy industry now employs about 3,500 people. It is one part of the electricity industry that holds out the prospect of considerable employment growth over the next 10 to 15 years. Achieving our target of 10 per cent. of energy from renewable sources would create between 10,000 to 45,000 new jobs, according to the Department of Trade and Industry, and up to double those figures according to estimates made by Friends of the Earth and Greenpeace.

There is considerable export potential for a dynamic British renewable energy industry. For each of the past six years, global sales of wind turbines—one small part of the renewable industry—have increased by about 40 per cent. The estimates and projections of the World Energy Council indicate cumulative investment in renewables for the next 10 years ranging from £150 billion to about £400 billion. An analysis produced by Shell suggests that renewables will meet about 40 per cent. of world energy needs by 2050. That represents a huge opportunity for renewables in Britain.

Clauses 50 to 55 place obligations on suppliers, which I welcome particularly. They offer a key policy tool to stimulate an expansion of our domestic renewables industry. Such an expansion is crucial if we are to take advantage of both current and future growth in renewables. We have arguably the best offshore and onshore wind resource in Europe, but with 330 MW of installed capacity by last year, we lagged behind Germany, which has 2,900 MW of installed capacity. Denmark is in a much better position than the UK, with 1,450 MW.

An estimate of the realistic potential of renewable energy sources was carried out by Energy for Sustainable Development for the European Commission in 1997, and was considered by the Select Committee on the European

Communities in another place during its inquiry into renewables last year. The report suggested that, by 2020, a realistic aspiration for primary energy from renewables in Britain was 27 per cent. The Committee also highlighted the estimate made by the Department of the Environment, Transport and the Regions—that achieving our 10 per cent. target for renewables would provide about 25 per cent. of the carbon savings needed to meet the 20 per cent. carbon dioxide emission reduction target that we set out in our manifesto.

Clauses 50 to 55 will help to ensure that the obligation on electricity suppliers continues to promote competition and that renewable energy is delivered at the lowest possible cost. Clause 51 allows specific types of renewable generation to be targeted by the government. I hope that the clause will be used to enable less mature and currently less cost-effective renewables to be brought on over time. I hope too that my right hon. and hon. Friends on the Government Front Bench will not promote the use of payments, even though they are rightly allowed by clause 53, instead of meeting the obligation—except as a method of enforcing the obligation. I hope also that they will set high payment levels.

The replacement of the non-fossil fuel obligation by the obligation to be placed on suppliers is especially important given the problems that many renewables providers have had in the planning process with NFFO contracts. The NFFO contracts are linked to specific sites, and it is usually only after a contract has been granted that planning permission is sought. Considerable delay can result. Indeed, in December 1998, the energy technology support unit published research for the DTI that showed that, since 1994, of 63 applications for planning permission by renewable providers with an offer of contract, 15 had already been refused.

The brutal truth is that while the NFFO has succeeded in promoting considerable reductions in the cost of renewable energy, it has not promoted a significant expansion of renewables capacity in the UK. The obligation is therefore extremely welcome to promote that expansion. However, an obligation on its own will not be enough. I await with considerable interest a further statement on support for renewables. I hope that the statement will contain targets for beyond 2010, which would enable the energy industry and the City to plan their capital investment programmes and to forecast good returns on their investments in renewables, with confidence.

Clause 56 provides the broad enabling power to establish the new electricity trading arrangements—NETA. Change often causes concern. As the hon. Members for Bournemouth, West (Mr. Butterfill) and for Twickenham (Dr. Cable) said, there are concerns about the possible impact on renewables. I hope that my ministerial colleagues will be able to give an assurance that the impact of NETA on renewables will be kept under careful review. Perhaps I may suggest again that a dedicated member representing renewables should serve on the balancing and settlement panel that will monitor the delivery of the electricity trading arrangements. Clearly, the provisions of the Bill need to be considered alongside the climate change levy and the package of further support to the renewables that will shortly be published.

In essence, this is an excellent Bill. It offers an exciting future for the renewables industry in the United Kingdom. In the wider utilities sector, it holds out the prospect of significant progress in delivering reductions in greenhouse gas emissions. It puts the consumer firmly at the heart of regulatory priorities. It is a Bill whose impact will, I am sure, be welcomed by my constituents.

7 pm

Mr. Peter Luff (Mid-Worcestershire): It is a pleasure to follow the hon. Member for Harrow, West (Mr. Thomas). I share his enthusiasm for renewables, if not for the Bill. Speaking as Chairman of the Select Committee on Agriculture, I see a strong future for biomass in renewables, which should give great heart to farming in the long term, if not in the short or medium term.

I must declare an interest. I was for two years at the Department of Trade and Industry, as special adviser to the right hon. Lord Young of Graffham, then Secretary of State for Trade and Industry, at a time when regulation was in its infancy. Our hopes then were simply expressed. We hoped that there would come a time when we could end regulation and replace it entirely by effective competition. It is that spirit which motivates the Opposition and which is so conspicuous by its absence among Labour Members.

We were blessed with a series of fine regulators at the time. I think particularly of people like Sir Bryan Carsberg—probably the finest regulator in the world—often frustrated, as he was, at the lack of will on the part of some of the competitors in telecommunications to use his powers to secure effective competition in that industry.

At the time—1987 to 1989—the present Prime Minister was No. 2 to the then hon. Member for Dunfermline, East (Mr. Brown) in the shadow DTI team, and he was then, as he is now, outshining him spectacularly. I looked back at the debate in 1988 on the Second Reading of the Electricity Bill, to which my hon. Friend the Member for West Worcestershire (Sir M. Spicer) alluded during his excellent speech. The words of the then hon. Member for Sedgefield (Mr. Blair) would warm the heart of the hon. Member for Liverpool, Walton (Mr. Kilfoyle), if he is concerned about the beating heart of the Labour grass roots.

The then hon. Member for Sedgefield said in the debate:

"The question that the country asks and that the Secretary of State—

the right hon. Lord Parkinson—

"must answer is why an industry, brought together in the public interest over 100 years to serve the nation, must now in the same public interest be torn apart, broken up, and sold in two years to serve the demands of private profit."

He went on:

"It cannot be stressed too strongly that our modern industry was not built on a foundation of success created by market forces. It was created by clearing the rubble of disorganised chaos that they left behind. What is so wrong with the industry today"—

hon. Members will remember exactly what was wrong with the industry then—

"What is so wrong with the industry today that it is incapable of alteration in public ownership? What are the clear benefits that will flow from it being split and sold?"

The then hon. Member for Sedgefield actually prophesied that prices would rise as a direct result of privatisation.

My hon. Friend the then Member for Lewisham, West, now the Member for Stratford-on-Avon (Mr. Maples), asked the now Prime Minister:

"Will a future Labour Government renationalise the whole industry, and if so, on what terms?"

The answer was clear. The then hon. Member for Sedgefield replied:

"We are proud that we took the industry into public ownership. When we come to power it will be reinstated as a public service for the people of this country, and will not be run for private profit."

My hon. Friend the Member for Rayleigh (Dr. Clark), then the hon. Member for Rochford, asked the then hon. Member for Sedgefield whether he would care

"to indulge in some frankness and tell us how his party, when and if it returns to power, will pay for nationalising the electricity supply industry? Will it be through huge tax increases?"

The answer came from the then hon. Member for Sedgefield:

"We will reinstate it as a proper public service under public control."

In a way, I see the Bill as the fulfilment of those pledges made by the Prime Minister when he was in opposition. They show where his heart lies. He said a couple of years before the election that the character of his Government would become clear only when Labour was in government. The Bill exposes the true character of the Government, who are interested, as my hon. Friend the Member for West Worcestershire rightly said, in nationalisation by the back door, if not by the front door.

The principal objective for regulators set in the Bill is

"to protect the interests of consumers".

Amen to that. We are all in favour of protecting the interests of consumers, but how is that best done—by an army of bureaucrats and officials, or by effective competition? It is competition, not regulation, that must be our objective. I fear that the Bill seeks to enshrine in perpetuity the principle of regulation.

That is my first concern about the Bill. We should be working to end regulation by increasing competition, not giving it our blessing by the passage of the Bill. I have two particular concerns—first, the effect of the Bill on the water industry in general and on my constituency, and secondly, the effect on electricity distribution investment, specifically in Worcestershire.

Sir Michael Spicer *rose—*

Mr. Luff: I give way to my hon. Friend and constituent.

Sir Michael Spicer: May I interrupt my hon. Friend's flow to ask whether he would go on to say, as I would, that regulation and competition are opposites?

Mr. Luff: Regulation is a necessary condition, in the absence of competition. Competition and regulation are opposites. We need limited regulation in the case of natural monopolies. I freely admit that, but we should be setting as our objective the ending of regulation and the enhancement of competition. I am at one with my hon. Friend on that.

I do not say that everything in the Bill is unwelcome. If it were a small Bill with a few clauses, designed to tidy up bits and pieces here and there on the road to the abolition of regulation, I would not mind. However, it is a massive tome, with 134 clauses and heaven knows how many schedules. There are some good things tucked away in it—merging gas and electricity regulation probably makes sense in the short term, although the Government could surely have come up with a better name than Ofgem. It sounds like the regulator for de Beers, not the energy industry.

I agree with the hon. Member for Harrow, West about the powers to promote electricity from renewables. That is good, in its limited way. The separation of licensing of electricity supply from distribution probably makes sense. The Bill takes a more collegiate approach to regulation—I can go along with that, at least in the short term.

If only the objective of the Bill were the end of regulation, but it is not. It is exactly as my hon. Friend the Member for West Worcestershire said—socialism, or nationalisation, by the back door. The Bill is well meaning. I freely concede that. Much of what the Government do is well meaning, but we know what the road to hell is paved with. That is the trouble with the Bill.

I fear that the Government see the utilities as some sort of milch cow to fund all their wider objectives. Already the wretched utilities have had the windfall tax imposed on them, to pay for the window-dressing of the new deal, which has achieved absolutely nothing in the real world. Now we see the utilities being used to secure all sorts of environmental and social objectives which, as my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) said, are better fulfilled by more explicit mechanisms.

If the Government want to achieve something, they should do so by being explicit, not by tucking it away in the conditions of duty of a regulator. That is the source of my particular concern about all the secondary legislation implied in the Bill. Let us consider the water industry. To do the Government credit, it is clear in the Bill that they understand that there is a difference between energy and telecommunications on one side, and water on the other. It is right that they should set different regimes.

Do the Government understand, however, how the water industry still needs to invest to meet consumers' demands and its environmental obligations, and how difficult it will be for the industry to raise money under the regime set out in the Bill? We all know that there was a legacy of underinvestment while water was in the public sector. There always would be, while water investment was competing with schools, hospitals, law and order and so on.

I am quite clear that the just published periodic review was far too tough. It will inhibit investment and it has already cost jobs. I think particularly of a major investment scheme urgently needed in my constituency to replace old collapsing sewers in Droitwich Spa high street. The stench from those sewers is dreadful in the summer months and it deters trade in the high street. I know that Severn Trent will now find it considerably more difficult to fund the replacement of those sewers on a reasonable time scale as a direct result of the over-heavy regulation already imposed on the water industry.

The problem is that the industry is effectively powerless to complain about adverse regulatory findings. The Bill was an opportunity to put that right, but it fails to do so. I quote from a letter that I received from the director of one water company. He writes:

"The issue is that of being able to focus on only one, or a few, issues in any appeal to such as the Competition Commission. Currently, as I am sure you're aware, all aspects of a utilities price

determination (i.e. every aspect of your operation) is likely to be examined in a referral. This makes the whole process very protracted as well as intrinsically increasing the very business uncertainty the investor community so dislikes. There is also the very real problem of large scale diversion of those key resources we need to improve services and efficiency.

In the light of the foregoing, you will doubtless understand why none of the Water Services plcs, despite having huge problems with the final price limits, have gone to the Competition Commission, so underlining a lack of faith in the whole appeals process."

The Bill presents an opportunity for the Government to replace the blunderbuss of the investigations that caused so much anxiety to the water companies with a provision that is more precise and effective, and less costly and disruptive. They have flunked that opportunity.

In the current review, the water industry is allowed a modest cost of capital—4.75 per cent., which is fixed for five years. It should be able to complain about that narrow issue and examine carefully whether the regulator has reached the right conclusion. However, it is denied the right to do that.

Mrs. Gilroy: Will the hon. Gentleman give his constituents a voice and complain about the 57 per cent. increase in prices and the 101 per cent. real increase in profits that they have experienced since privatisation?

Mr. Luff: The hon. Lady betrays such a lack of understanding of the mechanism of the water industry that it is difficult to know where to begin without making a separate speech. I have already explained that companies inherited a massive legacy of underinvestment as a result of state control. The environmental obligations that have been imposed, probably rightly, on the industry require massive investment. Where will that money come from? I doubt whether the hon. Lady is offering to subsidise it from her purse. As for the increase in profits to which the hon. Lady alludes, the water companies invest more than their profits each year. Labour Members' understanding of profits is very poor. The hon. Lady's intervention betrayed a problem, which goes to the heart of why the Bill is wrong—

Mr. John Gummer (Suffolk, Coastal): Old Labour.

Mr. Luff: Exactly. The intervention betrayed a hostility to private sector investment and to profits. I pay tribute to the way Severn Trent has dramatically improved the service to my constituents. Its response to a water pollution incident in Worcester a few years ago was far better than what a nationalised industry was capable of. The hon. Member for Plymouth, Sutton (Mrs. Gilroy) is completely wrong. The investment in improved water services in my constituency has been dramatic and welcome, but someone—not the taxpayer any more—had to pay for it. After many years of paying, the taxpayer was not prepared to do so any longer.

Mr. Alan Simpson: Will the hon. Gentleman give way?

Mr. Luff: With pleasure, if the hon. Gentleman's intervention is similar to the previous one.

Mr. Simpson: Will the hon. Gentleman confirm that, in the regulator's comments about price determination in Severn Trent, he focused on the internal costs of capital in relation to the price reductions that he recommended, because the industry charged the public twice as much in returns through dividend payments as it could charge if it financed the investment internally? The reward in dividend payments constituted a double charge on consumers for the single investment that they received.

Mr. Luff: The hon. Gentleman makes an interesting point. The answer is a matter of judgment. The market has made a judgment about the regulation of the water industry, especially Severn Trent. The market price of Severn Trent is below its asset value. That suggests that the regulatory decision is wrong. The hon. Gentleman should consider that carefully when he makes a judgment about whether the regulator is right. I believe that the regulator is wrong, and that he has made Severn Trent vulnerable to foreign acquisition and takeover.

That is an interesting dilemma for the company. It is not eligible for domestic takeover, but a French company could snaffle it. I do not object to foreign inward investment in the United Kingdom, but the regulator's decision has made that prospect more likely. That is surprising, and I am surprised that the hon. Gentleman wants to endorse that, given his perspective on such matters.

The regulator is quoted in *The Daily Telegraph* of 27 January. He was speaking at a conference entitled "Life after the 1999 periodic review". The article states:

"Mr. Byatt said the Bill 'shows how difficult the government can find it to translate good intentions into sensible legislation' . . . Mr. Byatt said the Bill introduced a 'double jeopardy' for fines, empowering both the secretary of state for trade and industry and the water regulator to mete out penalties for the same offence . . . Mr. Byatt also criticised the Bill for failing to allow for an appeals procedure for penalised companies to go to the High Court or the Competition Commission."

The regulator is right to draw attention to the absence of a right to appeal.

Water UK, the trade association for the water companies, states:

"Clauses 118 and 119 give powers to regulators to impose monetary penalties on companies for past and ongoing breaches of licence conditions",

among other matters. It continues:

"There is deep concern in the industry over the power in the Bill to set unlimited fines, as well as over the proposal that the regulator can define the penalty regime without formal agreement with Government or Parliament."

On both counts, the House should be deeply worried about clauses 118 and 119. The right to set unlimited fines is almost unprecedented, and the House should not grant such a power to any regulator, however talented. I hope that the Government will reconsider that urgently in Committee.

Sir Michael Spicer: I can say in its favour only that it is slightly better than provisions for the Financial Services Authority, which will be allowed to imprison people.

Mr. Luff: I should have preferred it if my hon. Friend had not put that thought into the Government's mind, because they may propose an amendment to that effect. My hon. Friend has done the House a grave disservice by suggesting that draconian possibility. However, I strongly agree with his comment.

[Mr. Luff]

Let us consider electricity. According to the notes on clauses, the Bill is supposed to have regard to the interests of consumers in rural areas. Let us examine the current effect of regulation and the distribution price control review on consumers in rural areas of Worcestershire. It is a meteorological fact that the Almighty inflicts a disproportionate number of electrical strikes on Worcestershire. Any map of thunderstorm activity shows a heavy concentration of lightning activity in my constituency and that of my hon. Friend the Member for West Worcestershire. That means that the Midlands Electricity Board faces a specific challenge in maintaining the supply. Two of the customers in my constituency are my hon. Friend the Member for West Worcestershire and Lord Walker of Worcester, who are both former Energy Ministers. I am sure that they are anxious—as I am—to maintain the electricity supply.

There is a need for MEB to increase investment in its rural network to maintain the supply to rural Worcestershire. The Bill will work against that. It will create uncertainty and increase the cost of capital. The Government's claims that it will reduce that cost are wrong and misplaced and show a lack of understanding of the way in which markets work. The measure will give regulators more discretion; that is bound to increase uncertainty. Its imposition of ill-defined social and environmental obligations will seriously affect the cost structure of an organisation such as MEB.

The Bill has a Catch-22 predicament for MEB, because it provides for fines for interruptions but makes it more difficult to prevent interruptions because it denies the company the cash resources to do that. I hope that the Government will reconsider that.

My objections to the Bill are based on detail and principle. The measure enshrines regulation. The Secretary of State, in his typically courteous, thoughtful and well argued opening remarks, appeared to prefer competition to regulation. The record will show that he said that. However, his actions do not suggest that he believes it. I issue a challenge to the Secretary of State to prove that his heart is in his assertion.

Mr. Gummer: While my hon. Friend is discussing competition, will he explain how it increases competition to claim that coal-fired power stations are better than gas-fired power stations, despite the damage to the environment and the effect on climate change? Yet again, the Secretary of State has failed to explain why he went along with such a reactionary policy.

Mr. Luff: My right hon. Friend answers his own point. I agree with him. I hesitate to use it, but the phrase that comes to mind is, "They say one thing and do another." That is characteristic of so much of the Government's actions. I do not understand how reducing electricity prices will help on climate change—it might increase consumption—but never mind. That is another issue that lies unresolved in the Bill.

The Secretary of State ought to show that his heart is in his professed belief in competition. After clause 134, which is the commencement provision, he should insert a clause representing a completely new but worthwhile concept in legislation—a termination clause. He should set a series of tests, rather like the Government's tests for the single European currency, that they could apply to competition in the industries. When they judged that competition had reached the required level they could remove the Bill from the statute book, which would prove that the Secretary of State is interested in competition—although I doubt it.

The Government regulate water, telecoms, electricity, gas, rail, postal services, financial services and food—through the new Food Standards Agency—as well as almost every aspect of business, through the rising tide of regulation. The man from Whitehall knows best, as far as this lot are concerned, and all the commanding heights of the economy are covered. When he was a shadow trade and industry spokesman, the Prime Minister prophesied that a Labour Government would take control of all those things and his prophecy is coming true, but by the back door, not the front. About the only matter that the Government are deregulating is personal sexual behaviour, which is the one thing they should be regulating. Never mind; that is another debate for another day.

Mr. Alan Simpson: That is a strange reading of this clause 28.

Mr. Luff: I am glad that the hon. Gentleman knows what I am referring to; at least he is awake, and I am grateful for that.

On 12 December 1988, today's Prime Minister said:

"All those unresolved contradictions underline the stupidity, indeed the impossibility, of an energy policy determined by the interests of the private sector. The very considerations most critical to securing the long-term future electrical supply are the very ones least suited to the inevitable short-term demands of the market."

That is the authentic voice of old Labour. He continued:

"That is why, at the crux of the right hon. Gentleman's proposals, lies a clash of interests that he cannot conceal between ideology that drags him toward market forces and reality that compels him to recognise the need for a strong public sector."—[*Official Report*, 12 December 1988; Vol. 143, c. 680-88.]

Now the boot is on the other foot. The clash of interests is the Prime Minister's—between the reality that drags him toward market forces and the ideology that compels him to recognise the need for a strong public sector—and it is encapsulated in the Bill. He and his Government have clearly opted for the public sector, not markets, and for regulation, not competition. That is a matter of deep regret.

7.22 pm

Mrs. Linda Gilroy (Plymouth, Sutton): After that excerpt from the horror movie "Nightmare on Deregulation Street", I welcome the Bill and join an impressive chorus of support from leading organisations with long and distinguished records in representing the interests of consumers. They would not be doing their job if they did not raise for our consideration aspects of the Bill that could be improved. I intend to discuss some of those later, but it is worth reflecting on some of the overwhelmingly positive points that they have made—particularly in view of the lack of any mention of these by Conservative Members in the Chamber—to see how much the regulatory system needs to be improved to benefit the consumer.

The National Consumer Council is

"looking forward to a shift in the balance of regulation in favour of consumers, but we are also looking for a more accountable, open and consistent approach".

It welcomes the provisions on

"the elevation of the regulators' duty to protect consumers;

the duty of the regulators to have regard to the interests of disadvantaged groups;

the establishment of independent consumer councils;

the powers for consumer councils to have direct access to utility company information rather than through the regulators;

the replacement of individual regulators with regulatory authorities in energy and telecommunications;

the provision for the Secretary of State to give those regulators guidance on social and environmental issues".

The Consumers Association welcomes the Bill

"to put consumers at the heart of public policy for our essential utilities . . . in particular the measures on financial penalties, reform of the electricity pool and the establishment of independent utility consumer councils."

The national Electricity Consumers Council news release on the Bill states:

"The Utilities Bill promises better protection and lower prices for consumers. The Regulator will be under a new primary duty to protect consumers and we will see the reform of the wholesale electricity market, which should cut bills by 13 per cent.

In addition, we look forward to the creation of a new independent Consumer Council to represent the interests of electricity and gas consumers and to help them with their complaints.

We shall be looking at the small print . . . We believe that electricity consumers, particularly disadvantaged people, need firm protection in the competitive market."

Those comments suggest that those organisations share our aim to put consumers at the heart of utility regulation, which was set out by my right hon. Friend the Leader of the House when she was President of the Board of Trade. She initiated an interdepartmental review of regulation two years ago, describing the objective as setting

"a long-term stable framework for utility regulation, which is seen as fair by all the interest groups involved, particularly by consumers. Without fairness, there can be no long-term stability."—[*Official Report*, 30 June 1997; Vol. 297, c. 20W.]

Conservative Members have made much of regulatory risk, but without stability we shall be unable to achieve a reduction in regulatory risk, the low costs of capital that they so much want and the benefits of that in respect of achieving price reductions. As usual, social justice and economic efficiency go hand in hand and they are achieved by regulatory stability and certainty, not deregulation. I commend to the attention of Conservative Members the price differential between Scottish Power and its rather more heavily regulated American parent company, Pacificorp. The charge through regulation there is about half that in the United Kingdom.

The Bill represents a rare opportunity to place the interests of all consumers at the heart of public policy for those essential services. Utilities are a special case. Consumers can choose between different suppliers, but, unlike some other purchases, those services are essential. The health of consumers and the social cohesion of communities are damaged if consumer protection and regulation in those industries are not as good as they should be and the market is clearly not delivering benefits to all consumers. The November 1999 issue of "Energy Action", which is published by National Energy Action, carries a report on poor electricity consumers under the title, "Poor consumers switched off by competition". It says:

"Disadvantaged consumers are worse informed about electricity competition and less likely to have switched supplier. This is particularly true of low-income groups, those without a bank account and prepayment meter users. Only 2 per cent. or fewer of these groups have switched to date, compared to the national average of 5 per cent.

The latest results of market research, commissioned by Ofgem and undertaken by MORI, suggest that companies could do more to inform low-income customers about the benefits of competition, in particular which payment method is the cheapest for their circumstances. Of those using prepayment meters, 26 per cent. thought they were using the cheapest payment method and a further 37 per cent. did not know."

The same edition of the magazine carried a report entitled "Gas consumers harassed, ignored, confused". It says:

"'The consumer experience is of being harassed on the doorstep, ignored if they're poor and fed with confusing information. If that's what it's like, who can blame consumers for staying with the devil they know rather than shopping round for gas.'

Jenny Kirkpatrick, Chairman of the Gas Consumers Council, delivered this verdict on the competitive gas market following the release of new research on consumer views about switching suppliers . . .

Further evidence of consumer dissatisfaction emerged from the GCC's analysis of complaints—up by 46 per cent. so far this year."

More than half the 20,000 complaints were about services offered by new suppliers. Calortex had received nearly 3,000 complaints, Northern Electric more than 2,500, Swalec 2,163, Eastern Energy more than 2,000 and Scottish Power 1,532.

We need to protect the interests of the fuel poor. At least 4.3 million households experience some degree of fuel poverty. In other debates, it has been pointed out that some face a choice between eating and heating, and the challenge of finding between 20 and 30 per cent. of their income with which to meet fuel bills. How would Opposition Members, in particular, feel about having to find that amount?

Mr. Gibb: Will not the 29 per cent. real-terms cut in fuel bills that has taken place since privatisation have helped those people? Had fuel remained in the state sector, it is more than likely that prices would have increased by 29 per cent.

Mrs. Gilroy: I am not sure whether the hon. Gentleman was present when I pointed out that, owing to the policies of a Conservative Government, the price of gas rose by 10 per cent. above the rate of inflation for each of the three years immediately preceding privatisation—which then brought prices down, but only after they had risen by a whacking 30 per cent. above the rate of inflation.

Mr. Gibb: That was always the history of the electricity and gas industries when they were in the state sector. The Secretary of State would set prices; they would fall in the run-up to a general election, and would be hiked immediately after it. That was the pattern that governed the setting of prices, and that is what we sought to get rid of by privatising the companies involved.

Mrs. Gilroy: The hon. Gentleman cannot have been listening. I was talking about a period in the 1980s when

[Mrs. Gilroy]

his party was in power. Let me also remind him that, following the adjustment of the external financing limit, for a long time the gas industry contributed to the Treasury rather than the reverse.

Let me turn to the concern that we feel for the fuel poor. As I have said, we have discussed the issues in other debates, and many of my constituents are having to find between 20 and 30 per cent. of their income to pay fuel bills. I am pleased that the new home energy efficiency scheme focuses much more on the fuel poor. The Government have doubled its budget and redesigned it to ensure that it is targeted on those who are most at risk from ill health caused by fuel poverty—the elderly, and families on low incomes.

Good news came in October, when the energy regulator announced a £100 million two-year programme of energy efficiency targets for gas and electricity suppliers. That, too, will focus largely on the fuel poor. Early indications that the Government are serious about tackling fuel poverty were followed, in November, by confirmation that an inter-ministerial team would be set up, co-chaired by my right hon. Friend the Minister and our noble Friend Lord Whitty, Under-Secretary of State for the Environment, Transport and the Regions. It will consider the impact of current programmes to develop a more accurate picture of the extent of the problem and how quickly it can be addressed, so that a target date can be set for the elimination of fuel poverty in England.

I think that that ambition is shared by those on both sides of the House who are members of the all-party group. The hon. Member for Hazel Grove (Mr. Stunell) is a regular and active member of the group, and other Opposition Members support it; but the Government are putting their money where their mouth is by introducing measures that can underpin the general aim.

Clauses 8 and 12 give us a chance at long last to ensure that utility regulation makes a greater contribution to the achievement of our goals. They are important goals. If there is any doubt about how seriously the Government want to tackle them, I invite hon. Members to consider the inter-ministerial group's terms of reference and objectives, and the programme that has been planned to implement them.

According to a response by my right hon. Friend the Minister to a question that I tabled on 10 January 2000, the programme of work includes improving identification of the fuel poor; researching the effect of changes in income, energy prices and energy efficiency; identifying the projected impact of existing and planned policies on the fuel poor; developing an understanding of the gap between the impact of those policies and fuel poverty objectives, and the policies and resources required to meet them; and developing a comprehensive strategy setting out Government fuel poverty objectives, policies to deliver them and targets and time scales for those objectives. The group will be invaluable as a means of informing the guidance that the Secretary of State will have powers to give the regulator under the Bill.

There can be no doubt about the size of the task, or the importance of the contribution that the new powers in the Bill can make. I welcome the Bill, but I want to draw my right hon. Friend's attention to concerns felt by those in the consumer movement. Perhaps, in Committee, there can be some clarification and amendment to ensure that the Bill achieves all that can be achieved to strike the best balance for consumers, the industry and the economy.

If the aim is more regulatory certainty and all the benefits that derive from it, it is important for us to debate fully the concerns felt by experts. The main concerns—mentioned by the National Consumer Council, the Consumers Association, the Electricity Consumers Council, the Gas Consumers Council and Ofwat in their preliminary observations—relate to what is said about access to information, and the criteria that must be satisfied in order for consumer councils to publish information.

Clause 22(6), which refers to the energy sector, refers to the powers that the Secretary of State will have to make regulations setting out descriptions of information, and circumstances in which information can be refused by the companies. I hope that my right hon. Friend will confirm that she will be willing to discuss how the regulations will be drafted, to ensure that they do not—as some fear—so tie the spokespeople that they are effectively silenced. I hope that she will also consider the suggestion made by the National Consumer Council and, I think, the Consumers Association that the right of appeal could be to the information commissioner under the Freedom of Information Bill, rather than to the regulator, whose decisions will be subject to scrutiny by the councils. They fear that there could be tension and conflict if the councils have to rely on the regulator to gain access to the information. The same point has been made by Ofwat's national customer council.

These important points merit serious consideration, as does the right of disclosure. According to my reading of clause 21(6), information about energy will have to satisfy one of three criteria before the new consumer councils can publish information. The individual or body that would be subject to publication would have to have consented; the information would be available to the public from some other source; or the council would have to consider that to publish the information might not

"seriously and prejudicially affect the interests of that individual or body."

If that reading is correct, the criteria seem to be weighted heavily in favour of the companies being able to claim that information should not be published.

My right hon. Friend may be able to offer some reassurance about what clause 21(6) means. Perhaps it is the intention that, as in the Freedom of Information Bill, there will be a public interest test, but it does not seem to be there now. I hope that the Minister agrees that it should be.

A further point has been brought to my attention by the Gas Consumers Council—a point well made in view of the comments of my hon. Friend the Member for Hamilton, South (Mr. Tynan) about the importance of safety. He said that a reduction in prices should not be at the price of health and safety. There is a clear safety remit for the council at the moment. However, under the Bill, the new consumer council does not appear to have a remit to investigate complaints regarding activities that are not licensed, including complaints about service, installation and repair of appliances, or general safety issues.

Again, in the light of clause 21, the intention may be for the duty to continue, but it is difficult to understand how it will be workable or practicable to inform the Secretary of State of each individual complaint when,

in 1999, the council dealt with 5,500 such matters. Again, the Minister's clarification as to whether that is a correct reading—perhaps not this evening, but at some point in the discussions on the Bill—would be helpful.

The Consumers Association is concerned at the lack of any mention of an advocacy or policy role for the councils. As many hon. Members have said, it is essential that the councils can fulfil the roles of consumer advocate and contributor to policy debates, as well as that of complaint handler and information provider. The lack of an advocacy role in the Bill will make it difficult for the council to ensure that it resources that essential side of its work. I would welcome the Minister's observations on why the Bill is less clear than previous legislation.

I am curious to know more about why it has been thought right to depersonalise the energy and telecommunication regulatory bodies by appointing the sort of boards that are envisaged in clause 1 and schedule 1, and why an advisory panel is felt to be sufficient in clause 104 for the water industry. Arguably, we need an even stronger authority for the water industry than for the energy sector.

Those are important issues and it is an important Bill. My knowledge of the House and its procedures stemmed from my involvement in the Gas Acts 1986 and 1995, when I was regional manager of the Gas Consumers Council in the south-west. The Bill deals with many of the issues for which I and my colleagues in the council argued fruitlessly in the face of opposition from the Conservative Government, who were not concerned about whether consumers would get a good deal, let alone a fair deal.

The previous Government's approach was to privatise the utilities quickly. Consultation was negligible compared with the extensive consultation that the Minister and her colleagues have undertaken. The previous Government created a system that was inherently unstable and uncertain due to the highly personal, individual, even idiosyncratic character of some of the regulators.

Prices have been higher than they need have been and the system has been biased towards shareholders. The Bill puts consumers first. It offers the chance of lower capital costs, which will be good for businesses and for consumers. It puts the quality of service in its rightful place and enables the wider issues of public policy relating to social and environmental obligations to take their proper place. It is a good Bill that will have my support. I commend it to the House and wish all power to the Minister's elbow in securing its speedy passage.

7.44 pm

Mr. Andrew Stunell (Hazel Grove): I welcome the opportunity to contribute to the debate, which, so far, seems to have been based on the question: privatisation, good thing or bad—yes or no? With varying mixtures of embarrassment and triumphalism, it seems that the answer is that it was a good thing.

I was a little surprised, particularly by some of the things that the hon. Member for Mid-Worcestershire (Mr. Luff) said in relation to privatisation. He seems to have forgotten that one of the principal benefits of privatisation of the electricity industry as practised by the Conservatives is that it has allowed portions of it to be renationalised, but by the French. The idea that the Prime Minister was nationalising the whole country by the back door struck me, and, I think, quite a number of other hon. Members, as somewhat comical.

The hon. Member for Bournemouth, West (Mr. Butterfill) pointed out that it was easy to make calculations and to judge the correctness of policies in hindsight. I hope that the debate might turn its attention a little to foresight, and not dwell entirely on hindsight. A good foresight question is not about privatisation, but about energy policy. Should there be an energy policy and have we got an energy policy?

At the moment, it is not clear that the Government have such a policy. They have plenty of aspirations. I fully sign up to most of them, as do my colleagues. The Government set energy targets, many of which are commendable, although we are some way short of achieving them. They have commissioned many energy reviews. We must ask whether the Bill plays a constructive part in taking those three things—reviews, aspirations and targets—to a state where implementation can begin.

Having listened to Conservative Members, it seems that many of them are still in the age when oil and gas were laid down—the Jurassic age, when there was limitless oil, endless gas and plenty of fossils. Certainly, there was no threat of global warming.

Mr. Fabricant: Will the hon. Gentleman concede that, in the Jurassic age, there were no fossils, but that they were formed in that age, to be found in this age?

Mr. Stunell: I assume that the hon. Gentleman was there at the time, but my O-level geology of quite a number of years ago tells me that he is 600 million years out. However, let us not worry too much about that—the typical gap in knowledge of Conservative policy makers.

It is a pity that the Conservatives have ignored the long-term issues that the country and the planet face. I find that all the stranger because they are, after all, the party of inheritance: the party that believes in taking from our parents and preserving it for our children. However, in the utilities sector, they seem to be the party of get rich quick, sell the silver and ruin the planet. The hon. Member for West Worcestershire (Sir M. Spicer) had the best of it with his commitment to unbridled compulsory competition in all things, which at one moment seemed to stretch even to ensuring that rural electricity customers had to pay more than urban electricity customers, with the difference made up by a Government subsidy.

It is a complete myth that no regulation and no regulatory system are needed in the energy industry, or in many other industries. The energy industry has always been closely regulated, and it will always need to be closely regulated. When one starts to unpick the mythology of the Conservatives, one can see almost immediately the folly and, to some extent, the hypocrisy of their argument. The Liberal Democrats' view is that what is needed to improve the Bill is almost exactly the opposite of the critique in the Conservatives' amendment. We need a strong regulatory framework to counterbalance the power of the markets.

I remind Conservative Members that those who take part in a market want to sell more of their product at a higher price. They want to concentrate on profitable sales to customers who will pay promptly. A market player wants to exploit the lowest cost short-term resource that

[Mr. Stunell]

is available. All those are entirely legitimate things for a player in the market to want to do, but they are hostile to the preservation of the environment and to the development of protection and defence of social justice. We shall therefore have to examine the Utilities Bill and decide the extent to which it will help to modify the market, to achieve some of those very necessary ends.

Liberal Democrat Members believe that we can give a qualified and provisional yes to the Bill, but we also think that some of its provisions need to be strengthened.

We have to have a regulatory system that increases efficiency in use of the product. As I said in an earlier intervention, although the market will certainly ensure that the generation side operates efficiently and at the lowest cost, the very last thing that a market maker wants to do is ensure that his product is used efficiently.

The Bill will also have to ensure that the right fuel choices are made for the future. As hon. Members have said in the debate, although the Bill contains mechanisms to ensure that renewables play a more active part in the generation market, there are still considerable concerns about how they will operate. There are certainly concerns about the impact of the mechanisms on combined heat and power.

In the past 10 years, the market has helped the Government to meet their targets—although the more cynical might say that the market has defined what those targets should be by making its CO_2 savings in the switch from coal to gas. As hon. Members have already said, however, that dash for gas has its limits. Once we have dashed and all the coal is stopped, there will be no more CO_2 savings to be made by letting the market rip.

Meanwhile, as has been pointed out many times, the nuclear sector of the generating market will drop out and, unless it can be replaced by renewables or some other low-carbon emission technology, the market will drive CO_2 emissions in the wrong direction. The Utilities Bill will have to lay the foundations for ensuring that that does not happen.

Mr. Gibb: Is the hon. Gentleman saying that the Liberal Democrats' energy policy is that, when nuclear power starts coming off stream as Magnox stations are decommissioned, they will regulate the system even more, and that that will address entirely the issues of what to replace nuclear power with and the huge increase in CO_2 emissions expected from 2020 onwards?

Mr. Stunell: It is perhaps fortunate for Liberal Democrat Members that we do not have the one-eyed, one-lever policy-making process operated by Conservative Members, who have thrown all their weight behind competition. It is utter fantasy to think that it is even remotely feasible that, by 2020, CO_2 emissions will be as low as they are now, let alone 10, 12.5 or 20 per cent. lower than now. The hon. Gentleman, who speaks for the official Opposition, cannot possibly be arguing that competition provides the means of meeting those targets.

Mr. Gibb: What is the Liberal Democrats' policy?

Mr. Stunell: If the hon. Gentleman is interested in that, I should be very happy to sell him a copy of the book that I published last September.

We shall also have to ensure that the Bill provides the means of reaching the emissions targets that the Government have set themselves, first, in accepting the Kyoto targets, and, secondly, in establishing their own domestic target for 2010. The Bill will also have to establish a framework to give electricity generators some certainty for their investment plans beyond 2010.

The Bill will have to provide a framework to protect the weak and vulnerable in society. The hon. Members for Plymouth, Sutton (Mrs. Gilroy) and for Harrow, West (Mr. Thomas) have stated some of the necessities of achieving that goal.

How do we judge the Bill against those criteria? Although I share some of the concerns that have been expressed about the new electricity trading arrangements—NETA—I accept that they might well produce lower prices. Nevertheless, although I am not quite as sceptical as some Conservatives have been on the subject, it remains to be seen the extent to which those lower prices materialise. One consequence is clear: the new arrangements will make it significantly harder for new entrants and small players to enter the electricity generating market. It is also clear that those new entrants and smaller players will generally be the renewables and the combined heat and power players.

The Bill therefore seems to fail at the first hurdle, as it would seem both to inhibit and to promote the introduction of renewable generating capacity at the same time. I plead with Ministers to do what they can to join up their thinking, to ensure that the Bill is coherent in its policy aims and reflects fully what all Departments wish to achieve. In Committee, Liberal Democrat Members will make some detailed points and criticisms on those issues.

Liberal Democrat Members want regulatory guidelines that are tough in delivering environmental objectives and impose on the market some long-term objectives, which the market itself is very poor at adapting to voluntarily—bad money drives out good; short-termism drives out long-termism. If we want to achieve a good environmental outcome, we shall have to find a way of imposing on the market a framework that not only allows profitable operation, but achieves those environmental outcomes.

The regulatory guidelines need to be tough in securing the objective of the elimination of fuel poverty. The hon. Member for Plymouth, Sutton certainly spelt out some of the issues of fuel poverty, but there are other issues—such as how sufficient funding could be generated to tackle the national disgrace of fuel poverty. Other issues that have to be brought within the regulatory framework are warm homes, pricing and disconnections.

The regulatory system needs to be tough on greed. We must have a system that allows sufficient profit to be generated for investment, and we should allow sufficient head-room for companies and market participants to achieve the targets that are being established for them—no one could argue with either of those statements—but we have to have effective penalties for those who are greedy and those who fail.

In judging the Bill, we need to look beyond it. We have to consider the Government's long-term aims, and we have to have an idea of the firm action planned by the Government. That information is not in the Bill, and we should not expect it to be there. As the Bill is passed, however, please, may we ensure that none of the Bill's

provisions will stand in the way of the longer-term objectives that the Government claim that they want to achieve?

The industry itself wants certainty, but it is not as fundamentally opposed to regulation as some Conservative Members would have us believe. The industry wants a sure and steady framework in which it will be able to take its investment decisions and develop its marketing strategies.

From that point of view, however, one regulatory framework is not a lot different from another. A regulatory framework that requires the industry to subsidise rural consumers is neither better nor worse than one that requires it to subsidise poor consumers. A regulatory framework that ensures the entry of new participants to create a competitive market with multiple participants is neither better nor worse than a regulatory system that insists on long-term investment decisions to bring new technologies to the market.

The industry is concerned not so much about regulation as about the uncertainty and the fickleness of Government policies, from whichever Department they may originate.

Liberal Democrat Members want to see evidence of joined-up thinking not only in the Bill, but beyond it. We should like to achieve an all-party consensus on the direction of the United Kingdom's energy policy for the next 20, 30 or 40 years. We should like a Bill that allows investment, but not excessive profit taking. We should like a Bill that allows the energy industry to be reshaped, but not simply on the basis of a little bit here and a little bit there.

When it comes to matching society's environmental objectives with its economic growth objectives, what we do with energy—how we control and develop it—will determine whether we are able to have one, the other, both or neither. If we do not get it right—this Bill gives us an opportunity to begin to get it right—it is highly likely that we will finish up with neither.

I want to give two cheers to the Bill, and there are many points that we will want to bring forward in Committee. I hope very much that the Minister and the Secretary of State will take our critical support in the spirit in which it is intended—to see good outcomes for Britain.

8 pm

Mr. John Cryer (Hornchurch): I did not think that Conservative Members would be able to bring the issue of personal sexuality into this debate on the Utilities Bill, but I underestimated the skills and the neurosis of the hon. Member for Mid-Worcestershire (Mr. Luff).

The Bill will be widely welcomed by the people we represent. It is widely recognised that as well as being a good Bill, it is extremely timely. I should have thought that Opposition Members would have seen the Bill as a blatant attack on privatisation, and that privatisation should be defended in every way possible. That seems to have been the response from Opposition Front Benchers and some others, but there is no fevered throng of Conservatives on the Back Benches ready to defend privatisation to the nth degree.

I suspect that the Opposition Benches are empty because privatisation is now difficult to defend politically—particularly since the Ladbroke Grove train crash. My view is that a shift in public opinion was under way a long time before that, but that the crash was the crystallisation of the public feeling that privatisation had amounted to a considerable rip-off. We see today that ownership of the utilities is concentrated in fewer and fewer hands, and that makes the Bill all the more timely.

The myth of Mrs. Thatcher's popular capitalism was that we would all end up as shareholders. That simply has not happened, and shares have moved to the bigger players in each market. When the electricity companies were privatised, they were sold to 9 million small shareholders. Three years ago, the number of shareholders had fallen to 2 million. Since then, the figure has carried on plummeting like a stone.

Many of the companies buying into British electricity and generating companies are American companies which have very poor track records on that side of the Atlantic—companies such as Southern, Pacificorp and Texas. The real motive behind privatisation—contrary to all the baroque and technocratic arguments advanced by Conservative Members—was to get taxpayers' money into the pockets of their friends in the City. A helpful spin-off was that the unions, by and large, would be broken. It is interesting that electricity companies are now insisting on dealing with smaller and smaller bargaining units to undercut and do away with the power of organised labour within the industries.

A welcome element in the Bill is the creation of the consumer councils within the utilities. That was envisaged for all nationalised industries in the 1930s and 1940s, but was never fulfilled. Nevertheless, it was a plan for the publicly owned industries, and I am glad to see it being brought in under the Bill.

The Bill does not seem to have a particular concern with protecting low-income users—the poorer customers who have suffered since privatisation. It is true that disconnections—particularly in the electricity sector—have reduced, but having said that, Eastern Electricity, which covers my area, is the third highest in the country in terms of disconnections.

Disconnections have reduced, but as my hon. Friend the Member for Ochil (Mr. O'Neill) pointed out, people are disconnecting themselves by default. The installation of meters has become much more common. If people cannot afford to put money in the meters, they get disconnected. When I was a kid, meters were seen as old-fashioned and were being done away with as we moved towards a constant supply of electricity. Now we are moving back in time, and poorer people are being given meters by electricity companies—and, for that matter, by water companies.

The Water Industry Act 1999 did a great deal of good in the water industry and it gave powers to the regulators. However, we have seen the increasing installation of water meters quickly and against people's will, because the companies know that the new powers in the Act will mean that in future people cannot have water meters installed against their will. The water companies are in a mad rush to install water meters as rapidly as possible in people's homes. That has certainly happened in the area that I represent, and I assume that it has happened in other areas as well.

Surely an advocacy role should be a statutory duty for the consumer councils—something that does not seem to be in the Bill, as my hon. Friend the Member for Plymouth, Sutton (Mrs. Gilroy) pointed out. In the economic conditions that we face today, I would have

[Mr. John Cryer]

thought that an advocacy role was crucial, and I would have liked to see it in the Bill. I hope that my right hon. Friend the Minister will say something about that.

The Consumers Association has put forward the interesting notion of consumer impact assessments. The idea is that the utilities should be called upon to make assessments to see how their policies and how they run their companies will affect consumers in the future. That is a sensible idea, and I would like to hear my right hon. Friend's response to that.

I am concerned also with the deep-mined coal industry. It is crucial that we maintain a diversity of energy supply, and that means maintaining a deep-mined coal industry. It does not mean buying coal from the Rotterdam spot market or from the heavily subsidised German coal industry—it means maintaining a solid supply of deep-mined coal in this country.

My right hon. Friend the Minister, who has had representations on this issue, will know that two pits in this country are currently faced with closure—Clipstone and Ellington in the north-east. In the past year, since the generating regime was changed by the Government, four or five pits have closed. If we carry on in the current manner, within five or six years every deep mine in Britain will close. That would be welcomed by Conservative Members. The closure of the mines, and the evisceration and butchery of the mining communities, was something that they set out to do in 1979 and finally achieved in the 1990s. They took enormous pleasure in that. It was interesting that Ministers in the previous Government were busy privatising, ripping off the taxpayer and selling things off left, right and centre—and then they went and took jobs in the privatised industries.

Tim Eggar, an Energy Minister in the previous Government who happily closed down pits and ruined communities, ran off and got a job in the energy sector. That was outrageous behaviour, and entirely typical of the Conservatives. It shows what contempt for public service the Conservatives really have. What effect does my right hon. Friend the Minister think the Bill will have on the deep-mined coal industry? We must not forget that we are not far from the day when gas and oil begin to run out. We are standing on 600 years' supply of coal. If we continue to close the deep mines, that coal will become inaccessible. Once the ground is broken and the shaft has been sunk and then closed, the coal cannot be accessed in any way.

I am concerned also about the World Trade Organisation and the European Union, and their attitude towards all sectors of the economy, including the energy sector. If my reading of WTO and EU policy is right—particularly with regard to the multilateral agreement on investment—we might see, in future, the WTO intervening in the energy sector and declaring illegal actions such as the moratorium on gas-fired power stations. Its rulings in recent months show that it is already moving in that direction, which is extremely worrying.

If an American company decided to burn orimulsion, the most toxic basic fuel in the world, somewhere in Britain, and the Government intervened to stop it on environmental grounds, under the proposed rules the company could go back to the WTO and get that action declared illegal, and sanctions could be imposed on Britain. That is an academic scenario at present, but I would like to hear my right hon. Friend's views on it.

8.10 pm

Mr. Michael Fabricant (Lichfield): We have just heard the authentic voice of old Labour. The hon. Member for Hornchurch (Mr. Cryer) has defended the mining industry, in which people might have a decent community but suffer from every coronary and lung dysfunction under the sun. He might welcome people going down into some 19th century hell, but I am pleased that they have managed to find other jobs in safer industries and are earning more money. Going back to the industries of the 19th and 18th centuries does nothing for Labour party ideals or for the mining communities.

The hon. Gentleman mentioned empty Benches. I did a quick calculation and worked out that, as a proportion of the number of seats that we hold, there is a greater percentage of Conservative than Labour Members present. The House is not packed because there is some consensus on the Bill.

The hon. Member for Hazel Grove (Mr. Stunell) called for two cheers. I would not go that far; I would call for one. The reasoned amendment says that the Bill

"contains worthwhile provisions for merging the electricity and gas regulatory authorities, for separating the licensing of supply and distribution of electricity and for introducing new electricity trading arrangements".

The world turns—at least for the rest of the Labour party, if not for the hon. Member for Hornchurch. Despite what they said in the 1990s, the Government accept that privatisation is a good thing. Privatisation is here to stay. The Bill builds on Conservative party legislation to regulate the privatised industries.

We want the privatised industries to succeed, not necessarily for the shareholders but for the consumers. We feel that the Bill needs amendment on that point. The reasoned amendment says:

"it also contains measures which increase regulation and intervention by government in the utilities sector; which impair transparency and accountability in the regulatory framework; which add to industry costs which will ultimately be passed on to consumers".

It is nonsense, and demonstrates a complete misunderstanding of how the economy works, to argue that the Bill is for consumers. The reasoned amendment goes on to say that the legislation

"will introduce powers to levy unlimited fines; and which significantly undermine the independence of the regulators."

One or two Labour Members have spoken against the privatised industries. Let me remind the House that disconnections in the electricity industry have fallen by more than 99 per cent. since privatisation. There were 80,557 in the year before privatisation, but only 375 last year. That is something of which we can all feel proud and for which we do not have to make excuses. Privatisation has worked and nobody on the Government Benches, with the exception of the hon. Member for Hornchurch, still argues that any of the industries should be renationalised.

Mr. John Cryer: I never said that.

Mr. Fabricant: If the hon. Gentleman did not say that, he may have implied it.

What are the other benefits of privatisation? In real terms, there has been a 29 per cent. fall in domestic electricity prices, a 29 per cent. fall in domestic gas prices and a 50 per cent. fall in domestic telecoms prices. That is an achievement to be proud of.

Mr. Cryer: Why do people who use meters pay a higher rate for electricity than those who pay by direct debit?

Mr. Fabricant: It costs more to maintain meters than to get payment by electronic transfer. If people have a bank account and are able to pay by direct debit, they are not subsidising those on meters. Is the hon. Gentleman saying that there should be a social policy? Does he intend to table an amendment to say that the Government should instruct utilities companies to implement a social policy?

The Government are responsible for not only a nanny state that intervenes and misunderstands how business operates, but a state that tries to create envy. That is the state that talked about "fat cats" in the general election campaign. What is the real level of directors' pay? It rose by an average of 4.5 per cent. in the past 12 months, according to the latest survey of Institute of Directors members carried out by the Reward group. That compares with an increase of 5.1 per cent. in the overall economy. The survey also showed that directors' pay is forecast to rise by an average of only 4 per cent. in the coming year. Far from being fat cats, directors' pay lags behind the growth of the rest of the economy. More than half the executive directors surveyed had a pay increase of 4 per cent. or less; only 18 per cent. had an increase of more than 6 per cent; and nearly 40 per cent. took an increase below 3 per cent.

It does not matter what industry we are talking about: if you pay peanuts, you get monkeys. Even the John Lewis Partnership, an organisation that the Prime Minister himself called the stakeholder business personified, recognises that it has to pay market rates to get people of the right calibre.

Mr. Chaytor: Do the figures that the hon. Gentleman cited apply to privatised utilities or to all companies? If they apply to privatised utilities, do they apply to the chairmen?

Mr. Fabricant: It depends on which utilities the hon. Gentleman is talking about. The figures are taken from the Institute of Directors and are produced by the Reward group for all directors. I hope that that answers the question.

If people of calibre are to be attracted to an organisation, it has to pay the going rate. Does the hon. Gentleman argue with that? The John Lewis Partnership, which is owned by the 40,000 partners who work for it, recognises that fact. Frankly, there is nothing wrong with that. I would rather that the utilities industries were run properly and efficiently than by people who mean well but are not of the calibre to do the job.

Mr. Chaytor: How is it, then, that the people who were not attracted to the utilities but were in post when they were first privatised also got astronomical pay rises? If the hon. Gentleman accepts that there should be a link between pay and ability, does he not support the concept in the Bill that there should be some transparency about directors' pay and that it should be linked to performance?

Mr. Fabricant: I agree with some of what the hon. Gentleman says, but performance is not the only factor. Greater risk is involved in employment in a privatised industry. For example, when Severn Trent was privatised, the chairman left after a couple of years. Risk increases how much one is paid. That is why Ministers are paid more than ordinary Back Benchers. Deputy Chief Whips are also paid more than Back Benchers, for reasons of risk and job insecurity.

One newspaper said of the Bill:

"It is almost as if this Government has forgotten that the utilities have been privatised. They are none of them perfect, but the standards of service and efficiency in gas and electricity have been transformed since they were sold. Competition in both industries is growing, and prices are coming down as a result.

Despite the evidence from health and education, there remains a widespread belief that government controls can improve things, which is what encourages this sort of useless legislation. If Mr. Byers must interfere, it should be to ensure more competition, not more rules on irrelevances such as directors' pay."

The hon. Gentleman also mentioned transparency, and I agree that pay should be transparent. It is, to the extent that all utilities are public limited companies and the Companies Acts require directors' pay to be specified in the annual report. Perhaps the hon. Gentleman thinks that details of directors' pay should be contained in a newsletter that goes out with the bills. If he is suggesting that, I would not necessarily argue with him because the information is already in the public domain. However, that should be done only if the company already intended to send out a leaflet, because I would not want to see extra paperwork being sent out and thus the costs of the basic utilities being driven up.

The hon. Member for Plymouth, Sutton (Mrs. Gilroy) mentioned the Consumers Association, but I wish to mention the Consumer Council that will be introduced by the Bill. The Conservative party welcomes that, as does British Telecom, but the latter is concerned that there is a potential overlap between the responsibilities of the Telecommunications Authority and the council. BT claims that that overlap will be inefficient and could lead to conflict—for example, the duty of the council to investigate any complaint and the power of investigation on any matter of consumer interest.

British Telecom is also concerned about fines. It has stated:

"The appeal grounds for fines are very limited and do not align for example with the recent Statutory Instrument. In contrast with the Competition Act 1998 there is no limit on what might be an 'appropriate' fine".

Someone earlier said that if the level of bills was predictable, the privatised industries could budget accordingly. My point is that if there is no limit on fines or penalties, they will not be able to do so. A useful amendment to the Bill would be to set maximum fine levels, or for the types of offence to be graded.

British Telecom is also concerned about the cost of regulation. I remind hon. Members that when we talk about costs to companies, we are also talking about costs to consumers. We are not talking about the tiny

percentage of companies' costs that directors' pay constitutes: we are talking about costs that will be passed on to consumers in their utility bills. BT has said:

"The Bill proposes further regulation for telecommunications when the need is diminishing in a highly competitive market. The overlap in responsibilities between the Authority and the Council will lead to inefficiencies and cost. The cost of the Council is to be raised via supplementary licence fees (which need bear no relation to cost causation)".

I dislike that jargon, but it means that the charges made for the Consumer Council may not be linked to the actual cost of running it. How will that licence fee be set? BT continued:

"and there is no ceiling, this is critical when the Council is able to investigate any matter of consumer interest. Several of the proposals in the Bill amount to micro-management which will mean further costs for regulated companies."

Micro-management is yet another example of how the Government cannot resist interfering in the running of companies, through Government agencies.

New Labour has failed to move away from its old interventionist policies. Yet again, the Secretary of State has demonstrated that dogma has prevailed over economics. I had to laugh when he said that the Conservatives were driven by dogma in privatising the utilities, when he is building on that privatisation in the Bill. I am delighted that the right hon. Gentleman, at least in that respect, acknowledges the value of privatised industries and accepts the economic reality.

I congratulate the right hon. Gentleman—it is a shame he is not in his place—on his view of the minimum working wage. He now recognises the damage that it has done in certain areas and certain industries and has said that he will fix it so that its value decreases in real terms over the next year. He has taken on board the economic facts about which we have been warning him for the past year.

The Secretary of State will also recognise, eventually, the damage that parts of the Bill will do—and I hope that it, too, will wither on the vine. At the moment, the nanny state prevails, and once again the scales have tipped heavily in favour of regulation in the balance between state intervention and the free market. That will not be for the benefit of consumers because the costs will be passed on.

8.28 pm

Mr. Alan Simpson (Nottingham, South): I became somewhat excited earlier in the debate when the hon. Member for West Worcestershire (Sir M. Spicer) suggested that the Bill was an attempt to introduce socialism by the back door. What an exciting prospect. I became even more excited when he suggested that intervention by the Government in a pure market was a damaging and distorting factor, and that all consumers, wherever they lived, should bear the real cost—including the fixed cost and the marginal costs—of energy supply.

I hope that the hon. Gentleman has the courage to mention that to the rural communities where his party will canvass for votes. What he suggests would mean a devastating increase in the costs of access to energy and water, and it would be pretty much the kiss of death for many of those communities. However, he suggested mechanisms for balancing out the way that open and unregulated market systems create their own gross inequalities. He said that that task was best left for the Government. This was the first time that I had heard a Conservative party member so openly make the case for substantial tax increases. I was very interested, and would welcome any indications from Conservative Members about the scale of tax increases they would entertain in going down that ideological route.

A more appropriate starting point, however, may be found in the comments of the hon. Member for Mid-Worcestershire (Mr. Luff). He described the meteorological conditions that affect Worcestershire, and noted that the county is disproportionately affected by disruptions to the energy supply caused by lightning and electrical storms. I suggest that the Bill is a modest way of supplementing God's imperfect attempts to strike back at Tory Members who saddled us with the dog's breakfast that was the privatisation of utilities. Before privatisation, the public—rightly, and proudly—believed that they owned those utilities.

I welcome the Bill and what it proposes. It is timely for us to take stock of the legacy of privatisation. In my view, the privatised utilities have pillaged the country in four ways. They have consistently put the shareholder before the citizen. They have put the continuous supply of dividends before the continuous supply of gas and electricity to the public. They have put short-term job cutting before the long-term reduction of pollution and investment in sustainable technologies, and they have put the private right to profiteer before the public right to know.

The Bill will start to tackle the deficiencies in the Government's inheritance, and I welcome it. The records of the Conservative Government, and of the privatisations that we are discussing tonight, fail two fundamental tests—the tests of poverty reduction and of consumer accountability.

Comparative figures for poverty reduction are instructive, as they help us realise that the fuel poor are not merely those who are disconnected. The equation is complete only when the substantial number of people who self-disconnect are taken into account. In other words, invisible disconnections make up the total picture.

Figures from the Consumers Association show that there were 29,500 gas disconnections in 1998, and that 24,250 warrants were issued that allowed electricity industry personnel to force entry into people's properties and replace conventional meters with pre-payment meters. In the same year, a national MORI poll found that there were also some 428,000 gas self-disconnections, and 926,000 electricity self-disconnections.

That is the extent of the backlog of fuel poverty that privatised energy industries have barely begun to recognise, let alone touch. People are revolted at the fact that fuel poverty remains a scar on the United Kingdom's social landscape at the start of the 21st century. Each winter, fuel poverty causes between 30,000 and 60,000 deaths. That is just a sliver of the number of households and individuals whose lives are blighted by fuel poverty. I make no apology for praising the Government for putting the eradication of fuel poverty at the centre of their agenda for dealing with the regulation of energy supply and utilities management in the United Kingdom.

I also said that the record fails the test of consumer accountability. I had extensive correspondence with Severn Trent Water after the regulator came up with his

provisional price determination, leading up to the time of the actual price determination and the industry's response to it. I went through the regulator's comments with great care. The most important was that he was clear that there was no logic in the industry responding to his recommended price cut by saying that it could not meet increased standards of performance, or the environmental aspirations that the Government rightly set out, or expand the public services to which it would otherwise have been committed.

The regulator looked at the claims and dismissed each one in turn. Water is a de facto monopoly industry. It is low risk in the sense that no one is going to wake up tomorrow morning so furious with the service that the industry provides and the prices that it charges that they would boycott drinking water and stick to drinking sump oil. We are all captive consumers of water. In that sense, it is an extremely safe industry in which to operate. The regulator pointed out that, since privatisation, the level of internal self-reward in the industry had been far higher than he or anyone else in their right mind could justify. He pointed out that the internal cost of capital, financed by borrowing or from receipts, would be half the amount that the company was paying in rewards to its shareholders and directors. That was the stark message. The regulator required current and planned investment programmes to be funded internally.

The industry's response was derisory. It virtually ignored all the regulator's exhortations to look for internal methods of financing its programmes. It launched a programme of short-term job cuts that will probably result in 10,000 job losses across the country. Just a couple of weeks ago, all hon. Members representing east midlands constituencies received a letter from Severn Trent in which it gave us notice of the loss of 1,100 jobs and the closure of eight offices across the midlands. The industry had decided to take those measures so as not to make intrusive inroads on the levels of self-reward to which their shareholders had become accustomed. Against that backcloth—the weaknesses that the Government inherited—we have to push for stronger regulatory powers and for more extensive duties to be placed on the industry.

I was fascinated to hear Conservative Members talk about the nanny state. In truth, the arrangements proposed in the Bill are already in place throughout the United States of America and Canada. The Conservatives usually like to heap praise on those parts of the global economic system. But the American and Canadian approach to private utilities says that we cannot trust private hands to hold them without extensive directions on duties and obligations and without massively strengthened social and consumer rights. People must know what is happening, and be able to scrutinise the claims and accounts of companies and hold them accountable. We should carefully examine the regulatory regimes that give rights to citizens in north America and which we do not yet begin to approach within the framework proposed in the Utilities Bill.

At the end of the last Session, I tabled an early-day motion praising the initiatives taken by one electricity company in the United Kingdom. I praised it for making a radical change in its approach to energy policy. Let me spell out what Scottish Power proposed to do, although, to be fair, I should add that other companies might have suggested the same.

Scottish Power offered a written guarantee that it would introduce a lifeline rate of charges for the poor. It offered a three-year energy conservation programme, funded entirely by shareholders. It proposed to reduce standing charges to 55p per month. It proposed that there would be no winter disconnections. Finally, it offered to reduce unit charges to 4p per kilowatt hour. As if that cake were not big enough, the company added a cherry: a commitment to a price rebate of £25 million shared by all consumers.

The point of my praise for Scottish Power was simple. If the company was prepared to put that written deal on the table as part of an offer to buy Pacificorp and as a commitment to the citizens of Utah, why could it not make the same commitment to consumers in the United Kingdom? I do not want to put Scottish Power unfairly on the spot; any UK energy company that had made a bid for a United States energy company would have had to make exactly the same open commitments to meet a series of environmental, social and employment obligations that go hand in hand with the free-market regime there.

The Americans and Canadians know full well that the free market will, if left to its own devices, simply result in oligopolies that run away with profits at the expense of the consumer, society and the environment. They therefore build in regulatory constraints that limit the power to exploit people and the planet in the way that the Conservatives were so keen to do.

There are similar regulatory arrangements for water that give consumers the right to hold open hearings at which companies are required to spell out not only their price proposals, but their commitments on investment, employment, the rate of return on capital, and the environment. I ask the Secretary of State to consider carefully that framework of civic rights, with a view to including it in the Bill in Committee, thus strengthening its commitments.

One of the great strengths for the utilities under the proposed framework is that, if they are required to work to open-book scrutiny, we shall make them genuinely more efficient and accountable. One of the myths that we have been saddled with, as a legacy of the Conservative years, is the con of competition. So much of the framework set up by the Conservatives is cloaked in the mists of commercial confidentiality. If one asks which bids have gone in, one is told, "We can't tell you, because it is commercially confidential." If one asks about environmental impact, one is told the same thing. To give the information would expose the company to the risk of being outbid by one of its competitors.

We have been saddled with a process of collusion. By and large, the role of the regulator, in coming to a view on price determination, has been to announce the recommended price, after a long process of private consultation with the companies concerned. I asked the regulator why he went about it in that way. His response was that, in private, he could hold hard-nosed discussions and negotiations and get utility companies to admit points that they would never concede in public; that gave the UK a better deal than if all the discussions were held in public.

Recently, some Labour Members were fortunate enough to hear a presentation by Greg Palast. In this country, he is possibly best known as a business journalist, who writes for *The Observer*, but he has an international reputation as an extremely experienced utilities regulator in the United States. He pointed out that no similar private discussions took place in the USA.

[Mr. Alan Simpson]

Some states had paddled in those waters, but had come to a different conclusion. Their conclusion was stark; it might shock some hon. Members, but not, I suspect, people outside this place. They discovered that, in private, the companies lied through their teeth. The process resembled the "Arabian Nights" tales. Like Scheherazade, representatives of large corporations would talk through the night to ensure that their super-normal profits were not executed in the morning. They would come up with whatever magical tale was needed to stop the intrusion of public interest into private profits.

The Americans discovered that if their citizens—not merely citizens' organisations—had the right to hold open hearings, someone would nail the lies that companies were trying to wing past the regulator, either because people had a commercial interest in being the successful bidder, or because they had an environmental or social interest and went through the company accounts with a fine-toothed comb. If we want open markets, we have to have open books. Markets must be prepared to pay that price. Public rights of scrutiny, not private rights of discussion, will best protect the rights of UK citizens.

Greg Palast also made the interesting point that, in many states, Americans go further than that and ask, "If regulators are to be accountable, what is the best way to achieve it?" Those of us who are Members of Parliament would say that it would be periodically to present ourselves to the electorate and to accept their judgment on our record. At least eight US states do exactly that. Their regulators are elected. They have to stand for election and are judged on their records. If the public think that they have been sold down the river, the regulator will go the way of all electoral false promises and someone else who is better is put in their place. It is about public rights, not private and corporate deals.

When we give the Bill, as I hope we will, its Second Reading, we should ask how it can be genuinely strengthened to give consumers in this country many of the rights that their counterparts enjoy, but which we have never been offered. When we create the consumer councils, it is important that they have the right to know, the right to advocate and the right to appeal. Some parts of the Bill are confusing in that they suggest that consumer councils may have a right to know, but that they may not have a right to tell anyone. It is a strange basis for advocacy if those who are charged with the responsibility of representing the public cannot tell the public of the campaigns being mounted on their behalf. We should be unafraid of extending those rights.

We should also extend the right to appeal. I see no valid reason why a Labour Government should be afraid of enshrining in the Bill a public right of appeal to the information commissioner. That would be our best protection against the charges that we are colluding with the corrupting practices that were set in place by the Conservative Government.

The Bill should also contain defined anti-poverty targets. In the Scottish parliamentary elections, the Labour party was proud to set forth a commitment that it would eliminate fuel poverty within two terms. The whole House should be willing to sign up to that commitment and we should want to enshrine it in our commitments for an inclusive energy policy.

We should also require a commitment that there will be no disconnections. Utility companies should know that if they disconnect the public, they should expect to disconnect their own dividends. I would be quite happy to link that issue with directors' pay or, perhaps, to limit dividends on the basis that companies can produce distributed profits only to the level at which they have invested in renewable energies. At least their boards would then know the environmental priorities that we were setting them for the coming century.

I hope that, in Committee, we shall make a commitment to give people in Britain the consumer rights that they have in north America and the environmental rights that we demanded at Kyoto. Currently, poor survival prospects blight the lives of the 15 million people who make up Britain's fuel poor. They exist throughout the country and they have not had one jot of interest from the privatised industries in finally bringing to an end the scandal of fuel poverty. I hope that we have the courage to address all those issues and to redress the omissions when the Bill is in Committee.

8.53 pm

Mr. Christopher Chope (Christchurch): It is a pleasure to follow the authentic voice of traditional Labour. I disagree with almost everything that the hon. Member for Nottingham, South (Mr. Simpson) said, and I shall quote a topical example that I hope will bring home to him the difference between privatisation in practice and leaving utilities in the public sector.

I very much support the amendment in the name of my right hon. Friend the Leader of the Opposition and other right hon. and hon. Friends. The second part of it epitomises the concerns that I and many others have about the Bill. It will effectively nationalise the former independent regulation; it will bring in new controls over private enterprise; it will introduce new stealth subsidies that will distort competition; and it will give new powers and duties to regulators to impose extra-parliamentary taxation to pay for those stealth subsidies and the extra regulation.

The topical example that I shall quote is a story of what has happened in Scotland during the past week. The hon. Member for Nottingham, South will know about it if only because the hon. Member for Hamilton, South (Mr. Tynan) referred to it following my intervention.

We have just been told that as a result of the water industry remaining in the public sector, water charges in the north of Scotland will increase by no less than 51 per cent. over the next two years, so the average water bill will go up from £175 to £264.60 in 2001–02. There are three Scottish regions for the purposes of the water companies, and the water authorities in the west and east of Scotland will also increase water bills, by 15 per cent. next year and 12 per cent. the following year.

It is clear from another story that appeared in *The Herald* last week that the Government have one law for the public sector and another for the private sector. We know that the Government, and the Government of Scotland, are saying that water charges should increase to that extent because that is a reasonable price to pay for continuing to have Scotland's water industry under public control.

At the same time, the Minister of State, Scotland Office argued in a letter to *The Herald* last Thursday—the same day on which those large increases in water charges were

announced—that it would be perfectly reasonable to impose a burden on private oil companies by requiring them to cross-subsidise the cost of fuel in the highlands and islands, where the average pump price is 7.2p per litre higher than in the Scottish conurbations. However, he saw no problem with those living in the highlands and islands paying some 50 per cent. more for their water because that industry is in the public sector.

That vivid, recent example from Scotland epitomises what is at the heart of the Government's thinking, which is to have one policy for the public sector and another for the private sector.

Mr. Stunell: Was the hon. Gentleman in the Chamber when his hon. Friend the Member for Mid-Worcestershire (Mr. Luff) appeared to be saying that the same logic should apply to the supply of electricity to rural areas? He suggested that it would be proper for the utilities to charge rural areas a higher rate, and that the Government should provide a subsidy from state funds to equalise expenditure. Is he familiar with that argument, and does he support it?

Mr. Chope: I did not hear my hon. Friend's argument, but I shall certainly read the *Official Report* so that I can acquaint myself with it.

It is absolutely essential that regulators are independent. The Bill establishes a regime of what I might call super-regulators, and one of the key differences between them and their predecessors is that they will not be independent. The Government may have reluctantly decided, for pragmatic reasons, to go along with the surrender of state ownership of the nationalised industries, but in this Bill they are effectively taking back centralised control. The authors of clause IV would be justifiably proud of that. It is an act of socialism by stealth.

The regulator's independence will be compromised because he will be wholly beholden to the Secretary of State. I tabled some parliamentary questions, two of which were answered today by the Minister for Energy and Competitiveness in Europe. One question was whether there would be any limit on the level of remuneration or allowances payable to the regulator at the behest of the Secretary of State. The answer is that there will be no limit.

Perhaps even more sinister is the fact that there will be no limit on the compensation that the Secretary of State can agree to pay if he decides to dispense with the services of the regulator if he has crossed the Secretary of State in some way. The Bill uses the term "misbehaviour". That means that the Secretary of State will have supreme power, and if the regulator fails to do his bidding, he can dismiss him without notice and has sole discretion as to whether he gives him a substantial golden handshake from taxpayers' money. If ever there were an example of where a Secretary of State has all the cards and where the independence of the regulator is capable of being compromised, I suggest that it is in the Bill. I hope that we will have the chance to explore the matter more fully in Committee.

I am concerned that the Bill seems to provide double standards on price controls. An increasing amount is being written about the unbridled power of self-financing regulatory authorities and their power to impose costs on those whom they regulate. The appetite of the regulators to regulate others knows no limits, but they are not so keen to submit their own costs to regulation. That was epitomised by an exchange I had with Callum McCarthy, the Director General of the Office of Gas and Electricity Markets, when he gave evidence to the Select Committee on Trade and Industry on 25 January. Responding to concerns that price controls imposed by the regulator were forcing companies to cut back on staff, he said that he believed price controls to be

"an incentive for efficiency, particularly for less efficient companies."

However, he refused to accept my suggestion that his own costs might be capped, that increases in his running costs should be limited to an inflation-level increase, and that he should be subject to the same price controls that he is seeking to impose on those whom he regulates. Of course, he is in a supreme monopoly position.

At present, Mr. McCarthy's running costs are about £36 million, although he said that in the current year his total costs will be nearer £70 million. That is an extremely large sum. It might have been thought that to amalgamate two regulatory bodies would save on costs, but the irony is that in this instance it seems that costs will increase. The regulator has decided that the two regulatory bodies should be consolidated in expensive office accommodation in the centre of London, in Victoria, and that the Birmingham office should be closed. About 100 people working in that office will be made redundant or will have to be redeployed. The centralising is taking place in a part of central London where the costs of office space and general employment are the highest in the country and among the highest in the western world.

That is indicative of the power and luxury in which some of our super-regulators think that they will be able to bask at the expense of those whom they regulate. It is monstrous that there is no provision in the Bill to enable Parliament or anybody else to have any control over the costs of regulators.

It is significant that the European Union licensing directive restricts the range of activities that can be funded from a telecom operator's licence fees. It is said in the financial memorandum that the new telecommunications consumer council may have to be funded from public funds, to an extent, because of the EU licensing directive. However, that directive does not apply to the other regulators that are the subject of the Bill. There will be no protection against costs increasing substantially and then becoming a burden on those who are being regulated.

Paragraph 173 of the explanatory notes refers to the financial effects of the Bill. The Government say that although there will be substantial increases in public expenditure as a result of the Bill, there will not generally be an increase in

"public borrowing because, in most cases, the costs will be recovered in full from licence fees. These fees are treated as negative public expenditure for control purposes. There will, therefore, be no increase in the Government's preferred measure of public expenditure".

This is referred to as "Total Managed Expenditure". The notes go on to state:

"Full cost recovery may not be possible in respect of the telecommunications consumer council"

because of the EC telecoms licensing directive.

Effectively, the Government are imposing on a non-independent regulator burdens that will lead to substantial costs. He will be obliged to pass on those costs

[Mr. Chope]

to the companies that he regulates, and the costs will eventually be passed on to the consumer. That is back-door taxation in anyone's language. It is a clever and subtle way of proceeding, but we should expose it to public scrutiny to a greater extent than it has been exposed up to now.

Ofgem has running costs of no less than £36 million a year, and they are increasing significantly above the rate of inflation. That was implicit in what the director general told the Select Committee the other day. By comparison, the costs of Ofwat are still only £11 million a year. One might think that the latter body had been much more prudently operated during its 10-year history. The costs of Ofwat represent only about 40p for every connected property.

Another aspect of the Bill that I find offensive is the way in which it introduces the concept of stealth subsidies. The Government say that subsidies distort competition. That is what the Secretary of State has said, and I am sure that most hon. Members would agree, though perhaps not the hon. Member for Nottingham, South. The Bill introduces cross-subsidies, which will be imposed by Ministers through the regulator but will be disguised from the consumer.

Such stealth subsidies will distort competition even more than transparent subsidies. The Bill effectively introduces social engineering without the scope for democratic consultation, and extra forms of non-parliamentary taxation.

We need regulation only when competition is not working. David Edmonds, the Director General of Oftel, must be right in his strategy of allowing regulation gradually to be removed as competition advances. The strategic statement from Oftel concludes:

"Over-regulation distorts markets and disadvantages consumers . . . Oftel will no longer promote competition in competitive markets but will continue to act to prevent anti-competitive practices."

I was disappointed to hear from the Secretary of State in his opening remarks today that he did not think that there were areas subject to regulation by Oftel that should be subject to competition in the marketplace. I hope that he will reconsider that opinion, in the light of the remarks of the Director General of Oftel.

Mr. O'Neill: The legislation will still make provision for groups apart from the poor and the disadvantaged, such as the elderly and the disabled. Those two groups surely require special protection in the telecommunications market. Their dependence on telephones does not always reflect the operation of the market. The regulator should ensure the maintenance of minimum standards and the availability of a service to such groups, whom it is the regulator's specific responsibility to look after.

Mr. Chope: Much depends on the way in which that is done. At present, the water regulator has responsibilities to pay attention to those who suffer from disabilities or are otherwise disadvantaged, but even the Director General of Ofwat thinks that what is proposed in the Bill is over the top in imposing rigid new requirements on the regulator. I was going to refer later to the exact words that he used in a recent article. The general proposition is fine. We should ensure that responsible providers of utilities take into account the needs of special groups. However, the Bill is over the top because it imposes on the regulators substantial requirements which can be met only at tremendous expense to other consumers.

What protection exists if the Minister or the Secretary of State acts against consumers' interests? The Secretary of State admitted that there was none, and effectively said that we would have to rely on his political judgment. That is a cause of deep anxiety because the most topical example of his judgment is his imposition of restrictions on new entrants into the electricity market. He has forbidden licences to those who provide gas-fired generation. He justified such anti-competitive intervention on the specious ground of security of supply. He repeated that today. I say that the reason is specious not because of my prejudice, which knows few bounds, against the Secretary of State but because his Department's advisers have criticised it. The current energy report shows that they have rejected the reason as unsustainable. The Director General of Ofgem also told the Select Committee that it has no substance. It shows that the Secretary of State is more interested in trying to prop up the coal industry as part of a muddled energy and climate change policy. That policy has led the Government to decide to restrict the ability of new entrants to compete for electricity generation.

A headline in last week's *Utility Week* magazine was "DTI advisers said gas ban was unjustified". The accompanying article stated:

"Independent advisers to the Department of Trade and Industry told Ministers in an unpublished report"—

that is the story of this Parliament—

"that the government's current block on new gas-fired generation was unwarranted and unjustified on either security or diversity grounds."

The Secretary of State responds by telling us to trust him. He takes enormous powers to control the regulators, supposedly in consumers' interests, but if the regulators and other independent experts tell him that he is acting against consumers' interests, he claims that they are wrong and refuses to take any notice of them. That is intolerable.

My hon. Friend the Member for Rutland and Melton (Mr. Duncan) challenged the Secretary of State about Ian Byatt's comments on the reform of utility regulation. Ian Byatt has completed a successful period of 10 years as the water regulator. In a lecture entitled "Checks, Balances and Competing Pressures—Looking Forward at the Role of the Regulator" to mark the 10th anniversary of Ofwat in October last year, Ian Byatt made pertinent points about the legitimate role of the regulator and the proposed reform of utility regulation. I shall not quote extensively from the lecture, but I commend it to hon. Members who are interested in an informed view, based on 10 years' experience, from an acknowledged world expert on regulation, who has fallen out with the Government in a big way over recent months because of the changes that they propose to the regulatory regime.

The Secretary of State said, rather disingenuously, that Ian Byatt was the only regulator who had complained. Perhaps that is not unrelated to the fact that Mr. Byatt is giving up his role this summer, and is no longer beholden to the Secretary of State, whereas the other regulators

depend for their future livelihoods on keeping in with the Secretary of State. That is another comment on the total lack of independence that the regulatory regime possesses.

In his lecture, Mr. Byatt said, among other things:

"Ministers recognise the need for proper accountability. They wish to issue statutory guidance on social and environmental matters to which regulators would pay regard. Where, however, social or environmental measures have significant financial implications for consumers or for the regulated companies they recognise that they should be implemented through new, specific legal provision rather than through guidance."

Although almost exactly the same words appear on page 5 of the Green Paper "A Fair Deal for Consumers" under the heading "The Social and Environmental Framework", the Bill is totally different. Unlike the Green Paper, it does not say that the Government will

"implement social and environmental measures which have significant financial implications for consumers or for regulated companies"

other than by regulations made under it rather than through primary legislation, which is what they promised originally.

Other hon. Members want to participate in the debate, so I shall conclude. I hope it is clear to the House that the fact that I and most Conservative Members think that the Bill is good to a small extent is totally outweighed by many horrendous provisions that will do enormous damage to British industry.

9.16 pm

Mr. David Chaytor (Bury, North): I am pleased to welcome the Bill and, in particular, the lengthy consultation that took place during its formulation. That is extremely important because there is a well established consensus on these issues in which all concerned with them—consumer and environmental groups, the industry and many of the regulators—seem to share, apart, that is, from the Conservative party.

Interestingly, the Opposition defined the debate as an ideological struggle between privatisation and nationalisation and do not realise that things have moved on. It is almost as if the events of the past 10 years had not taken place and they have forgotten that the weaknesses of their regulatory regime for the privatised utilities were a reason for their dramatic loss of support and confidence over the past few years. The specific issues of directors' salaries, allegations about fat cats and people abusing the privatised utilities for their own ends lost them significant support in all parts of the country; and the idea that a completely deregulated market, which was called for by virtually every Conservative speaker, can do anything to deal with the challenges of climate change or the chronic problem of fuel poverty is absurd. The overwhelming majority of my constituents understand that, which is why the new regulatory regime will be widely welcomed by them and by the general public.

I want to be brief as time is short, but I must associate myself particularly with the concern of the hon. Member for Hazel Grove (Mr. Stunell) and my hon. Friend the Member for Harrow, West (Mr. Thomas), which was that the new powers in the Bill be used to advance Government policy on sustainable development. The Bill must be considered in the context of an energy policy and the document on Government policy on renewables, which I understand will be published shortly. I urge Ministers to use their powers to ensure that we at last eliminate fuel poverty from the United Kingdom and enable the regulator to use his powers to make sure that the challenge of climate change is not ducked.

I consider the issue at the heart of the Bill to be the definition of the interests of consumers. The problem is that there are many different kinds of consumers of public utilities; however, I shall talk specifically about the consumption of energy. I feel that the focus must be not simply on achieving a cut in wholesale prices—we are told that there will be a 10 per cent. cut—but first and foremost on ensuring that the charging regime is adjusted. What matters to those who are using gas and electricity, as well as water and telecommunications, is not the wholesale price but the bill that they must pay.

One of the most glaring weaknesses of the regulatory regime established by the last Government was the fact that poor people paid more per unit cost for their gas and electricity. That is why I welcome the initiatives that have already been announced by various energy suppliers. I understand that PowerGen has announced a new arrangement in conjunction with Age Concern, and that British Gas has announced that it will abolish its standing charges. I think that, at long last, the energy suppliers are realising that they must change their tariff structure to help people on low incomes.

I also feel that the interest of the consumer must be defined in terms of short-term and long-term interest. That brings me to the environmental point. We would automatically assume the interest of consumers to involve ever-falling energy prices. The difficulty is that, if energy prices and energy bills fall indefinitely, both individuals and companies will once again become profligate in their use of energy. The Government must get to grips with the need for energy conservation and energy efficiency.

We need a definition of the consumer interest that stresses both the environmental impact and the need for a huge increase in investment in renewables and energy efficiency. If we concentrate simply on trying to cut energy bills year on year without having regard to energy supplies—without considering the availability of fossil fuels such as gas, coal and oil, which have a limited lifespan—we shall find in the first instance that our carbon dioxide emissions will continue to rise and we shall not be able to meet our Kyoto targets; and in the longer term that the availability of the raw materials for electricity, in particular, will no longer be there. I welcome the potential that the Bill provides for an increase in our investment in renewables, and in energy efficiency.

Let me ask some specific questions. First, can my right hon. Friend assure us that the new electricity trading arrangements will not prejudice renewables? I know that there is concern about the fact that it is more difficult for smaller energy suppliers, especially those involved in renewables, to predict the long-term volume of supply. It is an essential part of the new electricity trading arrangements that such predictions be made.

Secondly, can my right hon. Friend tell us something about the Government's view on net metering? In years to come, when new energy arrangements apply, when there are more and more small-scale producers and when more and more people generate their own electricity sources, I think there will be a proliferation of small suppliers who not only wish to service their own needs—

[Mr. David Chaytor]

domestically or in their own companies—but wish to feed energy back into the national grid. That new form of energy supply will be possible only with a system of net metering, enabling them to be paid properly for the electricity that they feed back into the grid. Is it likely that such a system could be introduced in due course?

My first question, raised earlier by my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock), concerns the argument in favour of environmental reporting. Companies, especially energy companies, are increasingly producing environmental reports, which from time to time appear in the company accounts. My hon. Friend suggested that the new consumer councils should also be required to produce such reports. I would be grateful if the Minister commented on that. It would seem a positive development.

I welcome the Bill. I think that it reflects a consensus in the country; it certainly reflects a consensus among my constituents. It deals with many of the criticisms of the previous lax regime. I am amazed that the Conservative party continues to argue against the measure in such an ideological way. I know that many amendments will be tabled in Committee and that many improvements can be made to the Bill, but its principles are sound. I am happy to support it.

9.25 pm

Mr. Nick Gibb (Bognor Regis and Littlehampton): The Bill is the product of the contradiction and deceit that lie at the heart of new Labour. Since the election and before, the spin and presentation from new Labour have been that Labour has learned the lessons of the 1980s, that it acknowledges the success of privatisation, and that business and the free market are good for the economy. It may not be the spin and presentation that have emanated from some Labour Members in the debate, but that is the spin and presentation that emanate from Millbank towers.

The reality that is evident in the Bill and elsewhere, and that has been particularly evident in the debate, is that Labour dislikes, distrusts and does not understand the workings of business and the free market. Labour opposed every privatisation of the 1980s and 1990s. No Labour Member was more vociferous than the Prime Minister when he was shadow Secretary of State for Energy at the time of the privatisation of electricity in 1988. In the Second Reading debate on the Electricity Bill, he made three predictions about the effect that privatisation would have, which he no doubt thought were far-sighted, but which have been proved wholly wrong. His first prediction was:

"outside of the Conservative party . . . it is barely in issue that prices will rise because of privatisation."

Since privatisation, electricity prices have fallen by 29 per cent. in real terms. Gas prices have fallen by 29 per cent. in real terms. Telephone charges have fallen by 50 per cent. in real terms. Therefore, let us be clear. If the Labour party had had its way, we would not have had the falls in electricity, gas and telephone charges since those companies were privatised.

The second prediction was even more wrong:

"I would have thought that it was . . . virtually impossible that anyone would build a power station and invest hundreds of millions of pounds, unless they received a guarantee covering the capital cost, the fuel cost and, probably . . . the operating costs, too . . . the idea that we will have an influx of power stations, all competing on the grid, is nonsense."

He was wrong again. There has been an influx of new power stations, all competing on the grid: 27 new power stations, producing 18,500 MW of electricity. Fifty independent power producers have entered the generation market since privatisation, with a total market share of some 21 per cent. It would have been difficult for the right hon. Gentleman to get it more wrong. It would be something that we could laugh at—but for the fact that the man who got it wrong is now the Prime Minister.

It gets worse. In 1988, the Prime Minister said:

"We are proud that we took the"—

electricity—

"industry into public ownership. When we come to power it will be reinstated as a public service for the people of this country, and will not be run for private profit."—[*Official Report*, 12 December 1988; Vol. 143, c. 681-84.]

That might look like yet another broken promise by the Prime Minister, but the Bill actually goes some way to achieving some of his objectives of reintroducing state controls. It contains huge swathes of new regulatory burdens, increased powers for the Secretary of State to intervene in the minutiae of the functioning of all four major utility sectors, and huge new powers to impose limitless fines. It adds enormous compliance burdens on utility companies, the huge cost of which will ultimately be passed on to the consumer.

As my hon. Friend the Member for West Worcestershire (Sir M. Spicer) said in an excellent article in *The Daily Telegraph*, the Utilities Bill and the Financial Services and Markets Bill

"will establish an entirely new form of government, the like of which this country has not experienced before: rule by regulator."

He made that point again in today's debate.

The Bill reveals the truth that new Labour has not really understood how competition works, or how it delivers better quality and lower prices. The Government have not really understood the free market. Although they have learned to use the language of business and the private sector, the reality of their policy is intervention and regulation. The Government say one thing, but they do quite another.

Today's debate has revealed how many Labour Members do not even use the language. I suspect that they will not be welcomed in Millbank towers as part of the new Labour media machine.

The Conservative approach to the utility sector is to promote competition wherever possible, which itself provides downward pressure on prices. Where competition has not yet been introduced—or where it is not possible to introduce it, because a particular element is a natural monopoly, for example—a regulator is put in place to mimic competition and to protect the consumer.

The Bill reveals the fact that the Government believe that the consumer is always better protected by regulations and that regulation is beneficial for its own sake, even when a utility is fully exposed to a fiercely competitive market. It demonstrates that, like the Prime Minister, new Labour has still not learned how powerful the marketplace is in delivering for the consumer.

The danger of the approach taken in the Bill is that all those new burdens and costs will stifle competition, and so disadvantage the consumer; that more powers for the

Secretary of State will add to the regulatory risk and increase the costs of capital; and that the combination of all those increased costs and burdens will lead to higher, not lower, charges for consumers.

The Conservative approach—which has led to huge price reductions, better services and a whole range of new opportunities and choices for consumers—has also resulted, as hon. Members have mentioned today, in a massive decrease in the number of disconnections: in electricity, from 80,000 a year before privatisation to only 373 last year.

The essence of the Government's misunderstanding of the importance of competition can be discerned in the Bill, which reorders the priorities of the regulator and demotes the promotion of competition to a second order objective.

The Bill has been severely criticised by industry, and particularly by Ian Byatt, the current water regulator. Last week, in a lecture at the Royal Aeronautical Society, he said:

"Now we have a Bill which shows how difficult Governments can find it to translate good intentions into sensible legislation. I find the Bill over-complicated because it is over-prescriptive. Nothing is left to good sense."

Mr. Byatt went on to conclude that

"the Regulator will be festooned with detailed requirements . . . All laudable, all already being carried out, all, however, because of detailed over-prescription, likely to raise the costs but not the effectiveness of regulations."

The point was well summarised by Roger Barnard, of London Electricity, who said:

"This Bill's enlargement of the scope for discretionary intervention by regulators, politicians and advocates is likely to extract a high price from utility industries, and all consumers will pay it."

This has been an interesting debate. The hon. Member for Ochil (Mr. O'Neill), the Chairman of the Select Committee on Trade and Industry, mentioned the translation of minor savings and efficiencies in the early years into significantly higher profits for the companies. However, he fails to understand that, at the time, all the experts underestimated quite how inefficient those companies were when they were in the state sector.

The hon. Gentleman went on to complain about the electricity pool and so-called rigged prices. However, whatever its faults—it will be a subject of debate in Committee—we should remember that it was put in place when there were very few operating companies in the market. It was certainly better than having prices fixed by the Secretary of State.

The hon. Member for Twickenham (Dr. Cable), speaking for the Liberal Democrats, expressed concerns that the Government have to be sure that the Bill will not move the pendulum too far in the direction of over-regulation. He quite rightly pointed out the danger that such action would increase the cost of capital. He also said, as Conservative Members have, that such action would inevitably result in higher costs being passed on to consumers.

The hon. Member for Hove (Mr. Caplin) accepted that the number of disconnections had decreased, but said that the number of complaints had increased. Does he not accept that, when those industries were in the state sector, no one would bother to complain, because one would be lucky if the telephone was even answered when one was trying to register the complaint? The whole ethos has changed since privatisation.

The hon. Member for Hove referred also to Seeboard, which supplies electricity in his area and part of mine. The company supplies Littlehampton, but not, alas, Bognor Regis—although the company has given a generous grant towards the sea front lights at Bognor, for which the community is grateful. The hon. Gentleman pointed out that Seeboard has abolished the standing charge. Does he believe that that would have occurred had the industry remained within the state sector? I am sure that it would not.

My hon. Friend the Member for Bournemouth, West (Mr. Butterfill) was right to point out that when the utilities were in the state sector, they provided a poor service—one could wait two years to have a telephone installed. It was nonsensical. He made important points about the new electricity trading arrangements, particularly regarding the fact that it is not real-time trading. We will refer to this in Committee.

Mr. Fabricant: With regard to people being attacked in the street, does my hon. Friend recall the worrying statistic that, in the last year of nationalisation, only a third of telephone boxes were working at any one time, whereas within two years of privatisation, more than 95 per cent. of public call boxes were operating?

Mr. Gibb: My hon. Friend makes a good point, which shows the efficacy of the private sector.

My hon. Friend the Member for Bournemouth, West also pointed out the complexity of the new electricity trading arrangements, and we all look forward to tomorrow's briefing on the new arrangements which the Minister has kindly arranged. My hon. Friend pointed out that the Bill contains wide powers for the Secretary of State that will impose new regulatory burdens, the extent of which we do not know, as the regulations have yet to be published. He made the valid point that a Bill designed ostensibly to help the consumer could well result in higher electricity charges because of the huge regulatory burden.

My hon. Friend the Member for West Worcestershire—the former Minister directly responsible for falls of 29 per cent. in real terms in our electricity bills—made the important point that the regulator giving way to competition is the best way to help the consumer. Under the Bill, competition is no longer the primary objective. The Government have set up a whole raft of regulatory objectives, many of which are wholly antipathetic to the promotion of competition. My hon. Friend referred also to the important concerns regarding the NETA arrangements, and challenged the swagger with which the Secretary of State said that the arrangements will certainly result in a 10 per cent. fall in electricity prices.

My hon. Friend the Member for Mid-Worcestershire (Mr. Luff) rightly pointed out the absence of intellectual honesty by the Government in admitting the enormous lack of investment in water and sewerage infrastructure during the decades of state control.

The hon. Member for Hazel Grove said that we need a strong regulatory framework to counter the power of the market. He said that he wanted joined-up thinking and all-party consensus—well done.

My hon. Friend the Member for Lichfield (Mr. Fabricant), in an interesting speech, said that it is almost as if the Government had forgotten that the utilities

[Mr. Gibb]

had been privatised. He rightly pointed out that increased costs to companies will mean increased costs to consumers.

My hon. Friend the Member for Christchurch (Mr. Chope), in an important speech, pointed to the huge increases in Scottish water charges from the state-controlled Scottish water industry that will ensue over the next few years. He also raised the important concern that the independence of the regulators will be compromised because of the power vested in the Secretary of State to lavish enormous largesse on the regulators in terms of expenses and pay-outs.

There are one or two things in the Bill that we support. We welcome, in principle, the reform of the electricity pool. There are now far more players in the market than at the time of privatisation, so now is the time to introduce a properly functioning exchange. We will, however, be looking at the details to make sure that it is a properly functioning exchange. We agree that the supply and distribution of electricity need to be separately licensed, enabling the natural monopoly area to be confined to the smallest component. We welcome the merger of electricity and gas regulators, which reflects the fact that most suppliers provide both gas and electricity. It follows, therefore, that the consumer councils should be merged also.

It is interesting to note that the positions on the new council are to be well remunerated. We now have the slightly unedifying sight of candidates for such jobs outbidding each other in sycophantic praise for the Government's proposals. The payroll vote is being expanded beyond the confines of the House to a whole host of what were once independent third party opinion formers—like the hon. Member for Plymouth, Sutton (Mrs. Gilroy) before she became a Back-Bench Government supporter.

The Bill will impose enormous regulatory burdens and costs on the companies operating in the four utilities sectors. It will add to uncertainty and increase regulatory risk. The Government will claim that it will do the opposite, but this is another example of their saying one thing and doing another.

The Bill contains some important reforms, but the Government have allowed their deeply held prejudice and lack of understanding of industry to damage not only the Bill but the very industries and their consumers that they are seeking to protect. The Bill is bureaucratic, over-regulatory and costly, and I urge the House to support the reasoned amendment to it.

9.40 pm

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): We have heard a lot of interesting speeches, not least the one from the hon. Member for Bognor Regis and Littlehampton (Mr. Gibb). I always get the impression that he is still in a state of shock that the electorate could have been so lacking in majesty as to elect a Labour Government. He seems to have a sense that there was a golden age when the peasants knew their place and the bosses lined their pockets.

It is bizarre that the official Opposition should oppose the Bill. They have learned nothing from experience and seem to have failed to have taken on board the public revulsion at the fat-cat payouts under the previous Administration. The hon. Member for Tiverton and Honiton (Mrs. Browning) made several points that recognised how much sense there is in the Bill. It is regrettable that dogma then took over and the official Opposition did not find it possible to support the Bill in its entirety.

The Bill is complex and technical in many respects, but its underlying thrust, as my right hon. Friend the Secretary of State made clear earlier, is to take utilities regulation into a new era of changing markets and higher consumer expectations. It is a fair and balanced Bill, which reflects the wide-ranging consultations that we held. It is about reform and modernisation.

Mr. Fabricant: Will the Minister give way?

Mrs. Liddell: I want to make some progress, as I want to answer many points made by hon. Members who have been here all evening.

The Bill makes it clear that we are serious about giving all consumers a better deal, taking account of the Government's wider policy agenda on social reform. It shows that we are committed to pushing ahead vigorously with further and more effective competition in the utilities sector, and that we are determined to modernise the regulatory framework to take account of the nature of modern energy markets.

There is a great need to ensure the transparency, consistency and predictability of regulation. Good and transparent regulation leads to more effective business.

Mr. Fabricant: Will the Minister give way?

Mrs. Liddell: No, I want to make some progress. I do not know what part of that the hon. Gentleman does not understand. If there is time later, I shall be mindful of him.

If I do not manage to cover all the points made in the debate, I shall write to hon. Members. As the Bill has some extremely technical parts, I shall ensure that officials provide a briefing to both Government and Opposition Members so that no one will be disadvantaged as we go through the text in what will no doubt be a very long Committee stage.

The Bill contains the core of our proposals for legislation, but it is not yet complete. We faced a choice between waiting until all its provisions were ready or introducing a substantial core now and completing the Bill later by way of Government amendments—*[Interruption.]* It is obvious that Conservative Members would prefer that consumers did not get the advantage of the Bill as quickly as possible. That should surprise no one, given the performance of certain Opposition Members during the debate.

Sir Michael Spicer: On a point of order, Madam Speaker. Is it in order for the Government to introduce only half a Bill on Second Reading, as the Minister now admits?

Madam Speaker: The right hon. Lady is responsible for her comments and for laying out Government policy. That is not a point of order.

Mrs. Liddell: Thank you, Madam Speaker. Given that the hon. Gentleman spent much of the night suggesting

that we were trying to renationalise the top 400 companies, it is surprising that he has caught on to the nature of the debate so far.

Several points were raised about renewable energy and I shall refer, in particular, to the issue raised by the hon. Member for Tiverton and Honiton. I am conscious that the renewables issue requires greater explanation. I hope shortly—within a few hours—to be able to publish the conclusions of the response to the public consultation on renewables. Several hon. Members raised that issue in the debate and I shall give a thumbnail sketch of the new powers. They will contribute to our broad strategy to target a 10 per cent. share of electricity supply from renewable sources.

The key elements of the strategy include the new renewables obligation on all suppliers; exemption of renewables electricity and heat from the climate change levy; and an expanded development programme for renewable technology, which takes into account the point that the hon. Lady made about emerging technologies and the importance of ensuring that the new regime for support for renewables is not an opportunity to choose winners, but a genuine opportunity to allow emerging technologies to develop.

The strategy is good news for all of us. A strong renewables industry will help us to protect our environment. The hon. Member for Hazel Grove (Mr. Stunell) made much of that point in his speech. We need to consider the use made of energy, as well as the price of energy. We must ensure greater energy efficiency, in relation to our commitments on renewables and on poverty, because we place great importance on ensuring that people have access to the most effective ways of heating their homes.

Many hon. Members have discussed the new electricity trading arrangements. The hon. Member for Bournemouth, West (Mr. Butterfill), who is a recognised expert on the issue, given his previous experience, drew attention to the fact that some academics have maintained that NETA will fail to deliver price reductions. However, there are as many academics who contend that it will deliver price reductions. We have undertaken some market testing of the balancing mechanisms, which leads us to conclude that energy prices will fall. However, another study was done with a test model that concentrated only on the balancing mechanism, and that appears to have led to the conclusion that prices will not fall.

I should point out that there is more to NETA than just the balancing mechanism. Indeed, the present operation of the market, in anticipation of NETA, is already displaying downward pressure on prices. The electricity pool has not worked. It has allowed gaming on electricity prices. Last July, in relation to the price spikes, it was obvious that the transparency necessary to operate a proper energy market did not exist.

Mr. Fabricant: Will the Minister give way?

Mrs. Liddell: I wish to make some progress. Many hon. Members have made points in the debate to which they are entitled to have a reply.

Hon. Members have raised the issue of the effect that NETA will have on combined heat and power and on renewables. We have had lengthy discussions with the Combined Heat and Power Association about the impact of NETA and we hope to be able to work with the association to ensure that CHP continues to make an expanding contribution to our energy market.

The hon. Member for Bournemouth, West suggested that there was a lack in the resources available to the CHPA, but it has not said that to us. The association acknowledges that NETA is complicated and that it will create difficulties, but it has not made the point that the hon. Gentleman made. We shall discuss the matter with the association.

The stricter gas consents policy was mentioned several times. The Government have always made it clear that that stricter policy is a temporary measure, aimed at getting rid of distortions in electricity trading arrangements. I can tell my hon. Friend the Member for Hornchurch (Mr. Cryer), who spoke about the coal industry, that one of the distortions in the energy market was against coal. The new electricity trading arrangements will remove that distortion. However, I do not underestimate the difficulties faced by the deep-mined coal industry. The Government are aware of the problem and are studying it.

My hon. Friends the Members for Ochil (Mr. O'Neill)—I have heard some strange pronunciations of that constituency today—for Nottingham, South (Mr. Simpson) and for Hornchurch, and the hon. Member for Hazel Grove, all highlighted the problem of fuel poverty. In the early days of the 21st century, fuel poverty is completely unacceptable. That is why the social aspects of the Bill, and the reserve power that we are taking, are very important.

However, there is another way to tackle fuel poverty. The regulator is taking forward a social action plan that we hope will make the use of cross-subsidy unnecessary. I expect the industry to co-operate fully with the plan, and I have asked those at the highest level in each company to take into account issues of fuel poverty. For example, the extent to which the Electricity Association's task force on fuel poverty comes up with realisable plans to ease fuel poverty will be an important guide to the industry's commitment to resolving the problem.

Economic regulation does not take place in a vacuum. Environmental, as well as social, responsibilities must also be taken into account. The hon. Member for Tiverton and Honiton asked for more detail on the statutory social and environmental guidance. I accept her point that more detail is required, and the Government intend to publish copies of draft statutory social and environmental guidance for energy and for telecoms. That guidance will allow consultation to be held with all the interested parties.

The drafts will be preliminary versions, so that all involved can contribute to ensuring that the guidelines meet the needs of Government and of industry. That common-sense way forward will ensure that the regulator has the opportunity to take into account the Government's overall policies.

Mr. Gibb: Will those drafts be available before consideration of the Bill in Committee begins?

Mrs. Liddell: I do not know when proceedings will begin in Committee, but I assure the hon. Gentleman that the Government intend that the draft guidance will be made available as soon as possible.

[Mrs. Liddell]

The issue of standing charges is, I know, very close to the hearts of many Labour Members. Our constituents are often deeply concerned that people, especially the poor, have to pay standing charges. We have long believed that such charges are unfair and that they have a particular impact on low-use and less well-off customers. However, the answer to the problem can be found in competition in energy markets. We are already seeing some progress. Norweb and British Fuels Ltd. offer packages without a standing charge, and Centrica recently announced that it was abolishing standing charges.

The Government foresee an important role for the new consumer councils in ensuring that information on tariffs is available to every customer, including poorer customers. A number of Labour members, not least my hon. Friend the Member for Ochil, pointed out the difficulty that disadvantaged people face in accessing the cheapest tariffs for electricity. It is very important, therefore, that we concentrate on getting information across to people.

I should like briefly to refer to some of the issues on telecoms regulation. I know that British Telecom has been briefing hon. Members on their concerns about over-regulation. The Bill introduces better regulation measures such as depersonalisation. We have heard a lot tonight about one regulator by name. We do not believe that that is the way to give the regulatory certainty that is required by companies in planning ahead. It is important to have regulatory certainty, which is why the Bill makes these significant changes.

The hon. Member for Lichfield (Mr. Fabricant) asked about concurrency and related that to overlapping regulation. We believe that concurrency will help to avoid overlapping regulation. Utility regulators will have powers under the Competition Act 1998. That will help eliminate the overlap with the Office of Fair Trading. Indeed, the consumer councils will have no decision-making powers. They will investigate, report and make representations, so I do not think that the overlapping that the hon. Gentleman mentioned needs to be especially considered.

My hon. Friend the Member for Hornchurch asked about consumer councils as advocates. That is their key role—to be advocates, to be partisan on behalf of consumers. My hon. Friend the Member for Plymouth, Sutton (Mrs. Gilroy) referred to access to information. As my right hon. Friend the Secretary of State said earlier, it is very important to have a balance regarding freedom of information to ensure that the information in the public domain is not anti-competitive and does not lead to an increased burden. It is important to consider balance. That can be discussed in more detail in Committee.

The hon. Member for Twickenham (Dr. Cable), who has let me know that he cannot be present because of a family illness, asked about financial penalties. We believe that there is a place for financial penalties. They are available in the gas market and we believe that there is a place for them in the electricity market, but they must be proportionate. The hon. Gentleman also asked who would regulate the futures market on the new electricity trading arrangements. That will be regulated by the Financial Services Authority in the same way that any financial options market would be regulated.

Mr. Butterfill: I am most grateful to the right hon. Lady for giving way. She has not dealt with what I consider to be the most important point—the security of supply in the electricity supply industry. What is the Government's policy in that connection?

Mrs. Liddell: If the hon. Gentleman looks at the Bill, he will see that the regulator has responsibility to take into account the Government's commitment to, and responsibilities for, security of supply. I believe that our actions will ensure that security of supply will be preserved.

My hon. Friend the Member for Hamilton, South (Mr. Tynan) asked about the health and safety responsibilities of the energy industry. The regulator is an economic regulator; health and safety matters are the responsibility of the Health and Safety Executive. However, the regulator must ensure that the industry has sufficient finances to take health and safety matters into account.

There have also been questions about why the water industry is treated differently. I think that both sides of the House recognise that the water industry is significantly different. We have taken into account the wide range of different aspects of regulation that affect utilities.

When in opposition, we undertook to achieve open and predictable regulation that is fair to both customers and shareholders. The Bill delivers on that promise. It will improve the transparency, consistency and predictability of regulation, and will provide a stable framework. It is a good move forward for the people of this country. It is about reform, modernisation and common sense, and I commend it to the House.

Question put, That the amendment be made:—

The House divided: Ayes 136, Noes 343.

Division No. 55] **[10 pm**

AYES

Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Colvin, Michael
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui

Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Oliver Heald and
Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Jackie
Barnes, Harry
Barron, Kevin
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chisholm, Malcolm
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Graham, Thomas
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis

Moran, Ms Margaret
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Vis, Dr Rudi
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mrs. Anne McGuire and Mr. Graham Allen.

Question accordingly negatived.

Main Question put forthwith, pursuant to Standing Order No. 62 (Amendment on Second or Third Reading), and agreed to.

Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

Mr. Nicholas Soames (Mid-Sussex): On a point of order, Madam Speaker. In view of the very grave news emanating from Northern Ireland tonight, would you do your very best to ensure that the Secretary of State for Northern Ireland comes to the House tomorrow to make a statement on the events subsequent to the de Chastelain report?

Madam Speaker: I am sure that the Ministers on the Treasury Bench who have some responsibility for Government matters will have heard the hon. Gentleman's point of order.

UTILITIES BILL [*MONEY*]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a),

That, for the purposes of any Act resulting from the Utilities Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(1) any expenditure incurred by the Gas and Electricity Markets Authority or the Telecommunications Authority by virtue of the Act;

(2) any expenditure incurred by the Secretary of State by virtue of the Act;

(3) any increase attributable to the Act in the sums payable out of money so provided under any other Act.—*[Mr. Sutcliffe.]*

Question agreed to.

UTILITIES BILL [*WAYS AND MEANS*]

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a),

That, for the purposes of any Act resulting from the Utilities Bill, it is expedient to authorise—

(1) the inclusion in—

(a) licences granted under the Telecommunications Act 1984, the Gas Act 1986 or the Electricity Act 1989; and

(b) appointments made under Chapter I of Part II of the Water Industry Act 1991;

of conditions requiring the payment of increased amounts payable into the Consolidated Fund; and

(2) the payment of sums into the Consolidated Fund.—*[Mr. Sutcliffe.]*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

LOCAL AUTHORITIES (FUNDS) (ENGLAND) (AMENDMENT NO. 2) REGULATIONS

That the Local Authorities (Funds) (England) (Amendment No. 2) Regulations 1999 be referred to a Standing Committee on Delegated Legislation.—*[Mr. Sutcliffe.]*

CATERING

Ordered,

That Mr. Paul Keetch be discharged from the Catering Committee and Bob Russell be added to the Committee.—*[Mr. Tyler.]*

Waste Disposal (East Sussex)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Sutcliffe.]*

10.15 pm

Mr. Norman Baker (Lewes): I want to raise a matter of considerable importance to my constituents and those of other Members in East Sussex, namely the present state of the East Sussex-Brighton and Hove draft waste disposal plan, and perhaps more importantly for the purpose of the debate, the Government's strategy, which has led the councils to their present position.

This country throws away 105 million tonnes of waste each year: 70 million tonnes from industry, 20 million tonnes from households and 15 million tonnes from offices. The situation is getting worse year by year. In 1994, the UK packaging industry predicted that packaging waste would increase by 10 per cent. by 2000. That is contrary to what is happening in the Netherlands, which planned a decrease of 10 per cent. between 1986 and 2000. Does the Minister know what has happened concerning the prediction by the UK packaging industry?

The amount of waste arising each year is still increasing by 3 per cent., certainly in East Sussex. That puts tremendous strain on the Government's strategy and on the waste disposal authorities that have to deal with waste at the rough end.

The Government are facing a pincer movement. On the one hand, an EU directive requires a maximum of 35 per cent. of household waste to be landfilled by 2016. The present figure is 80 to 85 per cent. Does that figure apply only to biodegradable waste collected by local authorities? I ask because the directive says that

"waste from households plus other waste which because of its natures or composition is similar to waste from households"

is included in that figure. That makes a difference, and it is important to quantify what percentage of waste is equivalent to that produced by households and whether the Government are including that in the figure of 35 per cent. That half of the pincer movement rightly requires a substantial decrease in the amount of waste that is landfilled.

The second half of the pincer movement—which is a beneficial manoeuvre—is the Government's recycling target. I understand that the target is to recycle 25 per cent. of waste by 2005, so it does not take a mathematician to work out that there is a large gap. The only realistic way to fill that gap in the short term is to incinerate waste. Are the Government actively choosing incineration, or have they been left with that option because there is no alternative way to deal with waste?

Mr. Phil Willis (Harrogate and Knaresborough): Does my hon. Friend agree that his point about the landfill of domestic waste is crucial, particularly for authorities such as North Yorkshire county council, which has a major problem with its Harewood Whin site? That site, which is just outside York, is coming to completion, but the council has applied for a major extension to take in another 15 to 20 acres of greenfield land on which to dump rubbish. Without a clear statement of policy from the Government, it will be difficult to do that.

Mr. Baker: I share my hon. Friend's concern, and I am sure that the Minister will address the question of landfill in his reply.

Landfills in the Sussex area are described as "restoration of chalk downland", which is a euphemism that I shall not employ. The landfill site that is about a mile from my house—I am declaring a sort of interest—is responsible for a substantial amount of groundwater pollution, as recognised by the Environment Agency. I understand that landfills nationwide are responsible for a third of all groundwater pollution. They produce methane in large quantities, which is a bad greenhouse gas. Every day in East Sussex and Brighton and Hove, 700 tonnes of rubbish is landfilled, and that quantity is increasing by 3 per cent. a year. Clearly that needs to be dealt with.

When the Minister responds, will he explain the Government's position on incineration, which is euphemistically called energy from waste? The term "incineration" is not liked now and there is a preference to call it something else.

Do the Government accept that incineration is inevitable? If so, are they happy that that is the position? At present, there are only a handful of incinerators throughout the country, and the projections that I have seen suggest that there will be 130 or more in the coming years. Yet it is accepted, as it is by Ministers, that there is a problem in public perception terms at least with the possible health implications of incinerators. They emit dioxin and heavy metals such as cadmium and mercury. Standards have been tightened recently but, for example, the standards in the Netherlands are 10 times higher than the new ones that have been introduced in the UK. Incineration plants still produce toxic ash—particularly fly ash and bottom ash—that has to go to a landfill site.

Is the Minister happy that incineration plants can be operated safely, and are the present standards ones that he is happy to accept? Can he give an assurance to communities that will be faced with incineration plants, whether in East Sussex or elsewhere, that he is confident that there are no health implications? Do the Government have a guideline distance for the siting of an incinerator from nearby domestic properties? Is a certain distance employed, or is it safe in the Government's view to have an incinerator next to someone's house? That is a genuine question. I do not know what the Government's view is on the safety of incinerators in those terms.

Incinerators can add to global warming, and in comparison with recycling materials, there is a considerable deficit in terms of the Government's attempts to meet the Kyoto targets. According to Friends of the Earth, recycling would save 4.5 million tonnes of carbon emissions per year when compared with energy-from-waste plants. Friends of the Earth tells me that that is equivalent to 12 per cent. of all vehicle mileage in the United Kingdom, even allowing for displacement. That is energy that need not necessarily be created as a consequence.

Another problem with incineration that concerns me is that the contracts that local authorities have to enter into are often for 25 to 30 years. In other words, they have to guarantee a waste-stream for the incinerators. If there is a shortfall because recycling efforts have been too successful, compensation payments must be made. For example, the contract signed by Cleveland county council before it was abolished in 1995, guaranteed 180,000 tonnes of waste per year for the incinerator. There was a shortfall the first year of 12,000 tonnes, and the county council was penalised to the tune of £147,000.

[Mr. Baker]

In other words, because it recycled too much it had to pay a fine. Incineration capacity necessarily acts as a break on recycling and re-use efforts that are made by local authorities, which is of great concern. The assistant director of environmental services at Stockton borough council said:

"Essentially we are into waste maximisation."

My second concern about incineration is the high capital cost. Pollution abatement equipment tends to make small incinerators unprofitable. That suggests that a huge amount of waste is needed to make them pay.

Thirdly, can incinerators be built quickly enough within the planning process? As the Minister will know, there is considerable opposition to incineration plants anywhere. There will be big fights locally, whether in East Sussex or elsewhere, in opposition to any incineration plant. It seems inconceivable that the Government's gap, which they want to fill with incineration, as I understand it, can be met within the planning process.

In my view, incineration is at best a bridge to a solution and not a solution in itself. I shall be happier tonight if the Minister tells me that he is not too comfortable with incineration and sees it only as a short-term step on the way to recycling and re-use, and waste minimisation as a long-term concept.

I suggest that the Government should set incineration capacity for each area at a maximum percentage of the present waste generated there. They should not allow incineration capacity to grow indefinitely and stifle recycling efforts. The Government should say, "This is as much as you can have. Any extra waste will have to be dealt with by recycling." That would offer some protection and some incentive for recycling.

The excellent Environment Minister, who won a green ribbon award last week, which I am happy to say was fully deserved, in a recent parliamentary answer described recycling rates as "pathetically low". Switzerland recycles 52 per cent. of its waste, the Netherlands 45 per cent., Austria 45 per cent., Norway 34 per cent., Sweden 33 per cent., England 8 per cent. and Scotland 6 per cent. That is very poor.

The Government must do more to encourage recycling. They should, for example, support the Newspaper and Magazine Recycling Bill, which would require 65 per cent. of papers and magazines collected to be recycled. The Government should find ways of using economic instruments to encourage recycling. The Treasury should cost in externalities and reform gross domestic product.

The Government should consider a tax on virgin materials, with a compensatory benefit for recycled materials to give incentives to local authorities and others. One possibility is a tax on primary aluminium producers, because of the massive environmental damage that they cause through the extraction of bauxite.

The Government should take account of the fact that there are no real incentives for waste disposal authorities—only for waste collection authorities—arising from recycling credits. The Government should give further incentives to local councils and issue guidance on simple matters such as the size of dustbins.

In my constituency there are two waste collection authorities—Lewes district council and Wealden district council. Wealden district council recycles far more per head of population, but the amount per head that goes to landfill is the same, because Wealden district council has wheelie bins and Lewes district council has traditional dustbins. The wheelie bins in Wealden get filled up to the top. The size of dustbins should be reduced. That is a simple thing to do, but from the parliamentary answer that I received, the evidence nationally shows that authorities with wheelie bins produce more waste per head of population. It would be simple for the Government to deal with the capacity of dustbins.

The Government need to reform standard spending assessments. I understand from the director of environment and transport for East Sussex county council that the waste allowance under the "other" bloc allocation is insufficient for East Sussex and every other local authority in the country. He does not know of one that does not spend more than the target set in the SSA.

There are various measures that the Government could adopt to produce extra incentives.

Mr. Ivor Caplin (Hove): Before the hon. Gentleman concludes his remarks, will he comment on the real issue that is enveloping local people in East Sussex and Brighton and Hove? The officers of both councils agreed a professional report. The councillors in Brighton and Hove approved the report, but the Liberal Democrats in East Sussex chose, for political reasons, to throw it out. Surely that should be the subject of our debate tonight.

Mr. Baker: It is important for the Government to set their strategy, but I am happy to associate myself with the members of East Sussex county council, both Liberal Democrat and Conservative, who rejected that plan.

It is important for the Government to get their strategy right nationally. The joint draft plan to which the hon. Gentleman referred included a range of unacceptable proposals, one of which was landraise in my constituency. That is the worst possible option in the waste hierarchy. It involves landraise in the lower Weald at Veals Farm, next to a development of mobile homes at Deanland, where many people have gone to retire—that is the proposal that the hon. Gentleman is presumably supporting in his intervention—and landraise between Firle and Selmeston in my constituency. Will the Minister tonight rule out landraise as an option for any authority?

The second item was incineration. There was a proposal for an incineration plant at Newhaven, with all the health implications that that might have and the impact on business, which would affect the Newhaven economic partnership, and assisted area status. Businesses in my constituency say that if an incineration plant is built at Newhaven, that will affect the work undertaken by the Government office for the south east and others to boost Newhaven.

The alternative suggestion was a plant at Beddingham in the area of outstanding natural beauty, where there is a record of groundwater pollution. An incinerator was also proposed—goodness knows how high the chimney would be. There is already a landfill site there that will be filled to capacity in 2004. I hope that the hon. Member for Hove (Mr. Caplin) is listening. He commented on the waste plan, which suggests that all the disposal facilities should be in East Sussex, while Brighton and Hove—a large

generator of waste—should take none of the responsibility. However, Government planning policy guidance note 10 states:

"Waste should generally be managed as near as possible to its place of production, because transporting waste itself has an environmental impact."

I hope that the Minister will confirm that tonight. If he does, he should acknowledge that the substantial amount of waste from Brighton and Hove should be disposed of there, and not shunted miles into East Sussex. Brighton and Hove—a great place that wants to be a city—should take responsibility for all aspects of its management. It should not simply dump its rubbish over the border in East Sussex.

Mr. Tim Loughton (East Worthing and Shoreham): I agree with the hon. Gentleman's comments. The biggest problem that he experiences in East Sussex and that I encounter in West Sussex is a unitary authority that recycles less than 9 per cent. of its waste and looks to our respective counties to take care of its rubbish. When it proposes a site for an incinerator on the doorstep of my constituency, it refuses point blank to consult my constituents. Is not that disgraceful?

Mr. Baker: I agree. The Government have given private finance initiative credits of £49 million to the local authorities of East Sussex, and of Brighton and Hove for disposing of waste. I do not knock the Government for that. I query their strategy, but I readily acknowledge that they have provided those credits. However, what is the Government's position if East Sussex county council and Brighton and Hove fail to agree on a draft waste plan? Will the money still be available if there is no site-specific plan? Are the Government happy for the money to be used if it is simply left to individual developers to apply for sites?

I am sorry that we have no more time to debate such an important issue. Clearly, other hon. Members would like to speak. I hope that the Minister accepts that I have raised the matter in all sincerity because it is important for my constituents and others. I should be grateful for a clarification of the Government's strategy and an answer to my questions. We must have a sensible waste strategy in East Sussex; there is currently no such strategy.

10.32 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): The hon. Member for Lewes (Mr. Baker) has raised an important issue, as he rightly says, and asked many questions. There will not be enough time to reply to them all, but I shall do my best.

The debate is particularly timely, given the recent endorsement of the joint application of East Sussex county council and Brighton and Hove council for private finance initiative credits to support the development of an integrated waste management scheme for the area.

In June last year, we published the draft national waste strategy "A Way With Waste", which set out Government policy for sustainable waste management for the next 20 years. The hon. Gentleman will find some of the answers to his questions in that document. Consultation on the draft strategy is now over, and the final version will be published later this year.

In "A Way With Waste", we identified the need for a fundamental change in the way we think about and manage our waste. That will mean curbing the growth in waste generation and learning to recognise waste as a resource. It will also require the adoption of an integrated approach to waste, covering generation, management and disposal. Within that integrated framework, we will need increased recycling, composting, and energy recovery from waste when that represents the best practicable environmental option. Not least, we must also undertake more work to develop stronger markets for recovered materials.

Our goals for waste are undoubtedly challenging, but we consider that, with the co-operation of all concerned, they are realistic and achievable. The hon. Gentleman referred to some of the key goals that we have set. They are: to reduce the amount of industrial and commercial waste sent to landfill to 85 per cent. of 1998 levels by 2005; to meet our existing targets of 40 per cent. of municipal waste to be recovered and 25 per cent. of household waste to be recycled or composted as soon as possible; to recover 45 per cent. of municipal waste by 2010—including recycling or composting 30 per cent. of household waste; and to recover two thirds of our municipal waste by 2015—at least half through recycling and composting.

A key force behind those goals is the European landfill directive, which will require substantial changes to be made to the way in which we manage our waste. At present, the UK landfills more than 80 per cent. of our biodegradable municipal waste, but the directive will require us to reduce that to 75 per cent. of the 1995 level by 2006, to 50 per cent. by 2009 and to 35 per cent. by 2016, although we have the option to extend those targets by four years. It refers to municipal, not household, waste. The goals of the waste strategy and the statutory targets of the landfill directive apply nationally, but clearly much will need to be done locally if we are to meet them. Local authorities in particular will have a key role to play, given their statutory responsibilities for waste collection, disposal and planning.

The hon. Gentleman mentioned the financial burden that recycling and waste minimisation initiatives place on local authorities. We are aware that plans by authorities to invest in integrated waste management solutions will place an extra burden on their finances, and are actively seeking extra funding for local authority waste management as part of the 2000 spending review. He will not expect me to go into details at this stage for fear of upsetting my right hon. Friend the Chancellor.

As we made clear in "A Way With Waste", the Government propose first to try to reduce waste generation. If that is not practicable, we should seek to reuse waste. Failing that, we should recover value through recycling, composting or energy recovery. Only if none of those offer an appropriate solution should waste be disposed of by other means, which addresses the hon. Gentleman's point about landraise. Within that framework, we have also emphasised that recycling and composting should be considered before the recovery of energy from waste through incineration.

The hon. Gentleman asked whether it was inevitable that there should be some incineration. We believe that it is, although not necessarily the amount to which he referred. It is important that we have a rational debate, which we must not use to score cheap points—I am not

[Mr. Chris Mullin]

suggesting that he did so—or as an excuse for NIMBYism. This is an important issue and we all have to take responsibility for the huge amounts of waste that we generate, although he will find that even Friends of the Earth acknowledges that some incineration will be necessary.

However, recycling and composting alone will not deliver the rates of diversion necessary to meet the targets in the landfill directive. Although we must aim for very substantial increases in recycling—indeed, we do aim for them—energy from waste will have an important role to play as part of an integrated, sustainable system of waste management. Countries elsewhere in Europe, some of which the hon. Gentleman cited, already achieve recycling rates far in advance of our own and make widespread use of energy from waste.

To East Sussex's credit, it actively sought more sustainable waste management options when faced with a lack of local landfill capacity. The fully integrated scheme, which has just been endorsed, should deliver high recycling and composting rates and high overall diversion rates by employing a mix of options, including energy from waste and recycling facilities.

I fully appreciate that local people may have concerns about the proposed development of energy from waste plant in East Sussex, but emissions from such plants are strictly regulated by the Environment Agency under the Environmental Protection Act 1990 and we are confident that current environmental protection standards are sufficient to protect both the environment and public health. We also strongly support the forthcoming European directive on incineration, which will set even tighter emission standards that would apply to any plant developed as part of the East Sussex PFI scheme.

If fully integrated waste management systems utilising a range of options are to be implemented effectively, there will obviously be a corresponding need to identify sites for the development of the necessary facilities. The key instrument for that identification is the waste local plan, developed in consultation with local communities. The hon. Member for East Worthing and Shoreham (Mr. Loughton) said that there would be no consultation. There should be consultation: the planning system is there for that purpose.

Mr. Loughton: Will the Minister give way?

Mr. Mullin: I hope the hon. Gentleman will forgive me if I do not. I have only a minute or two left.

In September last year my Department published planning policy guidance note 10, to which the hon. Member for Lewes referred. It is intended to assist planning authorities in the preparation of their waste local plans, and the determination of planning applications for waste management facilities. It also provides specific advice on the criteria for the siting of such facilities.

I understand that a consultation draft of the East Sussex and Brighton and Hove plan was published in 1998, but that the deposit draft of the plan has been delayed owing to the disagreements mentioned a moment ago. In particular, I believe that disputes have arisen over the sites identified for future facilities, including—perhaps especially—those identified for energy from waste plants.

As I am sure hon. Members will appreciate, it would not be appropriate for me to prejudice any subsequent intervention by the Secretary of State in the adoption of the plan by discussing the merits or otherwise of prospective sites. That should be a matter for local debate and consultation. The Secretary of State will scrutinise the plans once they have been placed on formal deposit, to ensure that they generally accord with Government policy on planning for waste management.

I was, however, disappointed to learn that the main obstacle to the plan's adoption appears to be a dispute between the two authorities. In "A Way with Waste", we made clear our belief that the integrated approach to waste management, which is crucial to the meeting of our goals, could succeed only through close collaboration and co-operation between local authorities. That is particularly true in areas with two tiers of local government such as East Sussex, where responsibilities for collections and disposal are split. If we fail to achieve the levels of co-operation needed to meet our goals, we are committed to re-examining the whole structure of local authority waste management responsibilities.

East Sussex and Brighton and Hove have already shown that they can work together in securing private finance initiative support for their integrated management scheme. I understand that they are also working on a joint municipal waste management strategy, which will set out policies and be an important instrument for building co-operation, owned and agreed by all authorities in the area. My Department will shortly issue further guidance to authorities on the development of such strategies. We are particularly keen for unitary authorities to work jointly with their neighbours.

Mr. Baker: Does the PFI credit money depend on agreement being reached and maintained between the two authorities?

Mr. Mullin: I will come to that later.

The joint PFI scheme and the municipal waste strategy are both positive steps. We will of course monitor the PFI project in the period leading to the contract signature. Any delays or departures from the approved plan, including any caused by differences between the partner local authorities, will obviously be investigated, and may require renewed approval, which could jeopardise the PFI credits. I hope that the authorities will now move swiftly to resolve their differences.

Question put and agreed to.

Adjourned accordingly at sixteen minutes to Eleven o'clock.

House of Commons

Tuesday 1 February 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

BAXI PARTNERSHIP LIMITED TRUSTS BILL *[Lords]*

Read the Third time, and passed, without amendment.

GREENHAM AND CROOKHAM COMMONS BILL

Order for Second Reading read.

To be read a Second time on Tuesday 8 February.

MERSEY TUNNELS BILL

Order for Second Reading read.

To be read a Second time on Thursday.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Nursing Homes

1. **Mr. Michael Colvin** (Romsey): What is his estimate of the percentages of costs of the nursing element in nursing homes paid by *(a)* the national health service, *(b)* local authority social services departments and *(c)* patients. [106238]

The Minister of State, Department of Health (Mr. John Hutton): About 147,000 people are resident in nursing homes in England. About 9 per cent. are funded by the national health service, about 49 per cent. wholly or partly by local authorities, about 17 per cent. have their care funded from state benefits and about 25 per cent. pay for their own care.

Mr. Colvin: I thank the Minister for his helpful reply. However, as we all know from our constituency casework, once it has been decided that a resident patient is entitled to state aid, the patient tends to become caught in crossfire between the NHS and local authority social services departments over who should pay how much of the nursing element. To avoid all that haggling, should we not lay down in statute what the breakdown should be? Will the Minister consider that?

Mr. Hutton: My right hon. Friend the Secretary of State set out the Government's position in December, and explained that we intended to respond more fully to the royal commission's recommendations. In March, we will organise a seminar involving all the key organisations and individuals who have a view, so that they can discuss with the Department issues involving the definition of nursing care in this context.

I agree with the hon. Gentleman—as, I think, do all right hon. and hon. Members—that the present system of funding long-term residential care is not acceptable or fair; but it is only reasonable for me to point out to him and his colleagues that they created the system.

NHS (Pay)

2. **Mr. Ernie Ross** (Dundee, West): What steps he is taking to reform the pay system in the NHS. [106239]

The Secretary of State for Health (Mr. Alan Milburn): We are negotiating with the NHS trade unions on a new pay system for the health service. In the meantime, we have offered non-review body staff an innovative three-year pay package, and we are implementing the recommendations from the doctors' and dentists' review body and the nurses' review body in full.

Mr. Ross: Does my right hon. Friend agree that the joint statement published by the health departments, management, the unions and NHS staff-side organisations offers a way forward for the NHS after at least 18 years of attack from the last Government? Does he further agree, however, that the real tests of the proposals are whether they are an improvement on what we have now, whether they are easy to understand, whether they are easy to implement, whether they are fair to all staff groups and whether they deliver a genuinely improved service to patients?

Does my hon. Friend also agree that the proposals give all who are concerned with the health service an opportunity to move forward in a true spirit of partnership?

Mr. Milburn: I certainly agree with my hon. Friend's sentiments. He is right in saying that too many of the employment and, indeed, pay structures of the NHS date back to its inception in 1948. Today's world is very different: different requirements are placed on the health service, and on NHS staff. It is important for us to combine fairness with flexibility in the way in which we employ doctors, nurses and other health care professionals, and that is precisely what our negotiations for a new pay system are designed to achieve.

Mr. Nick Harvey (North Devon): Given last week's report on NHS laboratories, which revealed that 60 per cent. were using unqualified staff, and given yesterday's news that two leukaemia patients in Wales had received each other's test results, what steps is the Secretary of State taking to address the problems and to reassure patients? Will he ensure that biomedical scientists are given a substantial pay increase, and bring them and all other professional and technical staff in the NHS under the remit of the review body? If he does that, will he address the fact that such staff have fallen 30 per cent.

behind the recommendations of the review body since it was formed, and will he submit evaluations to bring them up to a sensible level at the outset?

Mr. Milburn: As the hon. Gentleman knows, part of the negotiation on the new pay system is designed to reconfigure the coverage of review bodies. Some have argued, I think reasonably, that the groups covered by the two review bodies do not necessarily reflect the fact that team working is now crucial to a modern national health service. We are considering that, and are negotiating with the NHS trade unions to establish a common position. I think it far better to achieve results through partnership and agreement.

Extra money has been targeted at groups of staff such as medical laboratory scientific officers and cytology screeners who are not covered by the review bodies, where there was evidence of recruitment problems leading to a deterioration in services to patients. The high offers made to those staff for 1999-2000 still stand.

Mr. Phil Sawford (Kettering): Is my right hon. Friend aware that, partly owing to the recent pay settlement in the NHS, the Northamptonshire health authority currently projects a deficit of £8.7 million for next year? I know that Northamptonshire has received a great deal more money, but the chair of the health authority is due to retire in April, and the chief executive will shortly move to another post. We face the prospect in Northamptonshire of having no chief executive, no chair and no money. Will my right hon. Friend look into that serious matter, which is of great concern to my constituents?

Mr. Milburn: I do not know about the position as regards the chair of Northamptonshire health authority, or, indeed, the chief executive. Clearly, those are matters that we will have to address. On the question of there being no money, I am slightly surprised by my hon. Friend's view as Northamptonshire health authority and other health authorities have received a substantial growth in the amount of money that they will have for the next financial year, compared with the current financial year.

Mrs. Caroline Spelman (Meriden): Does the Secretary of State accept that not only is the 3.6 per cent. increase in nurses' pay well below average wage increases of 4.6 per cent. in the economy as a whole, but that the Government's failure to fund it fully amounts to giving with one hand and taking with the other?

Mr. Milburn: I do not agree with that view. That view will come as a great surprise to nurses and doctors in the NHS, who, year after year, suffered from their pay being staged, rather than being paid in full.

Mr. Gordon Prentice (Pendle): May I ask a question about the pay of dentists? Why is it that the review body that reported a couple of weeks ago found it impossible to compute the average earnings of dentists who are employed wholly or mainly on NHS work because, it said, the necessary information was not forthcoming from my right hon. Friend's Department, or from the British Dental Association? Will he give me an assurance that next year, when we get the next report from the pay review bodies, it will be possible for them to compute the average earnings of NHS dentists?

Mr. Milburn: We do have some figures available, as I think my hon. Friend is aware. He takes a great interest in dentists' salaries. We have some figures about the average earnings of dentists who have a reasonable commitment to the NHS. Those figures are widely available. As he is also aware, this year the Doctors and Dentists Remuneration Review Body recommended that we pay a further £20 million to dentists who have demonstrated a real commitment to the NHS. We will, of course, discuss with the profession how best to achieve that.

Cleft Lip and Palate Units

3. **Mr. Robert Syms** (Poole): If he will make a statement on the implementation of the review of cleft lip and palate units. [106240]

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): Designated centres have so far been identified in three regions and discussions are continuing to identify the remaining centres.

Mr. Syms: Today, there has been a luncheon for charter mark winners, one of which is the Poole cleft lip and palate unit. As the Minister wrote to me just before Christmas:

> "The charter mark is recognition for those public service organisations that listen and respond to their users and staff. It is the centre of the Government's programme to improve public services and modernise them for the 21st century."

Apart from the inconvenient fact that the Government are trying to close the unit, does she not understand the real concern about the clinical standards advisory group proposals, and the concern that there seems to be no clear guidance about what is happening on implementation? If she cannot give me an answer today, will she please write to me and tell me when decisions will be made?

Ms Stuart: Charter mark awards are made in recognition of public services. Discussions on the reconfiguration of Poole's provisions for cleft lip and palate are about clinical decisions. I have said that three areas have been identified for Poole and the whole of the south-east, including London. The four health authorities are still forming a stakeholder group. Reports are expected at the end of February, but it is important to recognise that although, nationally, some 865 newly born children need such surgery, in Dorset health authority alone, only 10 will need it. All the recommendations from CSAG say that, to deliver the best service, surgeons should deal with about 30 cases a year.

Mr. Tony Clarke (Northampton, South): My hon. Friend will be pleased to know that, although we might not have a chief executive or chair of the health authority, we have an excellent consultant in our cleft lip and palate unit at Northampton general hospital, but will she expand her answer to include the future for those that carry out the Delaire technique, such as Bill Smith, who works at the hospital? Parents are concerned that, with the forthcoming changes, that pioneering technique—which concentrates on natural growth and surgery rather than

plastic surgery—could be phased out. Will she give some hope to those parents that the Government will continue to allow the Delaire technique, and that, where it is being practised, it will continue to flourish?

Ms Stuart: Different orthodontic and cleft palate surgeons use different techniques. Once the overall national reconfiguration system has been implemented, the posts will be advertised, and it will then be a matter of which types of surgeon are able to provide continuity. No decisions have been made on which techniques will be continued, but the decisions will be based on clinical considerations and on what is best for the treatment of those children.

NICE

4. **Mr. Paul Burstow** (Sutton and Cheam): When he expects the National Institute for Clinical Excellence to issue further recommendations. [106241]

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): The National Institute for Clinical Excellence will be disseminating its guidance at various times throughout the year. In December, the Secretary of State set out the timetable for this year's work programme, and we expect the next guidance to be issued in the spring.

Mr. Burstow: I am grateful to the Minister for that answer. Will she assure the House that, when NICE's recommendations on targeting the drug beta interferon for multiple sclerosis sufferers are considered, MS sufferers will not be placed in a catch-22 situation, in which everyone is denied access to the drug because it is not possible to identify its principal beneficiaries?

Yvette Cooper: Obviously, I cannot pre-empt the guidance that NICE will provide on beta interferon. However, we have referred beta interferon to NICE because there is such wide variation across the country in prescribing the drug. We think that that type of postcode lottery is unfair.

Mr. Kevin Barron (Rother Valley): Will my hon. Friend assure the House that any decisions that the national institute takes will be taken by clinicians, and that they will improve the clinical effectiveness of our health service?

Yvette Cooper: Certainly the whole purpose of the National Institute for Clinical Excellence is to tackle the postcode lottery—in the biggest onslaught on the postcode lottery in the history of the NHS—and to ensure that decisions are taken on the basis of the latest clinical evidence about what works and what is best for patients.

Mr. John Bercow (Buckingham): Will NICE's evaluation of the cost-effectiveness of beta interferon take account of the cost of domiciliary care or of the required domestic adaptations in the absence of its supply?

Yvette Cooper: Certainly NICE will be able to take account of all the data that are submitted, and that includes the costs of care and of social services. NICE will be able to take into account all those matters when it considers both the cost effectiveness and the clinical effectiveness of beta interferon.

Mr. David Chaytor (Bury, North): May I tell my hon. Friend about the case of two of my constituents? They were advised by their consultant that beta interferon was the appropriate treatment; invited in for training in the use of beta interferon; but then, only at that point, were told that the budget would not allow them to be issued with the drug. Will she ensure that when NICE produces its guidelines, it will include some guidance to trusts on processes and the information that should be provided to patients well in advance, to avoid the type of disappointment that my constituents experienced?

Yvette Cooper: I have been informed of the case that my hon. Friend mentions, and I have asked the regional office to provide me with a detailed report on the circumstances of the provision of beta interferon for those patients. I can also tell him that we shall be ensuring that NICE's guidance is available to be followed across the country, to tackle some of the problems that he mentions.

Waiting Lists (Consultants)

5. **Mrs. Ann Winterton** (Congleton): How many patients are waiting more than 13 weeks for their first referral to see a consultant. [106242]

The Minister of State, Department of Health (Mr. John Denham): At 30 September 1999, 512,000 patients were waiting for more than 13 weeks for a first out-patient appointment following general practitioner referral.

Mrs. Winterton: Now that we know that there is a growing waiting list for the waiting list, will the Minister abandon the pledge to cut the waiting list by 100,000 and measure success instead in terms of waiting times? Would it not be better to break a pledge than to force the sickest patients to continue to wait the longest for their treatment?

Mr. Denham: I am afraid that the hon. Lady is wrong on all of those points. We are not going to abandon our target of reducing in-patient waiting lists because as we have brought down in-patient waiting lists, we have brought down in-patient waiting times. Also, we will tackle the problem of out-patient waiting times—which were rising under the previous Government—into which we are investing an extra £30 million this year and an extra £90 million next year.

There is a big difference between the Government and the Opposition. We are determined not just to invest more in tackling waiting times, but to modernise the system, so that it is not inconceivable—as it was under the Tories—that someone could be offered a convenient appointment or be seen in bright, modern surroundings. The Opposition have a different view. They say that hip and cataract operations will have no waiting times because they will not be available on the NHS. The choice is between the Government, who will invest in modernising

and tackling waiting times, and the Opposition, who want to remove those common but essential treatments from the NHS.

Mr. John Austin (Erith and Thamesmead): Does my hon. Friend recall a report by the Select Committee on Health in 1990-91 which commented on the time spent by NHS consultants in private practice? Will he conduct a review of the impact on waiting lists of private practice work by NHS consultants? Does he agree that if NHS consultants spent more time working in the NHS, waiting lists would be reduced considerably?

Mr. Denham: Recently, we have reached a heads of agreement with the BMA on a new consultants' contract—the most significant change in that contract since 1948. My view is that we should concentrate on what consultants do in the time that they are paid to work in the NHS. The new contract offers the possibility of ensuring not just that NHS consultants' time is spent effectively in the NHS, but that consultants get professional and proper appraisals, in which their development needs can be met. We will concentrate on investing in consultants to make sure that we get the best deal for the NHS in the time that consultants are paid to work in it.

Mr. John Burnett (Torridge and West Devon): The Minister will know that an inquiry has been set up at Derriford hospital in Plymouth to look into the way in which waiting lists there have been collated. A number of individuals at the hospital have complained to me of incidents of bullying, racism and failures properly to follow disciplinary procedures. Will the Minister extend the remit of the inquiry to cover those matters, and the culture of the trust generally?

Mr. Denham: Allegations of that sort are serious and must be looked at carefully. If the hon. Gentleman writes to me, setting out the allegations made to him, I will look into them and make sure that they are dealt with appropriately. The Government have introduced legislation to protect whistle-blowers to ensure that, for the first time, people are able to bring such matters of concern to the attention of the proper authorities, or to the attention of the public if necessary.

Ms Rosie Winterton (Doncaster, Central): What can be done to overcome the problem of GPs referring patients constantly to one particular consultant, even though that consultant may have a longer waiting time than others within the same department? How can we ensure that patients have proper access to all the information about the waiting times and waiting lists of every consultant within a department, so that they can make an informed choice about which consultant they wish to be referred to?

Mr. Denham: My hon. Friend makes an important point and we are tackling several issues that will help to address those problems. Clinicians have a responsibility to make the appropriate referrals to the right doctor, but there are examples of GPs referring out of habit or past practice, even though another consultant may be more specialised in an area of treatment and it would be more appropriate to refer the patient to them.

Much work is going on between health authorities, primary care groups, hospitals and individual doctors to ensure that doctors are fully aware of the waiting list position and the alternative referrals that are available. That work, backed up by the work that we have asked the National Institute for Clinical Excellence to do to produce referral guidelines for GPs, will help to tackle the problems that my hon. Friend rightly raises.

Waiting Lists (Treatments)

6. **Mr. Owen Paterson** (North Shropshire): If he will make a statement on treatment waiting times. [106243]

7. **Mr. Nicholas Winterton** (Macclesfield): If he will make a statement on the role of clinical need within his waiting list initiative. [106244]

The Secretary of State for Health (Mr. Alan Milburn): As waiting lists fall, waiting times are falling, too. The in-patient waiting list is now 87,000 below the level we inherited. We have made it clear throughout that patients should always be treated according to their clinical priority. Emergencies are always treated immediately and patients who need urgent treatment are given priority.

Mr. Paterson: If so, why was cold surgery cancelled for weeks on end this winter in Shropshire?

Mr. Milburn: The NHS did this winter what it does in normal winters.

Mr. Paterson *indicated dissent.*

Mr. Milburn: I would be astonished if the hon. Gentleman could produce a dossier of evidence that showed that in previous winters, when his party was in power, the NHS in Shropshire did not do what it always does, which is to prioritise emergency cases. I would eat my hat even though I am not wearing one.

Mr. Winterton: As I was the Chairman of the Health Committee when it produced the report that the hon. Member for Erith and Thamesmead (Mr. Austin) mentioned in his question, I hope that the Secretary of State will take my question seriously. Does he accept that grave concern is felt that, in seeking to reduce the in-patient waiting list, clinical priority is—sadly—being ignored in many cases? He gave a forthright response to the question from my hon. Friend the Member for North Shropshire (Mr. Paterson), but will he assure me and the House that clinical priority will take precedence in all situations, even if that means that, for a time, the in-patient waiting list increases?

Mr. Milburn: I have the greatest respect for the hon. Gentleman's views on health. He will know that from the outset we made it clear—by issuing guidance to trusts and to other parts of the NHS—that in tackling the waiting list problems that we inherited, priority should be given to conditions associated with the most severe clinical need. That must be right.

On the issue of rising waiting lists, the NHS has done this winter what it should always do—it has prioritised emergencies. There are always more pressures on the NHS from emergency admissions in the winter months. The hon. Gentleman knows that and I know that, and I know too that when the waiting list figures for December are published they will probably reflect the fact that the NHS did give priority to emergency cases. I hope that he and his party will welcome the figures when they are published.

Mr. Peter L. Pike (Burnley): Is not the reality that, with an increasing elderly population and the ability of the NHS to do ever more complex surgery, the demands on health service provision will continue to rise rapidly? The simple fact is that this Government are doing much better at meeting the public's demands than their predecessor did over 18 years.

Mr. Milburn: I am grateful for my hon. Friend's views. He is right to say that demands on the NHS, from changes in the demography and the advent of new treatments and technologies, place additional stresses and pressures on the system. The debate in this country is about what form of health care can best deal with those pressures. The Conservatives' answer is that the future for our health care system should rely on more people being made to go private: we say that that is not the answer because it will not work and it is not fair. We say that the best means to secure health improvement for the majority of our citizens is through a modernised and expanded NHS.

Mr. Bruce Grocott (Telford): Given that Opposition Front-Bench Members repeatedly describe our spending plans as reckless, can my right hon. Friend give me an idea of how many Tory Members have asked him to reduce expenditure on health?

Mr. Milburn: None. *[Laughter.]*

Madam Speaker: Order. Dr. Brand.

Dr. Peter Brand (Isle of Wight): The Secretary of State will know that many patients languish in a sort of statistical purgatory while investigations are carried out and decisions to begin treatment are made. Is the right hon. Gentleman collecting information on the number of people who, having been seen by a consultant, are still waiting for a decision about treatment? Does not he consider it unacceptable that the number of patients who seem to be parked in a queue awaiting a decision is not measured at present?

Mr. Milburn: The hon. Gentleman will know, from his political and clinical experience, that the Government are taking steps to tackle that problem. We are investing in one-stop diagnosis and testing, precisely to avoid the difficulty that he describes. In the modern age, at the beginning of a new century, it seems to me that it is not beyond the wit of the national health service to provide faster and more convenient care for patients, so that people going into hospital are not passed from pillar to post. We are striving to ensure that diagnosis, results and, where possible, treatment are dealt with in one day. It will take time to reach that objective, not least because we have to reorganise how services are delivered. We also need to expand the number of staff available to deliver the new services.

Health Spending

8. **Mr. Michael Portillo** (Kensington and Chelsea): What plans he has to increase the proportion of gross domestic product spent on health to the average EU level. [106245]

17. **Mr. Alan Simpson** (Nottingham, South): What plans he has to raise NHS spending as a percentage of gross domestic product to the level of the United Kingdom's European partners. [106254]

The Secretary of State for Health (Mr. Alan Milburn): As my right hon. Friend the Prime Minister made clear to the House on 19 January, we are entirely confident that we will be able to sustain increases in funding for the health service to reach the European Union average.

Mr. Portillo: Do the Government accept that they have disappointed the public because they have promised too much and achieved too little? Did not the Prime Minister make another promise on "Breakfast with Frost", when he said that he would bring UK health spending up to the European Union average? Does the Secretary of State agree that we are now spending less than 6 per cent. of national income on the health service, and that the European average is 8.8 per cent? Will the right hon. Gentleman be specific about which average the Government are aiming for, and over what period of time they will achieve it?

Mr. Milburn: Welcome to Health questions. If my memory serves me right, the right hon. Gentleman was Chief Secretary to the Treasury for a substantial period during the previous Government's time in office. If anyone is responsible for our funding lagging behind the European Union average, it is he and his cronies.

Mr. Simpson: It would have been nice if the right hon. Member for Kensington and Chelsea (Mr. Portillo) had prefaced his question with an apology to the House. However, in the absence of that apology, will my right hon. Friend confirm that the £11 billion spending shortfall between the UK and our European partners is the real legacy of Tory tax transfers, from public health services to private wealth holders, which took place throughout the Tory Administration? Will he also confirm that the Department of Health has evidence to show that, irrespective of other reasons for admittance to hospital, about 40 per cent. of adults and 15 per cent. of children are admitted because they are classed as malnourished? Is not that a scandalous way to start the 21st century? Does not that fact alone justify my right hon. Friend the Prime Minister's commitment to restore UK health spending to the European average?

Mr. Milburn: My hon. Friend is right. It is clear that we must do two things: we must expand the national health service to ensure that it is there when patients need it and, equally significantly, we must tackle the root causes of ill health. The Government have pledged to do

what no previous Government, Labour or Conservative, have ever pledged to do—to improve the overall health of the population, and to improve the health of the worst off at a faster rate.

Mr. Nick St. Aubyn (Guildford): Has the Secretary of State seen the report published last week by the National Institute of Economic and Social Research, which looked at the Prime Minister's pledge to raise health spending to the EU average? It predicted that such a rise would cause a 2 per cent. fall in manufacturing output, a permanent 1 per cent. increase in the inflation rate, and expose the economy to sudden and massive increases in taxation.

Mr. Milburn: I was going to say that I am slightly confused, but it is the hon. Gentleman and his party who are confused. Just a few weeks ago, Conservative spokesmen were professing support for what my right hon. Friend the Prime Minister was saying. Our position on this matter is clear: we know that we need to expand resources for the national health service. and that is precisely what we are doing. The question is where the Conservatives stand on the issue. They stand for more private health insurance—more subsidies for the few rather than public services for the many.

Mr. Paul Flynn (Newport, West): Does my right hon. Friend agree that the biggest increase in costs in the health budget has been the 35 per cent. increase in the cost of drugs over the past 10 years? Does he further agree that the Government, by setting up the National Institute for Clinical Excellence, have already established a great improvement because they have exposed the fact that the vastly overpriced drug Relenza not only has very little effect on the symptoms of influenza, but has a serious side effect on vulnerable patients? Is it not right that the Government look with new rigour at the greedy propaganda of the drug companies?

Mr. Milburn: I do not want to comment on Relenza, because the drug company itself has done so and has issued what is, in my view, appropriate guidance to the national health service. Just a few weeks ago, Conservative Members were urging us to reverse the NICE decision on Relenza. Well, thank heavens we did not listen to them.

I am sorry to disappoint my hon. Friend on some of the issues that he raised, but I am not one of those who believes that the national health service should be spending less on drugs. I believe that probably we should be spending more on drugs if we can prove that the new drugs coming on to the market are clinically effective, cost effective and will in very many cases replace more invasive and expensive forms of treatment. That is good for patients and, overall, it is probably a good deal for the taxpayer.

Mr. Philip Hammond (Runnymede and Weybridge): As the Secretary of State was unable to give any firm commitments to my right hon. Friend the Member for Kensington and Chelsea (Mr. Portillo) on European Union averages of gross domestic product spending, perhaps we can look closer to home.

Will the right hon. Gentleman confirm that national health service spending in Scotland is approximately 7.5 per cent. of GDP, compared with 5.9 per cent. in England and Wales? In other words, the Government spend more than £900 per head on the NHS in Scotland, compared with £746 per head in England and Wales. As the First Minister boasted last week to the Scottish Parliament in Edinburgh, in Scotland there are 51 consultants per 100,000 of the population, compared with 39 in England; there are 75 general practitioners per 100,000 of the population, compared with 56 in England; and there are 808 nurses per 100,000 of the population compared with 620 in England. Should the people of England and Wales be prepared to put up with that? Are the Government prepared to accept that? If not, why did the comprehensive spending review settlement widen rather than narrow the gap?

Mr. Milburn: If the hon. Gentleman is so concerned about these apparent differentials between spending in England, Wales and Scotland, why did his Government not do something about them for 18 years?

Meningitis

9. **Judy Mallaber** (Amber Valley): If he will make a statement on the progress of the meningitis vaccination programme. [106246]

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): The introduction of the new meningitis C vaccine is progressing very well—immunisation for 15 to 17-years-olds is largely completed, and babies have been receiving the vaccine since November. We are on target to offer the vaccine to everyone under 18 by the end of the year. We are the first country in the world to have introduced a national programme for the new meningitis C vaccine, and we are implementing it a year ahead of schedule.

Judy Mallaber: I warmly thank the Department of Health and the former Secretary of State, my right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson), for providing the new strain C vaccine, in advance of the full immunisation programme, to the village of Ironville in my constituency. It has, tragically, suffered a uniquely high incidence of meningitis, with a so far unexplained series of outbreaks over the past three years.

Will my hon. Friend note that four of the five confirmed strain C cases in Ironville—including the last death, Colin Whitehead—could be confirmed only by the polymerase chain reaction test, and that that also applies to 53 per cent. of the cases in southern Derbyshire?

I understand that only through using that test can the necessary evidence be found on which to base proper medical intervention, as has happened in Ironville. Will my hon. Friend undertake to consider the policies of the Public Health Laboratory Service on future charges for PCR tests and assess their potential impact on the control of this absolutely terrifying disease?

Yvette Cooper: I welcome my hon. Friend's concern about this issue. She has worked extremely hard on the problems it has caused in her constituency. I am aware of the point she makes about the PCR test; we want to ensure that people working in the field have access to that

important test. I shall raise the issue with the PHLS. Officials have already held meetings with the service and I shall do so in March.

Miss Anne McIntosh (Vale of York): Will the Minister assist in the cases of older young people—especially those in their late 20s? We heard of the tragic case of the young rugby player who went to hospital and was, regrettably, misdiagnosed, with fatal consequences. If there was sufficient evidence that those people would also benefit from the vaccine, would the Government consider extending the vaccination programme to that older group?

Yvette Cooper: Certainly, we will take advice about other groups from the Joint Committee on Vaccination and Immunisation. At present, we are on target to immunise everyone aged under 18. The situation is unusual because we are rolling out a new vaccination programme as quickly as possible. In those circumstances, we are obviously prioritising those groups that are at the highest risk.

Drugs (Funding)

10. **Dr. Ian Gibson** (Norwich, North): What plans he has to provide resources for drugs recommended by the National Institute for Clinical Excellence. [106247]

The Minister of State, Department of Health (Mr. John Denham): New drugs and treatments are constantly being introduced to the NHS. The cost of those treatments—whether or not they have been referred to the National Institute for Clinical Excellence—is met from the rising resources allocated to health authorities. Those resources increased by 6.6 per cent. this year and will increase by 6.8 per cent. next year. NICE guidance will tackle the different local interpretations of evidence that have led to unacceptable variations in access to treatment and care.

Dr. Gibson: Does my hon. Friend agree that drugs, such as Taxotere, which is extremely effective in advanced breast cancer, and Taxol for ovarian cancer, are not being spread throughout our population? Many women are not being given the right to be prescribed them. Does he agree that we need to allocate more resources to that matter? If NICE finally comes to its senses and realises that those drugs are effective, will my hon. Friend supplement the budgets of health authorities which want to use those drugs to treat everyone who would benefit from them?

Mr. Denham: My hon. Friend will understand that it would be wrong for me to comment on topics that are under proper consideration by NICE. However, in general the problem is often one of different local priorities—different views of the evidence. The whole point of referring key drugs to NICE is to provide consistent guidance through the NHS to identify those drugs that are both clinically effective and cost effective, and which represent a good use of NHS resources. When NICE produces such approved guidelines, we expect NHS organisations systematically and consistently to take account of them. Clinical governance and the Commission for Health Improvement will help to ensure that.

We are keen that clinically effective and cost-effective treatments are spread more quickly throughout the NHS than they have been in the past. The issue of authoritative guidance from NICE will help to ensure that and will tackle the unacceptable variations to which my hon. Friend has drawn attention.

Mr. Douglas Hogg (Sleaford and North Hykeham): The hon. Gentleman will be aware that I have raised in the House and in correspondence the relative unavailability in Lincolnshire of beta interferon. He will understand that we all welcome the reference of beta interferon to NICE. However, does he realise that the problem is the lack of resources in Lincolnshire? Unless he is willing—in the event of a positive recommendation from NICE—to put more resources into the authority's budget, it will not be possible to give expression to the institute's recommendation.

Mr. Denham: Again, it would be wrong for me to comment on a particular drug that is being considered by NICE, but I have two things to say to the right hon. and learned Gentleman. The system that has led to very uneven availability of this drug and others was introduced by the previous Government. The existing guidance on the use of beta interferon was introduced by the previous Government, and that is where the problem originated. It is precisely because we do not find such a situation acceptable that we have set up NICE, and we have referred several drugs to it.

I believe that people locally are taking different views of the evidence, which leads to differences in the availability of different treatments. When we have guidance from NICE, that will be consistent and authoritative and we would expect people taking decisions to take full account of it.

Mr. Denis MacShane (Rotherham): In welcoming NICE, which will put an end to the Tory racket of postcode prescribing, is my hon. Friend aware that there are a great many rising expectations of NICE, and that if NICE strikes a drug that many believe is of use off the list that is available on the NHS, that will greatly disappoint many people? Is he, in his discussions with NICE, drawing its attention to the need to make more drugs available, not fewer?

Mr. Denham: NICE is aware of the resources that are available to the national health service. It is aware that those resources are rising and that spending on drugs has increased faster than the resources available to the national health service.

The good news for my hon. Friend is that NICE is taking its decisions in the context of a Government who are committed to investing in the national health service and to increasing that investment, because we certainly want to ensure that clinically effective and cost-effective treatments which are a good use of those resources are made available in the national health service. That is so very different from the record of the Conservative Government, who introduced a system of postcode prescribing which determined what sort of treatment a person could obtain. The Conservatives now have a new

policy—they want to do away with the previous one and simply tell people that they can obtain treatment only if they can afford to pay for it.

Rev. Martin Smyth (Belfast, South): I understand the problem to which the Minister refers, but what answer would he give to the lady who wrote to me to say that she had taken part in randomised testing, at the end of which, after she had found benefit from the treatment, she was told by the doctor that she had been taking not a placebo but beta interferon, but that, because of the restrictions, it was unlikely that she would be able to get it in future? Surely the hon. Member for Norwich, North (Dr. Gibson) was emphasising an issue that needs to be addressed, namely, to provide effective treatment throughout the country.

Mr. Denham: One of our problems is that the results of proper drug trials are sometimes interpreted differently by different clinicians and different health authorities, which can lead to a difference in the pattern of provision. The great advantage of NICE is that it brings together leading clinicians within an organisation that draws heavily on the expertise not just of clinicians, but of managers and of patients' groups, in order to make an authoritative assessment of the evidence emerging from those trials.

I believe that that will be a great strength to the national health service, because it will mean that the advice that is available to decision makers is based on the best evidence about what works clinically, is cost-effective and is a good use of NHS resources. I hope that that will mean that those patients who may be in the position that the hon. Gentleman's constituent describes get treatment if that treatment is clinically effective and cost-effective for them.

NHS (Acute Beds)

11. **Mr. Harry Cohen** (Leyton and Wanstead): If he will make a statement on the number of acute beds in NHS hospitals. [106248]

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): Acute beds have remained broadly stable under this Government at around 108,000. Even so, there is a view that in some places hospital bed reductions may have gone too far or alternative services may not have been put in place. That is why the national beds inquiry was set up. It is now nearing completion and its findings will be published shortly.

Mr. Cohen: Is the Minister aware that local NHS chiefs have said that more beds are needed in my health area, Redbridge and Waltham Forest, and that the Association of Community Health Councils has said that more beds are needed nationally? Under the previous Government, 40,000 NHS beds were cut. In September 1998, the present Government set up the national beds inquiry. Is it not time that it reported, and that the Government responded to it? Is it not the case that we need more beds—not only acute beds, but mental health and intensive care beds? I hope that the Government will not go to sleep on this issue.

Ms Stuart: I can assure my hon. Friend that we have no intention of going to sleep on anything, unlike previous Conservative Governments who, over 30 years, never conducted any systematic research into the use of beds. *[Interruption.]* We have done so, but the last systematic inquiry into the use of hospitals and beds happened under Enoch Powell.

It is not just a question of beds and the use of beds—we needed to make sure that we considered the use of hospitals as a whole system and that we examined the use of day-care beds for elective surgery, the use of acute beds and the use of beds for critical care. The latest information arrived in December and we are processing and analysing the data. We shall publish the report shortly.

Mrs. Marion Roe (Broxbourne): Acute beds need nursing staff to care for the people in them. How does the Minister intend to tackle the problem of nurse recruitment, given that the Labour Government's campaign has been less than successful? The United Kingdom Central Council nursing register continues to fall. It shows that 12 per cent. of those on the register are over the age of 55 and that fewer than 20 per cent. are under the age of 30, thus creating an age timebomb. How does the Minister intend to tackle that problem?

Ms Stuart: Unlike the previous Government, we responded to the need for nurses not by cutting nurse training places, but by increasing them. Since the Government came to power, 2,500 extra places for training have been created, 2,500 nurses have returned to the profession and we have also trained extra doctors. That is forward looking. We have not cut services and then tried to blame someone else for that.

Mr. Bill Rammell (Harlow): Does my hon. Friend agree that nobody with any credibility will listen to the criticisms made by Conservatives Members about acute bed numbers or the number of nurses in the system? Does she agree that the problem of acute beds is the result not only of the 40,000 beds that were cut under the previous Government, but of developing a belief in the health service that increased efficiency would always reduce the number of beds? Therefore, if the inquiry suggests that we have too few acute beds in the system, will the Government act on its findings as a matter of urgency?

Ms Stuart: Of course, techniques change and the use of beds has to be assessed. That is why the national beds inquiry will consider the matter. There has been an increase in elective surgery and something like half of all elective surgery now takes place in day-care units. The important point is that we shall examine the system, modernise the NHS and respond to strategic needs. We will not say that the answer to long-term problems is the private sector and privatising the national health service.

Dr. Liam Fox (Woodspring): During the past year, how many intensive care beds have been created?

Ms Stuart: I am aware that on a previous occasion I told the House that some 100 critical care beds have been created. I am delighted to say that that figure is not correct.

When comparing March 1999 and 17 January 2000, the true figure is 122 critical care beds. Information on their precise location and other details has been placed in the Library.

Dr. Fox: That was an interesting answer, but to a different question. I did not ask about critical care beds; I asked about intensive care beds. In the last health debate, the Secretary of State said that he had managed to identify eight; in his letter to me of 6 January he said that there were 100; on "Breakfast with Frost" the Prime Minister said that there were 60; and when my hon. Friend the Member for Daventry (Mr. Boswell) asked about the number of additional intensive care beds that had been created in each NHS trust in 1999 he was told:

"Information is not available in the form requested."—[*Official Report*, 24 January 2000; Vol. 343, c. 103W.]

Given that all those answers cannot be correct, which ones were untrue?

Ms Stuart: My right hon. Friend the Secretary of State has written to the hon. Gentleman to clarify the position. However, if he is really interested in patient care, he will look at the figures published in the latest research, which was verified on 17 January. If he is interested in the truth, he will look at that rather than scoring cheap points that do not benefit any patients at all.

Dr. Fox: Imagine the audacity of the House of Commons in wanting information from a Minister! These Ministers could not ask for water if they were thirsty. Is not the truth that information that the Government do not like is denied, distorted or withheld? Like the Home Secretary's numbers, the Health Secretary's intensive care beds are complete fantasy. Will the Minister guarantee that by this time next year there will be an increase in the number of intensive care beds as well as critical care beds, and that those figures will be published monthly by trusts throughout the country? We could all then know the truth—we certainly cannot take the Government's word for it.

Ms Stuart: The hon. Gentleman has to make up his mind about what kind of backseat driver he wants to be. Does he want to keep saying, "Give us information faster and faster", or does he want reliable information that is analysed properly? Information, such as that produced by the national beds inquiry, is being analysed properly and will then be made available, and other information will be made available more quickly. Surely we should give out appropriate information at the right time and in the right place when it is most useful for management decisions.

Primary Care Trusts

12. **Mrs. Diana Organ** (Forest of Dean): What progress he is making with the development of primary care trusts. [106249]

The Minister of State, Department of Health (Mr. John Denham): Excellent progress has been made towards primary care trust development, with 68 primary care groups proposing to make applications to become 63 primary care trusts this year. Of the 19 applying for an April 2000 start, 17 will become operational in April and the other two will start in October 2000.

Mrs. Organ: Does my hon. Friend agree that the introduction of primary care trusts and groups has led to increased effectiveness and efficiency in the use of NHS resources? However, in Gloucestershire several primary care groups that want to develop into trusts face funding problems due to Gloucestershire health authority's funding difficulties last year. What reassurances can my hon. Friend give to the primary care group in the Forest of Dean that it will receive sufficient funding in future to be effective, efficient and successful and to consider being developed into a primary care trust?

Mr. Denham: My hon. Friend is right about the advantages of primary care groups and trusts. From April, we shall devolve about £20 billion to those organisations, which is three times the amount devolved to front-line clinicians by the previous Government's fundholding plans. That will enable services to be developed more efficiently and effectively.

On the question of Gloucestershire, my hon. Friend will know that following last year's increase of 5.5 per cent. in the health authority allocation, this year's allocation has gone up by 6.31 per cent., which is a significant increase. However, it is for local people to determine the size and shape of primary care trusts, taking into account the views of all the people in the local health system. That means that the right balance must be struck locally between the need for an organisation that can stay in touch with the communities that it serves, and the need to keep management costs well under control to make sure that money is spent on patients, not bureaucracy.

Mr. Peter Lilley (Hitchin and Harpenden): Will the Minister confirm that the introduction of primary care groups has resulted in patients now having to go to the hospital selected for them by their primary care group? The last vestiges of patient choice have been abolished, and patients, with the agreement of their GP, are no longer allowed to be referred to another hospital with a shorter waiting time or with a better success rate for the operation concerned.

Mr. Denham: No. The right hon. Gentleman needs to pay a little more attention to what is happening in the national health service. Nothing that we have done removes clinicians' right to make the appropriate referral for a patient. Indeed, a legal change in their position would be required to remove that right.

The unplanned system introduced by the previous Government was bureaucratic, expensive, unfair and uneven, and we have got rid of it in the interests of patients, doctors and NHS resources, because it is better to make sure, through proper planning and commissioning of services, that patients can get the service that they want at the highest quality and at their closest local hospital. If we contrast our vision of making sure that services are of a high quality and provided as close to patients as possible, with the right hon. Gentleman's vision in which a few patients chase all over the country trying to get on the lists of a handful of doctors, we all know which one patients prefer.

Hearing Impairment

14. **Mr. Malcolm Savidge** (Aberdeen, North): What plans he has to improve NHS services for people with a hearing impairment. [106251]

The Minister of State, Department of Health (Mr. John Hutton): We will start a project in England later this year to trial digital hearing aids for national health service patients. The project will form a key part of our plans to develop modern NHS hearing aid services.

Mr. Savidge: I welcome that reply as I am aware from my local health authority area of the urgent demand for hearing aids. I am certain that new technology can play a vital role in meeting that need. If the pilots are successful, do the Government intend to extend the availability of digital hearing aids throughout the NHS?

Mr. Hutton: I can certainly give my hon. Friend that assurance. There is no doubt that digital programmable hearing aids are successful—they work. We have to ensure that that technology is available to NHS patients who use audiology services in local trusts, and we intend to do so in a major development and major modernisation of hearing aid services. I am delighted that the Royal National Institute for Deaf People has given it such a warm welcome.

Harold Shipman

3.30 pm

The Secretary of State for Health (Mr. Alan Milburn): With permission, Madam Speaker I wish to make a statement about the Harold Shipman case. Harold Shipman is the general practitioner from Hyde, Greater Manchester, who, the House will know, was found guilty yesterday at Preston Crown court on 15 charges of murder, and of forging the will of one of his patients. I understand that the Crown Prosecution Service is considering further charges. The police have investigated a total of 136 cases.

The whole House and, indeed, the whole country will have been shocked to hear the detail of those dreadful crimes. I am sure that all right hon. and hon. Members will want to join me in offering our deepest condolences to all the relatives and friends of the people who died at the hands of Harold Shipman. Those relatives and friends have endured the ordeal of a lengthy public trial with quiet dignity. Our sympathies today are with those families.

We now know that Harold Shipman murdered at least 15 women patients. They had placed their trust in him as their local GP. He abused his position of trust in a way that was callous, systematic and determined. As Mr. Justice Forbes, the judge presiding in the trial, said yesterday, he murdered each and every one of his victims by a calculating and cold blooded perversion of his medical skills. It is almost beyond belief that a doctor could act in this way.

The relationship between individual doctor and individual patient is built upon trust. The Shipman case must not be allowed to erode the bond that rightly exists between our first-class family doctors and the families whom they serve. GPs in this country, almost without exception, are hard working, honest and trustworthy. It is almost universally agreed that we have one of the finest family doctor services in the world. In my view, it is imperative that we protect that reputation, even as we learn the lessons of the Shipman case.

It is of course true that a determined criminal can defeat the best-regulated organisation in pursuit of his purpose, but we must be confident that we do indeed have the best systems for regulation and self-regulation firmly in place. There is no doubt that those systems have to be strengthened and changed. Not only did Harold Shipman manage to perpetrate those appalling crimes, but he managed to get away with them for years without being discovered.

Members of Parliament and members of the public will want to be reassured about whether these awful events could have been foreseen and avoided, whether the early signs could have been detected sooner, and whether action to halt Harold Shipman could have been taken earlier. It is to answer those and other questions in a careful and considered way that I intend to establish an independent inquiry into the issues raised by the murder of patients by Harold Shipman.

I am establishing the inquiry using the powers that I have as Secretary of State as defined in section 2 of the National Health Service Act 1977, and with the support of my right hon. Friend the Home Secretary. The inquiry will be comprehensive and inclusive. The victims' relatives in particular will be able to present their views and experiences to the inquiry. The report of the inquiry will be made public. I am publishing the terms of reference for the inquiry today; a copy has been placed in the Library of the House. Given the issues of confidence raised by the Shipman case, the inquiry must act thoroughly and speedily. It will report in the autumn. It will be chaired by Lord Laming of Tewin, the former chief inspector of social services.

The inquiry's primary purpose will be to make recommendations on how best patients can be safeguarded in future. It will look at the role played by all the agencies involved in the Shipman case, including the coroner, the registrar, the police and health services. It will examine all relevant issues, including the measures needed to safeguard against the risks of isolated professional medical practice, GPs' access to controlled drugs and the role of the NHS tribunal.

We have received and noted the West Pennine health authority's internal report on the Shipman case. Last night, the health authority announced the suspension of its GP adviser. The health authority report will no doubt be considered by the inquiry but, equally, the inquiry will also be charged with properly scrutinising the role and conduct of the authority itself.

It will also be important that the General Medical Council's involvement in Harold Shipman's case is examined by the inquiry, that lessons are learned and that recommendations for reform are made. The GMC must genuinely exist to protect patients. It must be truly accountable and it must be guided at all times by the welfare and safety of patients.

The House will know that the Government and the medical profession are already taking action to modernise regulatory structures and to deal with poor performance wherever it occurs in medicine. The GMC is developing proposals for assessment and revalidation of all doctors' licences to practise at five-yearly intervals. To strengthen and underpin this, in November last year, the chief medical officer produced recommendations in his report, "Supporting Doctors, Protecting Patients", to identify and deal with the small minority of doctors whose performance or behaviour gives cause for concern.

The report proposes that there should be annual appraisal of all doctors, including family doctors. Until now, there has been no such system. It proposes that health authorities should have the power to suspend GPs when the circumstances indicate that patients may be at risk. They do not have that power at present. Finally, it proposes that participation of GPs in external clinical audit should in future be mandatory. It is not mandatory at present. The detail of the proposals is still being consulted on. We need to press ahead as quickly as possible with them.

In parallel, the Government intend that the system of clinical governance should apply to all doctors. It will promote high standards of care and introduce accountability in a way that has not existed in the past. Isolation in which an individual doctor's pattern of practice is hidden from view will become a thing of the past. The new system will in turn be monitored by the new independent Commission for Health Improvement.

Our proposals will provide safeguards against the rare doctor who poses a grave and immediate threat to patients' safety. In the process, they will improve GPs' accountability without preventing them from getting on with the job of treating, and caring for, their patients.

[Mr. Alan Milburn]

To reinforce the steps that are already in train and those that the inquiry may recommend, I believe that there are certain immediate actions that the Government need to take in the light of the Shipman trial.

First, the way in which the NHS tribunal works means that the health service would continue to pay Harold Shipman for about another month following his convictions for murder. That is inconceivable. I am acting urgently to make sure that it does not happen. Similarly, the powers that I have as Secretary of State allow me to remove pension entitlements from those recipients who have seriously damaged public confidence in the NHS. I am today giving notice that I am considering removing Harold Shipman's pension entitlements.

Secondly, despite his convictions for murder, Harold Shipman today is still a registered doctor with the General Medical Council. The public will now expect the GMC to give its most urgent attention to removing Harold Shipman from the register of medical practitioners.

Thirdly, there is at present nothing to require a family doctor to disclose a past criminal conviction or a previous professional censure to prospective partners or to a health authority. In the 1970s, Harold Shipman had a conviction for obtaining and misusing a controlled drug. He had a record with the General Medical Council, yet that did not lead anyone to monitor him more closely than any other doctor. That, too, will now change.

I can tell the House that we shall be requiring doctors to disclose criminal convictions and action taken against them by a professional regulatory body, whether in the UK or abroad, before they can be appointed to medical lists.

Fourthly, we intend to make it compulsory for GPs to report deaths in their surgeries and other serious incidents to health authorities. At the same time, we are working with the Office for National Statistics to find new and better ways of monitoring deaths of GPs' patients.

Fifthly, I have asked the chief medical officer to commission and oversee a clinical audit of Harold Shipman's past practice. The audit will examine the pattern of deaths, certified causes of deaths, prescribing of restricted drugs, and the relevant medical records. Any concerns highlighted by the audit will be drawn to the attention of the relevant authorities.

Finally, my right hon. Friend the Home Secretary is setting up an urgent review to consider how to improve death certification and make more effective the checks undertaken before cremation and burial. The review will also consider whether there should be a role for coroners in monitoring the proper procedures after death. The consideration and findings of this review will, of course, be made available to the inquiry that I announced today.

We owe it to the relatives and friends of those murdered by Harold Shipman to identify and implement whatever steps are necessary to prevent a repetition of the terrible events witnessed in Hyde. Harold Shipman was a determined serial killer. He preyed on some of the most vulnerable members of our society. He broke the trust of his patients in the most dreadful way imaginable. Having betrayed the trust of his own patients, Harold Shipman should not be allowed to break the trust that exists between family doctors and their patients.

The action that I have outlined today is intended to strengthen that bond of trust. It expresses the Government's determination to apply the lessons of the Shipman case to ensure that patients have the protection that they deserve.

Dr. Liam Fox (Woodspring): I am grateful to the Secretary of State for his statement and for his courtesy in making it available to the Opposition in advance.

As a former general practitioner, and as a current member of the Royal College of General Practitioners, I feel nothing but horror and disgust at the actions of Harold Shipman. I find it incomprehensible that any doctor who had the trust of his patients could behave in such a way. I am sure that that view is shared not only by the public but by the entire medical profession.

I extend the sympathy of all Opposition Members to the families of the victims. They are the ones who have to live most immediately with the results of Harold Shipman's wickedness. However, as a GP, may I say that it was Harold Shipman who was found guilty, not the medical profession or general practitioners? We need to keep a sense of proportion in this debate, and I am grateful that the Secretary of State made such a well-balanced statement.

We welcome the public inquiry. I hope that the Secretary of State will be able to give an undertaking that its findings will be debated in the House as soon as the House returns from the summer recess.

I welcome the statements on pay and pension in relation to Harold Shipman, which I am sure those outside the House will regard as sensible. I agree that there are lessons for the General Medical Council. Immediate removal from the register in cases such as this is simply common sense. I agree that there should be better reporting of deaths in GPs' surgeries and better monitoring of the deaths of GPs' patients. However, we should not expect too much of such figures because there would have to be a great difference between a GP's figures and the norm to reveal a substantial discrepancy.

I welcome the review of the coroner's role in monitoring procedures after death. I agree that doctors from home and abroad should be required to declare criminal convictions and any actions taken by a regulatory body. Will that require primary legislation? How will that be policed? Policing will be the most difficult aspect of such a measure.

I want to make one or two constructive suggestions. Should not the principle of requiring doctors to disclose criminal convictions be extended? Surely health authorities and other employing authorities should have a legal duty to check references for doctors from the United Kingdom and abroad.

Any doctor can sign part 2 of a cremation form for a colleague. There should be better controls; for example, doctors should be specifically trained to sign a part 2. Doctors who will do that in future should at least take a course. Perhaps someone other than a GP who has specialist knowledge should sign part 2 of cremation forms to ensure increased public confidence in that process.

The Secretary of State mentioned controlled drugs. Surely it should be an offence not to hand back drugs that are taken from the relatives of a patient after death. It is

common for doctors to take them and throw them away, but we need to ensure that procedures are in place to maintain public confidence. Hoarding controlled drugs is not acceptable.

Questions must be asked about the future of single-handed practices. Many of us in the primary care system have not wanted to face up to that question previously. However dedicated the individual GPs, questions must be asked about single-handed practices' auditing and ability to provide modern health care. The Secretary of State would be supported by the Opposition in considering that matter constructively.

The Secretary of State said that our GPs, almost without exception, were hard working, honest and trustworthy. I am grateful for the fact that there has been no knee-jerk response about regulation, and that the responsibility for regulation will remain principally with the profession in line with the law.

The Secretary of State said that no system could prevent one evil individual from carrying out such acts as those of Harold Shipman. He asked whether they could have been stopped or foreseen. I am sure that the question that he, like the House, wants to ask is, "How can we ensure that it cannot happen again?"

Mr. Milburn: I am extremely grateful to the hon. Gentleman for his support and his constructive comments. I agree about the need to try to retain a sense of balance. It is important to learn and apply the lessons as rapidly as possible. All hon. Members, in partnership with the medical profession, should make the necessary changes to protect patients and the best interests of the overwhelming majority of doctors, who are hard working, trustworthy and honest. Many of the changes that I have described will have the support, and command the confidence, of the medical profession.

The hon. Gentleman asked about a debate on the findings of the inquiry. That is a matter for the business managers, but I am amenable to discussing the issues when the inquiry has reported in the autumn. I expect it to report at the end of September; its findings will be made public.

On figures and mortality statistics, the Shipman case has thrown into sharp relief the fact that our method of collecting, using and monitoring figures is susceptible to allowing a callous, evil and cunning individual to slip through the net. We must address that rapidly; we are in discussions with the ONS. It is not true to claim that the figures that were available in Hyde, and probably to the West Pennine health authority, were not susceptible to interpretation. Clearly, the mortality rate among Harold Shipman's patients was higher than average; it was excessive among his elderly women patients.

As to ensuring that criminal convictions and professional censures are made available to employers and health authorities, we have the basis of that in the criminal records bureau, which was established under the Police Act 1997. We shall consult the medical profession about how we can use that to achieve what we want to achieve. Controlled drugs and the training of doctors are both very important issues. Reform of the system for registering death and signing off burial and cremation certificates is long overdue. That is now crystal clear, but it is properly a matter for my right hon. Friend the Home Secretary and the review that he has established, which will report as quickly as possible. It, in turn, will be fed into the inquiry. If the inquiry decides to make further recommendations, so be it. We shall look on them favourably.

Finally, the hon. Gentleman referred to the future of single-handed practices. Like him, I think that that is an extremely difficult issue. There are about 3,000 single-handed GPs in this country and an awful lot of small practices—often in inner-city or isolated rural communities—provide a valuable service to tens of thousands of patients. Those patients, in my view, have the right to expect precisely the highest standards of care and no difference between the standards of care provided by a single-handed GP or a GP in a large practice. We must ensure in future that there are proper methods to enforce those standards, wherever a GP practises, and effective monitoring of them, too.

Mr. Tom Pendry (Stalybridge and Hyde): Will the Secretary of State accept from me that his statement goes a long way to give comfort to my constituents in Hyde and, in particular, to those whose lives have been shattered by the actions of that evil man? The whole House will join my right hon. Friend in expressing our sincere condolences to those who have been affected by a doctor whom they trusted, but who betrayed their trust. Does he agree that the bond between doctor and patient is very precious? I hope that the inquiry that he is setting up will go some way to restore that particular bond and the faith that we have in that relationship.

I am pleased that my right hon. Friend said that my constituents who have been affected by the case will have access to the inquiry. I believe that that will be well received in my constituency. He covered some of these points, but I hope that his inquiry will acknowledge the need to change the monitoring of death certificates and recommend tighter control of the dispensing and collecting of drugs by GPs; the introduction of new procedures to suspend and, if necessary, dismiss GPs; the placing of any criminal records of GPs in the hands of the health authorities; and the monitoring of registered deaths. Anything short of that will not satisfy my constituents or, I believe, the nation.

Mr. Milburn: I am extremely grateful to my hon. Friend, who has been very active in his support for the relatives of the victims of Harold Shipman. He has also been in regular touch with me about the case. I can confirm that the inquiry will be accessible to the relatives and friends of the victims, which is appropriate and right. We have to find the best way of achieving that access and of ensuring that change happens, as we all want and, I believe, as the relatives want. They want at least a tad of good to come from all this. We must make sure that the inquiry is open and accessible, and yet can get on with its job and report as quickly as possible. He referred to the suspension of GPs. As he is aware, we do not have such powers. I think that many will conclude that perhaps we should have them in the future.

Mr. Nick Harvey (North Devon): I, too, express shock and horror at these dreadful crimes, and echo the sympathy already extended to the families—and, indeed, to the many other families of former patients of Harold Shipman who are now wondering anxiously whether the deaths of those patients were also suspicious.

[Mr. Nick Harvey]

I welcome the statement, and thank the Secretary of State for giving notice of it. I also welcome his announcement of an inquiry, and of the Home Secretary's review of death certification procedures. Is it not the case that some of the welcome appraisal measures mentioned by the Secretary of State will identify incompetent doctors, but will not necessarily show up evil doctors?

Let me take up a point that has already been made. The requirement that a doctor should disclose convictions or professional censures is all very well, but what if the doctor does not do that? Would it not be better for the system to be the other way round, and for health authorities to be required to perform full checks and searches before appointments are made; and would it not be better for the checks and searches to be extra thorough in the case of those who are to practise as single-handed general practitioners?

On the question of controlled drugs, would it not be possible in this high-tech age for pharmacists' registers to be monitored, and to check for any anomalies in doctors' prescribing? The role of the General Medical Council has been mentioned. Is it not essential that the GMC not only does a good job for patients, but is seen to do so? Might it not be in the interest of public confidence for the issue of a lay majority on the GMC to be considered again?

Finally, in regard to death certification, may I echo the suggestion of many that the requirements and, indeed, the payments of signatories be reviewed? Is it not also clear that we now need a coroners service that is sufficiently professional, and resourced adequately enough to be able to collect and monitor data effectively, and spot any irregularities early?

Mr. Milburn: I am grateful to the hon. Gentleman for his support. Let me begin with his last point. Part of the review by my right hon. Friend the Home Secretary will involve examining the role and functions of the coroners service, and deciding what measures are needed to strengthen it. There are important lessons here for both the coroners service and the registrars service. Given the amount of information that comes their way, both coroners and registrars should be in a position to take an overview of what is happening in a particular locality—of, for instance, the rate and type of deaths, and the cluster of mortality statistics. That did not happen in this case, and I think the inquiry should consider why it did not happen, not necessarily in order to penalise anyone but to learn some lessons, and to ensure that we get the arrangements right for the future.

As for Harold Shipman's past practice, I said in my statement that the chief medical officer would undertake an audit. It will be an audit of all Harold Shipman's past practice, and the deaths that occurred during his time as a GP over two and a half decades. I think that that is the right thing to do: I think that the public, and former patients of Harold Shipman, deserve that reassurance. The chief medical officer will appoint expert clinicians to lead the process, and we will try to ensure that the audit is undertaken and completed as quickly as possible.

The hon. Gentleman mentioned pharmacists and controlled drugs. That is a terribly difficult area, and it is perhaps now clear that some of the practices, processes and procedures need to be examined again. The problem arises when a GP collects a controlled drug from the pharmacist, says that he is going to prescribe it to a patient and does not do so, or prescribes only part of it. We need a system that can deal with such potential problems, without denying the flexibility that GPs sometimes need. They may need access to controlled drugs if, for example, there has been a road traffic accident.

We must try to get the balance absolutely right. I do not pretend for a moment that it will be easy, but it is right for us to examine the issues now. As I said in my statement, I think that the inquiry will want to look very closely at the role and conduct of the General Medical Council, how it is constituted and its structures, processes and procedures.

Mr. David Hinchliffe (Wakefield): I welcome my right hon. Friend's statement. Those of us who know Lord Laming are well aware that he will do a thorough and sensitive job.

May I press my right hon. Friend on three key issues that I think should be included in the inquiry? He mentioned the role of the coroner. Will the inquiry examine the wider role of the coroners office in evaluating local trends in reported deaths? It seems astonishing that no one in the area where Shipman practised spotted what was going on. That is a key point, which we need to look at urgently.

Can we look not just at the role of the GMC, but at its wider relationships with other health bodies, which are crucial to understanding what went wrong in the 1970s? I remain to be convinced that the problems that occurred then could not reoccur. I support the comments by the hon. Member for North Devon (Mr. Harvey), the Liberal Democrat spokesman, on a lay majority on the GMC, which would bring increased public confidence.

As my right hon. Friend will probably be aware, in October, the Select Committee on Health produced a report of direct relevance to those issues. The Government have not responded to that yet. I hope that they will, bearing in mind some of the issues arising from the Shipman case.

As well as, obviously, addressing the issue of single-handed practices, will the inquiry look at the relevance of the independent contractor status of GPs, which has some direct connection to the issue of accountability and standards?

Mr. Milburn: I am grateful to my hon. Friend. I apologise for the delay in responding to the Select Committee's report. Clearly, we need to do that, and will respond in due course.

My hon. Friends's first question was about the coroners service. The answer to that question is yes. On the GMC's constitution and the way in which the GMC relates to the broader national health service, I am sure that that will be a matter for the inquiry and that it will look carefully at the GMC's role. As the Government have always made clear, professional self-regulation is under test. There is broad agreement now that professional self-regulation has to be more accountable, more open and more modern. The inquiry will look at how that can best be achieved in the light of the Shipman case.

I broadly take the view that independent contractor status has served the NHS pretty well over the past five or so decades. It is important that there are alternatives

for GPs, particularly newly qualifying younger GPs who sometimes might want not to go into a practice and become a partner, but opt for the salaried route. As a matter of policy, we have been determined to open that as an option, but it is important that GPs, as they come through, train and come into the NHS, have a real choice about their future career and about the employment structure that best suits them.

Sir Brian Mawhinney (North-West Cambridgeshire): Does the Secretary of State accept that his decision to put in place an inquiry is entirely welcome and that his choice of Lord Laming, with whom I have worked, will command support and confidence among Members on both sides of the House? Will he accept the thanks to him from Members on both sides of the House for his differentiation between one evil man and the broad mass of GPs who serve their constituents and their patients with dedication, professionalism and care? Perhaps he would consider using existing communication mechanisms to draw to the individual attention of GPs throughout the country his supportive words, those of my hon. Friend the Member for Woodspring (Dr. Fox) and other right hon. and hon. Members.

Will the Secretary of State confirm that the inquiry will look at the role of the police relative to Dr. Shipman? What police force will conduct that part of the investigation on behalf of Lord Laming?

Mr. Milburn: I am grateful to the right hon. Gentleman. I am particularly grateful for his support for Lord Laming, with whom I know that he worked closely during his period at the Department of Health. I am sure that he is right to say that GPs will be looking at, and listening carefully to, the comments in the House today. Rightly, they will want to feel that their interests are being protected alongside those of the patients. Although it is sometimes tempting to differentiate between the interests of patients and those of GPs, I prefer to think that, if we can make some changes, that will benefit both GPs and patients. I am sure that his sentiment—that the overwhelming majority of family doctors will be as appalled as hon. Members are about the activities of one evil GP—is absolutely right.

We have to ensure that it does not happen again, and that, together, we—the Government, the other parties in the House and the medical profession—take the appropriate action and get on with it. In my view, the worst thing that could happen would be to pretend that it can be business as usual; it cannot. We cannot stick our heads in the sand or pretend that this awful set of events has not happened, because it has. We must take whatever action is necessary to ensure that it does not happen again.

We have not contemplated bringing in an outside police force, which is more properly an issue for my right hon. Friend the Home Secretary. However, alongside Lord Laming, expert assessors—one from a medical background and one from a legal background—will be charged with examining the role played by the various statutory agencies, including police, in the investigation of the Shipman case.

Mr. Kevin Barron (Rother Valley): Will my right hon. Friend confirm that the public inquiry will examine not only the role of the General Medical Council in this dreadful affair, but its current responsibilities and whether there have to be any changes?

Mr. Milburn: Yes, the inquiry will. I am sure that the GMC itself will have heard, and I hope will respond positively to, the views that have been expressed today in the House, and I think that it will recognise that there are some important lessons to be learned about how it behaves in such situations. The Government stand ready to listen not only to the inquiry's recommendations, but to the views of the GMC on how its performance could be reshaped after the Shipman case.

Mr. Douglas Hogg (Sleaford and North Hykeham): The right hon. Gentleman has spoken of the possibility of trying Dr. Shipman for other offences. Will he keep in mind the fact that, in view of everything that has been said in the past 24 hours, it will be very difficult to give him a fair trial?

Although it must be right to strip Dr. Shipman of his pension entitlements, will the right hon. Gentleman keep in mind the separate position of his wife? It must be fair to consider her separately.

It is obviously right to hold an inquiry, but will the right hon. Gentleman be cautious about scapegoating? The truth is that great evil, like great good, is not all that easy to recognise. Furthermore, a propensity to take drugs is not the same as a propensity to kill.

Mr. Milburn: I certainly agree with the right hon. and learned Gentleman on the issue of scapegoating. Obviously, there are questions to answer in the matter, and that is right and proper. The case has been an horrendous set of events and, with the great benefit of hindsight, it is crystal clear that something was going enormously wrong with Harold Shipman's practice. Ultimately, the agencies that are constituted in statute are accountable to the House, and it is right that they should account for how they performed and dealt with a set of very difficult and complex matters in Greater Manchester. That is part of the purpose of the inquiry.

I stress again, however, that I really do not want the inquiry simply to turn into an investigation of past events. We already have a public inquiry, we have had a lengthy and difficult court case and we have had a trial. It is right that the inquiry should investigate the failures that may well have occurred in the systems, but it should also look forward and make positive recommendations about how we can strengthen and change those systems for the future.

I have to bear in mind the issue of pension requirements and Harold Shipman's wife. I have a judicial role in pension forfeiture, and I shall perform my duties accordingly.

Ms Chris McCafferty (Calder Valley): I commend my right hon. Friend on his statement and particularly welcome the inquiry. He will be aware that Harold Shipman practised medicine in Todmorden, in my constituency, for some years. It was thanks only to the efficient and effective checks and balances that his partners had in place that his drug misuse was discovered and that he was subsequently prosecuted.

[Ms Chris McCafferty]

Like many hon. Members, I am particularly concerned that the West Pennine health authority was not aware of Harold Shipman's convictions while he was a GP in Todmorden. I am sure that my right hon. Friend will agree that this case highlights the importance of robust systems to monitor not just the death rates of GPs, but the quality of care that they are giving to patients. Will my right hon. Friend place a statutory duty on the GMC to be proactive in informing health authorities of all relevant information that relates to medical personnel, and consider whether GPs should have salaried status within the NHS, and all the accountability that that brings?

The facts revealed by this case have caused grave concern to my constituents also. Although there are no immediate concerns or suggestions that Harold Shipman started his activities in Todmorden, some of my constituents have concerns about relatives who were his patients. Will my right hon. Friend urgently establish a helpline to help those who are concerned about those matters, to dispense and gather information and to help alleviate worries? That would be very welcome.

Mr. Milburn: I am extremely grateful to my hon. Friend, who makes an important point about the majority of GPs. In Todmorden and in Hyde, fellow GPs of Harold Shipman blew the whistle. We should not lose sight of that. A fellow GP in Hyde first raised suspicions about Dr. Shipman's practice and the excess levels of deaths among his largely elderly female patients. My hon. Friend is right to say that it was a fellow GP in her constituency who raised suspicions about the fact that Harold Shipman was forging prescription forms and had illegally obtained controlled drugs—in this case, pethidine. That is an important lesson to bear in mind as we consider the future of general practice and the role of individual GPs.

My hon. Friend is right to say that the crucial issue is not just better monitoring of mortality statistics, although that is needed. I was heartened to see the comments from Dr. John Chisholm, the chairman of the GPs' committee of the BMA. The BMA and the doctors themselves recognise that there must be greater accountability in terms of how GPs perform. That is a welcome recognition, and provides us with the basis to reach sensible agreements, to make progress and to ensure that we do not see a repetition of this sort of tragedy in future.

My hon. Friend referred to helplines. I will consider that issue. I know that, in Hyde, the health authority has worked closely with Victim Support, which has provided an absolutely sterling service to the relatives and friends of victims. They have that sort of help and support, and I will look into whether it is possible to extend that.

Mr. Peter Lilley (Hitchin and Harpenden): Will the right hon. Gentleman confirm that the inquiry, the establishment of which I greatly welcome, will not be limited to the narrow question of trying to prevent a recurrence of this incredibly wicked but, one hopes, incredibly rare occurrence of a medical practitioner deliberately killing healthy patients, but will be able to look more broadly at what may be a greater risk—of death through the incompetence, carelessness and negligence of doctors, both in hospitals and in general practice—through improved monitoring of their performance and the success rates of their treatments, with possibly even the publication of data about those things?

Mr. Milburn: I think that the right hon. Gentleman is aware that we will publish mortality statistics for the first time. It is a contentious issue, as he will recall from his time in office when the previous Government published the statistics in Scotland. We have extended that to England and I believe that that is the right thing to do. The issue is complex but, in the final analysis, the patient has the right to know. The patient is the recipient of what is a public service. The public pay for it and use it, and it is right and proper that the public should know what level and standard of service they are receiving. We may even need to go further than we have in the publication of such information.

As to the scope of the inquiry, it is right and proper that it should concentrate on the implications of the Shipman case. I have no doubt that it will have wider repercussions that will be considered by the inquiry team and reflected in its recommendations.

Dr. Howard Stoate (Dartford): As a GP, I have been horrified and appalled by the havoc wreaked by that callous and brutal murderer. Patients and doctors will welcome my right hon. Friend's statement, especially his affirmation that trust is the cornerstone of the doctor-patient consultation. Without that trust, it would be difficult for doctors to do their work. I would hate to see a knee-jerk reaction to what has happened, and I welcome the long-term inquiry that he mentioned and the fact that he will consider carefully and calmly any recommendations, especially on death certification and the availability of controlled drugs. As my right hon. Friend is aware, without drugs such as morphine, doctors would not be able to save as many lives as they do. Will he ensure that the report is considered carefully when it is published and that we do not rush into any premature decisions that might do more harm than good?

Mr. Milburn: My hon. Friend is right. We have tried to strike a balance today by taking action where appropriate and where there is an obvious gap in the processing systems. I hope that we have got the balance right. At the same time, I wish to empower the inquiry to examine the structures more broadly and to consider the specific lessons that can be learned. I have no doubt, given the chairmanship of Lord Laming, that the inquiry will undertake its proceedings carefully and sensitively, especially given the feelings of the relatives of the deceased. When it produces its recommendations, the Government will need some time to consider the implications and we will then report back to the House.

Dr. Julian Lewis (New Forest, East): I congratulate the Secretary of State on the contents of his statement and on the sensitivity with which he delivered it and has answered questions. Does he agree that the peculiarity of this case, even compared with the cases of other serial murderers, is that there was no obvious financial, or apparent sexual, motivation for the crimes committed? Is it not to the credit of the police that, as soon as a financial motivation was drawn to their attention, they managed to investigate the case so thoroughly and unravel it so comprehensively? While I endorse what has been said

about the need to discover who has made mistakes in the past, does the Secretary of State agree that, on the surface at least, the police—once alerted—appear to have done a first-rate job?

Mr. Milburn: I am grateful to the hon. Gentleman for his support. He will be aware that in the judge's summing up yesterday in Preston he praised the performance of the local police in what was a difficult and lengthy investigation. Credit is of course due to the police, as it is to the relatives of the victims. In particular, I pay tribute—it is difficult to find the words to do so—to the daughter of Mrs. Grundy because, without her intervention and early investigation, I fear that Harold Shipman would have continued his killing ways.

Mr. Andrew F. Bennett (Denton and Reddish): I echo the expressions of condolence to the families and friends of all those murdered, and I offer the sympathy of the House to all those in Tameside who are uncertain about what happened to their relatives or friends. I wish to press my right hon. Friend to consider carefully the appointment that he will shortly make to the chairmanship of the West Pennine health authority. Will he try to ensure that, through that appointment, he gives new direction to the health authority to try to restore confidence to all those people in Tameside and Oldham who use its services? Will he try to make sure that that new appointment gives a new direction to the health authority that will help to restore confidence to all those people in Tameside and Oldham who use its services?

Mr. Milburn: We will give proper and due consideration to that appointment when it comes up. Inevitably, the health authority is in the spotlight at the moment, and it has acted to suspend its GP adviser. The health authority has produced its own internal report, which we at the Department of Health have received and which the authority published at its press conference last night. However, it is also appropriate that the inquiry considers the role and conduct of the authority, alongside that of the other statutory agencies, such as the police, the coroners service, the registrars service, and others.

Points of Order

4.21 pm

Mr. Nigel Waterson (Eastbourne): On a point of order, Madam Speaker. I gave you advance notice of this point of order, which concerns an apparently well-sourced piece in today's edition of *The Daily Telegraph*. It is entitled "Prescott cuts housing quota", and it mentions a meeting today of the Fabian Society. Apparently, the Deputy Prime Minister intends to make some major pronouncements about his policy for new house building in the south-east, in the light of the report by Professor Crow and his team. The article states that the right hon. Gentleman apparently will increase very significantly the number of new houses to be built in the south-east, over and above the number already recommended by Serplan. Clearly, that will be of enormous concern to many people in the south-east, and to their elected representatives.

Have you had any request from the Deputy Prime Minister for an opportunity to make a statement in the House today? If not, do you agree that the right hon. Gentleman has shown a cavalier disrespect for the House?

Madam Speaker: I have not been informed by any Ministers that they are seeking to make a statement today on that issue. I certainly never make any comments on newspaper reports. I think that that is always wise, and a good line for any Speaker, Back Bencher or Minister to follow.

Mr. Owen Paterson (North Shropshire): On a point of order—

Madam Speaker: Order. I have not finished yet. I very seldom get a chance to speak in the House and, when I do, I am certainly not going to be interrupted by a Back Bencher on what may well be a bogus point of order when it comes.

However, the serious point is that Ministers and the House know that I am strongly of the view that policy announcements should be made in the House in the first instance. I very much hope that my comments will be borne in mind when Ministers finally reach a conclusion on this matter.

Now, Mr. Paterson, I will hear your point of order—and it had be better a good one, too.

Mr. Paterson: May I refer back to Question 6 in Health questions, Madam Speaker? The Secretary of State said that he would eat his hat if I could provide documentary evidence to back up the question that I had put to him. Page 63 of 22nd edition of "Erskine May" clearly states that

"it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity."

I quote from a letter from the Shropshire local medical committee, which represents all the general practitioners in the county. The letter states:

"no bed was available in Shropshire to admit acutely ill patients",

even though

"this was a fairly normal winter, with the sort of seasonable rise in activity that is predictable and which should be coped with as a matter of routine."

[Mr. Paterson]

Would it be possible to call the Secretary of State back to the House, so that he can accurately answer my question, and possibly eat his hat at the same time?

Madam Speaker: I am not sure about any demonstration of hat eating, but the hon. Gentleman will know that I do not have the authority to call the Secretary of State back to the House. The hon. Gentleman asked the Secretary of State a question earlier, and I suggest that he tries to rephrase the matter and bring it to the attention of the House in general by means of questions or an early-day motion.

Retail Packaging Recycling

4.25 pm

Mr. Andrew Stunell (Hazel Grove): I beg to move,

That leave be given to bring in a Bill to require that certain retailers shall provide free of charge a collection point for any packaging materials sold or supplied by them; and to require them to recycle or safely dispose of such materials.

Six weeks ago, hon. Members were rushing around the shops, buying last-minute Christmas presents for their family, friends and relatives. Five weeks ago, hon. Members were busy opening their stockings and unwrapping the gifts and presents given them by their family, friends and relatives. And four weeks ago, the refuse collection services of various local councils were rushing around Britain collecting a huge volume of cellophane, polystyrene, cardboard, bubble pack, plastic bits and bobs, paper and bags from hon. Members. This week, hon. Members have the chance to support my Bill, which will help to stem the flood of the unwanted and unnecessary packaging that filled their living rooms on Christmas day and their dustbins on Boxing day.

The Bill has a simple aim, and it seeks to achieve it in a straightforward way. It uses a well-tried and effective mechanism—the market—which I hope will find favour on both sides of the House, to achieve a much desired result. The power to do this will be put in the hands of ordinary consumer—of shoppers. It does not require a regulatory body or special powers to be given to a statutory authority.

The Bill's aim is to reduce the unnecessary over-packaging of products bought by consumers. That excess packaging has a very short life. We take it home, rip it off and stick it in the bin. Much of the packaging defies recycling by conventional methods. There are a lot of mixed materials bonded together, cardboard and plastic bonded together and multiple plastic products that cannot be separated. Quite often, the resulting materials are bulky and uncompressible.

In short, excess packaging presents an environmental nightmare. So why does it happen, why is it getting worse and who wants this packaging mountain? Well, it is not the waste disposal authorities; it is not the bin men who collect it; it is not the customer, whose dustbin is overflowing, and it is not the retailer. The retailer does not telephone the manufacturer and say, "Please send more polystyrene and cellophane with your products." The marketing people are responsible. That is a term of abuse in many areas, and I have to say that this marketing blitz is a catastrophe for the environment.

I have mentioned some of the problems that arise when the packaging is used and goes into the formal waste stream. There is a further problem of when it is used and goes into the informal waste stream—or the ditch and the hedge, as we call it in professional circles. As far as packaging goes, the less of it there is, the better.

How does the Bill help? It will place an obligation on retailers—those trading from larger premises—to take back from their customers any packaging that they have supplied to them. Larger retailers will have to provide a point where packaging can be taken or handed in. The retailer will then recycle it or safely dispose of it, which is often not so easy.

The experience of Switzerland and Germany, where similar legislation is in place, is that retailers soon tell wholesalers to cut down on the junk that is being sent

with the products they are selling. The wholesalers tell the manufacturers, and the manufacturers soon get the message. Products in those countries tend to have less junk packaging than in the United Kingdom, and there is no reason why this Bill should not produce the same result.

The Bill will not cost anybody anything; it produces savings at every step. There is less cost for the manufacturer in providing the packaging and less cost for the wholesaler in transporting it; less hassle for retailers, less rubbish in the dustbins of hon. Members and of other consumers and, of course, less waste in landfill sites throughout the country.

It is my privilege to introduce a Bill that is benign in all respects—free of cost and supported on both sides of the House. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Andrew Stunell, Mr. David Chaytor, Dr. Vincent Cable, Mr. Nicholas Winterton, Mrs. Linda Gilroy, Mr. Norman Baker and Mr. Alan Simpson.

Retail Packaging Recycling

Mr. Andrew Stunell accordingly presented a Bill to require that certain retailers shall provide free of charge a collection point for any packaging materials sold or supplied by them; and to require them to recycle or safely dispose of such materials: And the same was read the First time; and ordered to be read a Second time on Friday 10 March, and to be printed [Bill 56].

Orders of the Day

Financial Services and Markets Bill

As amended in the Standing Committee, further considered.

New Clause 4

Authority to conduct review of rules made under Part IX

'.—(1) Within three years of any rules (other than rules which impose fees) being made under this Part the Authority must carry out a review of such rules to determine whether they continue to be appropriate for the purpose for which they were made.

(2) If, following such a review, the Authority concludes that the rules in question should be changed in a way which is, in the opinion of the Authority, significant the Authority must make new rules and the provisions of section 127 shall apply to them.

(3) If, following a review, the Authority concludes that the rules in question should be approved in the form then in force, or in a form which does not differ from such rules in a way which is, in the opinion of the Authority, significant, it must publish a statement of its conclusions in the way appearing to be best calculated to bring it to the attention of the public.

(4) The statement of the Authority's conclusions must be accompanied by—

(a) a cost benefit analysis;

(b) an explanation of the purpose of the rules;

(c) a schedule of the changes (if any) proposed to be made to the rules;

(d) a statement of the Authority's reasons for believing that the rules continue to be compatible with its general duties under section 2; and

(e) a statement that representations about the rules may be made to the Authority within a specified time.

(5) Before approving any rules to which subsection (3) applies, the Authority must have regard to any representations made to it in accordance with subsection (4)(e).

(6) If the rules are approved by the Authority, it must make a statement as to the representations (if any) made to it and its response in general terms.

(7) If the rules approved by the Authority differ from the rules under review (taking account of the changes referred to in subsection (4)(c)) in a way which is, in the opinion of the Authority, significant—

(a) the Authority must publish a statement of the differences; and

(b) the statement must be accompanied by a cost benefit analysis.

(8) 'Cost benefit analysis' means an estimate of the costs together with an estimate of the benefits that will arise if the rules under review are approved.

(9) Rules approved under this section shall be deemed to be made on the date on which the rules are approved.".—*[Mr. Heathcoat-Amory.]*

Brought up, and read the First time.

4.31 pm

Mr. David Heathcoat-Amory (Wells): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Michael Lord): With this it will be convenient to discuss the following: new clause 5—*Relationship between guidance and rules issued by Authority*—

"(1) If a person behaves in a way which complies with general guidance he shall not be regarded, for the purposes of this Act, as contravening any rule.

(2) The Authority may give guidance (which is not general guidance) to the effect that compliance with the guidance by the person or persons to whom the guidance is expressed to be given shall not be regarded, for the purposes of this Act, as contravening any rule.

(3) 'General guidance' has the same meaning as in section 130.".

Amendment No. 35, in clause 110, page 50, line 20, at end insert—

"(c) make provision prohibiting or restricting or otherwise regulating the carrying on by an authorised person of any regulated activity at or from an establishment maintained by him outside the United Kingdom unless:

(i) he is carrying it on with or for a person in the United Kingdom, or

(ii) both of the conditions set out in subsection (7) apply.

(7) The conditions are that—

(a) his registered office (or if he does not have a registered office, his head office) is in the United Kingdom; and

(b) in the view of the Authority, the provision is desirable in order to—

(i) protect the reputation of the financial system (as defined in section 3(2)) or of authorised persons or a class of authorised persons, or

(ii) prevent authorised persons carrying on the activity in a way which is likely to jeopardise the integrity or the solvency of the firm.".

Amendment No. 50, in clause 110, page 50, line 20, at end insert—

"(6A) The Authority shall not make rules imposing requirements or restrictions on the conduct of business with, or on the marketing of investments or investment services to, persons outside the United Kingdom unless the scope of those rules has been prescribed in an order made by the Treasury.".

Amendment No. 51, in clause 111, page 50, line 42, at end insert—

"(6) The Authority may not make rules relating to any non-regulated activity unless the scope of those rules has been prescribed in an order made by the Treasury.".

Amendment No. 8, in clause 112, page 50, line 43, after "person", insert—

"who is authorised under this Act to accept deposits".

Amendment No. 230, in clause 129, page 59, line 5, after "rules", insert—

", statements of principle or codes".

Mr. Heathcoat-Amory: We are still considering the important principles underlying the Bill. Later, we shall discuss amendments that are more technical. However, this group of new clauses and amendments relate to the scope of the Bill and to the rule-making powers of the Financial Services Authority.

The FSA derives its power largely from that ability to make rules. As we are aware from previous debates, those rules will not be approved by Parliament, so we are, in effect, devolving the law-making task to an outside body. That is why it is important that the Bill should limit such power. It is also right that the House should ensure that the rules made by the FSA are, as far as possible, appropriate for the objectives that we set it. The rules must not exceed those objectives and must constantly be tested against them.

New clause 4 would ensure that the authority reviews the rules within three years. Such a review would establish whether the rules were still appropriate. Many of the rules are new and comparatively untested. Indeed, many are still evolving—the authority is consulting on its rule-making task.

Furthermore, the market is always changing, so it is right constantly to test whether rules are still appropriate, or have been rendered obsolete or unworkable by the passage of time. The new clause would require the authority to undertake a cost-benefit analysis for each rule. The authority is already required to do so for new rules, but not for the existing rules that have been grandfathered into the Bill and are continued. We need to subject new and existing rules to a cost benefit analysis, and to do so within three years.

This matter is of great importance to the City and to the financial services industry generally, especially, perhaps, small firms and independent financial advisers, who are often on the receiving end of regulations that they may not always feel to be appropriate or necessary, and which are always expensive to apply. If we are worried about the intrinsic expansionary tendency in the regulatory system, we need to set up countervailing forces wherever we can, to try to restrict the regulatory authority to what is efficient and effective.

Mr. John Bercow (Buckingham): Is not my right hon. Friend effectively advocating, via the authority, the operation of a form of sunset regulation, which, as we know from the empirical evidence, works very well at both state and federal level in the United States?

Mr. Heathcoat-Amory: I am extremely attracted to the concept of sunset clauses. My hon. Friend mentioned America, where they are common. The rules that we are considering here are passed not by Parliament, but by the Financial Services Authority, so he may have it in mind to impose that concept on the authority. That concept is not in the Bill at the moment, but it may deserve further consideration by the authority.

For my part, for the purpose of new clause 4, I am focusing perhaps more narrowly on trying to build into the Bill a countervailing pressure to ensure that the phenomenon known as regulatory creep meets its match in a requirement on the authority continually to examine its rules, with a view possibly to repealing them, along the lines suggested by my hon. Friend, or at least amending them, or, if it does not decide to do either of those things, to explain why not. That would achieve many of the desirable objectives of a sunset clause without introducing that concept.

It is not just the health of the domestic industry that we are concerned about in this regard. We are also anxious to ensure the international competitiveness of the financial services industry in the United Kingdom. Higher regulatory burdens and excessive costs could drive a very successful United Kingdom industry overseas.

For all those reasons, we want to subject the rules continually to the cost-benefit analysis procedure. That is not to say that we do not need rules; we certainly do, and they must be clear and must be enforced. We all want a regulatory system that is effective and efficient. A balance must be maintained. That is what a cost-benefit analysis does—it seeks to ensure that the benefit of a rule outweighs the cost.

The Government have accepted that such an analysis should be carried out for new rules, so I believe that they will be attracted to new clause 4, which would extend that requirement to the existing body of rules, and give the FSA some time to carry out a review, because that requirement must be met within three years.

The new clause requires the authority to publish the information as part of a statement of conclusions, having carried out the work. That would be accompanied by a cost-benefit analysis, an explanation of the purpose of the rules under scrutiny and a schedule of any proposed changes. The authority would also have to supply a statement of its reasons for believing that the rules continue to be compatible with its general duties and—very importantly—it would have to provide a statement that representations about the rules in question could be made to the authority by market traders and firms in the industry generally. That would be a reasonable requirement to impose on the authority. As I said, it would be in line with what is already required for new rules.

New clause 5 would make it clear that the general guidance given to the Financial Services Authority could be relied on. That is a separate and most important concept. It is designed to ensure that someone who believes that he has complied with published guidance and rules should be guilty of no offence. That seems perfectly obvious, but there is great nervousness in the industry about someone being caught unawares for breaking an FSA rule or unintentionally breaching a more general principle in the Bill. That is a particular risk that we run with the concept of market abuse, which does not build in sufficiently the concept of intent.

Someone could be guilty of market abusive behaviour without intending to do so. That possibility has created severe misgivings not just within the regulated community, but more generally. The market abuse provisions apply to the public as well, so any member of the public could be guilty of market abuse even if he does not fall to be directly regulated under the Bill. When people and firms seek to protect themselves by seeking guidance from the authority or by complying with published guidance from the authority, they should be entitled to rely on that. In so far as they comply with the guidance, they should be certain that they are guilty of no offence.

The general guidance concerned is defined in clause 130, so there is no difficulty with definitions. I believe that the Government are sympathetic to new clause 5 because it would provide a form of natural justice. It would make it clear that the guidance issued by the authority provided a safe harbour for market operators and the public.

The amendments relate more to the scope of the Bill. Amendment No. 35 would restrict the authority's ability to make rules to regulate non-United Kingdom businesses—businesses that are carried out from an establishment outside the United Kingdom. The restriction would not apply if the business concerned carried out business on behalf of someone in the United Kingdom or if it had a registered office in the United Kingdom and it was necessary to regulate it to protect the financial system. There are limits and restrictions on our proposal.

Without the safeguard in the amendment, the authority can impose rules on outside and overseas businesses just because they derive from the United Kingdom, even though they are likely to be regulated abroad. That is a form of double regulation that will put our firms at a competitive disadvantage. It is objectionable in principle to subject firms or individuals to a form of dual regulation.

Amendment No. 50 similarly addresses extraterritorial regulation by the authority over the marketing of investments to people outside the UK. It would require those rules to be prescribed in a Treasury order. Again, we would not put a complete block on such extraterritorial regulation; we would simply require it to be more explicit and to form part of a Treasury order that I should like to see approved under the positive resolution procedure.

4.45 pm

At the moment, there seems to be a dichotomy in the Treasury's approach. Powers are being given to the FSA to regulate products offered abroad; that is to say, products put on sale by UK businesses. That is a country-of-origin approach, which if generally accepted would be beneficial to this country.

If there were a reciprocal arrangement, a product or service approved under this country's regulatory powers could be offered to other countries on the continent or to America without further regulation. Customers, consumers and authorities in those other countries would rely on the fact that the FSA was—at least, it should be—a world-class regulator, and they would have certainty about our products and services because they had been regulated in this country.

That would be a good, desirable system, but the Government rather spoil their case by giving the authority powers to regulate here products and services offered from other countries. That is country-of-destination regulation. If other regulatory authorities take the same view, we will end up with dual regulation. Authorities in countries such as France are probably rather doubtful about the benefit to them of accepting financial products and services offered by the City of London without a further regulatory barrier. Their attitude will be reinforced by the knowledge that we insist, in the Bill, on regulating products offered to this country from abroad.

The Government need to sort out exactly where they stand on that issue; otherwise, we shall put our industry at a competitive disadvantage by putting it in jeopardy of double regulation.

Amendment No. 51 would limit the scope of the authority in relation to non-regulated activities. That, too, is an important issue of principle. The Bill is, or should be, about regulating commercial activities that fall within a definition. The Bill is widely drawn, so that definition is necessarily extremely wide; it encompasses banking, dealing in all kinds of investment and giving investment advice about a range of products and services. However, it should stop there.

I am concerned that, in addition to those activities, the authority can extend its remit to unregulated activities, which could include every conceivable form of commercial activity. For example, clause 38 states that in giving permission to an authorised person to carry on his activity, the authority can impose requirements about activities that are not regulated. The FSA could therefore authorise a company to deal in investments or services that constitute regulated activities, but in addition it could regulate any of the company's other activities without any restriction.

[Mr. Heathcoat-Amory]

While clause 38 is about giving permission to people or firms to engage in such activities, clause 111 concerns the FSA's rule-making duties. It allows the FSA to make rules not only on regulated activities, but on just about anything else. That could constitute a dangerous extension of the Bill's scope to pretty well anything.

The explanatory notes, which the Government issued some time ago, described the way in which the Bill had been designed to set limits on the FSA and its duties, obligations and powers. Yet in the important matter of scope—what can be regulated and what sort of rules can be made—there are no limits; the FSA can stray into non-regulated activities of any sort. Amendment No. 51 requires that that be done only if it is prescribed by a Treasury order. It is a reasonable amendment that does not ban the activity altogether, but merely requires the Treasury to introduce an order for the House to pass by affirmative resolution, so ensuring that there is a genuine opportunity for debate.

Clause 112 allows the authority to impose on firms what can only be described as ad hoc financial requirements, in addition to its rules. The FSA can do that without issuing a warning notice. Amendment No. 8 would restrict that power to deposit takers. That, too, is a reasonable amendment, because the powers to impose such financial requirements already exist: they have been held by the Bank of England, which has similar powers over deposit takers. Our amendment would bring the Bill into line with the pre-existing situation, which has worked perfectly well.

The amendments are important because they deal with the rule-making powers of the authority and so go to the heart of the FSA's functions. Perhaps equally important is their effect on the scope of the Bill. If the amendments are made, we shall at least know the limits of the powers that we are granting to the authority.

Mr. Howard Flight (Arundel and South Downs): As my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) has said, this debate is about many important issues of principle. We raised those issues in Committee; Ministers said that they would address some of them, but it seems to us that they have not done so.

I have discussed the provisions of new clause 4 with the FSA, which has expressed the view that it would like to carry out a cost-benefit analysis of all its rules. However, because it is not practical to do that when the legislation is enacted, the FSA believes that it should be done over time, as laid down by the new clause.

I echo the point made by my hon. Friend the Member for Buckingham (Mr. Bercow)—that our proposals contain an element of the sunset principle, in that the FSA would be required to phase out rules that had gone out of date or become uneconomic in cost-benefit terms. Hon. Members will have seen the FSA paper on risk management and its task of balancing the cost-effectiveness of rules, the importance of the territory they cover and their impact.

The industry is concerned about the costs of regulation, but there is no easy formula whereby those costs can be controlled. The Opposition suggested an amendment to limit fee increases to increases in the retail prices index, but I do not think that that is a practical approach. Instead, we propose an internal control mechanism, governed not by total costs, but by economic efficiency.

New clause 5 deals with issues of safe harbour and guidance. The FSA has told everyone that the Bill provides a safe harbour through its approach to guidance, and that it will use guidance to put into practice the same arrangements as are found in the United States, in terms of no action letters. However, that is not what the Bill provides for. There is a gap between what the financial community, especially international groups operating in the UK, are being told and what the Bill prescribes.

My right hon. Friend has focused on territoriality and on the FSA creeping into non-regulated territories. As for territoriality, I cannot understand why the Treasury has been peddling the line that it has adopted. It seems unacceptable that United Kingdom businesses that are operating overseas should be subject to double and different regulation when they are marketing their products in other countries. That is not current practice, and an argument may be advanced by other regulatory bodies in a European Union context that it is inappropriate. The logic that the amendment picks up is ultimately that of reputation. The impact of the Bill goes considerably too far.

Amendment No. 230 reflects an amendment that we tabled in Committee. We wish to make it clear that guidance given by the FSA should relate not only to rules but to statements of principle and codes. The Government will recollect that they said that they would reconsider the matter. There are several areas where codes and statements of principle are likely to require guidance, yet they are not covered in the Bill.

Mr. Tim Loughton (East Worthing and Shoreham): I support the comments made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) and my hon. Friend the Member for Arundel and South Downs (Mr. Flight). New clause 4 is probably the most important component of the group of new clauses and amendments that we are discussing. It is about efficiency and cost control but, more than that, it is about self-discipline for the Financial Services Authority itself.

There were problems with the Financial Services Act 1986—we have heard about them many times—because there was no obvious mechanism for an on-going review of the new rules that came out as a result of the Act. The measure came in for much criticism for being bogged down with many more rules. It was a matter not of taking old rules off the original book but of adding layer upon layer of rules, until we had a muddled and complicated rule book at the end of August.

We must remember that none of us has seen the new rule book. All our deliberations over the best part of the past 12 months have been to produce a rule book, the details of which we have not seen. We have plenty of principles and ideas of what might go into the book, but in terms of chapter and verse we are still very much in the dark about what the rule book—the bible of the FSA—will contain.

It is essential that the continuing appropriateness of the rules is held under review, and the mechanism proposed in new clause 3 seems to be a sensible way of proceeding. Any new rules that come along should be subject to cost-benefit analysis. After three years, there should be an

explanation of the continuing appropriateness of the rules. Markets, and the financial services industry generally, move quickly. What may be appropriate to regulate financial services today may be completely out of date in three years' time. New technology and new products will require new forms of regulation, which, hopefully, will be lighter-touch regulation. It is only right that we should have a mechanism of determining whether the rules that are put in place as a result of this legislation are still appropriate in three years' time, and that that mechanism should operate on a three-year rolling basis thereafter.

Given that the industry made so many representations in the run-up to, and during deliberations on, the Bill, it would be useful and of reassurance to it if there were a clearly defined watershed three years hence. Institutions that find that rules are not working in the best interests of the financial services community that they serve would then have a clear opportunity to make fresh representations to the FSA and then to the Treasury about how the rules might be changed, and about the on-going problems of cost-benefit analysis.

In Committee, we spent some time discussing the cumulative effect of the extra regulations and their cost, particularly when put into an international context. Many of us argued then that there should be detailed and specific requirements in the annual report, so that the FSA would have an opportunity—and, indeed, an obligation—to report in transparent terms all the regulations that had been added to the financial services industry during that year, on top of those that had been added in previous years. We could then see the sum total of regulations added—and, we hope, a few taken off as well.

The additional checks and balances that many Opposition Members advocated were not taken on board by the Government. If such requirements will not to appear in the annual report, it is entirely sensible that the proposals in new clause 4 should be adopted, laying down clearly defined lines of scrutiny to be undertaken three years hence. The rule book is still at an experimental stage, because the FSA is a different beast from any previous body of that kind, and many mistakes will no doubt continue to be made, through no one's fault.

A review in the cool light of three years' experience seems a sensible idea, and will reinforce the FSA's ability to do its job properly. More importantly, it will reassure the financial services community that matters are being properly kept in check.

5 pm

Mr. Andrew Tyrie (Chichester): I strongly support the arguments of my right hon. and hon. Friends on the new clauses and amendments. We shall discuss reviews later, when we consider clause 10. Many of the same arguments apply to this group of amendments. I shall not elaborate on all the many points that my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) made in his opening remarks. Instead, I shall reiterate one of the points that has been made, and add another.

It is in the nature of regulation to ratchet up. Once regulations are in place, they tend to be built on. Unless there is a countervailing force to cut regulations back, it is difficult to get rid of them. That is why it is all too easy for so-called light-touch regulation to become burdensome.

There are many examples. One example that should be examined when, we hope, new clause 4 is accepted and the Bill is enacted, is the self-regulating organisation-derived rules on capital adequacy. I should be interested to hear the Minister's views.

Mr. Nick Hawkins (Surrey Heath): I am grateful to my hon. Friend for giving way. He will recall that, as an officer of the all-party group on insurance and financial services, I have dealt extensively with the issue of regulation. Before entering the House, I also had to deal professionally with the capital adequacy rules of an SRO. I endorse what my hon. Friend said. Does he agree that there is an urgent need for Ministers to consider the issue, which is a matter of great concern to the industry?

Mr. Tyrie: I agree with my hon. Friend. Ministers will have to deal with the issue anyway, but the incorporation of new clause 4 into the Bill will ensure that that is done in a timely manner.

I support the suggestion that rules should be made subject to a rigorous cost-benefit analysis. The latest document produced by the FSA, "A new regulator for the new millennium", is full of new-millennial jargon, but presents a similar approach—a belief in the need for a cost-benefit analysis, reflecting the acceptance of a trade-off between economic performance and the degree of regulation, for which we have consistently argued throughout the proceedings on the Bill.

I shall make one further point. A provision such as new clause 4 might initially appear to have been tabled primarily to help practitioners. It is a classic example of a provision that appears to help the City, but would ultimately help consumers. Regulations that build up and remain without serving a valid purpose, or which impose an unnecessary burden, result in increased costs. These are ultimately borne by consumers and, to the extent that the City performs less well and provides a lower tax yield, also by taxpayers. New clause 4 is a step in the right direction towards ensuring the continued competitiveness and good economic performance of the City.

The Financial Secretary to the Treasury (Mr. Stephen Timms): I appreciate that the aim of new clause 4 is to ensure that the authority reviews its rules regularly and changes them when they are no longer appropriate. I agree that regular review should take place, and I expect the FSA to monitor the application and implications of its rules continuously, not only every three years. However, to require the FSA to undergo a public consultation exercise on each rule every three years is unnecessarily bureaucratic.

Conservative Members implied that they intended the review to be a one-off exercise. However, that is not the implication of the new clause as drafted, and I do not believe that the Opposition intend that.

Mr. Flight: It would be a rolling process.

Mr. Timms: That is right. Every three years, each rule would be reviewed. That would lead to a cumbersome bureaucracy, and would not be an effective method of achieving the Opposition's objective. As well as the FSA's review process, the consumer and practitioner panels will play an important part in continuously monitoring the rules. That will allow effort to be focused

[Mr. Timms]

on problems rather than reviewing and consulting about each rule every three years. The process for which the new clause provides would be administratively onerous and potentially unworkable. It would put a strain on the authority, and divert time and money from its important tasks. It would be better to concentrate on solving the problems that have been identified.

Let us consider new clause 5. If the authority issued guidance on a specific rule, and the guidance was followed to the letter, it is difficult to understand how the FSA could discipline someone for breaching that rule. That person would be in a strong position; the FSA made that point in the policy statement that it published last September. If the FSA behaved in a contrary manner, the tribunal would take a dim view, to say the least, unless the authority had extremely good reasons for its actions. The tribunal exists as a safeguard against capricious acts by the FSA, which new clause 5 aims to address.

In Committee, we discussed the way in which attaching specific status to, for example, general guidance could lead the FSA to be unwilling or unable to give guidance informally and on request. New clause 5 would elevate guidance to law. We must maintain the important distinction between guidance and law. New clause 5 could lead to absurd results. For example, if it were accepted, would we need to issue guidance on guidance? It is important to maintain the clear distinction between law and guidance which new clause 5 would remove.

Let us consider amendments Nos. 35 and 50. We are committed to light-touch regulation. We would generally try to avoid what the right hon. Member for Wells (Mr. Heathcoat-Amory) described as double regulation in the international arena. We are committed also to the home state regulatory principle in the context of Europe, but at the same time, and in advance of a move to a fuller home state regulatory basis in certain respects, we need to balance that against proper protection for consumers.

Amendment No. 35 goes in part to what is often termed the "foreign business carve out" under the existing self-regulating organisations' rule books. Where business is conducted from an overseas branch of a UK-authorised firm, some of the self-regulating organisations' conduct of business rules are disapplied. That is clearly an important regulatory principle and although I would certainly expect an appropriately light touch to be maintained under the new regime so that unnecessary double regulation is avoided, making special provision in the Bill is another matter. That could prevent the FSA from applying rules to businesses in unusual cases in which it might be appropriate to apply them.

For example, there may be merit in the FSA applying limited conduct of business rules to overseas branches of firms to make it clear to customers that, in conducting business through the overseas branch, the firm is not acting in accordance with the FSA's detailed UK rules and regulations, which they might otherwise think was the case. It is important that customers are not misled about the protection and regulation that they are receiving and there may be other good reasons for applying conduct of business rules to overseas branches.

Amendment No. 35 could also cause difficulties, were conduct of business or marketing regulation to move to a fuller home-state approach in Europe. Currently, the home state is responsible under the directives for prudential supervision, including capital adequacy systems, establishing the fitness and properness of workers and so on. To me, it looks as though there would be fairly immediate conflict between the requirements of the directives and the amendment.

Amendment No. 50 proposes that the FSA should not apply conduct of business rules to UK offices of authorised firms carrying on business with overseas persons, except where the scope of the rules has been prescribed by the Treasury. Again, although I agree that double regulation should be avoided wherever possible, it is not clear, for example, how the amendment would fit in with any wider move, which may well come, to a fuller home state basis of regulation of the marketing of financial services.

On amendment No. 51, when we debated clause 111 in Standing Committee, the hon. Member for Chichester (Mr. Tyrie) expressed concern. He said:

"The Treasury is not the right policeman for much of the Bill."—[*Official Report, Standing Committee A*, 4 November 1999; c. 761.]

In the narrow context of the amendment, which would give the Treasury a new policing role, he was right. The Bill provides for extensive consultation and cost-benefit analysis for rules made under clause 111 and we do not think it appropriate for that particular rule-making power to be limited in the way proposed.

Clause 111 is essentially aimed at protecting consumers and gives the FSA power to make rules for those matters on which the regulators are able to make rules under current legislation. For example, rules can currently be made to require notification of certain events to be given in respect of a firm's non-regulated activities or non-regulated group members in certain circumstances. We think that that should continue.

On amendment No. 8, it is quite right that the clause 112 power has been included, partly to enable the FSA to continue the banking supervisors' existing practice of setting individual capital ratios that reflect the overall nature and riskiness of a bank or building society. That is a long-standing and valuable tool for banking supervision, but the principle is not confined to banks. The rationale for the power to impose bespoke capital requirements is that a firm may have an unusual risk profile compared with other similar firms.

That rationale applies equally to deposit takers and investment firms. Investment firms' need to impose bespoke requirements is more likely to be used in respect of companies with complex businesses—broadly speaking, former Securities and Futures Authority member firms—but may be relevant in other cases. That is reflected not only in section 49 of the Financial Services Act 1986, but in the capital adequacy directive and the existing rules. Chapter 10 of the SFA rules includes a power to impose a bespoke "secondary requirement" on an investment services directive firm to reflect its particular risk profile or operational risks.

5.15 pm

I was glad that the hon. Member for Arundel and South Downs (Mr. Flight) spoke to amendment No. 230, as the right hon. Member for Wells did not mention it. As the hon. Gentleman said, we dealt with the matter in Committee, and my hon. Friend the Economic Secretary said then that we wanted to consider it further.

We want the FSA to be able to give guidance when that is desirable. We view the guidance power as an important tool enabling the authority to carry out its functions flexibly and with a light touch. Clause 129(1)(d) enables it to give guidance on

"any other matters about which it appears to the Authority to be desirable to give information or advice."

We want to look further at the points raised by amendment No. 230 in the light of that. We have not been able to do so yet because we have been resolving other issues, but I repeat my hon. Friend's commitment. I hope that, in the light of what I have said, the matter will not be pressed to a Division.

May I take advantage of the conviviality that we are currently enjoying, and wish my right hon. Friend the Chief Secretary to the Treasury a very happy birthday? He is characteristically present, as we would all expect him to be.

Mr. Heathcoat-Amory: In the same spirit, I too wish the Chief Secretary a very happy birthday. He has aged a little over the past year, but he retains much of his vigour.

I am grateful to the Financial Secretary for responding to many of our concerns. We do not intend to press the new clause to a Division, so hon. Members can relax in that regard.

I am aware that there may be technical deficiencies in some of the new clauses and amendments. They were tabled in probing mode: we wanted in particular to hear a little more about the Government's attitude to the rule book and how it might be reviewed, and to hear more about the question of extra-territorial regulation. Although the Financial Secretary mentioned those points, I do not think that we got to the bottom of the issue of origin-state regulation as against state-of-destination regulation. I fear that that will cause considerable problems in the future, especially in an era of e-commerce when many products can be offered, bought and sold electronically across national borders. I do not think that either the Treasury or the authority has really grappled with the whole question of who authorises the products or processes involved, and how consumers in different countries can obtain redress when things go wrong.

It is very much in the country's interests for us to get this right. I believe that we have much to gain from an origin-state approach. It would enable the City and the British financial services industry generally to offer products abroad on a global basis, and enable others to rely on the strength of our regulatory system. That will not be accepted, however, if at the same time we retain powers to regulate and keep out other products. Other countries will latch on to that, and will use it as a pretext to block, or at least regulate to a different standard, products on sale from this country. I am putting a marker down, because we must all return to the issue in due course.

I am grateful for what the Financial Secretary said about whether, and the extent to which, people could rely on guidance issued by the Treasury. I took him to mean that we have more to hear from the authority or the Treasury, and I think that that is probably a good thing.

A number of question marks hang over these matters, but in many instances the Government and the authority, rather than the Opposition, will be vulnerable. The best that we can do is to flag up the issues and difficulties. If they are not properly dealt with in the Bill, that will be a danger for the outside world and for the industry, but it could be an embarrassment to the Government in due course, so I urge the Minister to keep those matters at least under review.

I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 43

JUDICIAL REVIEW

"Nothing in the provisions of this Act shall restrict, impede, or prevent a judicial review of the exercise or non-exercise of any power or discretion vested in the Authority or the Treasury by or under this Act.".—*[Mr. Heathcoat-Amory.]*

Brought up, and read the First time.

Mr. Heathcoat-Amory: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 13, in clause 2, page 1, line 19, at end insert

"and

(c) which is reasonable, fair, open, accountable and proportionate".

No. 397, in clause 264, page 134, line 41, after "Authority", insert "reasonably".

No. 398, in clause 283, page 145, line 26, after "(c)", insert "in his view reasonably".

No. 399, in page 145, line 29, after "information", insert

"which in the Director's view reasonably relates to any matter relevant to the investigation".

Mr. Heathcoat-Amory: The new clause concerns judicial review. The background is the substantial statutory immunity that the authority enjoys which, to put it bluntly, means that people will not be able to take legal action against the authority even when it behaves negligently, or recklessly.

In the debate last week, we tried to alter that and to restrict and narrow the statutory immunity. We failed, but the authority must not be completely unaccountable at law. Given the Government's resistance to our earlier proposal, it is particularly important that we explore to what extent there are other ways in which the authority can be held accountable both to the House and through the existing legal system. This group of amendments explores how and to what extent there are provisions for legal challenge, or a review of the authority's actions. The picture is not encouraging.

The authority's decisions as they affect the regulated community can be appealed to the tribunal that is set up and described in the Bill—although, again, we do not have many details about how the tribunal will operate. Those details will be introduced by regulation. The Lord Chancellor will deal with the issue. It is a subject of consultation, but the House will not be able to review the matter.

The important point is that there can be an appeal on a tribunal decision to the ordinary courts only on a point of law. We should remember that the tribunal is not like an

[Mr. Heathcoat-Amory]

ordinary court of law. The requirements and qualifications of those who will staff the tribunal will not be particularly onerous. It is a special legal body.

Again, the FSA is making its own rules, which have the force of law and which are not subject to parliamentary review. People can be fined unlimited sums and can lose their livelihoods under a system that allows little appeal to the ordinary, familiar courts and where there is little parliamentary scrutiny.

I think that fairly describes the system in the Bill. If I am at all accurate in my description, it will follow that the remaining aspects of legal accountability are precious and must not be weakened or removed. That brings me to the importance of judicial review. Even the Government are subject to judicial review. It is, to some extent, a blunt instrument, but it is an important safeguard none the less. It means that the Government are finally accountable at law; they are not above the law. The House makes a law. The Government are subject to it. The Financial Services Authority, too, should be subject to the law. We therefore need the long-stop safeguard of providing that the authority's decisions are open to judicial review.

The picture painted in the Bill, and particularly in the detailed wording of the clauses, is not particularly encouraging. The authority is given enormous discretion in its use of powers—in how it may make rules and how it may enforce them. The drafting really seems to be designed to preclude the possibility of a court checking that the authority has acted "reasonably", to take only one example.

We are always being assured by the Treasury and by Ministers that the authority will always act reasonably, and doubtless that is the intention. However, the Opposition would like to ensure that the courts can ensure that the authority acts reasonably and can review a decision by the authority if it is thought that an action is not reasonable. As I said, the wording makes it really very difficult for a court to conduct such a review.

Clause 10, for example, allows for reviews of the authority by an "independent person". The independence of such an investigation would obviously be very important, as there might be allegations that the Treasury or Treasury Ministers were somehow implicated in or associated with the matter to be reviewed. The independence of anyone conducting such a review of the authority is therefore essential.

Although the Bill provides that the inquiry should be independent, that is not an objective test to be applied. Clause 10(7) states:

"'Independent' means appearing to the Treasury to be independent of the Authority."

It will be very difficult for anyone to prove before a court that an inspector or investigator did not seem to the Treasury or to Ministers to be independent. Such a task is very much more difficult than simply requiring the inspector to be independent, a matter that would be capable of objective independent assessment. That is by no means the best example, however.

A more important example is provided in clause 139, on the appointment of inspectors to examine the affairs of the "authorised" community, which is composed of those regulated in the Bill. I own that it is important that the Treasury should have the power to appoint investigators to do that work, but it is a pretty draconian power. A firm on the receiving end of an investigation, even if subsequently cleared, could suffer great damage to its reputation—indeed, once it was known that a firm was being investigated, that in itself could drive customers away. It is a most important power.

The Bill quite rightly uses the phrase "good reason" to place limits on how and in what circumstances investigators should be appointed; the catch is that all that has to be shown is that it appears to the authority or to the Secretary of State that there is a good reason for their appointment. It will be very difficult for anyone to prove that it did not appear to the authority or the Secretary of State that there was a good reason.

It would have been much better to require a good reason. If there was such a requirement, outside bodies and courts might be able to show that there were no good reasons. To try to get inside the mind of the Secretary of State or the chairman of the authority and show that, at the time, they did not believe that they had good reason would be a very difficult hurdle to jump, and would effectively preclude the possibility of judicial review unless it was blatantly clear to everyone that the Secretary of State could not have had any good reason.

5.30 pm

I maintain that the wording throughout the Bill makes it very difficult for anyone to second-guess the judgments. I believe that it is right that we have tabled a new clause to ensure that nothing in the Bill makes it difficult to undertake such a judicial review. New clause 43 does exactly that, by requiring that nothing in the Act

"shall restrict, impede or prevent a judicial review".

That would provide a safeguard against the claim that judicial review would always fail because the detailed and rather cunning wording in some parts of the Bill would make it so difficult.

Amendment No. 13 adds a general requirement that the authority acts in a way that is

"reasonable, fair, open, accountable and proportionate".

Again, the background is clear. We are dealing with a powerful body with a great many discretionary powers: it can make rules; it can authorise people—or decide not to; it can investigate; it can intervene in the market; and it can fine people.

There is no absolute requirement because clause 2 says that that should be done only

"so far as is reasonably possible".

In the circumstances, the Government should find it difficult to oppose our proposal, as they have assured us throughout the Committee, and more recently, that the authority will always act in those ways. If that is the case, let us put it in the Bill.

Amendment No. 397 again adds the "reasonably" requirement to the FSA powers to request information in relation to applications by recognised investment exchanges and clearing houses. On this, too, the Minister has assured us that the FSA will always act reasonably, and therefore he cannot object to our inserting the word in accordance with amendment No. 397.

Amendment No. 398 relates to clause 283, which deals with the way in which the Director General of Fair Trading can investigate matters, and proposes that the

director general's power to require documents to be produced to him can be exercised only where he reasonably believes that the document relates to a matter relevant to his investigations. That is a useful check on the exercise of the director general's powers.

Amendment No. 399 relates also to the information which the Director General of Fair Trading can require, as provided by clause 283. The amendment seeks to limit his power by providing that the information must in his view reasonably relate to a matter relevant to the investigation.

This is a comparatively modest package of amendments, which go no further than the assurances that the Government have given us. We have heard warm words about the openness in which matters will be conducted, the accountability that exists and the reasonable way in which the authority will exercise its powers. We want to upgrade and emphasise those assurances, and safeguard our liberties by ensuring that if this powerful and independent authority exceeds its powers, there will at least be provision for judicial review.

Sir Nicholas Lyell (North-East Bedfordshire): I am glad to follow my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), who has given a comprehensive introduction to the new clause and amendments. I endorse and support what he said.

The Government should not be afraid of judicial review in relation to the Bill, but I have a nasty feeling that they are unnecessarily so. I request Ministers to have the Bill examined, between the conclusion of our proceedings and its consideration in the other place, because judicial review is a safeguard for the citizen. Everybody accepts that the regulation of the City of London is a detailed and complex matter that requires great skill, and nobody would deny that the Bill will give immense powers to the Financial Services Authority and immense supervisory powers to the Treasury. The explanatory notes to the Bill make it clear that it seeks to provide for the accountability of the authority. However, those notes are slightly alarming when set against the detailed drafting of the Bill, which seems to be more concerned to make the Bill judicial review-proof than to make the authority accountable through the courts.

When I was in government, I had responsibility for the questions of judicial review in relation to legislation, and I certainly do not want the FSA to be hamstrung by over-easy and unnecessary applications for judicial review. I do not believe that there is a serious risk that that will happen. I accept that those who are being regulated are often financially powerful and might seek to use the weapon of judicial review, but the way that the courts operate judicial review rightly gives a wide discretion to the regulator.

The courts are reluctant to step in and second-guess a regulator when he decides that some piece of regulation is reasonable. However, the language of the Bill appears to be specifically designed to stop the courts doing that. It is to try to counter that that we have tabled new clause 43 and amendment No. 13. New clause 43 is designed more to flag up that serious issue than to provide perfect drafting. It would be much better to go through the Bill and insert the word "reasonably" where we suggest it is necessary, or to take out expressions such as "in the Authority's view", which seek to exclude the intervention of the courts and give an even wider discretion to the FSA than the courts would leave to it.

I commend the thought behind new clause 43:

"Nothing in . . . this Act shall restrict, impede, or prevent a judicial review of the exercise or non-exercise of any power or discretion vested in the Authority or the Treasury".

However, I ask the Government to consider the individual clauses in the light of that thought and not necessarily to agree to include the new clause as the perfect way to achieve that aim. In fact, the new clause would look a little stark set against the constant examples of restriction, of which my right hon. Friend gave several useful instances.

I commend amendment No. 13 strongly on its own account. It is reasonable and sensibly drafted and states what we would wish to achieve. Clause 2 states:

"In discharging its general functions the Authority must, so far as is reasonably possible, act in a way . . . which is compatible with the regulatory objectives; and . . . which the Authority considers most appropriate for the purpose of meeting those objectives."

The amendment would add a new paragraph (c), stating that the above would be done in a way that was

"reasonable, fair, open, accountable and proportionate."

I cannot believe that any Minister would say that the Government intended to be anything other than reasonable, or that the authority intended to be anything other than fair. I think that it would intend to be open, as well as accountable and proportionate.

Mr. Timms *indicated assent.*

Sir Nicholas Lyell: The Minister nods sympathetically to those suggestions. I hope that he will respond in similar fashion to this valuable amendment. It would be nice to have the good intentions manifested on the Government Front Bench expressed in the Bill, rather than paving the way to hell.

I shall go into more detail about the words "accountable" and "proportionate". I commend them to the Government with special confidence, as a new paper by Howard Davies, no less, has been sent by his director of public affairs, Mr. Christopher Boyce, to all stakeholders. I received it, although I am not sure how I am a stakeholder in the FSA.

On page 10, paragraph 18, the document makes it clear that the authority intends to act with proportionality. It states:

"The restrictions imposed on firms and markets should be in proportion to the expected benefits for consumers and the industry."

Those wise words should be included in the Bill, as they embody what "proportionate" means.

The reference to accountability on page 35 of the document is slightly less comforting, as it seems to confine accountability to the annual report. Although annual reports are nice, in this case the contents would be controlled by the authority. Moreover, accountability is to include what are described as "'clusters' of performance indicators"—a dangerous phrase, as one man's performance indicator is another man's nightmare. Clusters of performance indicators are not necessarily the ideal way for the FSA to be accountable, but the notion of accountability is clearly accepted in principle, and I commend its inclusion in the Bill.

[Sir Nicholas Lyell]

Clause 2 sets out the authority's general duties, and specifies that

"the Authority must, so far as is reasonably possible, act in a way . . . which the Authority considers most appropriate for the purpose of meeting those objectives."

The slightly inelegant legal description of such wording is that it is a "self-reference" clause. I suggest that the words "which the Authority considers" have been expressly used to try to oust the jurisdiction of the courts in the exercise of judicial review.

The Government cannot blame the Conservative Government and say that we took similarly extensive measures to fend off judicial review. About 10 years ago, we published a useful document for circulation in the civil service called "The Judge over your Shoulder". I hope that it is still in play. It was designed to explain that judicial review is not the enemy of good administration, but is a reasonable and proportionate monitor of good administration. I commend that approach, which I am sure in principle the Government would wish to accept and continue.

5.45 pm

Let me finish by saying a word about the European convention on human rights. I wish to encourage the Government to be up-front, in your face and open about their willingness to be fair, reasonable and proportionate. I believe that the Government have little to fear from unreasonable judicial review. However, if they keep using legal techniques such as the phrase "which the Authority considers" to oust judicial review, counsel, who are proliferating in the human rights field—I declare an interest here—will draw on the European convention on human rights to get round the anti-JR provisions. Incidentally, in this case JR does not wear a 10-gallon hat; it is usually a scratch-wig.

Article 6 of the European convention provides for due process for a fair hearing in public. Article 7 provides for no punishment without law. Article 1 of protocol 1 deals with the right to own property and not to be deprived unfairly of property. All those articles are relevant to the areas in which the Financial Services Authority operates. Those articles—which are JR-proof, stand in an overarching position above our statutory legal frameworks and, according to the Chancellor of the Exchequer in the statement that he has to make, complied with in the Bill—will all be brought to bear. One does not quite know where they will stop.

I think the Government would be better off with judicial review in accordance with United Kingdom law in the context in which our courts have thought it reasonable to proceed, and not with great extensions. The Government would be wiser to accept a reasonable measure of judicial review and not to exclude it. They cannot, of course, exclude the European convention on human rights, and I do not ask that they should. But the Government's reasonableness regarding the terms of the convention will cause Strasbourg to be less likely, rather than more likely, to intervene inappropriately.

What I propose is in support of good legislation; it will improve the Bill.

Mr. Hawkins: It is always a pleasure to follow my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell), who has just spoken so well about the importance of the European convention as applied to the Bill and, in particular, the amendments, which I strongly support. I have not, until now, played much of a part in the deliberations on the Bill, but I particularly want to speak to these amendments, both as a lawyer and—as I mentioned in an earlier intervention—an officer of the all-party group on insurance and financial services. I am delighted to see the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) in his place. He and I have been actively involved in that group, and I know that he would agree that we try to have a positive effect on the consideration of all financial services and insurance issues in the House. It is one of the more active all-party groups and, as recently as last Thursday, we had a meeting with senior FSA officials.

As a corporate lawyer, I specialised in this field for a number of years and dealt with all the problems arising from regulatory rule books. At that time, however, we did not have the additional problems of a Government trying to exclude new legislation from the supervision by judicial review, nor was there the overarching supervision of the European convention, to which my right hon. and learned Friend referred.

I wholly agree with my right hon. and learned Friend that the Government are running a huge risk; they cannot exclude the operation of the convention. It is inevitable that at some stage the measure will be challenged, and if the Government do not accept the new clause and the amendments—if the concept of reasonableness and judicial review is not accepted—all the provisions will be struck down. The Government would be extremely wise to accept the importation into the measure of the concept of reasonableness. The amendments are essential because they would introduce the concept of what is reasonable, proportionate and open.

I was one of the many lawyers of my generation who were influenced by the late great Lord Denning. I can still hear him saying, in his dulcet Hampshire burr:

"Be you never so great, the law is above you."

A generation of lawyers was brought up with that phrase ringing in their ears. Many of us were privileged to appear in the Court of Appeal when Lord Denning was presiding as Master of the Rolls; he ensured that the principles of natural justice were observed—especially in cases of judicial review.

It is extraordinary that, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) pointed out, the Government propose to create a situation whereby a decision can be made that will not be subject to any scrutiny, appeal or review. They are setting out, specifically and in terms, to exclude the operation of judicial review. That is wrong. It runs contrary not only to the European convention but to all the principles of English law and all the principles of natural justice. My right hon. Friend did not exaggerate when he made that point.

The Government's proposal should be anathema to all hon. Members. It is absolutely wrong in principle. I urge Ministers seriously to reconsider the matter. The new clause and the amendments are a vital improvement to the Bill. My right hon. and learned Friend the Member for North-East Bedfordshire referred to the words in amendment No. 13:

"reasonable, fair, open, accountable and proportionate."

How could anyone possibly object to that?

I am also reminded of the principles set out in one of the most notable post-war cases of Government abuse—about which all law students of my and subsequent generations were taught—the Crichel Down case. The case concerned an abuse of process—I think, by the Ministry of Agriculture, Fisheries and Food. After many years, it was declared that the Ministry had behaved wrongly and the then Government were severely embarrassed.

If the Government persist with the measure unamended, they will face the same type of criticism. One day, a judge in Strasbourg will refer to the fact that—as Pepper *v.* Hart decrees—Ministers' words can be taken into consideration in the courts' interpretation of statute. If Ministers do not accept the new clause and the amendments, they may face severe embarrassment when some judge in Strasbourg asks, "How can it be that an Administration who believed in open government and reasonableness suggested the exclusion of judicial review and scrutiny?"

The proposal is outrageous. I am sure that even those who are running the FSA would be embarrassed at the suggestion that it should not be open to scrutiny by judicial review. I earnestly urge Ministers to think again—even if they do not do so today—and, in due course, to accept the proposals tabled by my right hon. and hon. Friends. The new clause and the amendments are vital. No one could possibly object to the concept of reasonableness and challenge by judicial review; authorities should not act above the law. If the Government do not accept our amendments, Lord Denning will turn in his grave.

Mr. Jim Cousins (Newcastle upon Tyne, Central): On a point of order, Mr. Deputy Speaker. Some hon. Members have been advised that the right hon. Member for Horsham (Mr. Maude), who served as the shadow Chancellor, has been swept away and replaced by the right hon. Member for Kensington and Chelsea (Mr. Portillo)—

Mr. Deputy Speaker: Order. That is not a matter for the Chair or for this debate.

Mr. Tyrie: I begin with the perhaps slightly unusual comment that I am extremely wary of the growth of the power of the courts and of the intrusion of the judiciary into what has traditionally been the prerogative of this place—to make and frame laws. I do not instinctively want the courts to exercise judicial review over everything that they can lay their hands on.

However, the pass has largely been sold. Through judicial review, the courts intrude increasingly into many matters that were traditionally considered to be the concern of legislators. Furthermore, as it is now clear that the European Court of Human Rights will become closely involved, the Government have no choice but to examine the matter—whether they want to or not—in regard to the Bill.

I will not reiterate the many good points that have been made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) and by my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell). I have one or two minor comments. I strongly agree with my right hon. and learned Friend—

Mr. Nigel Beard (Bexleyheath and Crayford): The hon. Gentleman is following the same line that was pursued by many of his hon. Friends—to open up legislation to progressive legal interference; to lower the point at which there is the possibility of such interference; and to pile on consultation and review. The danger is that such proposals seem to be a wrecking tactic—to sink the Bill because there will be no possibility that the FSA can operate.

As the head of the shadow Treasury team has changed, would it not be sensible for Opposition Members to confer with their new authority to find out whether they are pursuing the true line?

Mr. Tyrie: I hardly think that that question is worthy of reply.

It is obvious that we want to find a balance, so as to enable the courts to examine egregious poor performance by the FSA in certain cases. I agree with my right hon. and learned Friend the Member for North-East Bedfordshire that the last thing that we want to do is to hamstring the regulator. We want some recognition of the need for judicial review over part of the FSA's activities, because that is lacking.

It is beholden on the Government to justify why immunity should be granted in a case where, for example, the FSA has behaved unreasonably. When such bad behaviour is clear, why should the authority be immune from judicial review? Why should it be immune if it acts recklessly? We must remember that, at the other end of that unreasonable or reckless behaviour are individuals or firms, who are unable to obtain redress in the courts. The Bill as drafted does not offer us the right way to proceed. In any case, the European Court of Human Rights will not permit that lack of immunity in the long run, and the Government will have to return to it. They will either be dragged to accept it or they will choose to show some flexibility in their response to our proposals.

In Standing Committee, it was pointed out that the existing bodies had much immunity and some hon. Members asked why that immunity could not be passed on to the new body. I noted that Tim Herrington, a partner at Clifford Chance, made the important point that

"Accountability under the law is vitally important for any public authority and we do not believe that the case for the continuation of the immunity"—

for existing institutions—

"has been clearly made in the light of the increased powers of the FSA.—[*Official Report, Standing Committee A*, 13 July 1999; c. 143.]

He was right.

That is the nub of the matter. The FSA is a new, extremely powerful institution, unprecedented in Britain in many ways. It has a quasi-legal role, being able to make law, and a quasi-judicial role, being able to judge on it, and even powers of investigation and powers effectively to pass sentence. It is an extremely powerful institution, and the Government really should think twice before they give it the level of statutory immunity that they currently intend to.

6 pm

Mr. Timms: We have had an interesting discussion, in which Conservative Members have presented some well-formed arguments. However, we are in a little difficulty in taking this debate forward, in the light of the

[Mr. Timms]

report that my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) brought to the attention of the House a few moments ago, informing us that the shadow Chancellor had been sacked and replaced by the right hon. Member for Kensington and Chelsea (Mr. Portillo). Presumably, that change reflects, in no small measure, dissatisfaction on the part of the Leader of the Opposition with the policies being advanced by the—

Mr. Deputy Speaker: Order. I am loath to stop the Minister in full flow, but I have already ruled on that and I do not think that it is pertinent to the debate. He should address the new clause before the House.

Mr. Timms: I am grateful for that guidance, Mr. Deputy Speaker.

It is of course the case that any body exercising public functions is subject to judicial review when it behaves in a way that no reasonable comparable body would have behaved, and there is no provision in the Bill restricting anyone's right to seek judicial review of the FSA's decisions in appropriate circumstances. Some of the speeches by Conservative Members implied that there is. There is not. The High Court will of course always take into account such matters as whether there is an alternative remedy that should be exhausted before resorting to judicial review. Where an appropriate remedy is provided under the Bill—before the tribunal, say—it is plainly right to use it rather than wasting the High Court's time on something that has its own special remedy.

New clause 43 is unnecessary. One or two Conservative Members have fastened on particular clauses whose wording, they believe, would make it difficult for judicial review to be pursued. That matter should be dealt with in the debate on those clauses. New clause 43 does not advance the cause that they seek to make. It is unnecessary. Worse, it is unclear what the effect would be of including such a provision in the Bill. I understand that no other legislation contains such provision. Its absence does not impede judicial review elsewhere, and it would not in this case. Moreover, it would cause people to ask themselves whether judicial review could not be resorted to in connection with other legislation that did not contain such wording.

Sir Nicholas Lyell: I am very glad that the Minister recognises that, on Treasury matters, the lead should come from the shadow Treasury team, but the purpose of my intervention is to ask a question. Are we to understand that he is accepting that there should be the power of judicial review, that it should not be inhibited by the detailed wording of the Bill, and that he will look sympathetically at the individual points, many of which we have flagged up in the debate, to ascertain whether they could be improved?

Mr. Timms: No. I am saying that any body, including the FSA, exercising public functions is subject to judicial review, that nothing in the Bill impedes that, and that new clause 43 is not necessary and would have a damaging effect.

Sir Nicholas Lyell: I would agree with the Minister if he said that nothing ousts the jurisdiction of the court. However, does he accept that self-reference clauses, such as those that I referred to, definitely impede judicial review? They do not ultimately prevent it and, if the authority were to act in a way in which no reasonable authority could act, they would not oust it, but they certainly impede and restrict it.

Mr. Timms: In a debate on new clause 43, it is difficult to respond to a variety of points that relate to various parts of the Bill. I have said that, if we were to have a debate on those matters, we would need to do so in relation to amendments when we debate the parts of the Bill to which they relate. I am arguing that the new clause is unnecessary, and I do not believe that it helps with the case that Conservative Members have presented.

The amendments on reasonableness give me a further opportunity, beyond the opportunities that we had in Committee, to rehearse how the Bill already ensures that the FSA will act in a way that is reasonable, fair, open, accountable and proportionate—all of which I gladly sign up to, as invited to by the right hon. and learned Gentleman.

I have said that any body that exercises public functions is subject to judicial review where it behaves in a way that no reasonable comparable body would have behaved, but we have not relied on that alone. The FSA will also be subject to review, as appropriate, by the independent tribunal, the independent investigator, the competition regulators and the Government, and to public scrutiny through independent inquiries and reviews, or the appropriate parliamentary Committee.

However, the Bill does not impose abstract subjective requirements in the way envisaged by amendment No. 13. It makes clear, practical provisions to ensure that the authority acts in the way that one would expect of a responsible regulator.

First, the Bill gives the FSA clear objectives and principles which do not impose petty or bureaucratic requirements but provide practical guidance in the discharge of its functions. Secondly, the Bill requires the FSA to adopt key procedures, which will ensure that it acts fairly. Those procedures are backed up by an independent tribunal, an independent investigator and the requirements of the Human Rights Act 1998, which has brought the European convention on human rights into English law.

Thirdly, the Bill imposes clear disclosure and consultation requirements, which would require the FSA to consult on its regulating provisions and practices, to have regard to the representations that it receives and to provide feedback. Fourthly, the Bill imposes unprecedented accountability requirements on the FSA. Fifthly, the FSA will be required to have regard to the principle of proportionality. It will have to justify any costs that it imposes through its regulating provisions by publishing a cost-benefit analysis, and that analysis will now take into account the wider economic costs of its proposals.

That framework is not just an accident. It is the result of an unprecedented level of consultation and scrutiny by the Select Committee on the Treasury and the Treasury Joint Committee on Financial Services and Markets, and detailed consideration in Standing Committee, precisely in order to achieve the result that is intended by amendment No. 13. I willingly acknowledge the contribution that Conservative Members have made to

that process. On the basis of that exercise and of the resulting improvements that have been made to the Bill, I hope that the Opposition will not feel it necessary to press their new clause.

Amendments Nos. 397 to 399 would also require the FSA and the Director General of Fair Trading to act reasonably in specifying particular information requirements. In the case of the FSA, that is information that it may require from an applicant for recognition under clause 264. In the case of the Director General of Fair Trading, it is information that he may require as part of his competition scrutiny function under clause 283.

As I have said several times, any body exercising public functions is subject to judicial review where it behaves in a way that no reasonable comparable body would have behaved. That applies just as much to the way that a body sets its information requirements as to any other exercise of its public functions.

There is, of course, a separate defence to default proceedings for anyone who has a reasonable excuse for refusing, or failing, to comply with the director general's requirements. However, on the issue of "relevance" in amendment No. 399, we have already said that we will consider further the need to include a relevance provision for the director general's information requirements. We also said in Committee that we would look again at the need to make reasonableness explicit in the way that duties and tasks must be carried out. That assurance stands. On the basis of that, and the additional look that we shall take at the matter, I hope that the Opposition will not feel it necessary to press amendments Nos. 397 to 399.

Mr. Flight: As the Minister just reminded us, we raised these issues extensively in Committee and we discussed the self-reference clauses that were specifically designed to limit the scope for judicial review. The FSA is constitutionally in a sense a totalitarian government of a particular economic sector in our economy. It is right and proper that there should be appropriate checks and balances of power.

I thank my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) for his comments about amendment No. 13. Our lawyer friends gave us a tremendous amount of help on the Bill, but I drafted the amendment myself. It is key and right up-front. It would qualify how the authority should act in relation to discharging its duties. The Minister continues to undertake that he will consider the issue of reasonableness, but why has that not been done already? The amendment would cover the matter in one fell swoop.

New clause 43 raises the issue of judicial review. I am afraid that it is an issue that we wish to put to a vote. The new clause is fundamental to having the right checks and balances in the Bill.

Question put, That the clause be read a Second time:—

The House divided: Ayes 142, Noes 336.

Division No. 56] **[6.11 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forsythe, Clifford
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Geoffrey Clifton-Brown and
Mr. Keith Simpson.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atkins, Charlotte

Baker, Norman
Ballard, Jackie
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Burden, Richard
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Cable, Dr Vincent
Cabom, Rt Hon Richard
Campbell, Alan *(Tynemouth)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Colman, Tony
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Harris, Dr Evan
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Horne Robertson, John
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kennedy, Jane *(Wavertree)*
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'd Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Hara, Eddie
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Prosser, Gwyn
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don

Trickett, Jon
Truswell, Paul
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Greg Pope and
Mr. David Jamieson.

Question accordingly negatived.

Clause 52

REFERENCES TO THE TRIBUNAL

Mr. Timms: I beg to move amendment No. 115, in page 24, line 15, leave out from beginning to "may" in line 16 and insert

"An applicant who is aggrieved by the determination of an application made under this Part".

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 222, in page 24, line 16, at end insert—

"(1A) The Authority shall give notice of its decision to refuse an application to the applicant and the provisions of sections 350 and 351 shall apply as if the notice was a decision notice.".

No. 223, in page 24, line 17, leave out from "person" to end of line 18 and insert—

"who is or may be affected may refer to the Tribunal any decision of the Authority to use its own-initiative power.".

No. 56, in schedule 11, page 227, leave out lines 14 to 21 and insert—

"(a) is a judge of the High Court; or

(b) is a judge of the Court of Session.".

No. 57, in page 227, line 34, leave out "seven" and insert "ten".

No. 58, in page 227, line 36, leave out "seven" and insert "ten".

No. 59, in page 227, line 38, leave out "seven" and insert "ten".

No. 60, in page 227, line 41, leave out "seven" and insert "ten".

No. 61, in page 227, line 41, at end insert—

"(d) he is a judge of the High Court or of the Court of Session.".

No. 62, in page 227, line 42, after "is", insert

"a judge of the Court of Session or".

No. 63, in page 228, line 11, leave out from "The" to "determine" in line 15 and insert—

"Secretary of State shall pay—

(a) the members of the panel of chairmen who are not judges of the High Court or Court of Session;

(b) the members of the lay panel; and

(c) any person appointed under paragraph 7(4),

such remuneration and such travelling and other allowances as he may, with the approval of the Treasury,".

No. 64, in page 230, line 21, after "unreasonable", insert—

"or based on an ill founded view".

Mr. Timms: We shall be debating procedures more generally when we come to a later group of amendments, but we agree that there is a need to rationalise the procedures for FSA decisions in the same way as we have aligned its consultation procedures. That is why we have tabled amendment No. 115, which will extend the right to refer matters to the tribunal in clause 52 to any applicant who is aggrieved by the determination of his application, such as in cases in which the FSA has granted an application but imposed a limitation or requirement.

At the same time, it is important to distinguish between the essentially prudential and protective nature of the provisions in part IV and the different nature of other provisions in the Bill, such as those relating to market abuse, discipline and restitution. On amendment No. 223, therefore, it is not necessarily correct to extend the right to go to the tribunal to anyone who is merely affected—perhaps positively—or who may be affected by the FSA's use of its own initiative power.

We do, however, accept the need to consider further the procedures that should apply, and to align them as far as we can, and the Government will table further amendments when the Bill is considered in another place. On that basis, I hope that Opposition Members will not feel the need to press amendments Nos. 222 and 223.

Amendment No. 56 would require the Lord Chancellor to appoint a president or deputy president who is a judge of the High Court or Court of Session. Amendment No. 61 would enable the Lord Chancellor to appoint judges of the High Court or Court of Session to be members of the panel of chairmen for the tribunal, in addition to appointing lawyers of suitable standing. Amendment No. 62 is consequential to that, and expands the present requirement for the panel of chairmen to include at least one Scottish lawyer, so that that member could be a judge of the Court of Session.

As hon. Members are aware, the Lord Chancellor must appoint the members of the panel of chairmen, and from that panel, the president and deputy president of the tribunal. The current provisions for those appointments, in paragraphs 2(5) and 3(2) of schedule 11, are sufficient for the proposed new tribunal and are in line with appointments for other tribunals. The president of the tribunal must have a 10-year legal qualification.

Of course we want the tribunal to have a high level of expertise and authority. The Bill leaves it open to the Lord Chancellor to make appointments with greater seniority if a case is made out for doing so. However, the expected character and volume of the tribunal's work load does not, at present, warrant taking the unusual step of making such an appointment.

The amendment would impose too much inflexibility on the appointment of the president. It would, for example, appear to prevent at a future date the appointment of a retired High Court judge or even a more senior judge, should it be found that the work load justified such an appointment. The Bill provides an appropriate framework for appointments to the tribunal, which allows common sense and practice to inform the appointment process.

[Mr. Timms]

Amendment No. 57 would require the members of the panel of chairmen to have a 10-year legal qualification as opposed to a seven-year qualification. The Bill's provisions for appointing the panel of chairmen will ensure that suitable people are appointed to the tribunal and have the necessary qualifications to deal with the cases that will arise. Those provisions do not need to be changed as the amendment suggests. It is normal practice for other tribunals to appoint people with a seven-year legal qualification to the panel of chairmen. Examples include the VAT and duties tribunal, employment tribunals and transport tribunals.

If there is a case that raises particularly complex or ground-breaking legal issues, the tribunal may appoint one or more experts to provide assistance. It can also bring in additional members of the panel of chairmen with expertise relevant to the case in question. I suggest that the current arrangements for appointing the members of the panel of chairmen are sufficient for the purposes of the tribunal.

The tribunal's independence is certainly important. Amendment No. 63, which would give the Secretary of State and the Treasury responsibility for paying tribunal members' expenses, could be seen as undermining that independence. As the Lord Chancellor's Department will be running the tribunal, it makes sense for the Lord Chancellor to pay its expenses, thus reinforcing its independence.

6.30 pm

Amendment No. 64 is designed to widen the circumstances in which the FSA may be liable to pay the costs of the other party. Currently, the Bill allows the tribunal to award costs if it considers that the FSA decision giving rise to the reference was "unreasonable". Inserting the words

"or based on an ill founded view"

after "unreasonable" adds nothing, but might instead muddy the waters. Were the FSA, based on the facts available, to reach a decision that subsequently proved to be incorrect, would its position be

"based on an ill founded view",

even though it had taken all reasonable steps to establish the correct facts? The wording of the amendment reflects no other statutory provision of which I am aware; its meaning is unclear. The Council on Tribunals agrees that the "unreasonable" test is appropriate for the purposes of the tribunal. Given that explanation, and on the basis that the current drafting provides a practical consequence for any unreasonable exercise of powers by the FSA, I hope that the Opposition will not press amendment No. 64.

Mr. Flight: The Government will be aware that, under the current regime, the issue of applications being turned down in whole or in part is troublesome. We welcome Government amendment No. 115, which enables an appeal to the tribunal where an application is turned down in part. We remain of the view that amendment No. 222, which would require the decision notice procedure to apply in the case of a refusal of permission, and amendment No. 223, which would extend to an authorised person who is or may be affected the right to refer matters to the tribunal, are desirable and would solve current practical problems.

The amendments relating to the tribunal would make provisions that are not as demanding as those covering the employment appeals tribunal. Requiring the Secretary of State to be responsible for pay and rations is a practical step. If the Financial Secretary had consulted candidates for appointment to the tribunal, he might have heard many express the view that they would not receive reasonable remuneration were the Lord Chancellor's Department responsible. In our view, it is crucial that the tribunal be staffed with top calibre people. Our amendments both provide for top calibre appointments to be made and solve a practical problem. The Government would be advised to give their attention to such problems before the Bill is considered in the other place.

Amendment No. 64 is, to some extent, a probing amendment. As the Financial Secretary said, the tribunal can award costs against the FSA when it regards the FSA as having acted unreasonably. The amendment addresses the complex question of how people can defend themselves. A positive step has been taken in allowing costs to be awarded against the FSA in certain circumstances, and in ensuring that the tribunal will not award costs against those who have brought cases to it, unless they have acted vexatiously, frivolously or unreasonably. However, we regard the term "unreasonable" as slightly vague.

What if the FSA is wrong, or brings a case that the tribunal finds does not stand up? The FSA might have acted perfectly reasonably in such circumstances; it might have thought that it was right. However, if someone has been prosecuted wrongly, it strikes us as fair in law that that person should get his or her costs paid. It is also necessary under the provisions of the European convention on human rights relating to people's ability adequately to defend themselves.

We have therefore tabled what I acknowledge to be a not especially well worded amendment, the intent of which is to ensure that the Government consider whether the word "unreasonable" is sufficient, or whether costs should be able to be awarded against the FSA if the authority loses in a case that it has referred to the tribunal.

Mr. Loughton: I rise to support my hon. Friend the Member for Arundel and South Downs (Mr. Flight). We do not dispute Government amendment No. 115, which enhances the rights of the applicant.

My concern focuses on the practical workings of the tribunal. Having spent so much effort during the sittings of the Burns committee on the key proposal that there should be an independent tribunal, we think it essential that the tribunal's workings be absolutely right and that it be seen to do its job properly and efficiently. We believe that further improvements are possible—hence our amendments on the appointments to be made to the tribunal.

A submission has been received from the law reform committee of the General Council of the Bar, in which the learned people who produced a report on the Bill express the view that the qualification requirements for those who preside over the tribunal are "not very demanding". On that basis, we tabled our amendments to give the tribunal greater status by beefing up the standards and the service requirements of those who are to be

members of it. My hon. Friend is right to say that, even with those additional provisions, the requirements do not equal those of the employment appeals tribunal. On that tribunal, all the permanent legal appointees must be High Court judges or judges of the Court of Session.

If the tribunal is to work properly, those who serve on it should be properly remunerated—hence our tabling of amendment No. 63. Putting the matter in the hands of the Secretary of State would provide a better guarantee of funding, to ensure that the tribunal works properly.

With amendment No. 64, we come again to our old friend "reasonableness"—a term that featured heavily in the Committee debates. This time, the Opposition argue that reasonableness is not enough and that we must improve on it if we are to preserve the checks and balances surrounding submissions to the tribunal—a complex matter, as my hon. Friend rightly said.

Our amendment is designed to respond to criticism that those who are prosecuted by the FSA would be put off appealing to the tribunal for fear of costs being awarded against them. If the tribunal is to be a proper adjudicator of the workings of the FSA and if those who have had action taken against them by the FSA are to be given equality of arms, individuals must not be deterred from taking a case to the tribunal for fear of excessive costs being awarded against them.

That is why we wanted to add to the conditions of action taken "vexatiously, frivolously or unreasonably" that of action taken without justification. My hon. Friend has acknowledged that we have phrased it slightly awkwardly, by referring to cases

"based on an ill founded view".

It is essential that we make it clear when the intent of the FSA in prosecuting someone is a wrong intent. I support the amendments and hope that they will find sympathy with the Minister.

Mr. David Ruffley (Bury St. Edmunds): I rise to support my colleagues' remarks about the amendments. I shall focus on amendment No. 56.

The schedule as drafted provides that the Lord Chancellor shall appoint as president or deputy president of the tribunal only persons who are qualified lawyers of 10 years' standing in one of the jurisdictions of Northern Ireland, England and Wales and Scotland.

We have tabled amendment No. 56 because we do not believe that someone with the great responsibility of being president or deputy president should merely be a lawyer of 10 years' standing. That is why the amendment suggests that the individual should be a High Court judge or a judge of the Court of Session.

I have a particular reason for considering this matter important, and it turns on the nature of the appeal process. Decisions on points of law that are taken by the tribunal are appealable. That is not on interlocutory matters that the tribunal may decide, but a final decision on points of law is appealable to the Court of Appeal. Leave is given either by the tribunal or by the Court of Appeal. That is fair enough.

We run a real risk in saying, "Well, points of law can be appealed." We do not want mistakes to be made in the first place by possibly under-qualified members of the tribunal. If we are to stop unnecessary litigation and unnecessary time-consuming appeals on points of law to the Court of Appeal, and perhaps upwards to the House of Lords, we need the very best legally qualified individuals on the panel following the most rigorous legal strictures. For that to happen, we need a High Court judge or a judge of the Court of Session to be the top man who runs the tribunal.

As my hon. Friend the Member for Arundel and South Downs (Mr. Flight) has observed, it is not enough to be a lawyer of 10 years' standing to run the employment appeals tribunal. If the Bill is designed to make the tribunal independent and efficient and to reduce the necessity for appeals on points of law to the Court of Appeal, we need to ensure that it gets things right the first time. The purpose behind amendment No. 56 is to achieve that.

I understand that the president or deputy president will not be deciding points of law. A chairman in any particular case will be doing that. However, a High Court judge or a judge of the Court of Session would be of such eminence and of such legal stature that he or she would be able to set the tone for the way in which the tribunal carried out its business, especially in cases where points of law were disputed or potentially appealable. Chairmen would not be particularly well qualified. They would have to be lawyers of only seven years' standing. Amendments Nos. 59 and 60 address that point; we suggest that they should be of 10 years' standing.

The chairmen may need to be instructed that they can adjourn proceedings of the tribunal, perhaps to seek guidance from the deputy president or president. Who better to do that and to decide points of law so that they do not become justiciable and the subject of litigation further down the road?

If our amendments are not taken on board, we can see individuals and authorised persons mired in the Royal Courts of Justice on the Strand. There will be great expense incurred by businesses and big pay days for lawyers. As a former solicitor, I realise how onerous the burdens that law firms place on clients can be. Such a situation is not one that an efficient and competitive financial services industry needs. For these reasons I urge Ministers to take seriously the points of principle that are raised by the amendments.

6.45 pm

Sir Nicholas Lyell: I support the thrust of what my hon. Friends have said, but the situation is more serious and more dangerous than I realised until very recently. It has come to my notice that the tribunal may be created on the cheap. There is a nasty rumour that the Lord Chancellor's Department, which does not have much money, hopes to roll in the tribunal with the VAT and duties tribunals. That would be a terrible mistake. If anyone in or around government is thinking in that direction, I hope that he will think again.

The tribunal requires a president, whether he be a judge or someone of considerable legal and financial experience, who is of the highest calibre and who can be relied upon to lead a team that will do justice to the enormous powers that are being given to, and that will be exercised by, the Financial Services Authority.

The amendments focus on the requirements for the tribunal. I do not have particular difficulty with the concept of a lawyer of 10 years' standing. I think that that is the same requirement for a High Court judge. Of course

[Sir Nicholas Lyell]

it is not adequate in itself. There are many lawyers of 10 years' standing who would be entirely unfitted, but it is a long-standing test. So long as it is 10 years' standing and so long as the individual who is chosen has the necessary acumen, background and status, fine. The vital feature is that we set up a tribunal that will command respect nationally and internationally and will do justice in the cases that come forward, which may be very sensitive and difficult.

It would not be fair to load this responsibility on to quasi-judicial and judicial figures in other administrative areas who sit on other tribunals, with the great technicalities with which they have to deal. We should not lump on to them the huge responsibilities that we are creating. I hope to have an assurance from the Minister that that will not happen. If he cannot give such an assurance because thinking is at too embryonic a stage, I hope that he will take to heart the points that have been raised.

Mr. Timms: I welcome the support that has been expressed by Opposition Members for amendment No. 115. There is a consensus that it is a good step forward.

I hope that I can reassure right hon. and hon. Members about the importance that we attach to the tribunal. I entirely agree with what has been said about the importance of its commanding the widest possible respect. That is an objective that we can all share. I think that the steps that we have in hand will lead to it doing so.

There are about 70 tribunals, and tribunal appointments do not normally include judges from the High Court Bench or from the Court of Session. There are a few instances where senior judges sit on tribunals. A tribunal may have a High Court judge when particularly sensitive information is involved or when the cases that come before it are especially sensitive in nature. For example, there are the special immigration appeals commissions. There is also a batch of security tribunals, each of which is headed by a High Court judge or another senior judge.

The employment appeals tribunal has been referred to, as has the Immigration Appeal Tribunal. Both have a High Court judge as president because of their particular circumstances. I think that we are all aware that the Immigration Appeal Tribunal has faced acute work-load pressures. A High Court judge was appointed as president to strengthen its operation.

It is normal practice for other tribunals to appoint people with a seven-year legal qualification to the panel of chairmen—for example, the VAT and duties tribunals and the transport tribunals. The provisions will ensure that the tribunal will command the widest possible respect, as the House rightly seeks.

The hon. Member for Arundel and South Downs (Mr. Flight) suggested that the FSA should pay costs if a case is overturned by the tribunal. Costs are not usually awarded in cases brought before tribunals. There will be scope to award costs, but only if either party has acted unreasonably, vexatiously or frivolously. That is the test supported by the independent Council on Tribunals, and it is in line with the thinking of the Burns committee, which specifically recommended that we should give consideration to the council's views. Those views are reflected in the provision.

We can certainly agree about the importance of the tribunal and the need to make sure that it commands the widest possible respect. I am confident that our proposals will deliver—

Sir Nicholas Lyell: I am grateful to the Minister for giving way. Does he accept that the Government must put up some money in connection with the tribunals? The industry has been required to put up the legal aid money and it covers most costs, but the Government's contribution must come out of the public purse. Can the Minister give an assurance that the exigencies of the public purse will not short-change what is properly required for the status and efficiency of the tribunal?

Mr. Timms: I can give the right hon. and learned Gentleman an assurance that it is the Government's objective to meet the expenditure necessary to deliver a tribunal with the stature that he described earlier. I am satisfied that we will be able to provide that.

Mr. Flight: Our amendments focus on three practical issues. They will need to be discussed further when the Bill reaches its Committee stage in the other place. Although the amendments do not relate to matters of high principle on which we would want to vote—and we shall therefore withdraw them—they all deal with practical issues on which our investigations and conversations with those concerned lead us to the conclusion that the Bill is not entirely satisfactory.

The issue of costs is in a different category, and I take note of the Minister's comments regarding the Burns committee. There is a wider issue still to be addressed—the ability of individuals fully to defend themselves, lest the legislation be undone as the result of a ruling by the European Court of Human Rights.

The crucial point is that the tribunal should be of top quality and adequately remunerated. Notwithstanding the Minister's comforting remarks, we have a genuine practical concern that the present arrangements may not provide for that. In anticipation of these matters being considered further in another place, I beg to ask leave to withdraw the amendments.

Mr. Deputy Speaker (Mr. Michael J. Martin): The question of withdrawing amendments does not arise. The only amendment that has been moved is Government amendment No. 115. The other amendments have been grouped with it for the purposes of debate.

Amendment agreed to.

Clause 10

REVIEWS

Mr. Flight: I beg to move amendment No. 16, in page 4, line 35, leave out "may" and insert "shall".

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 17, in page 4, line 35, after "conduct", insert

", in 2002 and every five years thereafter,".

No. 18, in page 4, line 38, leave out

"A review may be limited by the Treasury to"

and insert—

"The Treasury may also require separate limited and independent reviews of".

No. 477, in page 4, line 41, leave out subsection (3).

No. 478, in page 5, line 10, leave out—

"appearing to the Treasury to be'.

Mr. Flight: This group of amendments covers particularly important territory. As the House knows, we tabled new clause 3 to address the matter in detail, but the amendments to clause 10 have the same effect.

As clause 10 stands, the Treasury may appoint an independent person to conduct a review of the economy, efficiency and effectiveness with which the FSA has used its resources in discharging its functions, but clause 10(3) qualifies that power by providing that the review may not deal with the merits of the FSA's general policy or principles in pursuing its regulatory objectives.

Our amendments require the Treasury to appoint an independent person in 2002 and every five years thereafter. The Treasury may also require separate, limited and independent reviews of such matters as it may specify. In essence, that is already covered in clause 10. The limitation in subsection (3) would be deleted. Finally, the definition of "independent" would be amended by deleting the subjective words

"appearing to the Treasury to be".

We have already touched on that in relation to attempts to reduce scope for judicial review.

It is important that there should be an automatic process of review of regulation. Had the Financial Services Act 1986 provided for that, there would have been a lot less hassle than we have had. Fewer amendments and less parliamentary time would have been needed, and there would have been fewer delays in bringing regulation up to date. For this undemocratic Government and for the industry, a review of regulation is an appropriate part of the process of checks and balances.

There is the pretence of a process of review under clause 10, but it will occur only at the behest of the Treasury and will not cover the most important territory. We feel strongly about the issue, which we discussed at length in Committee.

Mr. Beard: Does the hon. Gentleman agree that the greatest threat to the economy, efficiency and effectiveness of the FSA is the number of reviews that the Opposition would impose on it?

Mr. Flight: That sounds like an argument that totalitarian Governments have used. The review would be independent. The FSA would clearly have to participate in it, but it is more important that regulation should require proper accountability. The FSA spends an enormous amount of time doing the same thing vis-a-vis those that it regulates. I do not believe that that was a serious intervention. We view the matter as an important principle to be included in the Bill.

Mr. Tyrie: Clause 10 is important. As has been said repeatedly, the FSA is an unprecedentedly powerful institution. Clearly, we need to take a look at it after a few years, to see whether it is working properly.

In the Government's draft Bill, there was no provision for any kind of review. After consultation, they introduced clause 10. However, the provision is nothing more than a mouse. Given last week's events, "mouse" is an appropriate description—

Mr. Flight: Or even rat.

7 pm

Mr. Tyrie: Worse still, the clause is a rat. Clause 10 is not worth having, and therefore we have to amend it.

Subsection (1) provides for an independent person

"to conduct a review of the economy, efficiency and effectiveness with which the Authority has used its resources in discharging its functions."

In other words, the independent person will consider only how the authority spends its money.

Subsection (2) is equally limiting. It grants the Treasury the power to specify the functions that the independent investigator may examine. He may wish to consider a particular function, but the Treasury may prevent him from doing so.

Subsection (3) expressly forbids the independent investigator from considering several broader issues. It states:

"A review is not to be concerned with the merits of the Authority's general policy or principles in pursuing regulatory objectives."

As if that is not enough, the independent reviewer will not necessarily be independent. As has already been said, subsection (7) states:

"'Independent' means appearing to the Treasury to be independent".

That means as independent as the Treasury wishes the reviewer to be.

That does not constitute a serious commitment to review the Bill. We have therefore tabled amendments to try to provide for that.

The clause does not even guarantee that a review will take place at all, because subsection (1) states:

"The Treasury may appoint an independent person".

It does not say that the Treasury "must" appoint someone to undertake a review. The Opposition believe that a Bill that could so dramatically affect the biggest, most important and most successful industry in Britain in recent decades should be subject to independent review. That is the gravamen of the amendments.

In Committee, we presented proposals for defining "independent". We suggested that the Comptroller and Auditor General of the National Audit Office should conduct the review. Some technical problems with that suggestion were mentioned in Committee, but I shall not rehearse them now. Many representative bodies support the idea of appointing him, as do the Opposition. The Government did not explain clearly why that was not a sensible approach. It would give those who are being regulated confidence in the appointment of a genuinely independent reviewer.

Mr. David Kidney (Stafford): The Burns committee did not recommend that the Comptroller and Auditor General should undertake the reviews.

[Mr. Tyrie]

Mr. Tyrie: I do not want to go through all the arguments that the Burns committee presented. The hon. Gentleman is right, and the point was made in Committee. However, the Burns committee said that that was its position provided that its recommendations on the compensation scheme were implemented. The Bill does not provide for implementation of such a scheme. Any reasonable person who reads the Burns committee report will conclude that it would now recommend amendments to clause 10.

Mr. Beard: Will the hon. Gentleman give way?

Mr. Tyrie: I shall not give way again. The hon. Gentleman's previous two interventions have been somewhat lacking in substance and I do not want his comments to detain the House.

Mr. Kidney: Will the hon. Gentleman give way?

Mr. Tyrie: I shall give way to the hon. Gentleman because he has such a happy smile on his face.

Mr. Kidney: I remind the hon. Gentleman of how well he spoke earlier in favour of the need for regular cost-benefit analyses of, for example, new rules. What is his view of the Opposition's proposal that the reviews should be undertaken regularly, irrespective of cost or benefit?

Mr. Tyrie: That is an extraordinary intervention. The object of any review is to undertake cost-benefit analyses of regulations to ascertain whether they are intelligent or cost the industry more than they save it. We would expect the Treasury to use its intelligence to ensure that the review did not become an excessive and irredeemably burdensome examination of the FSA's activity.

The Opposition have consistently argued for at least one thoroughgoing review of the fundamental change in legislation. The Government consistently refuse to say whether we can have such a review—*[Interruption.]* The Minister nods; perhaps that is because he has read a pleasant note, which he has stuffed into his pocket, but perhaps he was agreeing with me that the Government have consistently refused to accept the need for at least one thoroughgoing review of the measure.

The arguments were well presented in Committee, and people can read them in *Hansard*.

Liz Blackman (Erewash): Will the hon. Gentleman give way?

Mr. Tyrie: If the hon. Lady will forgive me, I am about to conclude my remarks.

The City would be greatly reassured by the prospect of a review. There is much uncertainty about this Bill in the City, and the knowledge that a review will take place will help allay it. We must not underestimate that point.

A second crucial reason for having a review is that the Bill alters the structure of the regulatory system. We have not simply transferred existing legislation; we have fundamentally altered it. In addition, rapid change is occurring, and an on-going review should probably take place, even if there were no Bill.

A third reason for supporting the spirit of the amendments, which do not cover the point about the Comptroller and Auditor General, is that granting him power to review will increase accountability to Parliament because he will be able to report to the Public Accounts Committee. The accountability to Parliament of the extremely powerful body that we are creating should be important to all hon. Members.

I cannot understand why the Government are afraid of reviews. Why do they consider it unreasonable to undertake, after three or four years, a fundamental review of the leviathan Bill that we are considering?

Mr. Timms: Our new review proposals have received a rather grudging welcome. I should have thought that Opposition Members would show a little more enthusiasm for the new arrangements.

Clause 10 gives the Treasury the power to appoint an independent person to review the efficiency, economy and effectiveness with which the FSA has used its resources in discharging some or all of its functions. We are considering value-for-money audits. Under the clause, an audit can be carried out at any time, but the amendment seeks to alter that so that the first audit would take place in 2002, with subsequent further audits at five-year intervals. The Treasury would have the power to require further audits to be undertaken outside that timetable, if that appeared necessary.

The amendment is unnecessary. The purpose of the clause is to allow the Treasury to commission a review when it believes that that would be helpful. That is a matter of judgment and it is impossible to specify the right time in advance, because that may depend mainly on events outside the FSA. Let us suppose, for example, that a crisis suddenly occurred in a sector of the financial services industry and the FSA had to step in and put matters right. In those circumstances, the Treasury might want to ask for a review to see how the FSA's systems stood up to the crisis. The amendment would not prevent that, but we could be in the absurd position of having to begin another review—on the regular timetable—immediately after the first review had concluded and when it was apparent to everybody that there was nothing new to report.

Unlike the hon. Member for Chichester (Mr. Tyrie), I suggest to the House that my hon. Friends the Members for Bexleyheath and Crayford (Mr. Beard) and for Stafford (Mr. Kidney) were absolutely right. He should have taken much greater note of their remarks because there is a serious issue here of forcing on to people unwanted and unwarranted reviews and procedures that do not merit the costs associated with them. There is no advantage in having fixed periods for external reviews; they should take place when they are needed.

Mr. Tyrie: Will the Minister commit the Government to at least one thoroughgoing review of the legislation?

Mr. Timms: Many people will look at how the legislation works, not least the Treasury Committee. The timing of the value-for-money audits should depend on

circumstances—for example, the non-executive directors might draw to our attention in the annual report the FSA's efficient and economic use of resources. Schedule 1 requires that to be included in the FSA's annual report.

Sir Nicholas Lyell: I am most grateful to the Minister for giving way and hope that I have not cut him off at a vital moment, but one of my worries is that the reviews appear to be confined to the

"economy, efficiency and effectiveness with which the Authority has used its resources".

Would that cover circumstances of growing and perhaps widespread concern in the City that the authority was using its powers in an overbearing and tyrannical way?

Mr. Timms: I suppose that that would depend on the particular circumstances, but the right hon. and learned Gentleman's intervention brings us on to the points that were made about amendments Nos. 477 and 478. Let me respond to those.

There is no doubt that the FSA's performance in terms of making policy—the type of area to which he referred—and establishing principles in pursuit of its regulatory objectives should be open to scrutiny, but amendment No. 477 is not the right way to achieve that. The Bill already provides a number of mechanisms that will achieve that outcome, which I think we all seek.

Schedule 1 requires the FSA to report on the extent to which its objectives have been met in its annual reports. Clause 7 requires it to consult with practitioners and consumers, including the statutory practitioner and consumer panels, on

"the extent to which its general policies and practices are consistent with its general duties",

which are set by clause 2. The FSA will be under a duty under clauses 8 and 9 to have regard to any representations made to it by the consumer and practitioner panels.

Mr. Hawkins: Does the Minister accept that even as authoritative a trade association as the Association of British Insurers still does not feel that the Bill provides for enough scrutiny? With such important trade bodies saying that more needs to be done, our amendments are necessary to satisfy the needs of those with a legitimate interest in the legislation being reviewed properly when it is in force.

7.15 pm

Mr. Timms: There will be ample scrutiny through the mechanisms that I have set out—for example, the work of the Treasury Committee and the role of the Treasury—and I disagree with the hon. Gentleman. Arrangements will be in place to meet that concern.

Mr. Cousins: Virtually all the points made by Conservative Members have been designed, perfectly properly, to protect the position of people in the trade. My hon. Friend has said that the review clause will take account of the points made by consumer panels. Will he make it clear that the review procedure will be symmetrical in order to protect the interests of consumers as much as those of the trade? The point is that "effectiveness" also covers effectiveness on behalf of consumers.

Mr. Timms: My hon. Friend's important point provides a helpful corrective to the balance in the debate. He is absolutely right that the position of consumers and the protection of their interests is at the heart of the Bill. That is only right.

Mr. Loughton *rose—*

Mr. Tyrie *rose—*

Liz Blackman *rose—*

Mr. Timms: I give way to my hon. Friend the Member for Erewash (Liz Blackman).

Liz Blackman: Does my hon. Friend also accept that consumers and practitioners alike will be far more reassured by a review that results from a trigger rather than a meaningless regular mechanism?

Mr. Timms: My hon. Friend is absolutely right. Unnecessary regular reviews, with all the costs that they entail, are not a feature of the system that anybody wants, least of all consumers.

Mr. Tyrie: Will the Minister give way?

Mr. Timms: I shall give way for the last time; then I shall conclude.

Mr. Tyrie: I am concerned that the Minister seemed to agree with the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) and appeared to suggest that there is a trade-off between the interests of consumers and of producers. I had hoped that we had moved on and that, somehow or other, Labour—which talks of the third way—had managed to shed such language, but it seems that we are back to where we were and the Minister accepts the trade-off. Will he acknowledge that the interests of consumers and producers are the same with respect to reviews and that a review that makes a producer more efficient will give greater benefit to the consumer?

Mr. Timms: My hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) would have been comforted if Conservative Members had paid more attention to the interests of consumers. He made a telling point on that subject.

On amendment No. 478, clause 10 provides that any person appointed by the Treasury to carry out a review of the FSA must be independent of the FSA. Subsection (7) defines what that means. The problem with the proposed change is that it is not necessarily self-evident whether a particular person is at any time independent of the FSA. In practice, somebody will need to take a view and, as it is the Treasury's responsibility to appoint any reviewer, it follows that the Treasury should make the judgment. For that reason, I cannot accept the amendment and hope that it will be withdrawn.

Sir Nicholas Lyell: I shall be brief. I am disturbed that the Minister has not been more forthcoming. He should

[Sir Nicholas Lyell]

at least accept an amendment providing for a full-scale review within a reasonable period of the establishment of the structures in the Bill.

These amendments, like the previous group, concern the authority's accountability. I confess that I am becoming significantly alarmed. The Minister was silent on this, but unless the Government recognise that the appeal tribunal structure must be headed by somebody of the permanence and calibre of a High Court judge and that the authority's activities should be regularly and independently reviewed, the checks and balances that we require will not be adequate.

Mr. Flight: We thought that the Government were a great supporter of reviews, but it appears that they do not support reviews of certain matters. Much as we appreciate the Financial Secretary's courtesy, we feel—I certainly feel—that his response was somewhat weak. His refusal to commit the Government at least to a review of this highly complicated new legislation, bringing in the whole industry and changing the position constitutionally after a sensible period, suggest to us that the Government are not very interested in the review process.

The hon. Gentleman seemed to argue that it was necessary to wait for a Barings or a pension-selling problem to break before conducting a review, but the whole point of a regular review is that it is designed to throw up problems and ensure that they are dealt with. The problems with the regulation of the retail industry date back 10 years. Everyone has known about the—the FSA has admitted that. Had there been a statutory regular review, something might have been done.

Such reviews are an important part of efficiency, good regulation and protecting the consumer, as well as ensuring that regulation has not become excessive in the other direction. The review, as clause 10 provides, would be laid before Parliament. According to our thinking, it would provide a document on which the Select Committee on the Treasury could do a great deal of the homework.

It should be borne in mind that the financial services industry changes at a rapid pace. Let us consider what has happened in the last five years, let alone the last 10. Change is needed to update and adjust as the industry changes, and we feel that a statutory five-year review is appropriate to the needs of the situation. We have not specified the Comptroller and Auditor General as the person who should conduct the review, as particular issues may arise; we have merely specified that it should be someone who is truly independent. I felt that the Financial Secretary's response was rather strange, as we see no real problem in determining who is independent of the Treasury.

The amendment is highly important to the interests of all to whom regulation relates. The machinery that we propose would avoid a number of the problems that have been experienced with regulation since the Financial Services Act 1986 came into force, and we therefore wish to press the amendment to a Division.

Question put, That the amendment be made:—

The House divided: Ayes 161, Noes 309.

Division No. 57] **[7.23 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Baker, Norman
Baldry, Tony
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Cash, William
Chidgey, David
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harris, Dr Evan
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Key, Robert
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Oaten, Mark
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shepherd, Richard
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond

Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Keith Simpson and
Mr. Geoffrey Clifton-Brown.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atkins, Charlotte
Banks, Tony
Barnes, Harry
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Gordon *(Dunfermline E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Campbell, Alan *(Tynemouth)*
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Colman, Tony
Connarty, Michael
Corbett, Robin
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Home Robertson, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter

Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Warning, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Jamieson and Mr. Greg Pope.

Question accordingly negatived.

New Clause 6

EXERCISE OF EEA RIGHTS BY UK FIRMS

'. Part III of Schedule 3 makes provision in relation to the exercise outside the United Kingdom of EEA rights by UK firms.'.—[*Mr. Timms.*]

Brought up, and read the First time.

7.30 pm

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendments Nos. 70 to 72, 83, 113, 114 and 158.

Amendment No. 39, in schedule 3, page 208, line 34, after "Kingdom", insert—

"for the purpose of carrying on the activities in question".

Amendment No. 40, in page 209, line 20, after "Kingdom", insert—

"by carrying on the activities in question".

Amendment No. 41, in page 209, line 22, after "notice", insert—

"of the firm's intention to provide services in the United Kingdom by carrying on the activities in question.".

Amendment No. 42, in page 209, line 28, after "Kingdom", insert—

"by carrying on the activities in question."

Government amendments Nos. 159 to 170.

Amendment No. 43, in schedule 4, page 212, line 41, at end insert—

""EEA credit institution" means an EEA firm falling within paragraph 5(b) of Schedule 3 whose authorisation under the first and second Banking Co-ordination Directives covers one or more investment services (within the meaning of the Investment Services Directive):".

Amendment No. 44, in page 213, line 13, at beginning insert—

"except where the firm is an EEA credit institution.".

Amendment No. 47, in page 213, line 19, after "right", insert—

"or, where carrying on the activity constitutes the provision of services in the United Kingdom, cannot use an EEA right,".

Amendment No. 48, in page 213, line 19, after "activity", insert—

"or, where carrying on the activity constitutes the provision of services in the United Kingdom, the firm is carrying on that activity from outside the United Kingdom.".

Amendment No. 45, in page 213, line 30, after "activity", insert—

"which is a regulated activity".

Amendment No. 46, in page 213, line 36, after "on", insert—

"a permitted activity which is".

Mr. Timms: The Government amendments clarify the distinction in schedule 3 between European firms that use the single market directives to exercise passport rights under the directives in the United Kingdom, and UK firms that exercise passport rights in other European states. Part II of schedule 3 deals with incoming firms, while part III deals with outgoing UK firms. Clause 31 deals with incoming firms, but does not distinguish between incoming and outgoing firms. Amendments Nos. 70 to 72 would limit its scope to incoming firms. New clause 6 would then introduce part III of schedule 3, to deal with outgoing UK firms.

Amendments Nos. 158 to 163 make further drafting changes to the arrangements for incoming firms under part II of schedule 3. Amendments Nos. 164 to 170 do the same for outgoing firms under part III of schedule 3.

Amendments Nos. 39 to 42 make some interesting drafting suggestions in relation to the exercise of passport rights by European Economic Area firms. Part II of schedule 3 sets out two sets of conditions for EEA firms seeking to exercise their single market passport rights in the United Kingdom. Firms seeking to establish a UK branch in the exercise of those rights will qualify for authorisation if they satisfy the establishment conditions, which involve the receipt by the FSA of a consent notice from the firm's home-state regulator.

The purpose of the amendments appears to be to make it clear that the activities identified in the notices—the permitted activities—must be activities that the EEA firm proposes to carry on through its branch, or by way of provision of services. It seems clear that the notices will relate to the carrying on of the activities identified in them, but, if there is any doubt in the minds of Opposition Members—I imagine that there must be because of the amendments that they have tabled—I will be happy to put on the record an assurance that that is the intended effect of the provisions. I hope that hon. Members will derive some comfort from that.

Amendments Nos. 43 and 44 would disapply the requirement that the home-state laws afforded equivalent protection if the firm seeking to exercise a treaty right was an EEA credit institution carrying on investment services under a banking authorisation. The need to be satisfied as to the protection offered by home-state law where there is no Community instrument setting minimum standards is an important condition for recognising rights under the treaty. I see no reason to suspend that requirement.

Amendments Nos. 45 and 46 deal with drafting points. It is clear from schedule 4(3)(1)(a) of the schedule that a "permitted activity" must be a regulated activity, so it is not necessary to specify in either paragraph 4(1) or paragraph 5(1)

"a permitted activity which is a regulated activity".

Opposition Members may want to comment on that.

I appreciate Opposition Members' thinking on amendments Nos. 47 and 48, which seem to provide alternative solutions to the same problem. The problem stems from the possible difference between what would fall to be regulated business carried on in the UK—the general perimeter test—and what would be carried on within the UK: the test that applies in the directives.

The Opposition have a point there, but although they have proposed two ways of dealing with the question, we do not think that either of them is entirely satisfactory. We are, however, pursuing the point—which is entirely valid, and dealt with in both amendments—with the draftsman. We intend to return to it in another place as soon as we can.

I am grateful to the Opposition for drawing the matter to our attention and hope that, on the basis of that assurance, they feel that they do not need to press amendments Nos. 47 and 48.

Mr. Flight: There is a nice irony in the fact that, in Committee, it was the official Opposition who pressed hard to get these parts of the Bill right. If I were impolite, I might point out that the Government—who are so keen to join the euro quickly—were running the risk of not getting them right, thereby causing substantial problems in achieving their objective.

The Opposition's objectives are twofold. First, it is crucial to British interests, and to the interests of the rest of Europe, to realise that, if Britain damages passporting, reciprocal action will be taken against us elsewhere.

Secondly—in the spirit of healthy free trade—we want the single market to work. We want European Union passporting to be as streamlined and efficient as possible for European Union businesses and for elements of the financial services industry that come to the United Kingdom.

We are reasonably happy with the Government's new clause and amendments in this group, although we still do not think—as I shall explain in some detail—that they completely deal with the points at issue. As the Minister will be aware, there have been discussions between learned lawyers—the details of which I confess I do not always understand. I appreciated the hon. Gentleman's comment that the discussions are not necessarily complete but will be finalised when the Bill is considered in Committee in another place.

The Opposition note and are pleased that Government amendment No. 112 has not been selected, as it was the one Government amendment in this group that we felt was not at all satisfactory.

Our amendments Nos. 39 to 42 are intended to limit the notices that are required as part of the procedures used in exercising the passport to notices relating to activities covered by the passport. As the Minister said, such an effect is obviously intended, but is not expressly stated in the relevant paragraphs.

Our amendments Nos. 43 and 44 would amend schedule 4 and are aimed at providing an investment services directive passport to incoming EEA banks entitled to use the second banking directive passport—which, although it may sound strange, is currently allowed by European Union law. Unless the two amendments are agreed to, however, it will no longer allow it—consequently worsening the current position of incoming EEA banks. The Opposition cannot imagine that the Government desire such an outcome.

If we want to allow United Kingdom banks to have the same "extra" ISD passport, we would surely be shooting ourselves in the foot by stopping non-United Kingdom EEA banks enjoying a passport to which they are currently entitled—albeit not under the ISD as such but because of the current United Kingdom concession.

As Ministers will be aware, schedule 4 gives treaty rights to all EEA nationals. The treaty right is a right to establish a branch in another member state or to provide cross-border services into it, provided that the conditions in paragraph 3 are satisfied. The treaty of Rome gives those rights, and schedule 4 implements them subject only to the satisfaction of the conditions stated in paragraph (3).

7.45 pm

Banks that are to be given the United Kingdom ISD passport are authorised in the home member state, and the second banking directive—2BCD—does not cover all of the ISD passported activities, which means that there is no EEA right covering them. Consequently, that satisfies the two other conditions in paragraph 3, and means that, in principle, EEA credit institutions are automatically given the ISD passport for those activities that are outside the 2BCD passport. The key examples are the receipt and transmission of customer orders and the arranging of transactions in existing securities, neither of which is covered in the 2BCD passport.

Our amendments Nos. 43 and 44 ensure that the freedoms that the United Kingdom currently gives will be continued. We also hope that the provisions will persuade other EEA member states to allow an equivalent ISD passport to United Kingdom banks.

Do the Government plan to remove that which is already enjoyed in the United Kingdom, or were the omissions simply an oversight?

Our amendments Nos. 47 and 48 relate to paragraph 3(1) of schedule 4, which sets out a key condition for the exercise of treaty rights. In July 1997, the Commission gave guidance to the effect that the 2BCD passport cannot be used when the bank is carrying on the relevant passported activity from outside the client state, typically by telephone, fax or screen. In this case, the "host" member state is the member state in which the branch is located and not the client state. Accordingly, a bank entitled to the 2BCD passport cannot use its passport. If paragraph 3(1)(c) is not amended as we are suggesting, the bank will also be excluded from the treaty rights, because it has an EEA right to carry on the activity, albeit that it cannot use it in those circumstances.

Surely it would be foolish if the schedule 4 treaty rights could be used by all firms authorised by their home member state to carry on the regulated activity except when the firm has an ISD or 2BCD passport. We are sure

[Mr. Flight]

that that is not the Government's intention, and our two amendments will allow 2BCD firms to use the treaty right.

Our amendment No. 45 is designed to make it clear that the permission given by schedule 4 is only for passported activities, which will require authorisation under the Bill.

Amendment No. 46 is vital. Unless it is accepted, paragraph 5 will prohibit the treaty firm from carrying on any regulated activity until seven days after it gives notice, even if the regulated activity has absolutely nothing to do with the passport. That is neither acceptable, nor, I think, intended.

As I said, the amendments deal with a highly technical subject. A few moments ago, the Minister said that the Government want to continue examining the matter and to ensure that they have the provisions right. I apologise to the House for explaining in detail what we regard as the key issues, but—after all the effort that has gone into examining the issues in the past six months—please, may we ensure that we get it right?

Mr. Timms: I will gladly reflect on the points that the hon. Gentleman has made, but what I said at the beginning of this short debate stands. I was not entirely clear whether the hon. Gentleman wished to press the amendments. I hope that he does not.

Sir Nicholas Lyell: I am grateful for the opportunity to make a short and entirely technical speech on these extremely important amendments. This has been a fascinating occasion, in which it would be correct to say that Flight has been speaking to Timms, but that Abrams and Slater probably have been communicating with Stokes. I think that all those involved should be congratulated.

Question put and agreed to.

Clause read a Second Time, and added to the Bill.

New Clause 7

THE THRESHOLD CONDITIONS

'.—(1) "The threshold conditions", in relation to a regulated activity, means the conditions set out in Schedule 6.

(2) In giving or varying permission, or imposing or varying any requirement, under this Part the Authority must ensure that the person concerned will satisfy, and continue to satisfy, the threshold conditions in relation to all of the regulated activities for which he has or will have permission.

(3) But the duty imposed by subsection (2) does not prevent the Authority, having due regard to that duty, from taking such steps as it considers are necessary, in relation to a particular authorised person, in order to secure its regulatory objective of the protection of consumers.'.—*[Mr. Timms.]*

Brought up, and read the First time.

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendments Nos. 85 to 88, 92, 93, 96, 105, 122 to 124, 157, 178 and 179.

Mr. Timms: This group of amendments rationalises the current references in clauses 37(3), 38(2), 39(2), 40(2) and case A, 157(2) and 158(2)(c) to the qualifying conditions in schedule 6.

The amendments are intended to make it clear that the requirement for the FSA to be satisfied that an authorised person meets the conditions for authorisation in schedule 6 applies at all times. This was a point that the hon. Member for East Worthing and Shoreham (Mr. Loughton) sought to clarify through amendments in Committee, and the Government undertook to make the position clearer. This is our response to the hon. Gentleman's point.

New clause 7 requires the FSA to satisfy itself, in giving or varying permission or imposing or varying any requirement, that the person will satisfy the threshold conditions—formerly the qualifying conditions—set out in schedule 6 in relation to all the regulated activities covered by his permission. However, the amendments also make it clear that this does not prevent the FSA from taking such steps in relation to an authorised person as it considers necessary to secure its regulatory objective of the protection of consumers.

The threshold conditions are conditions which should be met at all times, and they are constant points of reference for the FSA. Important though meeting the conditions always is, however, maintaining constant strict adherence may be temporarily subordinated in the interest of consumers.

For instance, the FSA could permit an authorised insurance company which no longer met the conditions to continue to carry on some limited insurance activities in order to protect the position of existing policyholders, but at the same time might prevent it from engaging in new business. The end result would still need to be either that the company met the conditions again for the activity it had permission to carry on, or that the permission was withdrawn and authorisation ended.

The remaining Government amendments are consequential. Amendment No. 86 also simplifies the provision for requirements under clause 38(1) so that the FSA may impose such requirements as it considers appropriate without making a firm's permission conditional on compliance with those requirements.

Amendment No. 179 amends the legal status condition in schedule 6 to ensure that registered friendly societies, which are not incorporated bodies, may nevertheless carry on insurance activities. It also ensures that if insurance intermediaries were to be brought within the scope of regulation, they would not be required to be bodies corporate. However, I should make it clear that we have no such plans.

Mr. Heathcoat-Amory: This group of amendments is reasonably innocuous, and I will not challenge the Minister too profoundly about what he is attempting to do. However, I have some definitional questions, particularly about what he means by consumers.

New clause 7 refers to the need to protect consumers, and the Bill could deny someone the application to have an authorisation removed in the interest of consumers—the thinking being presumably that if someone is in business and dealing with consumers, those consumers need protection even after the person concerned wishes to end the business. One can understand that the FSA must make a judgment about whether an authorisation must continue in order to protect consumers.

My question to the Minister is this: how are those consumers defined? There are a number of definitions in the Bill as it stands. For instance, clause 9(7) has one

definition, and a slightly different definition appears in clause 3(3). They are fairly minor differences, but they are significant because they appear in one or two cases to restrict the definition of consumers. That may well be desirable.

In Committee, the Economic Secretary agreed to look at this matter again after it was raised by myself and by my hon. Friend the Member for Chichester (Mr. Tyrie). The hon. Lady said:

"We intend to consider the definition of 'consumer' in the Bill at a later stage, and that is the best way forward."—[*Official Report, Standing Committee A*, 21 October 1999; c. 483.]

On that basis, we have left the matter. The Minister owes us an explanation because, as he will appreciate, when one hears remarks like that in Committee, it is really code for saying that the Government will table amendments on Report.

Throughout our proceedings, we have been trying to achieve certainty for the outside world. Sometimes Ministers suppose that people will be able to look at a raft of secondary legislation, consultation documents, rules and regulations to find out exactly what their rights and responsibilities are. In fact, most people—even many lawyers—rely on an Act of Parliament. This is a source document, and if things are not properly set out and defined in primary legislation, it will go against what the Government have said at other times—that the Bill is aimed at giving clarity to the outside world.

The Government want to make financial regulation not simply a specialist matter, but a matter that is understandable to customers and consumers. We know that it is a specialist area of law, but if we are trying to create a system that is comprehensible and has aims that ordinary customers and participants in the industry can understand, we must set out the definitions in the Bill—and preferably only one definition per Bill. It is confusing to have several. Perhaps the Minister could state what he would settle on to give clarity in the question of who he is talking about when he refers loosely to consumers.

Mr. Timms: The definition that is appropriate here is the definition in clause 5, to which the new clause refers indirectly in subsection (3). The right hon. Member for Wells (Mr. Heathcoat-Amory) is right to draw our attention to the exchange on this issue in Committee, during which the Economic Secretary made the point that the definition of the consumer panel in clause 9 was narrower than those elsewhere. The right hon. Gentleman is also right to point out that we undertook to consider further the definitions of the term "consumer" in the Bill. The commitment given in Committee stands, and we will come back to the issue in the other place.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

8 pm

New Clause 12

DEPOSIT-TAKING IN BREACH OF GENERAL PROHIBITION

".—(1) This section applies to an agreement between a person ("the depositor") and another person ("the deposit-taker") in the course of carrying on by the deposit taker of deposit-taking in contravention of the general prohibition.

(2) If the depositor is not entitled under the agreement to recover without delay any money deposited by him, he may apply to the court for an order directing the deposit-taker to return the money to him.

(3) The court need not make such an order if it is satisfied that—

(a) it would not be just and equitable for the money deposited to be returned; and

(b) the deposit-taker reasonably believed that he was not contravening the general prohibition by making the agreement.

(4) "Agreement" means an agreement—

(a) made after this section comes into force; and

(b) the making or performance of which constitutes, or is part of, deposit-taking.

(5) "Court" means

(a) the High Court, or

(b) in Scotland, the Court of Session.".—[*Miss Melanie Johnson.*]

Brought up, and read the First time.

Miss Melanie Johnson: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendments Nos. 245 to 248.

Miss Johnson: The central objective behind the unenforceability provisions in clauses 24 to 27 is not to find an additional way to penalise wrong-doers, but to assist the financial markets by removing uncertainty. The clauses start from the same presumption of unenforceability that exists under the general law and section 5 of the Financial Services Act 1986.

The underlying principle is that agreements entered into in the course of, or as a consequence of, illegal activity cannot generally be enforced in the courts. In other words, people should not be able to profit from crime. These provisions confirm that presumption, and also establish clear conditions which, if met, give the courts discretion to enforce agreements if that would be just and equitable. It was thought necessary to include provision along those lines in the 1986 Act. We think that it is equally right and necessary to provide the same level of clarity and certainty in this Bill.

In Committee, the hon. Member for Arundel and South Downs (Mr. Flight) agreed with us that it is a reasonable principle to apply that an authorised person should not be able to enforce an agreement if it was made through an intermediary who should have been authorised but was not. However, the hon. Gentleman argued that it was unfair to penalise the authorised person if they did not know that the agreement resulted from unauthorised activity by some third party. We accepted that argument.

Clause 26 goes beyond the existing test in that it makes an agreement unenforceable if the court considered that, although the authorised person did not know, he had grounds for suspecting. That is not the intention behind these provisions. Government amendment No. 245 will therefore align the test with the 1986 Act, so that the courts can exercise their discretion to enforce when they are satisfied that the service provider did not know that the agreement resulted from illegal activity.

We also undertook in Committee to amend the test for enforcing agreements resulting from illegal financial promotion. As it stands, the tests in clause 27 are

[Miss Johnson]

concerned with the effect of the promotion, rather than the belief or knowledge of the service provider. On reflection, we think that that is inappropriate. The effect of the promotion on the customer can be taken into account as necessary by the court in deciding whether enforcement is just and equitable, but the prior test should be as it is for agreements entered into as a result of unauthorised regulated activity.

If the service provider is also the promoter, the question should be whether he reasonably believed that he was not contravening the prohibition. If the promoter is a third party, the question should be whether the service provider knew that the agreement was a result of an illegal promotion.

Sir Nicholas Lyell: I am mostly encouraged by the Minister's remarks, but I am not entirely happy with part of them. If it is just and equitable that the deposit should not be returned, why is it necessary for the person who will suffer—contrary to justice and equity—to prove that he reasonably believed something?

Miss Johnson: I shall think about that point for a moment, because it is a difficult question. The right hon. and learned Gentleman was one of the main instigators of some of the improvements made in the new clause, as a result of issues that he raised about deposit taking and unenforceability in correspondence with me. Sadly, he was not present when we discussed it in Committee, but I hope that the new clause addresses the point that he made, as well as those raised by the hon. Member for Arundel and South Downs, who rued the absence of the right hon. and learned Gentleman at that point in the Committee's proceedings.

The hon. Gentleman also argued in Committee that clauses 24 and 25 should not exclude illegal deposit taking from the effect of these provisions. In support of that, he put forward the possibility of a person locked into a fixed-term deposit arrangement with an illegal deposit taker. In such a case, he argued that the depositor should be able to demand the return of their deposit immediately. Again, we accept the point.

It would be unsatisfactory if the victims of an illegal deposit taker were disadvantaged, so new clause 12 tackles the point directly. Unless the courts are satisfied both that the deposit taker reasonably believed that he was not breaching the prohibition and that it would be just and equitable to uphold the agreement, the depositor will be able to obtain immediate repayment. I do not know whether that answers the right hon. and learned Gentleman's question. *[Interruption.]*—I think that he is indicating that he is satisfied by that.

Sir Nicholas Lyell: I was indicating that I would seek to catch your eye, Mr. Deputy Speaker.

Miss Johnson: I have nothing further to say at this point, except to commend the new clause to the House.

Mr. Heathcoat-Amory: The new clause addresses the enforceability of contracts or agreements made by regulated persons in contravention of the rules. As we have heard, and as we discussed in Committee, those are generally unenforceable except in certain circumstances. The changes that the Government have brought forward are generally helpful, so we do not complain about them.

I have a slight problem in understanding the distinction between someone who sells and someone who purchases. The authorised person, it is assumed in the Bill, is normally the person who is selling something to a member of the public and is then found to have done so in contravention of the rules. However, the Government now appear to recognise that the authorised person could be buying something because, in Government amendment No. 244, the word "provider" is replaced with the phrase "person carrying on the regulated activity".

Following discussion with those who have advised us, we recommended the word "counter-party" as preferable to "provider". It is neutral, and the person thus referred to could be receiving or providing services. That suggestion has not been taken up, although the Government have mostly tried to avoid the word "provider". However, clause 26 will still contain the word "provider", which is now an anomaly. I do not know whether it is an oversight—perhaps the late corrections to the Bill have not picked up all the instances of the use of "provider"—or deliberate. Perhaps the Minister could clarify that point.

Sir Nicholas Lyell: I welcome what the Minister said, as far as it went. However, it did not go far enough and, although the new clause looks innocuous on paper, I fear that it could lead to injustice. If the deposit taker has to have "reasonably believed" that he was not contravening the general prohibition when making the agreement, he may suffer a loss that, but for those words, the court would regard as unjust.

I shall make up an example of what I mean. Let us say that a person gives money to another person who makes investments on his behalf. Normally, the money is given simply to pay for the investments but, in the case that I am describing, some proportion of it is deemed to be held on deposit. If the person doing business fails to pay other debts to the business that makes investments on his behalf, he may claim back the money that is being held on deposit.

In those circumstances, it may be very unfair not to allow the illegal deposit taker to hold on to the money. Indeed, he may be relying on that money so that he can continue to invest on his client's behalf. The Minister's advisers may recall that all my thoughts go back to the case of SCF *v.* Masri, in which that rule, which is part of the Banking Act 1979, very nearly caused serious injustice. In that case, the investment business was not held to have been an illegal deposit taker, but making that determination can often involve many technical questions.

8.15 pm

The technical circumstances may mean that the business held to be an illegal deposit taker did reasonably believe that it was not contravening the law. To that extent, new clause 12 would be satisfactory. However, it could easily transpire that that belief was not reasonable, and that a silly mistake had been made. Such a mistake could have highly disproportionate consequences if provisions such as those in the new clause were accepted.

I entirely understand where the Government are coming from, and accept that they are thinking about the matter sensibly. However, they have not gone far enough.

Depositors' automatic entitlement to getting their money back—unless the illegal deposit taker can demonstrate that repayment would not be just and equitable—is sufficient protection for them, but it is not absolute. It means that justice can be done when people have acted in good faith, but not necessarily reasonably.

The structure of the new clause shows that the Government are anxious that the courts should be able to do justice. Proposed new subsection (3)(a) states that the court need not make such an order if it is satisfied that

"it would not be just and equitable for the money to be returned".

I think that that is enough, and that there is no need for the provision involving reasonable belief. The same arguments apply to Government amendments No. 245 to 248.

The Economic Secretary may argue that, to some extent, this business of unenforceability is a discipline on providers in the market. However, it can be so unjust that most of the time it would not be necessary: in cases where it was necessary, the court would order the money to be paid, because obviously it would be just to do so.

I hope that I have explained myself adequately, and that the Government will agree to think again on the matter. I am grateful for the distance that they have covered already, but it is not quite far enough.

Miss Melanie Johnson: First, I shall tackle the question from the right hon. Member for Wells (Mr. Heathcoat-Amory) about terminology, which rehearses a debate that we had in Standing Committee. Indeed, I recall that Opposition Members tabled an amendment about the term "counter-party" in Committee.

We have studied the question, which is largely a matter of drafting. There is a risk that the terminology of the "purchaser" is confusing, given that that person could also be selling investments, which is the point just made by the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell).

The word "purchaser" is a drafting device, and needs to be seen in that context. However, we shall continue to examine the problem, with a view to bringing forward another suggestion about the wording in another place.

Mr. Tyrie: I hope that the Minister will be able to dispel some confusion for me. As I understand it, clause 24 deals with agreements made by unauthorised persons, and clause 25 with agreements made through such persons. New clause 12 addresses the problem in clause 24, but it does not extend the same treatment to clause 25, which deals with agreements entered into with an authorised person

"in consequence of something said or done by"

an authorised person

"in contravention of the general prohibition".

Why have the Government excluded clause 25 from the treatment meted out to clause 24?

Miss Johnson: In essence, that was the point raised earlier by the right hon. and learned Member for North-East Bedfordshire. The new clause does not cover third-party deposit taking. There is no intention to make giving advice on deposits a regulated activity.

In Committee, Opposition Members found it very difficult, in their amendments, to change terminology across the board. An example that we discussed earlier was the difficulty with the definition of the word "consumer". It is not always easy to produce a single term that fits well in all the circumstances in the Bill. We do our best to ensure that all the terminology is consistent and that, wherever possible, the same words are used. As I said, we will continue to consider this and will come back to it in another place if that seems appropriate.

The right hon. and learned Member for North-East Bedfordshire asked why, if it was just and equitable that a deposit should not be returned, it was necessary for the person to prove that he reasonably believed that he was breaching the prohibition. My understanding of the way that this works may be different from that of the right hon. and learned Gentleman. It is important to remember that we are talking about illegal activity. The first question is whether the provider reasonably believed that he was not acting illegally. Only then does the second question kick in—whether the enforcement is just and equitable. It is a staged process. I think that the right hon. and learned Gentleman was suggesting that only the second phase was necessary, but the first stage is supposed to be followed by the just and equitable consideration as the second element.

Sir Nicholas Lyell: Will the Minister clarify this point? She is concentrating on the illegality of the activity. While it is true that the idea of not being able to profit from one's own wrong is deeply embedded in the common law, does the hon. Lady recognise that the illegality in these circumstances is, in a sense, artificially—although rightly—created by statute? Buying and selling shares, for example, is a perfectly legitimate activity. Therefore, there is a high degree of technicality about the illegality. Hence, does the hon. Lady agree that, if it is just and equitable in a commercial situation for money to be returned or not, that should be the end of the question, and that what someone did or did not reasonably believe is a step too far?

Miss Johnson: I do not think that I agree with the right hon. and learned Gentleman. My view is that, if the illegal behaviour resulted from an obscure technicality of the kind that he sketched out, the court may be satisfied that the person reasonably believed that he was not breaking the law. That is a distinct possibility. But, if the belief was not reasonable, why should the courts enforce the illegal contract?

Sir Nicholas Lyell: We are talking about activities that are contrary to the general prohibition. Those are not obscure technicalities, but the circumstances in which a breach of the general prohibition may have arisen but be entirely innocent, albeit the person was slightly negligent. If that was the case, does the Minister recognise that unreasonableness would creep in and injustice could be done because the money could not then be returned by the court even though it had been decided at the first stage that it would be just and equitable to do so?

Miss Johnson: I believe that, if what was done in the first place was straightforward and not a matter of obscure technicality, the issues may not be the same, but the measure must address the point that it may not be clear whether there is an obscure technicality. The right

[Miss Johnson]

hon. and learned Gentleman does not wish to entertain that possibility, but it is an eventuality that must be entertained. I recognise that that will sometimes cause difficulty for those carrying out unlawful activities, but there is a balance to be struck and the Bill strikes it properly. I do not think that I have anything further to add.

Sir Nicholas Lyell: Would the Minister just answer this question? If there is a small mistake—a negligent mistake, as most mistakes are—but, considering the issue as a whole, it would be unjust to the deposit taker to have to return the money, why should the court's hands be tied from doing justice?

Miss Johnson: I do not believe that we are tying the court's hands and preventing justice from being done. It is the business of the courts to do justice and I do not believe that anything that we are doing has or will have that effect.

Question put and agreed to.

Clause read a Second time and added to the Bill.

New Clause 13

STATEMENTS OF POLICY: PROCEDURE

".—(1) Before issuing a statement under section 67, the Authority must publish a draft of the proposed statement in the way appearing to the Authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by notice that representations about the proposal may be made to the Authority within a specified time.

(3) Before issuing the proposed statement, the Authority must have regard to any representations made to it in accordance with subsection (2).

(4) If the Authority issues the proposed statement it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2); and

(b) its response to them.

(5) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant, the Authority must (in addition to complying with subsection (4)) publish details of the difference.

(6) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(7) This section also applies to a proposal to alter or replace a statement.".—*[Mr. Timms.]*

Brought up, and read the First time.

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government new clause 14—*Statements of policy: procedure.*

Government new clause 25—*Codes: procedure.*

Government new clause 26—*Statements of policy: procedure.*

Government new clause 30—*Statements of policy: procedure.*

Government new clause 31—*Statements under section 351: consultation.*

Government new clause 40—*Consultation.*

Government new clause 41—*Procedure on making or varying orders under section (Orders in relation to the general prohibition).*

Amendment No. 236, in clause 8, page 4, line 15,, at end insert—

"(6) Before appointing any person to the Practitioner Panel the Authority must consult persons representing the interests of practitioners, as it considers appropriate, with a view to identifying candidates for appointment to the Practitioner Panel.".

Government amendment No. 407.

Amendment No. 216, in clause 49, page 23, line 5, after "Part", insert—

"or to impose a requirement under section 38".

Amendment No. 217, in page 23, line 7, after "application", insert—

"or imposes a requirement under section 38".

Amendment No. 218, in clause 50, page 23, line 17, leave out "written" and insert "a warning".

Amendment No. 219, in page 23, line 19, leave out subsection (3).

Amendment No. 220, in page 23, line 27, leave out "written" and insert "a decision".

Amendment No. 221, in page 23, leave out lines 28 to 30.

Amendment No. 224, in clause 59, page 27, line 35, at end insert—

"(2A) If no warning notice is given before the end of the period for consideration the application shall be treated as granted.".

Government amendments Nos. 249 to 255.

Amendment No. 225, in clause 62, page 29, line 1, after "issue", insert "or alter".

Amendment No. 226, in page 29, line 2, after "it", insert—

"or, as the case may be a draft of it as proposed to be altered".

Government amendments Nos. 256 to 270, 272 to 277 and 279.

Amendment No. 227, in clause 85, page 39, line 26, at end insert—

"and the procedure on such an appeal".

Amendment No. 228, in page 39, line 30, at end insert—

"(4) The provisions of sections 349(3) to 349(5) shall apply in relation to the warning notices as if the competent authority was the Authority.

(5) If, notwithstanding the representations made to the competent authority before the end of the period specified in the warning notice, the competent authority decides to impose a penalty on a person under section 84, the competent authority must give the person concerned written notice of the decision it takes and must inform him of the right of appeal available to him and the procedure on such an appeal.

(6) The provisions of sections 350(1)(c), 350(6) and 351 shall apply to any such notice under subsection (5) as if it were a decision notice and the competent authority was the Authority.".

Government amendments Nos. 280 to 284.

Amendment No. 229, in clause 87, page 40, line 10, at end insert—

"(2) The competent authority may not give a notice for payment under section 88(1) while the decision to give that notice is open to review.

(3) "Open to review" bears the meaning set out in section 350(7) as if references to the Tribunal were to the person or body to which appeal may be made under the arrangements to be established under subsection (1).".

Government amendments Nos. 285 to 315.

Amendment No. 365, in clause 142, page 68, line 30, at end insert—

"and if any proceedings are commenced against any person in reliance on the report the investigating authority shall provide a copy of the report to such person prior to the commencement of proceedings".

Amendment No. 375, in clause 183, page 91, line 3, at end insert—

"(5) The Authority shall not give a notice for payment while the decision to give that notice is open to review within the meaning of section 350(7).".

Amendment No. 376, in clause 184, page 91, line 12, at end insert—

"(4) The Authority shall not publish a statement under section 179 while the decision to publish that statement is open to review within the meaning of section 350(7).".

Government amendments Nos. 320 to 325.

Amendment No. 377, in page 91, line 32, leave out "authorised persons" and insert "the public".

Government amendment No. 326.

Amendment No. 378, in clause 185, page 91, line 37, leave out—

"consult such persons as it considers appropriate"

and insert—

"include in the material a statement that representations about the material may be made to the Authority within a specified time".

Amendment No. 379, in page 91, line 37, at end insert—

"(7A) Before publishing the material under this section the Authority must have regard to any representations made to it in accordance with subsection (7) and must make a statement as to the representations (if any) made to it and its response, in general terms, to them.".

Government amendments Nos. 327 to 329.

Amendment No. 392, in clause 235, page 118, line 32, leave out from "give" to end of line and insert—

"separate written notice of its decision to the manager and trustee of the scheme".

Amendment No. 394, in clause 236, page 119, line 38, after "must", insert—

"without prejudice to its other powers under section 108".

Government amendments Nos. 140 and 331 to 344.

Amendment No. 11, in clause 351, page 181, line 39, after "case", insert—

"if the failure does not materially prejudice the person to whom the warning notice or decision notice is given".

Government amendments Nos. 345 to 363.

Mr. Timms: The Government gave an undertaking in Committee to standardise the FSA's procedures, including for when the FSA consults on its making and amending of rules and codes, and of policy statements. New clauses 13, 14, 25, 26, 30, 31 and a number of amendments are intended to achieve that consistency, and I hope that they will be widely welcomed.

New clauses 40 and 41 relate to the new provisions on professionals. New clause 40 deals with the procedures to apply to directions by the FSA to cut back the scope of the exemption in relation to classes of person or activity. It sets out the procedure for consulting on a direction in line with similar procedures throughout the Bill. New clause 41 deals with individual orders made by the FSA to ban persons from carrying on regulated activities under the professionals' exemption. It sets out the procedure that will apply to a banning order under new clause 39. Essentially, the warning and decision notice procedures applied throughout the Bill should be adhered to, and the subject of the order can refer the matter to the tribunal.

Clause 48 provides that an authorised person should have a certificate setting out the terms of their permission and that the certificate is to have particular evidential weight. At present, the certificate takes precedence over the register that the FSA must maintain under clause 311, or over the notice to be issued under clause 47(4), in determining a person's position.

Our intention was to provide some certainty for authorised persons. However, we have become aware that some difficult practical issues would result from giving precedence to certificates in that way. It would be imperative for the FSA always to repossess a certificate when a permission is altered or cancelled. For example, what would happen if the authorised person declined to return the certificate or claimed to have lost it?

We are persuaded that it would not be right to place such reliance on certificates. By deleting clause 48 and the related provisions in schedule 5, we are deliberately leaving it open to the courts to place weight on a variety of forms of documentation—including the public register to be maintained by the FSA under clause 311—as they consider appropriate.

Amendment No. 269 makes a simple drafting change to clause 63. Amendment No. 140 makes a consequential change to clause 274, following the introduction in Committee of provisions as to recognised nominees. It provides that the FSA must have regard to representations from a recognised nominee before using its power of direction in respect of such a body.

I shall defer my comments on the amendments tabled by the Opposition until Opposition Members have had a chance to speak. I shall then try to catch your eye, Mr. Deputy Speaker.

8.30 pm

Mr. Flight: As the Minister pointed out, the Government's new clauses and the related amendments would standardise various procedural requirements relating to the making by the FSA of rules and codes and to the issue of policy statements. As far as we have been able to digest them, the amendments are welcome improvements; they appear to work.

However, the Opposition have some qualifications or questions. First, although in some cases the consultation procedures apply to proposals to alter or replace statements or policies, it is not clear what the position would be if the FSA proposed to alter rules made under part IX. If the rules were revoked and replaced by new ones, the consultation procedure would apply; however, the provisions do not cover alterations to rules.

Secondly, it seems to be assumed that many existing rules will be continued under the measure. As we have pointed out, those rules are intended to be grandfathered so as to avoid the need for the consultation procedure, and will not be subject to cost-benefit analysis. We are not clear how that grandfathering will be put into effect.

[Mr. Flight]

Thirdly, the consultation procedures do not apply to the Treasury's powers to make orders or to prescribe other matters under the measure. We think that the procedures should apply.

Finally, various Opposition amendments buried within the group cover many different territories. I shall not address each one, but shall discuss them in groups.

Amendment No. 236 is especially important. It would require the FSA to consult persons representing the interests of practitioners before making appointments to the practitioner panel. We had tabled alternative amendments on that. However, such a panel must be properly representative of practitioners and consultation is a sensible way to achieve that.

Amendments Nos. 216 and 217 would amend clause 49 to bring within the warning notice, decision notice procedures proposals by the FSA to impose conditions on applicants for permission to carry on regulated activities. Amendments Nos. 218 to 221 would amend clause 50 to bring within those procedures proposals by the FSA to use its own-initiative power, for example in non-urgent cases.

In the case of any application for approval, amendment No. 224 would provide that, if no warning notice were given before the end of the period for consideration of the application—the three-month period—the application would be treated as granted. We proposed that amendment in Committee and I thought that it had received a sympathetic response.

Amendments Nos. 227 and 228 would introduce to clause 85 the provisions of clauses 349 and 350—the warning notice, decision notice procedures—in the case of the proposed imposition of penalties for contravention of listing rules.

Amendment No. 365 would require a copy of an investigator's report made under the provisions of clauses 139 and 140 to be provided to the person under investigation before proceedings are commenced against him. We consider that to be of some import.

Amendments Nos. 375 and 376 amend clauses 183 and 184 to make it clear that the FSA cannot give notices for penalties, or publish statements, while the decision is open to review.

Clause 351(7) provides that if the FSA fails to follow its warning notice, decision notice procedure, it will not affect the validity of the relevant warning notice or decision notice. Amendment No. 11 provides that that is the case only

"if the failure does not materially prejudice the person to whom the warning notice or decision notice is given".

We shall not press our amendment No. 377; we debated that subject pretty fully in Committee. Similarly, we shall not press amendment No. 378, to which it relates.

Amendment No. 379 is of some import. It provides that, before the FSA publishes a disciplinary notice, it must have regard to any representations and make a statement as to whether representations were made and what its response to them was.

Amendment No. 392 relates to powers on intervention. It would require the FSA, when revoking a power, to give separate written notice to the manager and trustee, not only to the applicant.

Amendment No. 394 provides that, in cases of urgency, decision notices should be without prejudice to the powers under clause 108 relating to hearings and appeals.

The amendments bracket together a strange hotchpotch of different territories. We view the most important as the practitioner panel point and the territory of not being able to publish statements while decision notices are open to review.

Mr. Loughton: My hon. Friend has probably said it all on this great hotchpotch, but I want to echo some of his words regarding the practitioner panel and amendment No. 236.

I fear that I may incur the wrath of the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) because the amendment does not deal with the body of consumers. We have addressed that subject many times in the Bill's passage. Many of us would contend that if we get the practitioners right, we are acting in the interests of consumers, but I shall not re-open that argument. No doubt he will intervene on me if he chooses to take us down that lane.

We had a good debate in Committee about the status and effectiveness of the practitioner panel. Many Conservative members of the Committee would have preferred the panel to be given much greater independence, to the extent that panel members could be nominated by practitioners from their own body instead of being appointed entirely by the authority; because it is essential that the practitioner panel has clout and is not just a form of tokenism, supposedly to give respectability to some of the greater excesses that the FSA rule-makers may wish to impose on the financial community. If the latter were the case, it would inevitably lead to prejudice to the consumer.

I have another worry. I have no qualms about the qualifications and standard of the people who have been proposed for the practitioner panel—indeed, some are highly qualified—but many are what I would term compliance and regulator people rather than practitioners. There seems to be a difficulty in filling the practitioner panel with practitioners, the people who are at the sharp end of the financial services business and conduct business day to day. Someone who regulates individual firms as a compliance officer does not constitute a practitioner.

In Committee, we also had problems when we contended that the practitioner panel should have first sight—and before the consultation was launched—of any consultation exercises that the authority recommended should go out to the general membership. It appears eminently sensible to suggest that the practitioners, who might have a sensible and pragmatic input to make to the consultation exercise, should be able to make it at the beginning. It would then be a rather more meaningful exercise, but, unfortunately, the Government did not accept our amendment. As we failed on those scores, it is essential that amendment No. 236 is taken on board. It would be absurd for the authority to appoint the people that it saw fit to serve on the practitioner panel without it consulting widely with the very people that the panel supposedly represents.

The Bill must contain a mechanism whereby the FSA is obliged to consult the practitioners properly before it names the people who it wants to appoint to the panel.

That is plain common sense if the panel is to be effective, independent and is to have an input into the workings of the FSA. It will be one of the worst cases of tokenism if it is made up of yes-men and women.

Mr. Timms: The hon. Member for Arundel and South Downs (Mr. Flight) asked me three questions about the Government amendments and I shall deal with them first.

First, the hon. Gentleman asked me about altering and replacing the rules under part IX. That is a drafting matter. It is not right to talk about rules being altered or replaced; they are revoked and new rules are made. In that sense, part IX is no different from other parts of the Bill.

The hon. Gentleman also asked me about grandfathering. Our intention is to lay transitional provisions in another place to deal with that. To some extent, it is a matter for the FSA. For example, in the case of prudential rules, it is consulting on a proposal to make interim rules. The aim is to allow it to take account of procedural steps, including consultation, before the Act comes into force.

Finally, the hon. Gentleman asked me about the need for consultation on the Treasury powers to prescribe. There are a number of powers in the Bill for the Treasury to make regulations. It would be unduly rigid to include in the Bill a requirement to consult on the regulations. However, we shall of course consult when it is appropriate to do so.

Mr. Tyrie: The Minister has just mentioned the transitional arrangements. As he has touched on them, will he explain why the Government have not yet taken the opportunity to table them? A huge number will be required with the ending of 18 separate sets of regulatory schemes and their replacement by the omnibus scheme. What has been the obstacle to tabling those arrangements for consideration in this House rather than waiting for them to be considered in the other place?

Mr. Timms: We referred to several matters earlier today and in the debate last week that we shall return to in another place. As a result of all our deliberations and the close attention that we have paid to all the points made to us, we have many matters to resolve, and those are among them. It has not been possible to table amendments on that in time for debate today, but I have no doubt that those matters will be properly scrutinised in the other place.

8.45 pm

I shall deal with the Opposition amendments in the order in which they were explained by the hon. Member for Arundel and South Downs. Amendment No. 236 would require the FSA to consult practitioners about possible candidates. The hon. Member for East Worthing and Shoreham (Mr. Loughton) referred to that. The FSA is under a duty to establish a panel of practitioners able to represent the views of practitioners. Clause 8 specifies categories of person who should be represented on the panel, and places the FSA under a duty to have regard to representations made to it.

I have no objection to the FSA consulting in the way proposed so that it can identify suitable people, but it is unnecessary and undesirable to specify so precisely the steps that it should take. Consultation with the industry may well be a good approach, but other methods may be suitable; for example, it may be appropriate to advertise. I would not want to tie the FSA's hands on that matter.

Mr. Flight: Will the Minister be a little more specific? He is saying that the Bill covers the spirit of what we seek to achieve, but what is the FSA likely to do? There are many trade bodies that represent different parts of the financial services industry. Is it envisaged that the FSA will discuss suitable candidates with them? Is it envisaged that the FSA will talk directly to any leaders or sections of the industry? We are concerned because it seems to us that the boards of comparable existing bodies could have been improved.

Mr. Timms: That will be a matter for the FSA. Its obligations in that respect are pretty clear, and they cover the points about which Opposition Members are concerned. Categories of person are specified; the panel has to be able to represent the views of practitioners, and the FSA is placed under a duty to have regard to representations made to it. Precisely how the FSA fulfils those obligations is a matter that we can leave to it, although I imagine that it will do much of what the hon. Gentleman suggested.

Amendments Nos. 216 to 223 are interesting. They would extend full warning notice, decision notice and tribunal procedures to all FSA decisions under part IV. There is a need to rationalise the procedures for FSA decisions, in the same way that we have aligned consultation procedures. For example, we tabled amendment No. 115, which will extend the right to refer matters to the tribunal in clause 52 to any applicant who is aggrieved by the determination of his application, such as in cases in which the FSA has granted an application but imposed a limitation or requirement.

At the same time, however, it is important to distinguish between the essentially prudential and protective nature of the provisions in part IV and the different nature of other provisions in the Bill, such as those on market abuse, discipline and restitution.

The interests of third parties will vary according to whether one is considering permission given to an authorised person or his wrongdoing. That will have a bearing on the urgency of the case and the amount of material that it will be appropriate for the FSA to disclose in a particular case.

We do not think that it is right that all consequences should flow in exactly the same way from all FSA decisions, which would be the result of the Opposition amendments. However, we accept the need to consider further the procedures that should apply and to align them as far as possible. We shall want to return to that matter in another place. I shall take on board the central thrust of the hon. Gentleman's case, but more detailed work is needed.

That brings me to amendment No. 224. In Committee, I made it clear that the Government had decided to allow the FSA up to three months in which to consider applications, in case it needs—as it will, from time to time—to carry out investigations into those making applications. However, the FSA has made it clear that it expects, in normal circumstances, to be able to grant approvals within a matter of days or weeks; it is consulting with firms as to the levels of service that they would like to apply to the processing of applications.

[Mr. Timms]

I hope that I did not inadvertently mislead the Committee about the Government's intentions. We believe that it is essential that the FSA satisfies itself that the candidate is a fit and proper person to carry out the controlled function in question. It must be absolutely clear that an application cannot be granted by default and that no benefit can accrue from delay or other such tactics. Therefore, I cannot accept the amendment.

Mr. Flight: I could cite difficult cases in which an existing self-regulating organisation left a matter in no man's land for anything up to one or two years because no one wanted to take responsibility for a difficult decision. Ultimately, decisions have been forced, usually by a potential employer being brave enough to address the issue. Some such cases have given rise to considerable injustice. The Minister appears to be saying that the three months is not really three months: what happens if a decision is not reached within three months? We do not want a regime that allows people to be left in limbo.

Mr. Timms: That, too, will be a matter of concern to the FSA. However, the problem can be seen the other way around: making the amendment could result in the unhappy outcome of a person assuming that he had approval and taking up a position with an authorised firm, only to find that the FSA sought to withdraw that approval a matter of days later. The Government's approach is correct, but the hon. Gentleman is right to say that care must be taken throughout the process, so that such cases are not repeated.

Amendments Nos. 225 and 226 have been overtaken by some of the Government amendments, so I shall not speak about them. The hon. Gentleman did not focus on them.

That brings me to amendments Nos. 227 to 229. In Committee, my hon. Friend the Economic Secretary set out the changes that we would make to the clauses dealing with official listing, following the decision to transfer the competent authority function from the London stock exchange to the FSA. We have not tabled amendments to part VI consequential on that decision; we shall do so in another place.

We shall in another place also propose changes to the warning notice and decision notice procedures. Those changes will rationalise the provisions, for example, by ensuring that a notice for payment is something that is given and takes effect only after the end of the review process.

As the hon. Gentleman said, amendment No. 365 is identical to one that we discussed in Committee. We agree that a person must know of what he or she is accused; that basic requirement is recognised in the Bill in several ways. In disciplinary and market abuse cases, clause 349 requires the FSA to disclose the reasons for proposing the action in the warning notice that it must give to the person concerned. Subsection (5) of that clause requires the FSA to make available the evidence on which it proposes to rely in any proceedings before the tribunal. We are working on proposals to extend this right of access to include additional information. In most cases these disclosure requirements and rights of access will cover most, if not all, of the contents of any report prepared following an investigation. We cannot agree to automatic disclosure of the full report of an investigation regardless of its content or the use that it might be put to. For example, it might reveal the source of a tip-off within a company under investigation. We think that that would be going too far. We are providing a great deal of transparency in this process. It is right that we should do so, but there are limits to what is appropriate.

I am grateful to Opposition Members for tabling amendments Nos. 375 and 376. They would prevent the FSA from imposing disciplinary measures under part XIII while the decision is still open to review. Clause 356 already prevents the FSA from publishing any information about a matter to which the decision relates while the decision is still open for review. The main provision that prevents such abuse is clause 108(5), which provides that a

"decision referred to the Tribunal does not have effect until the reference, and any appeal against the Tribunal's decision, has been . . . disposed of."

Any notice of payment that the FSA purported to issue before the matter was referred to the tribunal would also be rendered ineffective if the matter was then referred to the tribunal. I understand that there could be some ambiguity about the status of such a notice and the passage of time under clause 108 if the firm decided not to refer the matter to the tribunal. It would be useful to consider whether the provision could be reworded as part of the amendments that we are proposing to put forward when the Bill is considered in another place. I hope that that will be of some reassurance to Opposition Members.

Amendments Nos. 377 to 379 aim to specify consultation procedures on statements of policy on the imposition of penalties. As we undertook in Committee, we have introduced a series of new clauses and amendments to standardise procedures. New clause 30 addresses the Opposition's concerns on this issue, I hope to their satisfaction.

The purpose of amendment No. 392 is to amend clause 235, which deals with the procedural aspects of revoking directions that are given under clause 231, so that both the manager and trustee of a scheme receive a written decision notice when an application for revocation has been made. I recall that the matter was raised in Committee. Procedural issues in this part of the Bill are still being broadly assessed, and this is a point that we shall consider further, as we said in Committee.

Amendment No. 394 concerns the role of the tribunal in the urgent intervention procedure for authorised unit trusts under clause 236. Again, the matter was debated in Committee. We said then that we would review the urgent intervention powers set out in the Bill at a later date, and we still intend to do so.

Amendment No. 11 is similar to an amendment tabled in Committee. As we explained then, we think that our amendments achieve the required effect. As it stands, clause 351(7) gives the FSA flexibility in carrying out its published procedures. That is necessary because there is a risk that any minor error or departure from the standard procedure would result in the entire procedure becoming a nullity.

In practice, the question whether there has been a procedural error that has materially prejudiced the other party would be resolved by the tribunal, whose proceedings would provide a completely fresh look at the

case and a decision unprejudiced by any procedural errors by the FSA. The problem with a prejudice test is that it suggests that the tribunal should strike down a decision of the FSA wherever it has materially disadvantaged the other party. That would in effect lead to long arguments about the minutiae of the procedures adopted by the FSA. The tribunal's own fair procedures should effectively rectify any procedural failures as it provides a full opportunity for a fair hearing before a judicial body. The tribunal's ability to balance any material disadvantage was welcomed by the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) in Committee.

Amendment No. 392 deals with the procedural aspects of revoking directions given under clause 231. We are looking into the matter.

Amendment No. 394 concerns the role of the tribunal in the urgent intervention procedure for authorised unit trusts under clause 236, to which we will give further consideration.

I hope that I have responded to the long list of amendments to the satisfaction of Opposition Members.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 14

STATEMENTS OF POLICY: PROCEDURE

".—(1) Before issuing a statement under section 86, the competent authority must publish a draft of the proposed statement in the way appearing to the competent authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by notice that representations about the proposal may be made to the competent authority within a specified time.

(3) Before issuing the proposed statement, the competent authority must have regard to any representations made to it in accordance with subsection (2).

(4) If the competent authority issues the proposed statement it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2); and

(b) its response to them.

(5) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the competent authority, significant, the competent authority must (in addition to complying with subsection (4)) publish details of the difference.

(6) The competent authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(7) This section also applies to a proposal to alter or replace a statement.".—*[Mr. Timms.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

CONTROL OF BUSINESS TRANSFERS

"PART VIA

CONTROL OF BUSINESS TRANSFERS

No insurance business transfer scheme or banking business transfer scheme is to have effect unless an order has been made in relation to it under section (*Sanction of the court for transfer schemes*)(1).".—*[Mr. Timms.]*

Brought up, and read the First time.

9 pm

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Government new clause 16—*Insurance business transfer schemes.*

Government new clause 17—*Banking business transfer scheme.*

Government new clause 18—*Application for order sanctioning transfer scheme.*

Government new clause 19—*Requirements on applicants.*

Government new clause 20—*Scheme reports.*

Government new clause 21—*Right to participate in proceedings.*

Government new clause 22—*Sanction of the court for business transfer schemes.*

Government new clause 23—*Effect of order sanctioning business transfer scheme.*

Government new clause 24—*Rights of certain policy holders.*

Government new schedule 1—*Insurance and banking business transfer schemes: certificates.*

Mr. Timms: In Committee, the hon. Member for Arundel and South Downs (Mr. Flight) said:

"There is also a lot of old law on banks, including the frequent requirement that banks get a private Act of Parliament when merging businesses. Will amendments be tabled to tidy that up in relation to the Bill?—[*Official Report, Standing Committee A*, 7 December 1999; c. 1185.]

I gave the hon. Gentleman a slightly circuitous answer, but I can now come clean and say yes.

New clauses 15 to 24 and new schedule 1 provide a new mechanism for sanctioning and giving effect to schemes to transfer business by certain kinds of authorised persons, specifically insurance companies and banks. The matter with which we are dealing is not takeovers and mergers in the usual sense. From a regulatory perspective, the relevant powers for takeovers are already in place in part XI. No other special arrangements apply to takeovers.

Instead, what is at issue is the merger of two distinct businesses into a single legal entity. That normally follows a takeover. For example, Lloyds Bank plc bought TSB plc some years ago, but it was only last year that a single company, Lloyds TSB plc, was formed and the transfer of the business took place.

In addition to transfers following takeovers, other cases might involve a situation in which a business—for example, a composite insurer—wanted to sell off its life business and concentrate on general insurance. In such cases, it would seek another insurer to which it would transfer its life business. That might be an essential part of a rescue of a failing firm.

I hope that the provisions, foreshadowed as they were by the hon. Gentleman's question to me in Committee,

[Mr. Timms]

will meet with the approval of the House. I hope that the House will welcome the rationalisation of the existing arrangements and their extension to banks, so that all deposit taking and insurance undertakings will be able to take advantage of an effective and efficient mechanism to transfer their business.

This is a positive development, which we believe will be welcomed by the industry. It should also be welcomed by customers of relevant firms—as I am sure my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) will acknowledge—and others affected by qualifying transfers whose rights will be protected by the procedures in the new clauses and new schedule 1.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 16

INSURANCE BUSINESS TRANSFER SCHEMES

".—(1) A scheme is an insurance business transfer scheme if it—

(a) satisfies one of the conditions set out in subsection (2);

(b) results in the business transferred being carried on from an establishment of the transferee in an EEA State; and

(c) is not an excluded scheme.

(2) The conditions are that—

(a) the whole or part of the business carried on in one or more member States by a UK authorised person who has permission to deal in contracts of insurance ("the authorised person concerned") is to be transferred to another body ("the transferee");

(b) the whole or part of the business, so far as it consists of reinsurance, carried on in the United Kingdom through an establishment there by an EEA firm qualifying for authorisation under Schedule 3 which has permission to deal in contracts of insurance ("the authorised person concerned") is to be transferred to another body ("the transferee");

(c) the whole or part of the business carried on in the United Kingdom by an authorised person who is neither a UK authorised person nor an EEA firm but who has permission to deal in contracts of insurance ("the authorised person concerned") is to be transferred to another body ("the transferee").

(3) A scheme is an excluded scheme for the purposes of this section if it falls within any of the following cases:

CASE 1

Where the authorised person concerned is a friendly society.

CASE 2

Where—

(a) the authorised person concerned is a UK authorised person;

(b) the business to be transferred under the scheme is reinsurance business carried on in one or more EEA States other than the United Kingdom; and

(c) the scheme has been approved by a court in an EEA State other than the United Kingdom or by the host state regulator.

CASE 3

Where—

(a) the authorised person concerned is a UK authorised person;

(b) the business to be transferred under the scheme is carried on in one or more countries or territories (none of which is an EEA State) and does not include policies of insurance (other than reinsurance) against risks arising in an EEA State; and

(c) the scheme has been approved by a court in a country or territory other than an EEA State or by the authority responsible for the supervision of that business in a country or territory in which it is carried on.

CASE 4

Where the business to be transferred under the scheme is the whole of the business of the authorised person concerned and—

(a) consists solely of reinsurance business, or

(b) all the policyholders are controllers of the firm or of firms within the same group as the firm which is the transferee,

and, in either case, all of the policyholders who will be affected by the transfer have consented to it.

(4) The parties to a scheme which falls within Case 2, 3 or 4 may apply to the court for an order sanctioning the scheme as if it were an insurance business transfer scheme.

(5) Subsection (6) applies if the scheme involves a compromise or arrangement falling within section 427A of the Companies Act 1985 (or Article 420A of the Companies (Northern Ireland) Order 1986).

(6) Sections 425 to 427 of that Act (or Articles 418 to 420 of that Order) have effect as modified by section 427A of that Act (or Article 420A of that Order) in relation to that compromise or arrangement.

(7) But subsection (6) does not affect the operation of this Part in relation to the scheme.

(8) "UK authorised person" means a body which is an authorised person and which is incorporated in, or an unincorporated association formed under the law of, any part of the United Kingdom.

(9) "Establishment" means, in relation to a person, his head office or a branch of his.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 17

BANKING BUSINESS TRANSFER SCHEME

".—(1) A scheme is a banking business transfer scheme if it—

(a) satisfies one of the conditions set out in subsection (2);

(b) is one under which the whole or part of the business to be transferred includes the accepting of deposits; and

(c) is not an excluded scheme.

(2) The conditions are that—

(a) the whole or part of the business carried on by a UK authorised person who has permission to accept deposits ("the authorised person concerned") is to be transferred to another body ("the transferee"),

(b) the whole or part of the business carried on in the United Kingdom by an authorised person who is not a UK authorised person but who has permission to accept deposits ("the authorised person concerned") is to be transferred to another body which will carry it on in the United Kingdom ("the transferee").

(3) A scheme is an excluded scheme for the purposes of this section if—

(a) the authorised person concerned is a building society or a credit union; or

(b) the scheme is a compromise or arrangement to which section 427A(1) of the Companies Act 1985 or Article 420A of the Companies (Northern Ireland) Order 1986 (mergers and divisions of public companies) applies.

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(4) For the purposes of subsection (2)(a) it is immaterial whether or not the business to be transferred is carried on in the United Kingdom.

(5) "UK authorised person" has the same meaning as in section (*Insurance business transfer schemes*).

(6) "Building society" has the meaning given in the Building Societies Act 1986.

(7) "Credit union" means a credit union within the meaning of—

(a) the Credit Unions Act 1979;

(b) the Credit Unions (Northern Ireland) Order 1985.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 18

APPLICATION FOR ORDER SANCTIONING TRANSFER SCHEME

".—(1) An application may be made to the court for an order sanctioning an insurance business transfer scheme or a banking business transfer scheme.

(2) An application may be made by—

(a) the authorised person concerned;

(b) the transferee; or

(c) both.

(3) The application must be made—

(a) if the authorised person concerned and the transferee are registered or have their head offices in the same jurisdiction, to the court in that jurisdiction;

(b) if the authorised person concerned and the transferee are registered or have their head offices in different jurisdictions, to the court in either jurisdiction;

(c) if the transferee is not registered in the United Kingdom and does not have his head office there, to the court which has jurisdiction in relation to the authorised person concerned.

(4) "Court" means—

(a) the High Court; or

(b) in Scotland, the Court of Session.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 19

REQUIREMENTS ON APPLICANTS

".—(1) The Treasury may by regulations impose requirements on applicants under section (*Application for order sanctioning transfer scheme*).

(2) The court may not determine an application under that section if the applicant has failed to comply with a prescribed requirement.

(3) The regulations may, in particular, include provision—

(a) as to the persons to whom, and periods within which, notice of an application must be given;

(b) enabling the court to waive a requirement of the regulations in prescribed circumstances.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 20

SCHEME REPORTS

".—(1) An application under section (*Application for order sanctioning transfer scheme*) in respect of an insurance business transfer scheme must be accompanied by a report on the terms of the scheme ("a scheme report").

(2) A scheme report may be made only by a person—

(a) appearing to the Authority to have the skills necessary to enable him to make a proper report; and

(b) nominated or approved for the purpose by the Authority.

(3) A scheme report must be made in a form approved by the Authority.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 21

RIGHT TO PARTICIPATE IN PROCEEDINGS

". On an application under section (*Application for order sanctioning transfer scheme*), the following are also entitled to be heard—

(a) the Authority, and

(b) any person (including an employee of the authorised person concerned or of the transferee) who alleges that he would be adversely affected by the carrying out of the scheme.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 22

SANCTION OF THE COURT FOR BUSINESS TRANSFER SCHEMES

".—(1) This section sets out the conditions which must be satisfied before the court may make an order under this section sanctioning an insurance business transfer scheme or a banking business transfer scheme.

(2) The court must be satisfied that—

(a) the appropriate certificates have been obtained (as to which see Schedule (*Insurance and banking business transfer schemes: certificates*));

(b) the transferee has the authorisation required (if any) to enable the business, or part, which is to be transferred to be carried on in the place to which it is to be transferred (or will have it before the scheme takes effect).

(3) The court must consider that, in all the circumstances of the case, it is appropriate to sanction the scheme.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 23

EFFECT OF ORDER SANCTIONING BUSINESS TRANSFER SCHEME

".—(1) If the court makes an order under section (*Sanction of the court for business transfer schemes*)(1), it may by that or any subsequent order make such provision (if any) as it thinks fit—

(a) for the transfer to the transferee of the whole or any part of the undertaking concerned and of any property or liabilities of the authorised person concerned;

(b) for the allotment or appropriation by the transferee of any shares, debentures, policies or other similar interests in the transferee which under the scheme are to be allotted or appropriated to or for any other person;

(c) for the continuation by (or against) the transferee of any pending legal proceedings by (or against) the authorised person concerned;

(d) with respect to such incidental, consequential and supplementary matters as are, in its opinion, necessary to secure that the scheme is fully and effectively carried out.

ILABLE

(2) An order under subsection (1)(a) may—

(a) transfer property or liabilities whether or not the authorised person concerned otherwise has the capacity to effect the transfer in question;

(b) make provision in relation to property which was held by the authorised person concerned as trustee;

(c) make provision as to future or contingent rights or liabilities of the authorised person concerned, including provision as to the construction of instruments (including wills) under which such rights or liabilities may arise;

(d) make provision as to the consequences of the transfer in relation to any retirement benefits scheme (within the meaning of section 611 of the Income and Corporation Taxes Act 1988) operated by or on behalf of the authorised person concerned.

(3) If an order under subsection (1) makes provision for the transfer of property or liabilities—

(a) the property is transferred to and vests in, and

(b) the liabilities are transferred to and become liabilities of,

the transferee as a result of the order.

(4) But if any property or liability included in the order is governed by the law of any country or territory outside the United Kingdom, the order may require the authorised person concerned, if the transferee so requires, to take all necessary steps for securing that the transfer to the transferee of the property or liability is fully effective under the law of that country or territory.

(5) Property transferred as the result of an order under subsection (1) may, if the court so directs, vest in the transferee free from any mortgage or charge which is (as a result of the scheme) to cease to have effect.

(6) An order under subsection (1) which makes provision for the transfer of property is to be treated as an instrument of transfer for the purposes of the provisions mentioned in subsection (7) and any other enactment requiring the delivery of an instrument of transfer for the registration of property.

(7) The provisions are—

(a) section 183(1) of the Companies Act 1985;

(b) Article 193(1) and (2) of the Companies (Northern Ireland) Order 1986.

(8) If the court makes an order under section (*Sanction of the court for business transfer schemes*)(1) in relation to an insurance business transfer scheme, it may by that or any subsequent order make such provision (if any) as it thinks fit—

(a) for dealing with the interests of any person who, within such time and in such manner as the court may direct, objects to the scheme;

(b) for the dissolution, without winding up, of the authorised person concerned;

(c) for the reduction, on such terms and subject to such conditions (if any) as it thinks fit, of the benefits payable under—

(i) any description of policy, or

(ii) policies generally,

entered into by the authorised person concerned and transferred as a result of the scheme.

(9) If, in the case of an insurance business transfer scheme, the authorised person concerned is not an EEA firm, it is immaterial for the purposes of subsection (1)(a), (c) or (e) or subsection (2), (3) or (4) that the law applicable to any of the contracts of insurance included in the transfer is the law of an EEA State other than the United Kingdom.

(10) The transferee must, if an insurance or banking business transfer scheme is sanctioned by the court, deposit two office copies of the order made under subsection (1) with the Authority within 10 days of the making of the order.

(11) But the Authority may extend that period.

(12) "Property" includes property, rights and powers of any description.

(13) "Liabilities" includes duties.

(14) "Shares" and "debentures" have the same meaning as in—

(a) the Companies Act 1985; or

(b) in Northern Ireland, the Companies (Northern Ireland) Order 1986.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 24

RIGHTS OF CERTAIN POLICY HOLDERS

".—(1) This section applies in relation to an insurance business transfer scheme if—

(a) the authorised person concerned is an authorised person other than an EEA firm qualifying for authorisation under Schedule 3;

(b) the court has made an order under section (*Sanction of the court for business transfer schemes*) in relation to the scheme; and

(c) an EEA State other than the United Kingdom is, as regards any policy included in the transfer which evidences a contract of insurance, the State of the commitment or the EEA State in which the risk is situated ("the EEA State concerned").

(2) The court must direct that notice of the making of the order, or the execution of any instrument, giving effect to the transfer must be published by the transferee in the EEA State concerned.

(3) A notice under subsection (2) must specify such period as the court may direct as the period during which the policyholder may exercise any right which he has to cancel the policy.

(4) The order or instrument mentioned in subsection (2) does not bind the policyholder if—

(a) the notice required under that subsection is not published; or

(b) the policyholder cancels the policy during the period specified in the notice given under that subsection.

(5) The law of the EEA State concerned governs—

(a) whether the policyholder has a right to cancel the policy; and

(b) the conditions, if any, subject to which any such right may be exercised.

(6) Paragraph 6 of Schedule (*Business transfer schemes: certificates*) applies for the purposes of this section as it applies for the purposes of that Schedule.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 25

CODES: PROCEDURE

".—(1) Before issuing a code under section 96, the Authority must publish a draft of the proposed code in the way appearing to the Authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by—

(a) a cost benefit analysis; and

(b) notice that representations about the proposal may be made to the Authority within a specified time.

(3) Before issuing the proposed code, the Authority must have regard to any representations made to it in accordance with subsection (2)(b).

(4) If the Authority issues the proposed code it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2)(b); and

(b) its response to them.

(5) If the code differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant—

(a) the Authority must (in addition to complying with subsection (4)) publish details of the difference; and

(b) those details must be accompanied by a cost benefit analysis.

(6) Subsections (1) to (5) do not apply if the Authority considers that there is an urgent need to publish the code.

(7) Neither subsection (2)(a) nor subsection (5)(b) applies if the Authority considers—

(a) that, making the appropriate comparison, there will be no increase in costs; or

(b) that, making that comparison, there will be an increase in costs but the increase will be of minimal significance.

(8) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(9) This section also applies to a proposal to alter or replace a code.

(10) "Cost benefit analysis" means an estimate of the costs together with an analysis of the benefits that will arise—

(a) if the proposed code is issued; or

(b) if subsection (5)(b) applies, from the code that has been issued.

(11) "The appropriate comparison" means—

(a) in relation to subsection (2)(a), a comparison between the overall position if the code is issued and the overall position if it is not issued;

(b) in relation to subsection (5)(b), a comparison between the overall position after the issuing of the code and the overall position before it was issued.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 26

STATEMENTS OF POLICY: PROCEDURE

".—(1) Before issuing a statement of policy under section 99, the Authority must publish a draft of the proposed statement in the way appearing to the Authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by notice that representations about the proposal may be made to the Authority within a specified time.

(3) Before issuing the proposed statement, the Authority must have regard to any representations made to it in accordance with subsection (2).

(4) If the Authority issues the proposed statement it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2); and

(b) its response to them.

(5) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant, the Authority must (in addition to complying with subsection (4)) publish details of the difference.

(6) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(7) This section also applies to a proposal to alter or replace a statement.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 30

STATEMENTS OF POLICY: PROCEDURE

".—(1) Before issuing a statement under section 185, the Authority must publish a draft of the proposed statement in the way appearing to the Authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by notice that representations about the proposal may be made to the Authority within a specified time.

(3) Before issuing the proposed statement, the Authority must have regard to any representations made to it in accordance with subsection (2).

(4) If the Authority issues the proposed statement it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2); and

(b) its response to them.

(5) If the statement differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant, the Authority must (in addition to complying with subsection (4)) publish details of the difference.

(6) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(7) This section also applies to a proposal to alter or replace a statement.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 31

STATEMENTS UNDER SECTION 351: CONSULTATION

".—(1) Before issuing a statement of procedure under section 351, the Authority must publish a draft of the proposed statement in the way appearing to the Authority to be best calculated to bring it to the attention of the public.

(2) The draft must be accompanied by notice that representations about the proposal may be made to the Authority within a specified time.

(3) Before issuing the proposed statement of procedure, the Authority must have regard to any representations made to it in accordance with subsection (2).

(4) If the Authority issues the proposed statement of procedure it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2); and

(b) its response to them.

(5) If the statement of procedure differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant, the Authority must (in addition to complying with subsection (4)) publish details of the difference.

(6) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(7) This section also applies to a proposal to revise a statement of policy.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 33

CARRYING ON REGULATED ACTIVITIES BY WAY OF BUSINESS

".—(1) The Treasury may by order make provision—

(a) as to the circumstances in which a person who would otherwise not be regarded as carrying on a regulated activity by way of business is to be regarded as doing so;

(b) as to the circumstances in which a person who would otherwise be regarded as carrying on a regulated activity by way of business is to be regarded as not doing so.

(2) An order under subsection (1) may be made so as to apply—

(a) generally in relation to all regulated activities;

(b) in relation to a specified category of regulated activity; or

(c) in relation to a particular regulated activity.

(3) An order under subsection (1) may be made so as to apply—

(a) for the purposes of all provisions;

(b) for a specified group of provisions; or

(c) for a specified provision.

(4) "Provision" means a provision of, or made under, this Act.

(5) Nothing in this section is to be read as affecting the provisions of section 373(2).".—*[Mr. Timms.]*

Brought up, and read the First time.

Mr. Timms: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: amendment No. 198, in clause 17, page 8, line 4, leave out

"a regulated activity in the United Kingdom"

and insert—

"one or more regulated activities in the United Kingdom as a business".

Government amendments Nos. 67, 406, 77 to 80, 84, 116, 156, 421 and 422.

Amendment No. 36, in clause 364, page 190, line 29, after "State," insert—

"in exercise of an EEA right".

Government amendments Nos. 423 and 424.

Amendment No. 184, in page 190, line 33, leave out "in any EEA State" and insert—

"(i) in any EEA State; or

(ii) in exercise of an EEA right;".

Government amendments Nos. 425, 426 and 429.

Mr. Timms: This large group of amendments brings together three important issues, which relate to the scope of regulation: the business test; the territorial scope of regulation; and exemptions from the general prohibition.

The amendments would introduce a form of business test in the Bill, and allow the Treasury to make orders, which amend the application of the business test when appropriate. The Government have been thinking along lines similar to the Opposition's in introducing changes to include the business test in the Bill.

Government amendment No. 406 would introduce the business test to the Bill. It would change clause 20 so that, to be classified as a "regulated activity", an activity must, among other criteria, be undertaken by way of business.

Under new clause 33, the Treasury may provide for the circumstances in which a person who would otherwise be regarded as undertaking a regulated activity by way of business would be deemed not to be doing that. An order under the new clause may apply generally to all activities, a specified category of regulated activities, or a particular regulated activity.

Amendment No. 198 proposes changes to clause 17 so that it reads:

"No person may carry on one or more regulated activities in the United Kingdom as a business".

I hope that, in the light of the Government's proposed amendments, Opposition Members will not want to press the amendment.

Amendment No. 422 would make one main change to clause 364. It would cut back the application of the clause on a subject on which the previous drafting partly exceeded the requirements of the directives. That is tackled primarily by providing that the first case specified in the clause will apply where a person: has his registered office, or head office, in the United Kingdom; carries on a regulated activity in another European economic area state; and exercises rights under a single market directive as a UK firm.

Firms that would currently fall outside the scope of the first case—essentially firms that are not passporting under the directives—may instead be treated under another case set out in the clause.

Amendments Nos. 421, 423 and 426 would make consequential drafting changes to clause 364, flowing from amendment No. 422. Amendment No. 425 is a clarifying amendment.

Amendments Nos. 36 and 184 cover territory similar to the Government amendments. I hope that the Opposition are satisfied that they do not need to press them.

Finally, some amendments deal with the implications of being exempt. Currently, the Bill is drafted on the assumption that an exempt person will not also be an authorised person. However, it is silent on whether an exempt person may become authorised. That should be possible.

An exemption enjoyed by virtue of clause 34—clause 35 in the case of appointed representatives—will often extend only to a limited range of regulated activities. A person exempt under those provisions should have the option to become authorised in order to extend the range of regulated activities he carries on. That option is subject to his meeting the qualifying or threshold conditions in schedule 6.

Once authorised, a person's exempt status ceases. His part IV permission must cover all his activities. Customers are entitled to assume that all the regulated activities carried on by a person are covered by the authorisation and subject to the necessary rules and disciplinary procedures, and that the compensation scheme will apply. If that were not the case, customers would be at greater risk when dealing with an authorised person who was also partially exempt than they would be when dealing with another authorised person who did not enjoy any exemption.

To give effect to that proposition, an exempt person can apply for a part IV permission. If that is granted, he becomes an authorised person and the exemption ceases. Amendment No. 67 makes it clear that a person must be either authorised or exempt to carry on a regulated activity. The new permission can cover the formerly exempt business, so long as the qualifying conditions in schedule 6 are satisfied.

Amendment No. 84 provides that if a person is exempt as a result of an exemption order, any application for part IV permission will be taken to include application for

permission for those activities with respect to which he was previously exempt. If an activity that the now-authorised person could have carried on within the scope of the exemption is not covered by the part IV permission, that person cannot continue to carry it on without contravening clause 18.

Assuming that an activity previously carried on within the scope of an exemption is covered by the part IV permission, it is treated in exactly the same way as any other regulated activity carried on by the relevant person. If the part IV permission is cancelled or surrendered, the person will cease to be authorised under clause 30. The previous exemption will apply again, unless it has been repealed or the person no longer meets a criterion necessary to qualify for it.

The same logic does not apply to other categories of person who are exempt from the general prohibition in respect of some regulated activities. Recognised investment exchanges and recognised clearing houses, which are exempt under part XVII, are nevertheless regulated by the recognition regime under that part. It would not be acceptable for them to be authorised separately under part IV without losing their recognised status under part XVII.

Amendment No. 79 provides that appointed representatives of an authorised person may receive exempt status only if they are not themselves authorised persons. Authorised persons may carry on a regulated activity as an agent of another authorised person where that makes business sense and they have the appropriate permission to do so. The other amendments cover drafting points. Government amendment No. 156 imports the definition of "rule-making instrument" in clause 125 to the schedule of definitions set out in clause 363. I hope that those arrangements will be widely acceptable to the House.

Mr. Heathcoat-Amory: I am grateful to the Minister for that elucidation. I very much hope that he has the territoriality tests right. That will probably unfold over time.

I shall concentrate on the business test, because we need to know exactly why the Government have gone for a somewhat more restrictive test than the one in the Financial Services Act 1986. Generally, we welcome their incorporation of a business test in the definition of a regulated activity. It must be right to include that in the Bill. New clause 33, which has an "Alice in Wonderland" ring about it, says:

"The Treasury may by order make provision"

that those who would not usually be regarded as engaged in business are to be regarded as being so, and those who would usually be regarded as carrying on business are not to be regarded as doing so. I suppose that the Treasury has to have a way of deciding what is a regulated activity, but that wording must and will cause considerable bafflement—and perhaps some amusement—to the outside world when it grapples with what it might regard as a Treasury habit of trying, from time to time, to define black as white and white as black.

9.15 pm

That, however, is not really the purpose of my probe. I am asking why the Government have not simply proceeded on the basis of the concept of a business test that already exists, and is working perfectly satisfactorily under the Financial Services Act.

The Government seek to catch people who are carrying on an activity by way of business. Our amendment No. 198 asks for the words

"one or more regulated activities in the United Kingdom as a business"

to be inserted. Hon. Members may wonder what the difference is between carrying on an activity as a business, which is our definition, and carrying it on by way of business, which is the Government's definition; but it is rather an important distinction.

It is possible to do something in a businesslike way without carrying on the business of doing so. That was made clear in a recent court case involving Morgan Grenfell and the use of derivatives by a local authority. Welwyn Hatfield borough council was held by the court to have entered into derivatives contracts "by way of business", although it was not carrying on the business of doing so. It follows that some activities will now be caught by the Bill, although exactly the same activities do not require authorisation under the Financial Services Act. In other words, the idea of an activity "by way of business" will catch more activities than our definition.

Why is the existing definition defective? Is the Government's proposal part of a deliberate policy to catch more activities? Perhaps the Minister can give an estimate of the additional ground that the new clause is intended to cover, and the reasons behind it.

Mr. Cousins: I, too, want to concentrate on new clause 33 and amendment No. 406. What I am about to say may illuminate what was said by the right hon. Member for Wells (Mr. Heathcoat-Amory).

I am concerned about the disposal of endowments before term. There is a legal deficiency in the 1986 Act: although the purchase of a long-term endowment insurance product is a regulated activity, its disposal is not. As a result, when endowment insurances—often taken out to support mortgages—are surrendered before term, that act of surrender is not a regulated activity. There is no requirement on the provider of the endowment insurance product to ensure that the person so disposing is fully advised, and made aware of how best to maximise his or her position. Often the provider of the endowment insurance reacquires it at a stated value when a higher value could be obtained on the traded endowment market, but there is no requirement on the provider to make the existence of the market known to the person surrendering.

Of course, nothing that I have said should be construed as encouraging people to dispose of endowments. Clearly, the last thing that anyone with a long-term endowment product should do is dispose of it before term. Someone who does, however, must be enabled to obtain the best possible value.

I have been seeking an assurance from the FSA that the Bill regulates the surrender of endowments. It may be helpful if I read out the latest exchange that I have had with Howard Davies on the topic, which I received just last week. He tells me:

"The definition of 'regulated activities' will be finally determined by regulations made under clause 20. The draft of these regulations which Her Majesty's Treasury have published for consultation includes in article 6 the 'regulated activity' of 'carrying out contracts

of insurance'. Our view that we will be able to make rules about the surrender of tradeable endowment policies is based upon our interpretation that, in accepting the surrender of a life policy, the life insurance company would be carrying on this regulated activity."

The business test as incorporated in new clause 33 and amendment No. 406 clearly covers the traded endowment market. There can be no doubt about that, but does it cover the act of disposal of the endowment, which may place that product in the traded endowment market? That is my anxiety, on which I seek the Minister's reassurance.

Mr. Timms: There are different tests under different Acts—for example, the Banking Act 1987 and the Insurance Companies Act 1982, as well as the Financial Services Act. No single test has been used. The view that we took was that the test in the Financial Services Act was not the most appropriate, although new clause 33 will allow the test to be refined where it is appropriate to do so. However, the right hon. Member for Wells (Mr. Heathcoat-Amory) was right. Our approach is intended to catch, to use his term, along with any mainstream activity, any activity that falls short of constituting a business in its own right but which should be regulated under the Bill. In that sense, our approach represents a much more secure test. It has never been proposed that the incidental provision of financial services should generally be exempt from the authorisation requirement. We think that the aim is better met by the form of test that is before us.

I am grateful to my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) for letting me know that he wanted to raise traded endowment policies, although I am not sure that I have all the answers that I would like to have. Perhaps there should be further discussion on the matter. Clearly, other hon. Members feel as strongly about it as he does.

The traded endowment policy market is pretty small. It is estimated to have a value of £250 million a year. There is concern about introducing disproportionate cost. I listened with interest to my hon. Friend's comments about the FSA's deliberations on the extent to which regulation would apply. I am personally rather dubious about the benefits of regulating all dealings in that market. It is not clear that the benefits would necessarily exceed the probable costs.

The sale of traded endowment policies to members of the public will be regulated. We will keep under review the case for extending the regulation's scope to include all dealings in traded endowment policies.

Mr. Cousins: The Minister may be right to say that the market is a small one, but it is a growing one. The point that I am trying to establish is that, at the point of surrender, the product provider should be obliged to make the existence of the secondary market known to the person surrendering, so that he or she is able to obtain the best advice on, and best value for, the product that they are handing back.

Mr. Timms: My hon. Friend is making a point to which he has clearly given great consideration. I think that he has also had some constituency experience of dealing with the matter. I should like to reflect on the point and write to him on it with some clarification.

Mr. Flight: The hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) made roughly the point that I wish to stress. There is indeed a substantial and growing market. Frequently, the difference between surrender value and commercial value is substantial, but many people do not even know that there is a commercial market where they could sell their endowment. So the only way of squaring the circle is by imposing an obligation on the insurance company with which people have their policy, obliging it at least to tell them that there is such a market. Whether they use that market is another matter. None the less, it is a consumer issue that has long needed to be addressed. As the hon. Gentleman said, the business definition is one way of addressing it.

Mr. Timms: Under clause 110, the FSA will be able to make rules on the carrying on of the regulated activity of carrying out a contract of insurance, including the payment of a surrender value. Such rules could require the insurer, subject to general duty, to notify the policyholder of the existence of the market. Such a possibility therefore exists. However, I shall write to my hon. Friend the Member for Newcastle upon Tyne, Central on the matter, and perhaps copy the letter to the hon. Member for Arundel and South Downs (Mr. Flight).

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 35

AUTHORITY'S GENERAL DUTY

'PART XVIIIA

PROVISION OF FINANCIAL SERVICES BY MEMBERS OF THE PROFESSIONS

.—(1) The Authority must keep itself informed about—

(a) the way in which designated professional bodies supervise and regulate the carrying on of exempt regulated activities by members of the professions in relation to which they are established;

(b) the way in which such members are carrying on exempt regulated activities.

(2) In this Part—

"exempt regulated activities" means regulated activities which may be carried on by members of a profession which is supervised and regulated by a designated professional body without breaching the general prohibition; and

"members", in relation to a profession, means persons who are entitled to practise the profession in question and, in practising it, are subject to the rules of the body designated in relation to that profession, whether or not they are members of that body.

(3) The Authority must keep under review the desirability of exercising any of its powers under this Part.

(4) Each designated professional body must co-operate with the Authority, by the sharing of information and in other ways, in order to enable the Authority to perform its functions under this Part.'.—*[Miss Melanie Johnson.]*

Brought up, and read the First time.

The Economic Secretary to the Treasury (Miss Melanie Johnson): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government new clause 36—*Designation of professional bodies.*

Government new clause 37—*Exemption from the general prohibition.*

Government new clause 38—*Directions in relation to the general prohibition.*

Government new clause 39—*Orders in relation to the general prohibition.*

Government new clause 42—*Rules in relation to persons to whom the general prohibition does not apply.*

Government amendment No. 455.

Miss Johnson: Under this group of new clauses, professionals will require authorisation only when they perform investment business as their mainstream activity. The Government hope that that approach will avoid the need for precautionary authorisation—meeting the concerns of the Burns committee, and of course others—while enabling the professions to provide an all-round service for their clients in appropriate cases.

We therefore propose that the authority will retain the power to ban individuals who are not fit and proper persons to carry out regulated investment activities or to cut the exemption in relation to a class of person more generally.

The authority will also be required to monitor operation of the new arrangements, which will involve monitoring the effectiveness of the complaints and redress arrangements of the designated professional bodies. The authority will also be able to make rules requiring persons who benefit from the exemption to disclose to their clients that they are not authorised persons.

New clause 35 obliges the authority to keep itself informed about the way in which designated professional bodies supervise and regulate the carrying on of exempt regulated activities by their members, and the way in which the members, who benefit from the exemption, carry on regulated activities. It also requires the professional bodies to co-operate with the authority, to enable the authority to fulfil its duty of oversight.

New clause 36 gives the Treasury the power to designate bodies for the purpose of new clause 35. Bodies will be designated only when they actively regulate their members' provision of financial services.

New clause 37 sets out the requirements that have to be met for a professional to qualify for the exemption. They include: that the person concerned must be a member of a professional body that is designated by the Treasury; that the person concerned must not receive a commission from a third party in respect of the regulated activities unless he accounts to his client for it; that the regulated activities must be provided incidentally to the provision of professional—for example, legal, actuarial or accountancy—services; and that regulated activities must not relate to sensitive products, such as life insurance.

9.30 pm

What amounts to a sensitive product is to be specified by the Treasury, and the regulated activities must be provided in accordance with the rules of the relevant professional body which require the activity to be complementary, and effectively subordinate, to the provision of professional services to a particular client. Those rules must be approved by the authority.

Under new clause 38, the authority may direct that the exemption from the general prohibition is not to apply to certain classes of professional. The authority may only exercise this power, however, where it is satisfied that it is desirable to do so in the interests of clients.

New clause 39 enables the authority to make an order which would have the effect of banning specified persons who are not fit and proper to carry on regulated activities, taking them outside the scope of this new part's provisions. This power complements the authority's power to make prohibition orders under clause 53 of the Bill. It will enable the authority to prohibit particular firms from continuing to carry on relevant regulated activities under the proposed new part.

New clause 42 allows the authority to make rules requiring exempt professionals to disclose to their clients that they are not authorised. Subsection (3) also requires the professional bodies to make rules which are designed to ensure that members who benefit from the exemption only carry on regulated activities which arise from or are complementary to providing professional services to a particular client. If a member of a profession breaches those rules, he will be carrying on particular regulated activities in breach of the general prohibition, and therefore committing a criminal offence. Rules made by a professional bodies under subsection (3) must be approved by the authority.

Amendment No. 455 amends clause 374 so that, in all cases, orders have to be dealt with by affirmative resolution. I commend the new clauses to the House, as they are in line with the changes that I indicated in Committee that we would make.

Mr. Heathcoat-Amory: I am glad that the Government have proposed some provisions for excluding professionals who are regulated through their own bodies. I ought to declare an interest as a chartered accountant, although I do not intend to practise—at least not for a bit. *[Laughter.]* I hope that I will be the judge of the timing as well.

The Economic Secretary alluded to the fact that we debated this matter in Committee and that there was concern, not least from the Law Society of Scotland, that professionals up there would suddenly find themselves regulated by the FSA and that higher fees would be levied. Of course, there was sensitivity that they would be regulated from London instead of Edinburgh—a curious form of reverse devolution.

I presume, although the Minister did not say so, that the clauses have resulted from consultation with the professional bodies. She might say whether they are broadly happy with the way in which the proposals are set out.

I believe that it could be difficult to qualify for an exemption because the provision has been restrictively phrased. For example, the professional in question must not receive from a partner other than his client

"any pecuniary reward or other advantage"

which he does not account to his client, arising out of his carrying out of the regulated activities.

I can imagine a situation in which a solicitor or an accountant provides advice to a business client about taking over the lease on a shop or factory next door. Presumably, that would count as a regulated activity,

[Mr. Heathcoat-Amory]

and although the professional in question would receive no direct reward from an outside body, he would receive a pecuniary reward or advantage, because he would be paid by his firm for providing that advice. It could be said that he would be caught by new clause 37 and would fall to be regulated by the authority. Will the Economic Secretary clarify what she understands subsection (3) of that new clause to mean? It might be unduly restrictive and catch many people who are giving advice or engaging in regulated activities as part of their normal tasks, especially if they work for firms that provide a wide range of services to clients.

As the Economic Secretary said, the rules of the professional bodies are to be checked and authorised by the FSA. That is understandable, but there is a danger that professionals working for such firms and regulated through their professional bodies will attempt a form of dual authorisation. They will be content to be regulated by the Law Society or the Institute of Chartered Accountants, as appropriate, but—so that they can with impunity break the rules of their professional body on authorised activities—they will also seek to be authorised directly by the FSA. It might not work, but it would be an unhealthy development. If that approach were to become a trend among professional people, it would be unfortunate and counter-productive. I invite the Economic Secretary to say a few words about her discussions with the professional bodies and regulators concerned. Do they also have lingering concerns about the wording of the new clauses?

Mr. Loughton: We welcome the fact that some 27,000 intermediary firms will not be brought into the clutches of the FSA, but that was breaking news as we discussed the measures in Committee. It is good to have a little more detail now, but I wish to raise a couple of issues. In particular, new clause 37 refers to the fact that regulated activities must be incidental to the provision of professional services. Can the Economic Secretary give us more detail about what "incidental" means? It could be defined in several different ways.

I am concerned about equality of regulation. We would not wish to impose yet more regulation on accountancy and legal firms that deal in financial matters, but we would wish to ensure a level playing field with those who will be fully regulated by the FSA because their very business is dealing in financial products. The dividing line is blurring, with the emergence of financial supermarkets—for want of a better term.

Some firms—usually of accountants, but sometimes of solicitors—could be described as managing assets for clients without being asset managers, which would bring them within the scope of the FSA. Such firms can offer advice to clients on the geographical split of assets, or the split between equities or bonds. The firms can also recommend professional dedicated managers, who would look after a certain section of a client's portfolio, or other firms that offer financial products that might be suitable for that client. The firms may even offer bank deposit facilities themselves. In such cases, the firms would not actually be offering financial advice to the client—although at some stage they would take a cut, which they would rightly have to disclose—that would mean that they would be caught by FSA regulations. That is a growing area of the market. Financial intermediaries who, to all intents and purposes, control a client's financial circumstances, parcel out the risk in terms of product selection to other financial managers controlled by the FSA. As I understand the proposals, those intermediaries would be subject neither to the full rigours of FSA inspections or requirements for best advice, nor to the disciplinary procedures.

The result may be that many firms that are, to all intents and purposes, financial managers will opt out of FSA regulation, because they will enjoy a more benign regime under their own professional bodies. What assurances can the Minister give that certain firms will not take advantage of that potential loophole?

Sir Nicholas Lyell: If a professional, who is regulated by his professional body and is entitled to act for a restricted line of clients, should find that he is acting for someone who is not sufficiently within that client line, he will be considered to be transgressing and therefore guilty of illegality. That person may have received money on the basis that he would pass it on to another professional, in the way described by my hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton). That money may have been placed in a bona fide investment deal that fails. If the person is asked to return the money because it was taken for a deposit, he will be obliged—because he is properly regulated—to return it.

Such spin-offs worried me with regard to unlicensed deposit takers, which we debated earlier. I can see the same problem arising in this connection, and I should be grateful if the Minister would describe how she sees matters working out. Is not the risk faced by people such as have been described equivalent to that faced by careless drivers who, instead of being fined £40 for a parking offence, get fined £1 million?

Mr. Flight: I have one question for the Economic Secretary: who will define what is incidental—and therefore exempt—and what is not? Will it be the Treasury, which has to specify what is a regulated activity under clause 20?

Miss Melanie Johnson: Some of the questions that have been asked overlap. The right hon. Member for Wells (Mr. Heathcoat-Amory) asked about consultation and the professional bodies. Representatives from all the professional bodies were present when I announced the broad proposals on 13 October. They have been involved in discussions about how the proposals should be taken forward, and I believe that they are broadly content with the Government's proposals.

Several other hon. Gentlemen have asked about the distinction between what is part of a person's normal tasks and what is incidental. The first point to be made is that, in the investment services directive, "incidental" is used to mean ancillary, perhaps subordinate. That is the sense in which we are using it, and it is a fairly common use of the word in any event. Examples of an incidental activity might be advice on investments given by an accountant for tax planning purposes, or advice on investment as part of a wider portfolio of assets given by a solicitor to a couple who are negotiating a divorce settlement. I cited other examples in Committee, such as advice given in the course of probate.

9.45 pm

The tests are to make sure that these are genuinely not mainstream activities carried out by the professionals concerned. The other tests make sure that such activities meet the criteria for being dealt with as we propose. The advantage of this method is that 2,000 firms will fall within the scope of regulation, while some 13,000 will fall outside the scope of regulation. We are intent on regulating only when it is absolutely necessary.

That brings me to a further point raised by a number of Conservative Members regarding the checking of rules by the FSA. Of course, it is important that the professional body's rules are checked by the FSA. The hon. Member for East Worthing and Shoreham (Mr. Loughton) suggested that, if the FSA did not have oversight of its rules, there was the danger that this might be a more benign course of action for people to follow than to come under the FSA for regulation. We have foreseen that difficulty, which is why we have made sure that the FSA is involved in oversight of the professional body's rules.

The right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) followed up the points that he raised in an earlier debate about unenforceability. Although I was not convinced by his argument when we debated the issue earlier, he raised some interesting questions. If he writes to me, I shall be happy to look in more detail at the points that he raised.

Let me turn to how the line is to be drawn.

Mr. Flight: The issue that my hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton) raised will arise under new clause 2, so it is exactly the same territory.

Miss Johnson: I am grateful to the hon. Gentleman for that comment. As for his point about where the line is to be drawn, the intention is that it will be set out in the professional body rules, subject to FSA approval. That relates to subsections (4) and (5) of new clause 42 and will allow more fine tuning than would be possible if we simply relied on the Bill and Treasury secondary legislation.

Finally, the hon. Member for East Worthing and Shoreham made a point about people taking advantage of the loophole. We need to ensure that there are sufficient safeguards. The rules must define activities that are not merely incidental, but are supplementary to a service provided to a client and must be approved by the FSA. That belt-and-braces approach will ensure that the problem described by the hon. Gentleman will not arise.

Sir Nicholas Lyell: I am grateful to the Minister for her invitation that I write to her, although I do not have quite the same civil service support that she does. She noted that it might be quite complicated to find out whether a matter was incidental. If it was not incidental, it might fall under the general prohibition and thus become illegal, with drastic and disproportionate consequences. Will the hon. Lady reflect on the fact that such consequences—which, as I have explained in some detail, worry me—are contrary to the Bill's aims, one of which is proportionality?

Miss Johnson: I am happy to reflect further on those points. We certainly want a proportioned measure. One of the strengths of our approach is that our proposals offer a proportionate response that builds on existing mechanisms to ensure that they are used to protect the consumer and that we regulate in an appropriate, but proportionate, manner. I commend the new clause to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 36

DESIGNATION OF PROFESSIONAL BODIES

".—(1) The Treasury may by order designate bodies for the purposes of this Part.

(2) A body designated under subsection (1) is referred to in this Part as a designated professional body.

(3) The Treasury may designate a body under subsection (1) only if they are satisfied that—

(a) the basic condition, and

(b) one or more of the additional conditions,

are met in relation to it.

(4) The basic condition is that the body has rules applicable to the carrying on by members of the profession in relation to which it is established of regulated activities which, if the body were to be designated, would be exempt regulated activities.

(5) The additional conditions are that—

(a) the body has power under any enactment to regulate the practice of the profession;

(b) being a member of the profession is a requirement under any enactment for the exercise of particular functions or the holding of a particular office;

(c) the body has been recognised for the purpose of any enactment other than this Act and the recognition has not been withdrawn;

(d) the body is established in an EEA State other than the United Kingdom and in that State—

(i) the body has power corresponding to that mentioned in paragraph (a);

(ii) there is a requirement in relation to the body corresponding to that mentioned in paragraph (b); or

(iii) the body is recognised in a manner corresponding to that mentioned in paragraph (c).

(6) 'Enactment' includes an Act of the Scottish Parliament, Northern Ireland legislation and subordinate legislation (whether made under an Act, an Act of the Scottish Parliament or Northern Ireland legislation).

(7) 'Recognised' means recognised by—

(a) a Minister of the Crown;

(b) the Scottish Ministers;

(c) a Northern Ireland Minister;

(d) a Northern Ireland department or its head.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 37

EXEMPTION FROM THE GENERAL PROHIBITION

".—(1) The general prohibition does not apply to the carrying on of a regulated activity by a person ('P') if—

(a) the conditions set out in subsections (2) to (7) are satisfied; and

(b) there is not in force—

(i) a direction under section (*Directions in relation to the general prohibition*), or

(ii) an order under section (*Orders in relation to the general prohibition*),

which prevents this subsection from applying to the carrying on of that activity by him.

(2) P must be—

(a) a member of a profession; or

(b) controlled or managed by one or more such members.

(3) P must not receive from a person other than his client any pecuniary reward or other advantage, for which he does not account to his client, arising out of his carrying on of any of the activities.

(4) The manner of the provision by P of any service in the course of carrying on the activities must be incidental to the provision by him of professional services.

(5) P must not carry on, or hold himself out as carrying on, a regulated activity other than one which rules made as a result of section (*Rules in relation to persons to whom the general prohibition does not apply*)(3) allow him to carry on.

(6) The activities must not be of a description, or relate to an investment of a description, specified in an order made by the Treasury for the purposes of this subsection.

(7) The activities must be the only regulated activities carried on by P.

(8) 'Professional services' means services—

(a) which do not constitute carrying on a regulated activity, and

(b) the provision of which is supervised and regulated by a designated professional body.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 38

DIRECTIONS IN RELATION TO THE GENERAL PROHIBITION

".—(1) The Authority may direct that section (*Exemption from the general prohibition*)(1) is not to apply to the extent specified in the direction.

(2) A direction under subsection (1)—

(a) must be in writing;

(b) may be given in relation to different classes of person or different descriptions of regulated activity.

(3) The Authority may exercise the power conferred by subsection (1) only if it is satisfied that it is desirable in order to protect the interests of clients.

(4) In considering whether it is so satisfied, the Authority must have regard amongst other things to the effectiveness of any arrangements made by any designated professional body—

(a) for securing compliance with rules made under section (*Rules in relation to persons to whom the general prohibition does not apply*)(1);

(b) for dealing with complaints against its members in relation to the carrying on by them of exempt regulated activities;

(c) in order to offer redress to clients who suffer, or claim to have suffered, loss as a result of misconduct by its members in their carrying on of exempt regulated activities;

(d) for co-operating with the Authority under section (*Authority's general duty*)(4).

(5) In this Part 'clients' means—

(a) persons who use, or may be contemplating using, any of the services provided by a member of a profession in the course of carrying on exempt regulated activities;

(b) persons who have rights which are derived from, or otherwise attributable to, or which may be adversely affected by, the use of such services by other persons.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 39

ORDERS IN RELATION TO THE GENERAL PROHIBITION

".—(1) Subsection (2) applies if it appears to the Authority that a person to whom, as a result of section (*Exemption from the general prohibition*)(1), the general prohibition does not apply is not a fit and proper person to carry on regulated activities in accordance with that section.

(2) The Authority may make an order disapplying section (*Exemption from the general prohibition*)(1) in relation to that person to the extent specified in the order.

(3) The Authority may, on the application of the person named in an order under subsection (1), vary or revoke it.

(4) 'Specified' means specified in the order.

(5) If a partnership is named in an order under this section, the order is not affected by any change in its membership.

(6) If a partnership named in an order under this section is dissolved, the order continues to have effect in relation to any partnership which succeeds to the business of the dissolved partnership.

(7) For the purposes of subsection (6), a partnership is to be regarded as succeeding to the business of another partnership only if—

(a) the members of the resulting partnership are substantially the same as those of the former partnership; and

(b) succession is to the whole or substantially the whole of the business of the former partnership.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 40

CONSULTATION

".—(1) Before giving a direction under section (*Directions in relation to the general prohibition*)(1), the Authority must publish a draft of the proposed direction.

(2) The draft must be accompanied by—

(a) a cost benefit analysis; and

(b) notice that representations about the proposed direction may be made to the Authority within a specified time.

(3) Before giving the proposed direction, the Authority must have regard to any representations made to it in accordance with subsection (2)(b).

(4) If the Authority gives the proposed direction it must publish an account, in general terms, of—

(a) the representations made to it in accordance with subsection (2)(b); and

(b) its response to them.

(5) If the direction differs from the draft published under subsection (1) in a way which is, in the opinion of the Authority, significant—

(a) the Authority must (in addition to complying with subsection (4)) publish details of the difference; and

(b) those details must be accompanied by a cost benefit analysis.

(6) Subsections (1) to (5) do not apply if the Authority considers that the delay involved in complying with them would prejudice the interests of consumers.

(7) Neither subsection (2)(a) nor subsection (5)(b) applies if the Authority considers—

(a) that, making the appropriate comparison, there will be no increase in costs; or

(b) that, making that comparison, there will be an increase in costs but the increase will be of minimal significance.

(8) The Authority may charge a reasonable fee for providing a person with a copy of a draft published under subsection (1).

(9) When the Authority is required to publish a document under this section it must do so in the way appearing to it to be best calculated to bring it to the attention of the public.

(10) 'Cost benefit analysis' means an estimate of the costs together with an analysis of the benefits that will arise—

(a) if the proposed direction is given; or

(b) if subsection (5)(b) applies, from the direction that has been given.

(11) 'The appropriate comparison' means—

(a) in relation to subsection (2)(a), a comparison between the overall position if the direction is given and the overall position if it is not given;

(b) in relation to subsection (5)(b), a comparison between the overall position after the giving of the direction and the overall position before it was given.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 41

PROCEDURE ON MAKING OR VARYING ORDERS UNDER SECTION (ORDERS IN RELATION TO THE GENERAL PROHIBITION)

".—(1) If the Authority proposes to make an order under section *(Orders in relation to the general prohibition)*, it must give the person concerned a warning notice.

(2) The warning notice must set out the terms of the proposed order.

(3) If the Authority decides to make an order under section *(Orders in relation to the general prohibition)*, it must give the person concerned a decision notice.

(4) The decision notice must—

(a) name the person to whom the order applies;

(b) set out the terms of the order; and

(c) be given to the person named in the order.

(5) Subsections (6) to (8) apply to an application for the variation or revocation of an order under section *(Orders in relation to the general prohibition)*.

(6) If the Authority decides to grant the application, it must give the applicant written notice of its decision.

(7) If the Authority proposes to refuse the application, it must give the applicant a warning notice.

(8) If the Authority decides to refuse the application, it must give the applicant a decision notice.

(9) A person—

(a) against whom the Authority have decided to make an order under section *(Orders in relation to the general prohibition)*, or

(b) whose application for the variation or revocation of such an order the Authority had decided to refuse,

may refer the matter to the Tribunal.

(10) The Authority may not make an order under section *(Orders in relation to the general prohibition)* unless—

(a) the period within which the decision to make to the order may be referred to the Tribunal has expired and no such reference has been made; or

(b) if such a reference has been made, the reference has been determined.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 42

RULES IN RELATION TO PERSONS TO WHOM THE GENERAL PROHIBITION DOES NOT APPLY

".—(1) The Authority may make rules applicable to persons to whom, as a result of section *(Exemption from the general prohibition)*(1), the general prohibition does not apply.

(2) The power conferred by subsection (1) is to be exercised for the purpose of ensuring that clients are aware that such persons are not authorised persons.

(3) A designated professional body must make rules—

(a) applicable to members of the profession in relation to which it is established who are not authorised persons; and

(b) governing the carrying on of regulated activities by those members.

(4) Rules made in compliance with subsection (3) must be designed to secure that, in providing a particular professional service to a particular client, the member carries on only regulated activities which arise out of, or are complementary to, the provision by him of that service to that client.

(5) Rules made by a designated professional body under subsection (3) require the approval of the Authority.".—*[Miss Melanie Johnson.]*

Brought up, read the First and Second time, and added to the Bill.

Further consideration adjourned.—*[Mr. Betts.]*

Bill, as amended in the Standing Committee, to be further considered tomorrow.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Ordered,

IMMIGRATION

That the draft Immigration (Regularisation Period for Overstayers) Regulations 2000, which were laid before this House on 17th January, be approved.

CONSTITUTIONAL LAW

That the draft National Assembly for Wales (Transfer of Functions) Order 2000, which was laid before this House on 20th January, be approved.—*[Mr. Betts.]*

COMMITTEES

PUBLIC ADMINISTRATION

Ordered,

That Mr. Richard Shepherd be discharged from the Select Committee on Public Administration and Mr. Michael Trend be added to the Committee.—*[Mr. Keith Bradley.]*

Child Support Agency

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Betts.]*

9.53 pm

Mr. Jim Murphy (Eastwood): This debate is about the Child Support Agency's handling of the case of one of my constituents. The issues are difficult and affect families—especially young children—in my constituency. I would not normally give the names of the people involved, but my constituent has already spoken publicly about the case. As the matter is in the public domain, there is no difficulty about mentioning his name.

I unreservedly welcome many of the positive reforms that the Government are carrying out in respect of the CSA. I hope that those changes will mean that the circumstances of my constituent's case are never repeated.

A summary of the case will enable the House to understand how badly my constituent, Mr. Reilly, was treated by the agency. I shall go over the case, deal with some of the issues and perhaps request my hon. Friend the Minister to investigate some of the more pressing concerns of my constituent and myself.

The agency made deductions from Mr. Reilly's earnings, and as a consequence he could not maintain his mortgage payments and then lost his house. Mr. Reilly's health suffered; indeed, his own GP is on record as stating that he suffered stress. As a consequence, he also lost his job.

I have been involved in this terrible case for a long time. Mr. Reilly came to my first ever constituency surgery, in the month after the general election. I believe that he has been at every one since. I have written more than 50 individual letters about the case, to officials, the agency, the independent case examiner and Ministers. I have met representatives of the agency on two separate occasions at two different venues to discuss the specifics of the case. I even attended the tribunal hearing relating to the case. Despite the years of effort and the many hours of meetings and letter writing, we still have not obtained any justice for Mr. Reilly.

Let me explain the facts of the case. I shall deal with the issue of the assessment and how the tribunal dealt with the case, and then I shall make a plea for proper compensation for Mr. Reilly.

In the process of assessment that contributed to so many of the difficulties, the agency did not take into account all the figures, all the factors and all the circumstances involved in the family. Mr. Reilly paid more than £7,000 in maintenance. He has since received £1,600 of that back, but not all the figures relating to the relationship between the agency and the Benefits Agency were properly administered, communicated or dealt with. The independent case examiner, who recently reported on the case, said that

"the Agency performance over this issue has been very poor".

That contributed to the serious problems that my constituent experienced.

We then sought the tribunal hearing—which I attended, as I said—and the tribunal made certain recommendations arising from the case. However, the recommendations were not acted on and they did not improve my constituent's life. Then the case was closed, despite the fact that the recommendations had not been acted on. The independent case examiner said in his report that he was concerned about the way in which the agency had acted upon the tribunal's decisions, and recommended that £1,600 of the £7,000 be returned.

I emphasise that, although I attended the tribunal; although more than 50 letters were written; and despite the meetings that I had with officials, the tribunal's findings and recommendations were not acted on.

I shall now discuss compensation—a subject that I recently had reason to discuss with the chief executive of the agency, Miss Faith Boardman. I also had correspondence from the special payments unit of the Child Support Agency. I quote the recent correspondence:

"Compensatory payments for financial loss are intended to restore a person to the financial position that they would have had it not been for Agency maladministration".

The purpose of compensation payments is clear, and the special payments unit has publicly stated it.

Throughout that process, Mr. Reilly received a £100 compensation payment while an independent case examiner's report was being prepared and written. Point 25 of the report recommended that a "substantial" compensation payment should be made to my constituent for the harassment and the consequences of the CSA's maladministration in terms of loss of employment, loss of health and loss of home.

Inevitably, I have become closely involved in the case and feel strongly about it. On the day on which Mr. Reilly received that letter, he came into my parliamentary office. For the first time he had come not seeking advice but offering thanks—in fact, bringing presents of a very small monetary value, well below any level of declarable interests. He was delighted by the independent case examiner's recommendation that there should be substantial compensation, as was I. After more than two years of effort, I thought that we had achieved some justice for my constituent. At best, I was surprised—

It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mrs. McGuire.]*

Mr. Murphy: I did not expect to have to give way to my Whip during the debate, but I shall not detain the House for much longer.

When we received the letter, we felt a sense of achievement. I have written more correspondence, had more meetings and expended more energy on this case than on any other of the many cases with which I have been involved. I thought that, finally, we had achieved justice and compensation.

The sense of disappointment, surprise and annoyance—however one wishes to describe it—was considerable when the Child Support Agency acted on the recommendation of the independent case examiner. It provided by post a cheque to my constituent, as compensation for its maladministration and mistreatment of him over several years, for the princely sum of £50.

I have not had time this evening to check a dictionary definition of the word "compensation". However, I know that under no circumstances would £50 be thought to be considerable or substantial compensation. We felt real disappointment at the way in which the compensation issue has been dealt with on my constituent's behalf.

In recent discussions with the Child Support Agency, I asked it whether £50 was considered to be substantial. It admitted that it was not. I therefore make a plea for justice on my constituent's behalf. I would not normally try to secure an Adjournment debate or detain the House on an individual case, but I hope that the Minister understands that I believe that I have exhausted every other avenue, including writing an incredible amount of correspondence. That is my job, and I am not asking for acknowledgment of that. However, there has been so much correspondence and so many meetings, and I have felt so frustrated by the highs and lows that I have experienced that I felt that there was no other option than to apply for an Adjournment debate.

I hope to achieve three things from the debate. First, I hope that there will be a thorough investigation of the communications between the Child Support Agency and the Benefits Agency and that the full facts, the full figures and, crucially, the dates relating to the case are put into the public domain. The key to that is the communication that did or did not take place between the Child Support Agency and the Benefits Agency.

My second aim is related to my first. I hope that there will be an investigation into how much Mr. Reilly should have paid. He is comfortable about contributing and wishes to pay his fair share based on the formula, but how much should he have paid? If the investigation finds that he has paid more than he could fairly be expected to pay, some of the £7,000 should be repaid to him. Of course, £1,600 has been repaid as a result of the case examiner's report, but an investigation should still be carried out into the substantial sum that he paid.

My third aim is perhaps the most important. I know that there is no formal appeal process, but I urge that there should be a review of the level of compensation that is paid. Bearing in mind all the difficulties that my constituent and his new family have experienced over a number of years and the stress and the impact on Mr. Reilly's family life, there should be a full review of the level of compensation. I know that others—probably rightly—have received much more substantial payments than £50. I urge that, in the review, the £50 figure is upgraded substantially in line with the independent case examiner's report, so that Mr. Reilly can at least have some financial recompense to help him and his family to rebuild their lives.

10.4 pm

The Parliamentary Under-Secretary of State for Social Security (Angela Eagle): I congratulate my hon. Friend the Member for Eastwood (Mr. Murphy) on being successful in the ballot for Adjournment debates and on the excellent way in which he has represented his constituent in this difficult case.

As my hon. Friend will appreciate, I am bound by the rules of confidentiality and cannot therefore respond in detail in the House to the points that he has made about the CSA's handling of this case. I share his concerns, however. It is clear that the standard of service that Mr. Reilly received falls far short of what is acceptable. I shall be happy to meet my hon. Friend in a more discreet environment to discuss the details of the case.

I apologise on behalf of the agency for its mishandling of the case. The problems date back over six years and flow from a succession of errors and failures on the part of the agency. I understand that the CSA's independent case examiner has now investigated my hon. Friend's constituent's complaints about the way in which his case was handled, and ex gratia payments have been made to him in recognition of those failures. I am also told that arrears of maintenance that were wrongly paid have also been refunded. Perhaps I can discuss with my hon. Friend whether all those arrears have been refunded, because he raised the issue of amounts that do not tally.

My hon. Friend tabled four questions last summer about the operations of the CSA's independent case examiner, and he has corresponded with my ministerial colleagues on this case, with the most recent response having been sent last week.

My hon. Friend has raised a number of issues about the way in which the Child Support Agency handled his constituent's case, and I shall try to respond to those in general terms, but in particular to four key issues that the case highlights.

First, there were clear failures in keeping Mr. Reilly, and indeed my hon. Friend, informed about decisions of crucial importance in the handling of the case and subsequent inquiries. As many hon. Members know, the CSA has always had difficulties with clear and effective communication. That is partly because it uses a computer system that was already 20 years out of date when it was bought in 1990. As a consequence, it issues notification letters that pose more questions than they answer and could rarely be described as being written in a clear and understandable way.

There is a further failure on the part of the CSA to share information with other parts of the benefits system, which can make difficult cases even more confusing. That has happened in the case that we are discussing.

The changes to the decision-making provisions in child support, which we implemented in June 1999, gave us the opportunity to simplify and enhance the way in which the CSA communicates with its clients. In particular, the reasons for decisions are now explained more clearly, and parents should now have a much clearer understanding of how they can get a decision with which they disagree reconsidered.

The second point concerns the way that allegations of fraud and undeclared income are approached by the CSA. I am sure that my hon. Friend will appreciate that that is inevitably a difficult matter for an agency that has to amass the vast range of information needed to complete an assessment using the existing unwieldy child support formula.

Too often, parents come to the CSA already highly suspicious of each other and all too ready to believe the worst. Given that the CSA's involvement usually begins as a result of a claim to benefit by the parent with care, there is often suspicion on the part of the non-resident parent that benefit has been claimed fraudulently.

In the past, the CSA has simply passed such allegations to the Benefits Agency and failed to follow them up. However, that has changed since the Government took office. I can assure my hon. Friend that allegations of fraud are taken very seriously. All well-founded allegations of benefit fraud are investigated and further action is taken when appropriate.

That may take a little time and it is not always obvious to the person who has made the allegation that the suspect is under investigation. That may of course be frustrating

[Angela Eagle]

for the parent concerned, but I hope that hon. Friend will understand that data protection principles do not allow the person who has made allegations of benefit fraud to be kept informed of progress with any investigation.

In the summer of 1998, the chief executive of the CSA, Faith Boardman, invited the benefit fraud inspectorate to inspect the agency and help to develop a security strategy. The resulting fraud and security strategy was published as part of its report. It included a number of specific commitments to support the Benefits Agency's fight against fraud, in particular by the introduction of better, streamlined fraud referral processes, clear service level agreements with the BA and better information sharing.

It should be remembered that, even if it is proved that benefit has been claimed fraudulently, maintenance liability might not be affected. That is because child support action that began with a claim to benefit does not cease automatically when a parent with care is found not to have been entitled to the benefit concerned. The simple fact of benefit being paid begins the child support process; it only stops after entitlement to the benefit has ceased and the parent with care asks the CSA to stop acting.

Thirdly, the case raises issues about the treatment of payments made between the parents and the interaction between such direct payments and the amount that the CSA seeks to collect if asked to do so by either parent. It is right that the CSA should, if asked to do so, seek to collect maintenance by the method that will best ensure that maintenance due becomes maintenance paid. When there is no agreement with the non-resident parent that ensures that maintenance will be paid, maintenance can, and should, be deducted directly from the non-resident parent's earnings.

That does not mean that the CSA can ever be justified in failing to ensure, before action of that sort is taken, that liability and any debts have been calculated properly; that the non-resident parent is given every opportunity to discuss alternative means of payment; and that any difficulties deductions from earnings may cause are considered sympathetically. Clearly, the handling of Mr. Reilly's affairs fell far short of acceptable in that respect.

We have already taken steps to improve the service that the CSA offers to non-resident parents. Longer opening hours and more use of the telephones mean that staff are available at times that suit working parents. In addition, the CSA is working with the private sector to improve compliance, to ensure that where possible parents do not fall into arrears with payments.

Fourthly and finally, Mr. Reilly's case highlights problems in getting tribunal decisions put into effect. Hon. Members will appreciate that, given the complexity of the child support formula, appeal tribunals are often not equipped to work out the new assessment when they allow an appeal. In the past, the tribunals were required to send all appeals that they allowed back to the CSA for action. That often entailed further investigation and long delays before people who appealed had their liability put right. Those delays simply added to the months that parents had had to wait for the appeal to be heard in the first place, thus piling frustration on frustration.

As I have mentioned, we have now changed the way in which child support decisions are made; we have also changed the way in which tribunals work. Delays in hearing appeals will be reduced and the way in which successful appeals are handled has been streamlined. Where necessary, the tribunal can still refer the assessment back to the CSA for determination; inevitably, that will continue to take time. However, where the tribunal can decide the issue under appeal, it will be free to do so.

We have all encountered such cases via our constituency postbags—I have dealt with some myself—and they are the main reason that we are determined radically to reform the agency. I understand my hon. Friend's concern that the agency has provided him with information that was wrong. There is no excuse for that, but the complexity of the current system substantially increases the risk of it happening, especially in connection with cases that go back many years.

Ever since the CSA was launched in April 1993, there has been a catalogue of complaints from parents with care who do not get the maintenance to which they are entitled, and from non-resident parents who have been let down by receiving a poor service. With hindsight, we can see that the problem lies with the way that the child support system was designed. The complex rules do not fit, either with the lives of separated families, or with other systems that provide support for those families.

Parents are left baffled and angry with a system that seems bureaucratic and insensitive to the very real difficulties that they face. When things go wrong, they can go very wrong indeed, as Mr. Reilly's case shows. The way in which the system operates too often adds to the tensions between parents, thus denying children a good relationship with both their mother and their father. Complexity leads to delay, which leads to maintenance debts as the non-resident parent's liability mounts waiting for the CSA to makes an assessment. That leads to anger and resentment all round.

That is why we plan to abolish the current scheme and replace it with a simple, more deliverable system that is focused on the needs of children and of good, responsible parents. Parents who face up to their responsibilities will receive a better service, whereas irresponsible parents will face effective and speedy sanctions.

As I said earlier, the case to which my hon. Friend referred has been the subject of an investigation by the CSA's independent case examiner. The agency takes complaints about its service very seriously and has developed a system to analyse them and to identify and correct the weaknesses that they reveal. For example, there is now an earlier recognition of clients' problems, and early efforts are made to put them right. More cases that reach the independent case examiner are resolved by an early resolution procedure that prevents the need for a full-blown and lengthy investigation.

The case which lies behind tonight's debate highlights problems of which we are all only too aware, many of which surfaced in the early days of the CSA. There have been substantial improvements in the agency's performance since then. As a result, the CSA has seen its numbers of complaints fall by more than 20 per cent. as compared with 12 months ago, at a time when its case load has increased by more than 20 per cent. The agency now has nearly a million cases on its books.

Ultimately, however, the only answer lies in radical reform. That is why we must introduce a new child support service with a simple, transparent and predictable

formula for working out child support. In the reformed scheme, non-resident parents will know in advance what their maintenance liability is likely to be and can plan accordingly.

A more effective and efficient child support service coupled with the introduction of a £10 maintenance premium in income support and the 100 per cent. disregard of maintenance in working families tax credit will mean that more than 1 million children will gain, many of them seeing the benefit of maintenance for the first time.

The case that my hon. Friend has raised tonight underlines the need for reform, but that does not excuse the errors which have occurred. I am very sorry for the poor service that the CSA has given in this case. I will be happy to meet my hon. Friend to discuss it in more detail. I have asked the chief executive of the CSA to consider urgently whether adequate compensation is being paid to Mr. Reilly, especially in the light of the recommendation of the independent case examiner that substantial compensation should be paid. It must be borne in mind, however, that there are some constraints in this respect. The Government are determined to address these problems, and our reforms for child support are the right way in which to do that. In the meantime, we shall be looking to the CSA to learn the lessons from cases such as that raised tonight.

Question put and agreed to.

Adjourned accordingly at seventeen minutes past Ten o'clock.

House of Commons

Wednesday 2 February 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF LONDON (WARD ELECTIONS) BILL (*By Order*)

Order for further consideration, as amended, read.

To be further considered on Wednesday 9 February.

COMHAIRLE NAN EILEAN SIAR (ERISKAY CAUSEWAY) ORDER CONFIRMATION BILL

Considered; to be read the Third time.

Oral Answers to Questions

CABINET OFFICE

The Minister was asked—

Rural Affairs

1. **Mr. John Bercow** (Buckingham): If she will make a statement on her work to date in the co–ordination of Government policy on rural affairs. [106582]

The Minister for the Cabinet Office (Marjorie Mowlam): I chair the new Cabinet committee on rural affairs. The committee met at the end of last year and will meet again as and when necessary. The committee's role is to co-ordinate the Government's policies affecting rural areas.

Mr. Bercow: Given that farming incomes have fallen by 75 per cent. in three years and, on average, hill farmers earn only £2,000, is it not an abominable insult to countryside dwellers for a Minister who admits ignorance of rural affairs to co-ordinate a policy in which she has no input on behalf of people for whom, as the Prime Minister showed yesterday, he cares little, and will do less?

Marjorie Mowlam: I think the role of co-ordinating between Departments is valuable. I have a love of the countryside and an understanding of agriculture: I was merely pointing out that I do not have a vested interest—from one perspective or the other. What the hon. Gentleman said about the Prime Minister is patently not true. My right hon. Friend made it clear when he spoke to the National Farmers Union yesterday that the Government have given British farmers considerable support: £3.5 billion. with an additional £750 million this year. In addition, the rural programme that we have just put together will modulate some of that money to ensure that other parts of rural communities are allowed to grow—not merely the environment, but industries in addition to agriculture, and communities as well. That is a much greater degree of interest than was shown by the Conservative Government when they were in power.

Dr. Tony Wright (Cannock Chase): Can my right hon. Friend tell the House whether the Government are considering extending the committee for rural affairs into a fully fledged department for rural affairs, to embrace both agriculture and the countryside? Would not that be a joined-up approach, and would not my right hon. Friend be an admirable person to head such a department?

Marjorie Mowlam: The ministerial network is working with Departments that have an interest in rural affairs to ensure that we maximise the impact of our policies for rural communities. The suitability of a rural department has been discussed on and off many times. There are vested interests on both sides. Obviously, that view will be considered in the rural White Paper, but our current position is that the ministerial network is the most effective and efficient way to move forward.

Mr. Paul Tyler (North Cornwall): In addition to the considerable problems that face agriculture, does the Minister recognise that the fate of village sub-post offices poses a huge threat to the viability of rural communities? Will the right hon. Lady take it upon herself—as the only example that we can see of an opportunity for joined-up thinking on the issue—to ensure that her colleagues in the Departments of Social Security, of the Environment, Transport and the Regions and of Trade and Industry talk to one another about this extremely important matter? Clearly, there is a failure of communication at the moment.

Marjorie Mowlam: There is no such failure. The performance and innovation unit is looking into the future of rural post offices and will produce a report. The previous Government did nothing to stop shops and post offices closing—in fact, 32 schools closed every year—but we have put extra money into more schools and buses. We have already offered village post offices and shops a 50 per cent. tax relief because we realise what an important and central focus they are for many rural communities. On the future of the post offices, we are listening and consulting. Departments are talking. We have talked about the matter with many Departments, and an announcement will be made as soon as possible.

Drugs Strategy (North Wales)

2. **Mrs. Betty Williams** (Conwy): If she will make a statement on the Government's drugs strategy in north Wales relating to children and young people. [106583]

The Minister of State, Cabinet Office (Mr. Ian McCartney): One of the key aims of the Government's anti-drugs strategy is to help young people resist drug misuse in order to achieve their full potential in society. The others are to help communities protect themselves from anti-social and criminal behaviour; to provide treatment to help people overcome their drug addiction; and to stifle the availability of drugs in Britain.

The National Assembly for Wales will shortly be launching a refocused substance misuse strategy for Wales that will reflect the same aims.

Mrs. Williams: Is my right hon. Friend aware of a survey that was conducted by the University of Wales, Bangor, on behalf of the North Wales police, which revealed that more than a third of north Wales school children who have been offered drugs were first approached at the age of 12 or under, and that there is a misconception that rural areas are not affected by drugs?

I am aware that a drugs treatment fund has been identified in Wales, but, in view of the alarming figures among children and young people, do the Government have plans to allocate additional resources for drugs prevention and education?

Mr. McCartney: My hon. Friend is right to say that substantial numbers of young people of varying ages throughout Britain are being approached and offered substances such as drugs and alcohol which can be abused. It is important to have a partnership approach. That is why the National Assembly for Wales will be putting forward proposals to work with communities in Wales on an agreed national strategy. Since 1998, substantial new resources have been provided for a three-year programme to tackle drugs misuse, criminal activity, rehabilitation and refocusing people's lives, and education to try to develop awareness among young people of the dangers of abusing substances including drugs. My hon. Friend is right to raise the issue and I assure her that drugs issues are a No. 1 priority for the Government.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): Following the question of the hon. Member for Conwy (Mrs. Williams), with which I fully agree, will additional resources be made available for the Welsh Assembly? It is not overstating the case to say that primary schools in particular are being targeted by those evil people who sell drugs, and resources are needed to educate children about the evils of drugs. Is there any possibility that further resources will be made available?

Mr. McCartney: The operational strategy for the new drugs proposals for Wales is a matter for the Assembly. However, I clearly said that so far the Government have made available an extra £217 million—to deal with prison issues; to pilot and implement drug treatment and testing orders; for health authorities and local authorities to provide new treatment services; to improve community care services for drugs misusers; and for drug action teams. That is a multi-million pound new investment. The Government are providing significant new resources throughout England, Scotland, Wales and Northern Ireland to tackle drugs misuse at its roots in the community. At the same time, we are providing resources for those who suffer mental and physical ill-health as a result of their drug addiction.

Dr. Jenny Tonge (Richmond Park): When will the Minister realise that his drugs strategy is not working, in north Wales or anywhere else? When will a royal commission be set up to examine all aspects of drugs misuse throughout the United Kingdom?

Mr. McCartney: The hon. Lady's first comment was a rather cheap shot. I speak with some feeling and gusto when I say that heroin, cocaine, crack cocaine and a range of other highly addictive drugs cause serious physical and mental health problems, destroy individuals' lives, damage and disrupt families and communities, and cause HIV and hepatitis C. We do not need a royal commission to tell us that; it is staring us in the face. What we need is support for the 10-year Government strategy to reduce drug addiction, tackle those on the street who peddle drugs and deal with those suffering from addiction, the victims and their families. Hon. Members should get behind the Government strategy and stop making cheap political points.

Mrs. Ann Winterton (Congleton): The results of a recent Home Office drugs survey showed that 50 per cent. of 16-year-olds have tried cannabis at least once. Bearing in mind the American experience that a strong anti-drugs campaign with a clear message can deliver results, will the right hon. Gentleman now endorse a "just say no" message and support tougher penalties for drug pushers who target young people outside schools and elsewhere, as advocated by my right hon. Friend the Leader of the Opposition?

Mr. McCartney: May I deal with the various aspects raised by the hon. Lady? Every sane person in Britain is, like the Government, behind the campaign to encourage people to just say no to drugs and other abuses, but it is not as simple as that. We need to provide our children with the skill to deal with peer-group pressure, which means providing resources at every level of the education system to encourage young people—at a very early age—and teachers to acquire knowledge of how to handle being approached on drug issues in the community, at school or in a family situation. A long-term investment in education and training is needed so that our young people can cope and not only say no but withstand any sustained pressure that is put on them.

The hon. Lady raised the issue of dealing with drug traffickers: those who peddle drugs for profit in the community and the big-time criminals. The Government are currently undertaking a review dealing with the seizure of criminal assets and a report will go to the Prime Minister in the spring. I am responsible for that report. Rest assured that we are four-square on tackling drugs and improving access for Customs and Excise, the police, the courts and others to ensure that we get to the criminals and the heart of organised crime and businesses that are designed to flout the law and import drugs into Britain at every level to abuse our children and our communities. I hope that the House is four-square behind our strategy.

Open Days

3. **Mr. Vernon Coaker** (Gedling): What plans she has to hold more open days in Government Departments. [106584]

The Parliamentary Secretary, Cabinet Office (Mr. Graham Stringer): Open days are an important way of making Departments more accessible to people from all backgrounds. The Cabinet Office held its first open day in November last year. Other Departments have already held similar open days; some plan to hold their first later in the year. Achieving a dramatic improvement in diversity is a central plank of our civil service reform programme.

Mr. Coaker: Will my hon. Friend do as much as he can to encourage as many open days as possible in various Departments across government? Students attended the Foreign Office's many recent open days and they are a good way of encouraging diversity so that people from a wider variety of backgrounds enter the civil service.

Mr. Stringer: My hon. Friend is quite right: open days are a way of attracting people from all backgrounds, including ethnic backgrounds, into the civil service. The Ministry of Agriculture, Fisheries and Food, GCHQ and the Department of the Environment, Transport and the Regions are to hold open days later this year and it is important to get across the fact that a person does not have to be a white male middle-class graduate of Oxford or Cambridge to get into the civil service.

Mr. Owen Paterson (North Shropshire): Will taxpayers be able to visit Departments on those open days to see whether they are getting value for money for the extra £4 million that the Government are squandering on armies of special advisers?

Mr. Stringer: The hon. Gentleman knows a great deal about special advisers. I think what he objects to is the fact that the Government are putting forward their policies effectively. If he looks at the figures on expenditure at the centre of government, he will find that in real terms there has been an overall reduction of 5 per cent.

Truancy

4. **Mrs. Sylvia Heal** (Halesowen and Rowley Regis): What progress is being made in implementing the social exclusion unit's report on truancy. [106586]

The Minister for the Cabinet Office (Marjorie Mowlam): Good progress is being made in implementing the social exclusion unit's report and, as part of that process, the Department for Education and Employment recently launched "Tackling Truancy Together" for consultation. My right hon. Friend the Minister for School Standards and I are monitoring progress within and across Departments in Whitehall and beyond.

Mrs. Heal: I welcome the action that my right hon. Friend and her ministerial colleagues in the Department for Education and Employment are taking to tackle truancy and exclusion, as about 1 million children are truanting and many thousands are excluded. There is no doubt that more has to be done to cut those numbers, so I am delighted that a new unit is to be established at Britannia school in Rowley Regis to tackle that very problem. The social exclusion unit has set out an action plan to reduce those numbers by a third by 2002. Is my right hon. Friend confident that we can meet that ambitious target?

Marjorie Mowlam: As chair of the ministerial network that exists to ensure that we meet our targets by working with Ministers across Departments, I firmly believe that we have a chance.

We have put an extra £500 million into the policy, so there is money "on the ground"—as with the unit that has been established in the school that my hon. Friend mentioned. We have introduced guidelines to help schools deal with truancy, and in April we will introduce a dowry system that will give children who repeatedly truant, or are socially excluded, grants to enable them to attend schools that will provide for their needs.

Mrs. Virginia Bottomley (South-West Surrey): I am glad that the right hon. Lady has taken responsibility for the social exclusion unit, thus ensuring that there is leadership at Cabinet level. I hope, however, that she will pay particular attention to the role of child mental health services in truancy cases. Truancy may be the beginning of a delinquent career, but it may also be an indication that things are seriously wrong for a child. There is a real problem here in regard to joined-up government—the problem of ensuring that the Home Office, education services and social services jointly fund child mental health provision. Will the right hon. Lady consider that herself, and also, perhaps, speak to representatives of Young Minds, which provides some of the most pioneering and effective services?

Marjorie Mowlam: I know of the right hon. Lady's interest in the matter. Let me reassure her that child mental health will be one of our considerations when a system is established—either in the form of units, or in another form that will enable us to deal with the specific question of educational health in schools—for repeated truants, and kids who have been excluded from school. That system will be cross-departmental.

As the right hon. Lady will know from experience, such a system will be particularly hard to achieve, but we think that the cross-departmental work that we are currently doing is quite successful in establishing joined-up policy-making. We hope that, following some of our submissions to the spending review body, we may even secure joined-up money, which would encourage still better co-operation. We are doing all that we can to bring that about through our links with local partnerships, local authorities, the voluntary sector and health departments.

News Releases

5. **Mr. Norman Baker** (Lewes): If she will make a statement on her role in co–ordinating news releases from different Departments. [106587]

The Parliamentary Secretary, Cabinet Office (Mr. Graham Stringer): My right hon. Friend the Minister for the Cabinet Office has no role in co-ordinating news releases from other Departments.

Mr. Baker: That is interesting. Is the Minister aware that last year the Government issued 13,500 press

releases—one every nine minutes? What was the cost to the public purse? Have there been any objections to the practice in the Civil Service? Does that explain why 16 out of 17 heads of information in the Civil Service have been replaced since the Government came to power? Perhaps the Government prefer heads of disinformation.

Mr. Stringer: Is the hon. Gentleman saying that Liberal policy is that we should not tell the people of this country what the Government are doing? That is how it sounded. As for changing heads of the information service, if the hon. Gentleman looks back to the period between 1979 and 1981 he will learn that 13 departmental heads of information changed over that time. It is not unusual for heads of information to change when Ministers change.

Mr. Peter L. Pike (Burnley): Will my hon. Friend confirm that, while the Cabinet Office has no role in co-ordinating the publication of news releases, the present Government have had more good news to release in two and a half years than the last Government had in 18?

Mr. Stringer: My hon. Friend makes an extremely good point. The basic policy of both Opposition parties is not to want the Government to spend money on informing people of rights that they—the Conservative party and the Liberal party—have opposed on the Floor of the House.

Mr. Michael Fabricant (Lichfield): Does the Minister agree that civil servants should remain neutral and should not be politicised? If so, how does he reconcile that position with the recent statement by the head of attack at Millbank, the headquarters of the Labour party, to the effect that it has regular contacts with No. 10's press office?

Mr. Stringer: It is clearly the Government's policy that the civil service will retain, and does retain, its impartiality and integrity. The existence of special advisers whose responsibility it is to explain Government policy in a political context helps to retain the impartiality of the civil service.

Online Government Services

6. **Miss Anne McIntosh** (Vale of York): What recent discussions she has had with internet service providers on the provision of Government services online. [106588]

The Minister of State, Cabinet Office (Mr. Ian McCartney): I began last year a series of quarterly meetings with a range of private sector colleagues, including internet service providers, about information age government services. This is in line with our strategy of: creating a platform of integrated service delivery, which would support a wide range of access technologies and partnerships with local government and the private sector; using the Government secure intranet to link up public servants and also establish how local authorities can interface with it; a common policy on authentication, smartcards and website navigation; and a strategic approach to data standards.

Miss McIntosh: Fresh from meeting Bill Gates last year, the Prime Minister said that Britain could lead the world in exploiting e-commerce. That is clearly not an ambition shared by the Home Office. Will the Minister confirm that 11 of 17 Home Office information technology projects have not been or will not be completed in time? If so, why, and what measures will the Minister and the Government take to improve their appalling IT record in this area?

Mr. McCartney: First, the vast majority of IT projects that have run into trouble, with which the Government are dealing, were procured under the previous Conservative Government. The Labour Government have had to clear up the mess that was left behind for us. Secondly, 55 per cent. of businesses in Britain are already using e-commerce because of the Government's activity. That is the highest use level in Europe. However, we will do more. We will ensure that in both the private and public sectors we will be leaders in e-commerce.

Mr. Derek Wyatt (Sittingbourne and Sheppey): My right hon. Friend will know that when we were dealing with the Y2K issue, we eventually published a sort of league table setting out where each Department was. Does he intend to do the same in regard to the electronic delivery performance of each Department?

Mr. McCartney: My hon. Friend the Minister for Small Business and E-Commerce and myself and the e-envoy are responsible for ensuring that Departments reach the Government's targets. I assure my hon. Friend that all three of us are working with the Departments to ensure that they meet the target of 100 per cent. capability by the year 2008.

Mr. Andrew Lansley (South Cambridgeshire): The Government are keen on targets and have set one to ensure that 25 per cent. of dealings with government involve the electronic delivery of services by 2002. Will the Minister therefore explain why only 3 per cent. of such dealings were through the internet in 1999, and why the Government's figures project only 12 per cent. in 2002?

Mr. McCartney: We are the first Government to set any targets in this area. The previous Government did nothing to establish a platform for the introduction of e-commerce. I made it clear to my hon. Friend the Member for Sittingbourne and Sheppey (Mr. Wyatt) that the Government have targets and that we intend to reach them. We have the structures, policies and finance in place, and we will get training in place. We have the political leadership to do that.

Mr. Lansley: I have made it clear to the Minister that the Government admit that they will not reach their target.

With the advent of digital technology, many people will be hoping to use interactive television, which will be user-friendly to many who do not have personal computers. The Government's figures suggest that 0 per cent. of government dealings with the public will be by interactive television by 2002. Why so poor a performance?

Mr. McCartney: The hon. Gentleman must have been asleep last week—or else trying to keep his job in the shadow Cabinet. If he had been awake, he would have

noted that we placed in the public domain a digital television strategy for the provision of government services. The hon. Gentleman is well behind the game. He should start listening, and catching up with what the Government are doing.

Mr. Peter Bradley (The Wrekin): Does my right hon. Friend agree that the internet—and IT in general—offers the best means of restoring to isolated rural communities the services that they lost under the previous Government, and of providing many services that they have not hitherto enjoyed? Does he further agree that the provision of such services has the additional merit of reducing dependence on both public transport and the private car, because they reduce the need to travel? Will he ensure that the rural White Paper to be published later this year will place due emphasis on this issue?

Mr. McCartney: My hon. Friend is right. One of the key strategies that the Government have implemented was designed to save the rural post office network from privatisation by the Tories. That will mean hundreds of millions of pounds of new investment and will provide a technology platform for post offices in rural areas and for rural communities. At last, the rural community has a Government who battle for it.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [106612] **Mr. Piara S. Khabra** (Ealing, Southall): If he will list his official engagements for Wednesday 2 February.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Khabra: May I take the opportunity to thank the Prime Minister for coming to my constituency, accompanied by the Deputy Prime Minister, to celebrate Labour's first 1,000 days in power?

My question concerns the economy. The Prime Minister is aware that, between 1990 and 1992, 140,000 businesses failed and 188,000 mortgage repossessions took place. That was due to the dogma of Tory party politics. *[Interruption.]*

Madam Speaker: Order. The hon. Gentleman is putting his question.

Mr. Khabra: Will the Prime Minister outline how Labour is helping small businesses and business in the community to prosper across the country and in my constituency?

The Prime Minister: We have reduced small business tax, but, most important, we have produced stability in economic management after the boom and bust of the Conservative years, and there are 800,000 more jobs in the economy since this Government came to power. We have also introduced a minimum wage, a working families tax credit and Bank of England independence. The Conservative party would scrap every single one of those measures. Indeed, today, the new shadow Chancellor has recommitted himself to the tax guarantee and said that we are spending too much money, so let us hear no more complaints from Conservatives about schools and hospitals. We are spending more. They would spend less.

Mr. William Hague (Richmond, Yorks): May I first express, as we have not done so in the House yet this week, our horror at last Friday's attack on the hon. Member for Cheltenham (Mr. Jones) and our deep sadness, which will be felt across the whole House, at the death of Andrew Pennington? We send our condolences to his family and our good wishes to the hon. Gentleman for a speedy return.

Is the Prime Minister aware that, since he took office, the backlog of asylum seekers has doubled? Is he aware that some councils now spend more on bogus asylum seekers than on looking after elderly people? Is he aware that the Home Secretary said in 1996 that, if a Labour Government did not speed up applications, they "shall have failed"? Will the Prime Minister now confirm that the Home Secretary has failed?

The Prime Minister: I concur entirely with what the right hon. Gentleman has said about the hon. Member for Cheltenham (Mr. Jones) and Andrew Pennington. We all join in sending our very best wishes and our sympathy to the hon. Gentleman and our profound condolences to the family of Mr. Pennington.

On the Home Secretary's record, of course, it is precisely for that reason that we have introduced the new asylum provisions. That will mean that we can speed up the asylum seekers cases. We can distinguish better between the bogus and the non-bogus cases. Of course, we inherited a system that was a complete mess. As a result of our legislation, in many ways opposed by the right hon. Gentleman's party, we can now clean it up.

Mr. Hague: The Prime Minister has been there for three years now and it is always promises. The cheque is always in the post, or going to be in the post. It is not just us saying that. The Labour majority on the Public Accounts Committee says that the Government are

"not living up to their responsibility"

and that the response of the Home Office is,

"to say the least, inadequate."

He should know that, in the last full year of a Conservative Government, the number of asylum seekers fell by 30 per cent. *[Interruption.]* Oh, some of the figures are arriving. Let us hope that they are the right figures. Let us hope that they show that, since he has been in office, the number has increased by 140 per cent. It follows decision after decision by the Government to weaken asylum policies.

Will the Prime Minister tell the House the latest figures—now that the Home Secretary has started passing him figures—on what proportion of people served orders to leave the country actually left the country in the past year?

The Prime Minister: The right hon. Gentleman is wrong to say that we have taken no action on asylum. As a result of the measures that we have introduced, we shall be able to shorten dramatically the length of time that it takes to deal with asylum cases. We know the reasons why the number of asylum cases has increased. Most of the cases that are coming in are from countries such as the Federal Republic of Yugoslavia, providing a very good reason why the numbers have risen in the United Kingdom and elsewhere in Europe. There was also a time under the previous Government when asylum seeker applications rose dramatically.

The only way of dealing with it is to have in place a proper, fast and effective way of dealing with those cases, which is precisely what we have done. We have also changed—this is important—the benefit rules for asylum seekers. I remind the right hon. Gentleman that Conservative Members opposed our changing those rules, despite having complained about them. If we had adopted the amendments tabled to the Immigration and Asylum Act by Conservative Members, we would be paying out £500 million more.

Mr. Hague: The reason why the numbers have increased is that the Prime Minister has made the United Kingdom a soft touch for asylum seekers—[HON. MEMBERS: "No."] Yes, it is. The Prime Minister clearly does not know the numbers, but he ought to, because it is a national scandal. In the past year, 19,000 people were served orders to leave the country, but 6,800 actually did so. More than two thirds of the people whom he thinks should be deported are not deported.

So for the Prime Minister it is more promises—the cheque is in the post. The Government have reversed deportation decisions taken by the previous Government. They have abolished the fast track list and failed to enforce our controls on illegal working. On this issue as on so much else, he is all talk—no delivery.

The Prime Minister: It is completely untrue to say that we have dismantled the controls on immigration and asylum, because we have been tightening them up. We have also had to do so in the face of opposition from Conservative Members. A moment ago, I mentioned the benefit rules. I should mention another provision that Conservative Members have opposed—the provision that fines lorry drivers who bring illegal asylum seekers into the country. The right hon. Gentleman opposed that measure. Therefore, let us not have it from him that we inherited a perfect situation, because we inherited a backlog of tens of thousands of cases—*[Interruption.]* Yes, because the system was at fault.

Our Government reformed the system. From April 2000, the new system will be in place, with new rules on benefit and new holding centres being opened up, so that claims can processed quickly and we shall be able to get the numbers back down again. Those are the measures that we have introduced, clearing up the mess that the right hon. Gentleman left us.

Mr. Frank Roy (Motherwell and Wishaw): Is the Prime Minister aware that, after its decontamination, the former Ravenscraig steel site in my constituency is now ready for rebuilding? I remind the House that the workers at that steel site felt betrayed and abandoned by the former, Conservative Government. Will the Prime Minister accept from me, a former steelworker, an invitation to come and see for himself how Ravenscraig is rising from the ashes of its industrial betrayal?

The Prime Minister: That is great news. I know that my hon. Friend worked at the Ravenscraig steelworks for 14 years, and it is good to see that regeneration project under way. People will of course remember that the previous Government closed the steelworks complex, with the loss of 1,200 jobs—[HON. MEMBERS: "Boring."] It was not boring for the 1,200 workers who lost their jobs. However, it will be a better and more interesting life for those who will now be able to work there again.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): I thank the Prime Minister, the leader of the Conservative party and many others from both sides of the House who, over the past few days, have expressed their condolences for the dreadful murder of Councillor Andrew Pennington and the vicious assault on my hon. Friend the Member for Cheltenham (Mr. Jones). Those sentiments have been much appreciated. I am sure that we all agree that nothing so outrageous will cause any of us in any party or any part of the country to undermine the vital link with our constituents of enabling them to come to see us.

As the rural agenda is to the forefront this week, in advance of the Prime Minister's visit to the south-west tomorrow, and given the importance of post offices to rural communities, will he tell us how many rural post offices closed during the first two years of his Administration?

The Prime Minister: We have given a strong commitment to rural post offices. The previous Government were committed to privatising the Post Office. That is not our policy. As a result of the measures that have been announced, we shall be able to protect rural post offices in future.

Mr. Kennedy: The House of Commons Library figure is 476. The chief executive officer of the Post Office predicts that, if the Postal Services Bill is passed, a further 8,000 post offices will close. That is almost half the national network. Will the Prime Minister rethink the legislation and consider the possibility of subsidy? If he does not and that many post offices go, it will be a further nail in the coffin for villages and rural communities throughout the land.

The Prime Minister: The figure of 8,000 is wrong for the reasons that I have just given. In the Bill, we are ensuring that we protect rural post offices. So that everyone understands, let me explain the issue. The Department of Social Security and the Benefits Agency will move to paying all benefits via personal bank accounts. It is expected that, by then, the Post Office will have extended its arrangements with the banks to offer a range of banking facilities on an agency basis. That will enable people to continue to collect their benefits in cash. It would be very foolish—I am surprised that the right hon. Gentleman is suggesting this—not to modernise the way in which benefits are paid. We should surely modernise so that benefits are paid into bank accounts for people who want that, but we shall make arrangements for those who do not want that to enable them to continue

collecting their benefits in cash. That is a sensible arrangement. Now that the technology exists, it would be foolish to leave post offices to carry on paying benefits in the same old way. That would cost a lot more money. As for further subsidies, it is time that the Liberal Democrats stopped asking for more money to be spent on everything without making a single suggestion as to where that money will come from.

Mr. Alan Simpson (Nottingham, South): I thank my right hon. Friend the Prime Minister for reminding the House and the country that the great divide between Labour and the Tories is that Labour will rebuild the national health service while the Tories would just privatise it. When he is considering the specific measures that will allow Labour to close the gap between Britain's health spending and the European average, will he look at the artificial ceiling on national insurance contributions and a more progressive system of corporate tax contributions, which are far lower in Britain than in most of our European counterparts? Will he also reflect on whether the current public mood would prefer us to put a penny into health rather than taking it off tax?

Hon. Members: Hear, hear.

The Prime Minister: My hon. Friend has a lot of support from somewhere. I do not agree with him on tax. We were right to cut corporation tax. However, he is entirely right to say that the Conservatives have made a big strategic decision on the health service. I do not know whether anyone has read today's "Clear Blue Water" pamphlet, but it spells out starkly that their policy is to drive large numbers of people out of the health service and to make them take out private medical insurance. For those over 65, it will cost £60 to £80 a week to get private medical insurance. The only way to tackle the problem is our way: more hospital buildings, more nurses and doctors into the health service and more facilities. We are doing all that. The way to do it is to modernise the national health service, not to privatise it.

Q2. [106614] **Sir David Madel** (South-West Bedfordshire): Is the Prime Minister comfortable with what he has read in today's papers concerning the purchase of shares by the editor of the *Daily Mirror*? Does he agree that it is only fair and reasonable to all concerned that the Press Complaints Commission should examine the issue?

The Prime Minister: I can truthfully say that that is really not a matter for me.

Mr. Vernon Coaker (Gedling): Will my right hon. Friend take this opportunity to praise the teaching profession, particularly in light of the generous pay award that teachers received yesterday and their hard work putting into effect the reforms that the Labour Government have introduced in the past two and a half years?

The Prime Minister: Teachers have delivered magnificent results in our primary schools, with the best-ever results in literacy and numeracy. I believe that the performance-related pay proposals are increasingly winning support. It was a good settlement for the teachers, but we are now linking an even greater pay award to standards and results. That is the right way to do it. Teachers and parents should realise that if the Conservatives had been in government, the money would have been taken back.

Q3. [106615] **Mr. David Prior** (North Norfolk): British farming and the countryside are in deep crisis. Post offices and village shops are closing. Will the Prime Minister reconsider his plan to pay benefits directly into bank accounts and preserve more rural post offices?

The Prime Minister: I think that the hon. Gentleman is a Conservative Member. His party's plan at the election was to privatise the Post Office. It is absurd that he should stand there and tell me that we should not pay people's benefits in the most effective way. The way to deal with the problems of post offices and others is to modernise the system, but to make sure that we can still allow people to collect their benefits in cash if they so wish. As for the rest of the hon. Gentleman's question, I said yesterday that the farming situation is serious, particularly in sectors such as the pig industry. We need a proper long-term strategy; we do not need simply to pay ever-greater subsidies because we cannot do that. As for the countryside, I would remind the hon. Gentleman that, under this Government, the policy of closing rural schools has been put in reverse.

Q4. [106616] **Mr. Dennis Canavan** (Falkirk, West): In view of the forthcoming elections and the by-elections in Wales and Scotland, will my right hon. Friend tell us what lessons the Government have learned from the people of Falkirk, West, who elected their Member of the Scottish Parliament with the biggest vote, and the biggest majority, in Scotland?

The Prime Minister: First, it is good to see the hon. Gentleman back again. I remind him that it was this Labour Government who delivered devolution to the people. Many previous political parties—indeed, previous Labour parties—promised devolution. We delivered it. We are also delivering the working families tax credit, the minimum wage and the new deal, all of which have helped people in his constituency. I believe that that is one reason why people will return loyal Labour Members of Parliament at the next election.

Mr. William Hague (Richmond, Yorks): Does the Prime Minister still think, as he has claimed on various occasions, that it would be "fatuous", "absurd" and "daft" to rule out joining the euro in the next Parliament?

The Prime Minister: Of course I do. Our policy remains exactly the same: to keep the option open and determine it according to the British national interest. That is a more sensible position than the right hon. Gentleman's position, which I thought I had described as fatuous. It was fatuous of him to say that he would oppose it as a matter of principle for five years, but consider it as a matter of principle in the sixth year.

Mr. Hague: The president of the European Central bank says that our economy is out of step. He said:

"if ever the UK decides to join, you are talking about years from today".

The former Labour Foreign Secretary, Lord Owen, said:

"the time has come to rule out UK membership . . . for the next Parliament".

Is that not now the view of the sensible mainstream majority of the country? In addition to his previous answer, can the Prime Minister confirm that he will fight the next election determined to keep open the option of joining the euro in the next Parliament?

The Prime Minister: Of course—because we have set out the policies; I repeated them last Friday. The decision is simply this: there are those people who say that we should join the euro now, regardless of the economic conditions; then, there are those people, such as the right hon. Gentleman, who say that we should not join the euro, regardless of the economic conditions. I happen to believe that the sensible test is British jobs, British industry and British investment.

To rule out the euro in the next Parliament—hon. Members should remember that the final decision lies with the people in a referendum—is foolish and backward. I shall have no part of that, either at the next election or in the future. That is the position held by the right hon. Gentleman and that is the difference between us.

If the right hon. Gentleman wants to quote sensible mainstream people, there were many people in his own party who used to be in the mainstream but are not there now, because the mainstream of his party is now the extreme of politics.

Mr. Hague: I am grateful to the right hon. Gentleman for his answers. I thank him for making it clear that the only sure way to keep the pound is to support the Conservative party at the next election.

The Prime Minister: There will be a referendum. The choice is with the British people. The question is whether we remove that choice and say, "Even if it is in Britain's interests, even if it's best for jobs and industry and business, then we are not going to give you that choice at all". That is not a sensible position. It is a position born from the fact that the right hon. Gentleman has subcontracted his leadership to the extreme right in his party.

Are people such as the former Prime Minister, the right hon. Member for Huntingdon (Mr. Major), now outcasts in that party? Is the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke) now an outcast in that party? Is the former Deputy Prime Minister, the right hon. Member for Henley (Mr. Heseltine), also an outcast? Those people are addressing the national interest.

What is in the national interest is to keep the option open, to make the preparation so that we can join if we want to do so, to give the final choice to the British people in a referendum, but not to end up retreating to the sidelines of Europe for the sake of pandering to a few anti-Europeans in the Conservative party.

Mr. Tom Pendry (Stalybridge and Hyde): Is the Prime Minister aware that the statement made by the Secretary of State for Health yesterday, informing the House that he was setting up an independent inquiry into the issues raised by the murders committed by Dr. Shipman, has gone down well in my constituency? People there are understandably still deep in shock as a result of the court's findings. Will my right hon. Friend use his best endeavours to ensure that the inquiry is thorough and expeditious, and that the Government act speedily on its findings?

The Prime Minister: Yes, I am sure that that will happen. I pay tribute to the work that my hon. Friend has been doing to help his constituents to come to terms with a terrible tragedy. I am sure that the whole House will join me in sending our deepest sympathies to the relatives and friends of those who died.

The vast majority of doctors provide an excellent service for their patients. It is important to say that straight away. This case was highly exceptional. However, we must learn lessons from it. I am sure that the General Medical Council will consider those lessons. We shall learn them through the independent inquiry announced yesterday. We shall act on them; indeed, we are already taking certain measures.

However, it is important that we realise that this was a highly exceptional case. Doctors look after their patients throughout the country. There is no more important relationship than the bond of trust that exists between doctors and their patients. They do a fantastic job for this country. This has been a terrible, tragic and exceptional case. We have to learn lessons from it; we will learn them and we will act on them.

Q5. [106617] **Mr. Robert Maclennan** (Caithness, Sutherland and Easter Ross): If the Prime Minister is prepared to speak only equivocally about the future of this country's relationship with the euro, will he at least speak clearly about the consequences of the present strength of the pound, especially on the farming industry, which he addressed yesterday? In these circumstances, how can he fail to respond to the needs of the farming industry by making the compensation payments for the strength of our currency, which he is allowed to make and which have been agreed by the European Union?

The Prime Minister: What the right hon. Gentleman has not pointed out to people but I will is that we are paying out hundreds of millions of pounds in compensation for the strength of the pound. However, if we were to make the claim that he is suggesting, 70 per cent. of that money would have to be repaid. In other words, it is a very large public spending commitment. To put the matter into context, we are spending £3.5 billion in agricultural support. That is more than the support that we pay out for the rest of British industry put together. It is important and right that we do so. Agriculture and farming are important to our country and they are, as I accepted yesterday, in a state of crisis. The only way of dealing with that is a long-term plan for the future and not the Liberal Democrats or the Conservatives promising that they will end up paying out large sums of money in the short term. That is simply not going to be the answer.

As for the euro, it is not an equivocal position; the tests are quite clear. If the right hon. Gentleman wants to go into the euro tomorrow—

Mr. Maclennan: No.

The Prime Minister: Then the right hon. Gentleman's position is, I suspect, the same as mine. It depends on the

national economic interest. That is the proper test. We are not convergent with the euro at the present time, which is why it would not be sensible to join now, but we have set out the economic conditions. Provided that those economic conditions are met, we will make the recommendation to the British people. We have said that, and we will hold to that.

Mr. Bob Laxton (Derby, North): From time to time, the media pass comment on the ability, and sometimes the inability, of party leaders to control their parliamentary party. Does my right hon. Friend agree that perhaps an extreme form of control freakery happens when a leader of a party who is unable to control his Back Benchers seeks the assistance of another party leader to help him along the way a little?

The Prime Minister: I cannot quite think to what my hon. Friend is referring. Anyway, it is all fine—the new relationship between the Leader of the Opposition and the shadow Chancellor is all sorted out, because the shadow Chancellor has described the Leader of the Opposition this morning as "unassailable".

Q6. [106618] **Mrs. Ann Winterton** (Congleton): Have the Government got the courage, decency and honesty to admit that no decommissioning of terrorist weapons has taken place in Northern Ireland? Will they stop putting unfair pressure on the law-abiding people of Northern Ireland and the long-suffering Unionist party and place the blame where it rests—firmly on the shoulders of the terrorists, Sinn Fein-IRA?

The Prime Minister: There has to be decommissioning; there has not been decommissioning. Under the agreement, it is quite clear that decommissioning is supposed to happen. There is no doubt about that at all. I am interested, as ever, in trying to find a way through this—be under no mistake about that. I know that people, such as the hon. Lady, have not been in favour of much of what we have done in the past two and a half years or indeed of the Good Friday agreement—

Mr. Michael Fabricant (Lichfield): What have you done?

The Prime Minister: What have we done? For all the difficulties in Northern Ireland today, we have the best chance of peace that we have had for generations, there is investment pouring in and there is peace in place that may not be perfect but is a million miles better than what was there before. There has to be decommissioning and, if there is not, there is going to be a serious problem with the process. There is no doubt about that, which is why we are now working day and night to try to overcome that difficulty. I simply say to the hon. Lady that to dismiss everything that has happened in Northern Ireland is wrong, and we are not putting unfair pressure on people. We are trying to make sure that we find a way through that allows peace and stability for the future. At the heart of this deal in the Good Friday agreement is a good deal for both sides.

Let me explain it once again so that people understand. It is that we end up with the principle of consent accepted by everybody; it is that we end up with the relinquishment of the territorial claim of the Republic of Ireland to Northern Ireland, which we now have; it is that we have institutions that reach across the communities in Northern Ireland, which we now have; and it is that we have justice and equality for nationalists in Northern Ireland with a recognition of their nationalist aspirations. Decommissioning is part of that and it has to happen, but let no one doubt how far we have come and therefore how important it is to try to save it.

Mr. David Winnick (Walsall, North): Is it not a fact that, whatever happens in the present difficult circumstances, the Good Friday agreement should remain on the agenda? It was a fine achievement and it is fair to both communities. By refusing even to start decommissioning, is not the IRA playing into the hands of the very people who were opposed to the Good Friday agreement from day 1, who include, I believe, the hon. Member for Congleton (Mrs. Winterton)?

The Prime Minister: That is why there has to be progress on that issue. To be blunt, at present there is insufficient progress for General de Chastelain to make the report that needs to be made. However, I hope that we can still bring home to everybody the need to make that progress because of the importance of the peace process. This is the moment when we have to know where we stand on this particular issue, and that is the importance of the discussions that are going on now.

Whatever happens in the next couple of days, I shall carry on working to try to make the peace process take root because, in the communities of Northern Ireland, people desperately want it to work, but not at any price, which is why decommissioning has to be, and is, part of the agreement. Before we dismiss the progress that has been made, we should remind ourselves that, if we do not sort out the peace process and get it moving forward again, there are people who will not grow up in normal conditions and some who will not be alive at all. We should never forget that that is what is at stake.

There are very few things in politics that one can affect profoundly, and this issue is one of them, so we shall carry on working to resolve it as best as we can. There is no doubt that there is a serious problem and, unless there is substantial progress, we will have a serious crisis on our hands. I hope that we can get over that difficulty and that all Members of the House will try to help us to do so.

Points of Order

3.31 pm

Ann Clwyd (Cynon Valley): On a point of order, Madam Speaker. May I refer you to yesterday's *Hansard*, where the Secretary of State for Health said:

"The GMC must genuinely exist to protect patients. It must be truly accountable and it must be guided at all times by the welfare and safety of patients."—[*Official Report*, 1 February 2000; Vol. 343, c. 908.]

I have today been handed a file of documents that makes serious allegations about a private cosmetic surgeon, who practises at various clinics in the United Kingdom. The former patients and other surgeons who made the allegations consider it an absolute scandal that he is still operating. He has even been described as a psychopath by another doctor. The General Medical Council has received many complaints about him, yet he continues to operate.

I have not named that surgeon today, but I shall have no hesitation in doing so in a week's time unless I hear something that dissuades me. Can we expect a further statement from the Secretary of State for Health about how he intends to ensure that patients are protected against cowboy operators in cosmetic surgery?

Madam Speaker: I have not been informed by the Secretary of State that he seeks to make a further statement. I understand what the hon. Lady said about her desire to raise the issue again if no statement is forthcoming. She is a long-standing Member of the House, and I am sure that she knows her way around and is aware of how to proceed in the matter.

Mr. Christopher Chope (Christchurch): On a point of order, Madam Speaker. You have already ruled once this year on the length of Ministers' answers. Today, I had Question 7 on the Order Paper, and I reasonably expected that I would have a chance to ask it. However, the Minister responsible chose to filibuster to prevent the issue of the anti-drugs co-ordinator being raised because he knows very well that the anti-drugs co-ordinator has been the victim of a whispering campaign by the Government, notwithstanding the fact that he receives—

Madam Speaker: Order. What is the problem for me?

Mr. Chope: In my submission, Madam Speaker, this is a serious problem for you. Your responsibility, which you uphold, is to protect the rights of Back Benchers. Is it not reasonable to expect more than six Back-Bench questions to be asked in half an hour?

Madam Speaker: There were more Back-Bench questions, because supplementary questions were asked, but I certainly accept the spirit of the hon. Gentleman's comments. I am disappointed daily by how few questions on the Order Paper are reached—largely because of the number of questions that individual Back Benchers ask and the very long answers that Ministers often give. It appears that I make such a statement every week. I hope that Ministers on the Treasury Bench will heed my words and that the message will go throughout the House to Back Benchers of all parties and to all Departments, wherever they may be throughout London. Thank you very much for raising the matter, Mr. Chope.

Register of Medical Practitioners (Amendment)

3.35 pm

Ms Linda Perham (Ilford, North): I beg to move,

That leave be given to bring in a Bill to amend the Medical Act 1983 with respect to the restoration of names to the register of medical practitioners; and for connected purposes.

The purpose of my Bill is to give the General Medical Council greater powers to protect patients. Where a doctor is erased from the register for committing a criminal offence or for serious professional misconduct, my Bill would extend the time before that doctor could apply to be restored to the register from 10 months to three years. It would give the GMC the power, after two unsuccessful applications for restoration, to ban that doctor from ever reapplying. It would also require struck-off doctors to show that they have the skill and knowledge to be able to practise again safely.

Those new powers would ensure that a doctor had no chance of being able to practise again for at least three years following erasure. Doctors would then have the right to two chances to convince the GMC that they were rehabilitated and safe to practise. The measure would strengthen sanctions against dangerous doctors, provide better protection, offer public reassurance and send a clear message to the medical profession and patients that erasure from the medical register meant erasure for life, save in the most exceptional circumstances.

I present the Bill in response to a case involving a young woman who died in January 1995 as a result of a doctor failing to identify signs of fatal blood clots. She was Maria Ayling, aged 20—the same as my elder daughter, Caroline. I also have a 19-year-old daughter, Sarah, so the loss of such a young, much loved girl just out of her teens, engaged to be married with the prospect of a long, happy life, has a particular resonance for me.

Maria lived in the constituency of my hon. Friend the Member for Barking (Ms Hodge), who has supported the family in their fight for justice. Maria's father, Eric, has campaigned tirelessly these past five agonising years, right through from the anguish, despair and anger on the day of her death, to the health authority inquiry, which found her general practitioner, Dr. Gosai, in breach of the terms of service for doctors on five counts, to the fight for a High Court decision to hold an inquest, to the GMC hearing that erased Dr. Gosai from the register in 1997, to the organisation of a petition of more than 2,000 signatures to my right hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) in June, to the GMC meeting in November, when the changes that I am proposing were discussed, to this very day. I pay the warmest tribute to Mr. Ayling for his tenacity, determination and commitment to carrying on the battle on Maria's behalf.

Throughout this terrible time, Eric Ayling has been backed in his fight by our excellent, campaigning local newspapers—the Recorder group in Barking and Dagenham, and Redbridge—and especially by Lindsay Jones, news editor of the *Barking and Dagenham Recorder* and Chris Carter, editor of the *Ilford Recorder*. They have continued to support Eric in their news coverage and appealed to local people to sign the petition on lengthening the amount of time before an erased doctor may reapply for restoration to the register.

For members of the public, one of the most shocking revelations to arise from the case was that a doctor who has been erased from the medical register can reapply to the GMC for restoration after only 10 months. In a survey for Carlton Television last year, two thirds of people thought that a struck-off doctor was banned from ever working as a doctor again, and three quarters thought that the Government should not allow struck-off doctors ever to practise again. Under the provisions of the Medical Act 1983, doctors who should be struck off for life because of the nature of their offence may apply every 10 months to be allowed back on to the register. Although the GMC can refuse repeated applications from doctors, that right to reapply every 10 months creates a presumption in favour of doctors and makes it far more difficult for the GMC to ban for life.

Although I support the right of doctors to be rehabilitated and to be given the opportunity to demonstrate their fitness to practise, it is crucial that the public should be protected from dangerous doctors, both in the surgery and in hospital. By a tragic coincidence, only two days ago a verdict was reached in the case of Dr. Harold Shipman, an evil man who used his position as a trusted medical practitioner to murder a large number of patients. Members of the public have expressed dismay at the provisions governing doctors who are unfit to practise, which have a negative impact on the medical profession. The Bill's success is important for medical safety and the return of greater confidence in the medical profession.

I am delighted that the Bill has cross-party support, including that of my hon. Friend the Member for Rother Valley (Mr. Barron), who is a lay member of the GMC and chair of the Labour Back-Bench health committee, my hon. Friend the Member for Wakefield (Mr. Hinchliffe), who is Chairman of the Select Committee on Health, and other members of that Committee. I am also pleased that Sir Donald Irvine, president of the GMC, is able to support the principles of the Bill. In a letter to me of 21 January, he wrote:

"I was glad to learn that you will be presenting a bill under the 10 minute rule on 2 February 2000 which would give the GMC greater powers for dealing with applications for restoration.

The issues surrounding the restoration of doctors are a matter of great concern to the public and the medical profession. They were debated at length by our Council in November 1999. Our lay and medical members spoke with one voice in favour of the need for the law to be changed to prevent doctors from applying to be restored for three years following erasure. Members were also fully agreed that the law must reflect a presumption that erased doctors will not be restored in any circumstances unless they can provide compelling evidence that this is in the public interest".

I am further encouraged that the chair of the GMC's committee on professional performance, Professor David John Hatch, who lives in a constituency neighbouring mine, has also offered his support to the Bill.

I should also like to thank the Consumers Association for helping to draft the Bill and for the support that it has given me in providing background information on other reforms that should be considered. Although they are not in the Bill, they should be considered in the broader context.

Last October, the Consumers Association's investigation into GMC procedures for dealing with complaints about doctors uncovered a system that simply does not work for patients. Complainants were overwhelmingly dissatisfied

[Ms Linda Perham]

and the majority questioned the fairness of the procedures. Among several suggestions for change, the association recommended that the proportion of lay to medical members at the GMC be increased to help reduce the imbalance in some procedures. Other recommendations included routinely giving complainants an opportunity to see a doctor's response to their complaint and to have a right of reply, which they currently lack.

I believe that my Bill will go some way toward creating greater confidence in doctors and protecting patients. The relationship between doctors and patients is unique and my Bill will help to preserve the positive aspects of that relationship. The relationship is such that patients are vulnerable to the minority of doctors who abuse their position and are unfit to practise. Everyone who wants patients to be put first and supports enhancing the reputation of doctors should support the Bill. I understand from my right hon. Friend the Secretary of State for Health that the Government are broadly supportive of the Bill. I hope that the whole House will joining me in wishing it a speedy and successful passage.

Question put and agreed to.

Bill ordered to be brought in by Ms Linda Perham, Mr. David Amess, Mr. Kevin Barron, Mrs. Helen Brinton, Mr. Simon Burns, Dr. Ian Gibson, Mrs. Eileen Gordon, Dr. Evan Harris, Mr. David Hinchliffe, Mr. Simon Hughes, Dr. Howard Stoate and Dr. Jenny Tonge.

REGISTER OF MEDICAL PRACTITIONERS (AMENDMENT)

Ms Linda Perham accordingly presented a Bill to amend the Medical Act 1983 with respect to the restoration of names to the register of medical practitioners; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 10 March, and to be printed [Bill 57].

Opposition Day

[4TH ALLOTTED DAY]

Asylum and Immigration

Madam Speaker: We now come to the first debate on the Opposition motions. I have selected the amendment in the name of the Leader of the Liberal Democrats.

The Secretary of State for the Home Department (Mr. Jack Straw): On a point of order, Madam Speaker. It may assist the House if I explain what I have already explained to the right hon. Member for Maidstone and The Weald (Miss Widdecombe) and to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes). Keen-eyed Members may have spotted the fact that the Government amendment on page 556 of the Order Paper this morning did not relate to the Opposition's motion, but was an amendment that the House passed on 26 October 1999.

It comes down to the expression famously coined by Mr. Peter Preston, the former editor of *The Guardian*, in a different context: it was down to a "cod fax". As usual, Ministers agreed an appropriate amendment last night but, owing to some infelicity in the arrangements for taking that text off a word processor and faxing it, instead of its coming over to the House, the text of the amendment on 26 October 1999 came over. I hope that that does not in any way inconvenience the right hon. Lady or the hon. Gentleman in their speeches.

Madam Speaker: The Secretary of State is, as always, extremely helpful to the House.

Several hon. Members *rose—*

Madam Speaker: There is no further point of order. The matter has been dealt with.

3.47 pm

Miss Ann Widdecombe (Maidstone and The Weald): I beg to move,

That this House condemns the Government's failure to deal with the widespread abuse of the right to political asylum and its incompetent management of the Immigration and Nationality Directorate; notes that the number of asylum applications in 1999 exceeded 71,000, more than double the total inherited by the Government when it came to office, and that the backlog of unprocessed asylum applications has doubled over the past two years to a total of more than 100,000; further notes with great concern the Seventh Report of the Committee of Public Accounts (HC 130) about the Government's mismanagement of the Immigration and Nationality Directorate, and the fears of local authorities about the practical difficulties associated with the asylum seekers dispersal scheme; believes that the Government's 'soft touch' policy has helped bring about the current crisis; and calls upon the Government to take urgent action to reduce the backlog of unprocessed immigration and asylum applications, to put in place new and effective systems of enforcement and to ensure the integrity of the United Kingdom's immigration and asylum controls.

As you will take no further points of order, Madam Speaker, may I say that the amendment in the name of the Prime Minister on the Order Paper says it all? When I first saw it, I thought that the Home Secretary was so ashamed of his record on asylum that he was desperately

trying to debate the Mitrokhin archive instead. He now tells us that the amendment in his name and that of the Prime Minister was just an error.

I do not know whether the Secretary of State made it clear to you, Madam Speaker, when he revealed the error—he certainly did not to me—whether he blames himself, his special advisers, his much-blamed officials or his fax machine, but on this occasion he cannot blame the previous Government.

As far as my researches have so far carried me, which is back to 1982, there has never been a single instance of an amendment in the name of the Prime Minister not being selected for debate. The Home Secretary has set a new record, which few of us will be keen to outdo. Presumably, he would sum it up in his usual phrase—as opposed to *The Guardian*'s—as "business as usual" at the Home Office.

Week after week, month after month, we are confronted with the chaotic situation into which the Home Secretary's brief has descended—police numbers down, crime figures up, criminals out of prison early and reoffending when they should be in jail, not to mention the Mitrokhin archive and a host of other gaffes and instances of incompetence, which the Government were so eager to debate today.

We shall concentrate on the Home Secretary's most visible and devastating failure to date. It is devastating not only to his and the Government's rapidly declining reputation, but to the people of Britain, especially the people of Kent, and, above all, to the genuine asylum seekers who need a settled haven quickly. The facts speak for themselves. The number of applications for political asylum in the United Kingdom was less than 30,000 in our last full year of office. Three years later, in the third year of a Labour Government, the figure is 71,000—an increase of 130 per cent. Yet the latest figures show that nearly 80 per cent. of applications are unfounded and thus rejected. None of that is coincidence.

The Home Secretary has only himself to blame. He promised an amnesty for thousands of asylum seekers, regardless of the merits of their cases. That was his decision. The Government deliberately abandoned the checks on illegal working that we introduced in the Asylum and Immigration Act 1996. Again, that was his decision.

The Minister of State, Home Office (Mrs. Barbara Roche): Not true.

Miss Widdecombe: The Minister claims that that is not true, but I refer her to the debate during which we considered the Government's measures. A previous Minister of State had to stand at the Dispatch Box and say that the decision not to implement our measures against illegal working was wrong. I suggest that the Minister re-read the debate; perhaps it will give her some idea of her Government's proposals.

Mrs. Roche: The right hon. Lady is absolutely wrong. We have not dismantled any of the controls that she mentioned. Indeed, from time to time, I receive submissions from officials about them. As to the implementation of the prohibition on employing people who are here illegally, this Administration, unlike hers, have issued warnings.

Miss Widdecombe: When the Minister was in opposition, she said that our measures against employers who took on illegal workers without having made due checks were a burden on business, which a Labour Government would not implement. Only last summer, when challenged at the Dispatch Box, a previous Minister of State admitted that the Government were wrong, and that they were reverting to measures that they may not have dismantled, but did not implement.

The Government also promised to abolish the list of safe countries of origin. They reversed high-profile deportation decisions that we had made. They even returned someone who had already left the country. They also abolished the primary purpose rule. The message was loud and clear: Britain was once again a soft touch. The message, the decisions and the responsibility were all the Home Secretary's.

Mr. Charles Wardle (Bexhill and Battle): I am sorry that I cannot attend the whole debate, but I have to attend a Public Accounts Committee hearing on entry clearance. Does my right hon. Friend agree that, with asylum applications soaring and chaos in the immigration case load, it beggars belief that Ministers decided to introduce a new computer system and move the immigration and nationality directorate offices?

Miss Widdecombe: Indeed. I shall comment on that later. I hope that my hon. Friend will not have left for the Public Accounts Committee meeting by then.

Thousands of asylum seekers whose applications have been refused are still here. Will the Home Secretary confirm that more than 70,000 asylum seekers a year come to the United Kingdom, that up to 80 per cent. of applications are rejected, but that the immigration and nationality directorate's targets envisage only approximately 10 per cent. of those people leaving the country? Will he further confirm that even that paltry figure is not being met? Does not that mean that the system is in growing chaos? Is it surprising that so many bogus applicants come when they know that they will not be removed even when the due processes have rejected their claims?

That is not all. The backlog of unprocessed asylum applications now stands at more than 100,000. Can the Home Secretary confirm that that is double the number that Labour inherited on coming to office and that last year, the number of asylum claims processed fell to fewer than 100,000 a month as a result of what I can only describe to my hon. Friend as the Government's totally barmy decision to reorganise and relocate the immigration and nationality directorate at the same time as it was introducing a new computer system?

Dr. Brian Iddon (Bolton, South-East): Why did the right hon. Lady sanction cutting 1,200 staff in the directorate before she found out whether the new computer, which she ordered, was efficient? The Public Accounts Committee says that it is not.

Miss Widdecombe: I should have thought that even a child could have worked out—

Mr. Straw: Answer.

Miss Widdecombe: I am. Even a child could work out that, with a 40 per cent. fall in applications, one can afford

[Miss Widdecombe]

fewer staff, but when the number of applications is rising, one needs more. If the Government cannot even take that easy step in logic, it is no wonder that the system is in chaos. However, this is the very Home Secretary who, when he opposed our highly successful measures, said:

"if a Labour Government do as badly administratively in dealing with asylum applications as the present Government have done, we shall have failed."—[*Official Report*, 15 July 1996; Vol. 281, c. 805.]

If doubling the backlog is not failing, perhaps the Home Secretary will tell us on what basis he works it out to be a success. Not even the sort of arithmetic that he deployed for the new police recruit numbers will be able to weasel him out of the morass of his failed asylum system.

The immigration and nationality directorate is failing to meet many of its key targets. For example, the published target for the present financial year is 59,000 asylum decisions, but the Government's latest estimate of achievement for the whole year is only 38,000. Three quarters of the way through the financial year, the IND is only half way towards its target for nationality decisions.

Mr. Marsha Singh (Bradford, West): Does the right hon. Lady accept that the real motive for this debate is to enable the Conservative party to play the race card—*[Interruption.]* Let me finish. That will lead to insecurity for black and Asian people from ethnic minorities who are lawfully settled here and for many who are British citizens. Clearly, she is playing the race card.

Miss Widdecombe: If the hon. Gentleman wants good race relations in this country, as we all do, a firm and fair immigration and asylum system is an absolute prerequisite. If he looks at what has been happening in Dover and elsewhere as a result of the chaos into which the Government have allowed the asylum system to descend, he will know that what we are doing today is in the interests of all sections of the community.

To return to my argument, the failure to reach targets has been described by the Public Accounts Committee in its latest report as "deplorable". The Committee—it is not a Conservative Committee—said that under this Home Secretary

"the Home Office are not living up to their responsibilities."

That is an understatement.

There are grave concerns throughout the country about the Government's plan for dispersing asylum seekers. Local authorities are concerned.

Mr. Straw: The Chairman of the Public Accounts Committee is a Conservative. He said of the project which the right hon. Lady authorised in 1996, that it

"it was over-ambitious from the outset. To combine a complex information technology project with a major reorganisation was always likely to be a risky venture."

Why did the right hon. Lady authorise that contract, fail to take account of the risks, and bind the next Government to it?

Hon. Members: Answer.

Miss Widdecombe: I will answer. Have you noticed, Madam Speaker, in overseeing the House, that as soon as a Member comes to the Dispatch Box to answer, hon. Members yell "Answer", which is rather a pointless exercise. Perhaps now they will listen to the answer. *[Interruption.]* I shall not follow the Prime Minister's example and fail to answer, I will answer.

The decision to relocate was the Home Secretary's. He knew that a computer system was being installed and everyone knows that the installation of a new computer system is likely to be accompanied by many teething troubles, which he should not have augmented by deciding on relocation and reorganisation, as he did with the Passport Agency; then it was his computer system, and his decision to amend the law on child passports, that were involved.

Mr. Straw: It is no wonder that my hon. Friends shout "answer" when the right hon. Lady fails to answer the question. The point made by the Chairman of the Public Accounts Committee was that the project was over-ambitious from the outset: that she made the errors.

Miss Widdecombe: The Government made it worse.

Mr. Straw: I shall come to that when I make my speech. But does the right hon. Lady now accept that signing the contract and imposing it was ill thought through and over-ambitious from the outset and that the principal responsibility for that rests with her?

Miss Widdecombe: Three years into a Labour Government they still try to say that all is the fault of the Conservative Government. I have just pointed out that the decisions that added complexities to what was already ambitious were the right hon. Gentleman's. He added those complexities and he cannot get out of that. When the day comes that the Home Secretary takes some responsibility instead of blaming everybody and everything else going for the fiascos in his Department, that will be the day he has the right to call upon others to answer anything at all.

I was saying that the local authorities are concerned about the potential impact on their budgets of the dispersal system and the increased strain on the services being provided to local communities. The Home Office's plans for dispersal are in chaos, which is unsurprising given that the Home Secretary got his own figures wrong at the press conference when he first put forward his ideas.

It is now reported that the local authorities will be asked by the Home Secretary to continue their voluntary scheme after 1 April, when the Home Office was supposed to take over. Is it the case, as has been reported, that there is a £90 million funding gap for the current financial year, which will have to be met by local authorities out of their budgets and, ultimately, by council tax payers?

Mr. Jonathan Shaw (Chatham and Aylesford): Does the right hon. Lady agree with Kent county council that funding for asylum seekers should be a national responsibility; if so, why did she introduce the Asylum and Immigration Act 1996, which placed responsibility for funding on authorities such as Kent?

Miss Widdecombe: Where I agree with Kent county council is when it says that, in the last six months of the Conservative Government, it was processing 50 asylum

seekers, while under this Government it is processing thousands every month. That is what has come out of Kent county council, and that is what matters.

Mr. Roger Gale (North Thanet): Is my right hon. Friend aware that Kent county council, short-changed by the Government by £4.5 million, has now been told by Home Office Ministers to go with its begging bowl to the Department of Social Security because the Home Office will not fork out? Is she also aware that it has been made plain by the Government this week that local authorities are expected to find, out of the public sector, 40 per cent. of the houses necessary to house asylum seekers? How does she think that they will do that?

Miss Widdecombe: Not only that, but when the supposedly national system comes in, local authorities will remain responsible for people who have come through their systems and been dispersed elsewhere in the country. That is what Kent fears, and that is what other local authorities, which are particularly hard pressed by the chaos, also fear.

Is it the case that the Local Government Association has called the Government's funding plans "grossly inadequate"? Is it true that the terms and conditions for the 1999-2000 grant have not yet been published, despite the fact that it is only eight weeks from the end of the financial year? Is it true that just 4,000 places are currently on offer against an estimate of 20,000 needed? I hope that the Home Secretary will answer. To say that that is many less than required would be a gross understatement. I am told that two regions have failed to offer any places at all. Again, will he confirm whether that is true?

The Government need to explain why their plans are in chaos and what they now propose, for the problems will escalate if the backlogs and the number of asylum seekers arriving keep increasing and the accommodation available simply is not adequate. The Minister of State, Home Office, the hon. Member for Hornsey and Wood Green (Mrs. Roche), recently proposed £10,000 bonds for visitors from India, Pakistan and Bangladesh, saying that her colleagues had been pressing for them. Such a measure may be popular on the Labour Benches, but we question the sense of imposing a bond in circumstances in which it is feared that the person—

Mrs. Roche *rose—*

Miss Widdecombe: Let me finish. The Minister will not know what she is intervening on if she does not hear the end of the sentence. We question the sense of imposing a bond in circumstances in which it is feared that the person will disappear. Surely it is better not to let such a person in at all. Although a bond may deter the genuine who cannot afford it, those who are determined to get round our laws now have a choice: pay racketeers to bring them in or pay the Home Office to let them in.

Mrs. Roche: I thank the right hon. Lady for her courtesy in giving way. I sought to make an early intervention because she is eminently predictable; there are no surprises with her. She should not believe all she reads in *The Sunday Telegraph*. Her party did not speak out or vote against the proposal in Committee, so why does she come new to the issue? Clearly she has no idea of what is going on.

Miss Widdecombe: It seems to me that the hon. Lady can tell us what is going on. Is there such a bond or not? If there is, will not it deter the genuine and make it terribly easy for those who are prepared to find the funds to get round our system?

Mrs. Roche: I am happy to help the right hon. Lady with her research. The proposal was debated in Committee.

Miss Widdecombe: Yes.

Mrs. Roche: The right hon. Lady says yes, but clearly does not know that. The proposal was debated extensively and the hon. Member for Hertsmere (Mr. Clappison) spoke on it. A consultation document was issued, inviting responses as to the level of the bond and where it should be applied. It was made clear that representations on visitors are often made from both sides of the House. She clearly thinks that the proposal is new and has completely failed to read the document. I am amazed that she has not done her research properly.

Miss Widdecombe: I want a simple answer. You will have noted, Madam Speaker, that Labour Members love answers and call out, "Answer!" Will she answer? Is there such a bond?

Mrs. Roche: Let me try, for the third time, to make the right hon. Lady understand. [HON. MEMBERS: "Answer!"] I am happy to answer. When we discussed the Bill in Committee—*[Interruption.]*

Madam Speaker: Order. Let us hear the answer.

Mrs. Roche: I shall speak slowly for the right hon. Lady. The Immigration and Asylum Act 1999 contains powers for a bond system. My hon. Friend the Under-Secretary of State for the Home Department said in Committee that we would issue a consultation document. That has been issued. Some Members of Parliament have received a copy and doubtless responded, but clearly she has not even seen one. We shall introduce a bond scheme and are consulting on it, but it would help if she read the documents.

Miss Widdecombe: After all that, I think that we gather that there is a bond—in which case, all my comments stand.

Mr. John Bercow (Buckingham): A moment ago, my right hon. Friend suggested that what might be called the bizarre bonds policy commanded widespread support on the Government Back Benches. Would she care to note for the record that it has incurred the justifiable wrath of the hon. Member for Islington, North (Mr. Corbyn), who might be described as the conscience of the London Labour party? Last Sunday, on BBC On-line, he said that the proposed policy was discriminatory and possibly illegal. That raises the question of whether he has "heavied" the Minister of State.

Miss Widdecombe: That the policy is discriminatory is certainly true in the spirit, if not the letter, of the law.

[Miss Widdecombe]

I suspect that if we had proposed a measure that applied only to certain countries, involving a bond of such magnitude, we would have been denounced as racist. We would have been told that we were playing the race card.

What we did was implement tough solutions that worked. We now propose further tough solutions, which will clear up the mess that the Government have made of the very good position that they inherited. There must be an end to amnesties that only encourage more people to present bogus asylum applications in the hope of benefiting from the next. We propose the automatic detention and fast-tracking of asylum applicants from safe countries, and those who arrive without papers. The genuine refugee will have nothing to fear; our plans are aimed at the bogus applicants and economic migrants who constitute the vast majority of those who apply.

Currently, 71,000 applications for asylum are being made each year. The latest refusal rates are nearly 80 per cent., which means that tens of thousands of applicants have no right to be in this country, because they are not found to be genuine refugees. However, the Home Office's own figures show that only about 3,000 are being removed, and a similar number are leaving of their own volition. The Home Office admits that many of the remainder simply abscond and disappear.

We therefore propose the establishment of a new removals agency with tough targets and a remit to trace, detain and remove those whose claims the judicial processes have duly rejected. The number of failed asylum seekers and illegal immigrants who simply disappear is too high.

Mr. Michael Fabricant (Lichfield): Does my right hon. Friend agree that such an agency will need the support of local police forces if it is to detect and detain illegal immigrants? What does she think of Home Office policy that has led to plans for the removal of 250 police officers from the Staffordshire force over the next three years? Even at its present level, the force is unable to detain illegal immigrants.

Miss Widdecombe: That is why it may be necessary to extend powers of tracing beyond the police.

It is undeniable, as the Kent constabulary have found, that the whole business of policing the results of illegal immigration and excessive bogus asylum seeking has put enormous strain on the force at a time when there are fewer police nation wide, police budgets have been slashed, and the police are finding it extremely difficult just to stand still, let alone to perform extra tasks.

Mr. Gwyn Prosser (Dover): Will the right hon. Lady give way?

Miss Widdecombe: No.

We must face the fact that efficient removals are part of the deterrent to those who would play our system. People who want to play the system need to know that if they come here, they are likely to be detained, that their claims will be dealt with expeditiously, and that they will then be duly removed. At present, the message is that if they come here and hang on long enough, they will probably benefit from an amnesty.

Mr. Prosser *rose—*

Dr. Iddon *rose—*

Miss Widdecombe: I have made it clear that I want to make progress.

Dr. Iddon: Will the right hon. Lady give way?

Madam Speaker: Order. The right hon. Lady made her position clear a second ago.

Miss Widdecombe: I must say that being asked to give way on the point on which I wish to make progress strikes me as rather odd.

Dr. Iddon: Will the right hon. Lady give way on the issue of the amnesty?

Miss Widdecombe: On the amnesty, yes.

Dr. Iddon: If the right hon. Lady is so worried about the figures, why did her party allow an amnesty in 1992-93? Moreover, why did her party write off 26,000 asylum applicants? On both counts, why did it fail to tell Parliament?

Miss Widdecombe: The straightforward answer is that we have learned from that mistake and this lot have not. Applications rose following an amnesty. Following tough solutions, they fell, so the first thing that the Government do is to propose an amnesty. It is completely illogical. Our straightforward position is that we have learned from past amnesties and there should be no future ones.

I call on the Government to say whether they agree that there should be no future amnesties. Are they leaping up to say whether there will be any? They are not. Presumably, they do not dare.

Those are just some of the measures that we propose. By contrast, the Government are all talk and no delivery. On asylum and immigration, as on many other issues, they have said one thing and done another. They have lost their grip on the situation and are flirting with desperate measures and gimmicks, rather than taking the necessary tough decisions that are required to sort the situation out.

The Home Secretary and his Ministers are guilty of grave misjudgment, staggering mismanagement and horrendous incompetence. *[Laughter.]* Laughter greets that. There was rather an embarrassed silence when the Home Secretary explained why he could not even get a relevant amendment on to the Order Paper today.

Therefore, the House and the country should not be surprised when things get worse—as they will—rather than better, under the Government. I commend not only the motion, but the measures that we took and will take. Not only the House, but the country has realised that, under the Government, there is to be nothing except what they are getting: rising asylum applications; failure to control the backlog, which the Government trumpeted as a flagship measure; failure to remove those who are found to have no

grounds on which to stay; failure to help local authorities that are picking up the bill for the Home Secretary's incompetence; and a general failure throughout the system.

One fact remains. In our last full year in government, asylum applications fell by nearly 40 per cent. They have risen by 130 per cent. under the present Government. If it had gone the other way, the Home Secretary would have taken the credit. Let him not try to pass the blame to his officials, his fax machine, or the immigration service. Let him take responsibility for the mess that he has inflicted on this country.

4.18 pm

The Secretary of State for the Home Department (Mr. Jack Straw): After that speech, Madam Speaker, you might have done the House a favour if you had allowed the Government amendment, because the right hon. Member for Maidstone and The Weald (Miss Widdecombe) covered the same ground as she covered on 26 October, but less well. What I now regret is that the parliamentary department in the Home Office did not fax over that speech as well as our amendment—she could have just read it out.

I am always ready to hold a serious debate on the important issue of immigration and asylum, but a serious contribution to that debate was the last thing that we heard from the right hon. Lady. Instead, we heard a speech that was as confused in its analysis as it was empty of any serious propositions to deal fairly and firmly with those who apply for asylum in this country.

The right hon. Lady's bare-faced opportunism is best shown by the extraordinary lurches in policy over which she has presided, first in government and then in opposition. Today, we hear that she is on the side of toughness, yet she is the same shadow Home Secretary who, just three months ago, backed a Conservative amendment in the other place to restore social security cash payments to all asylum seekers, at a cost of £500 million a year—an amendment that she described as both common sense and sensible. She is the same shadow Home Secretary who, despite the thousands of clandestines entering the UK, smuggled through our ports in the backs of lorries, has sided with negligent or complicit hauliers by opposing the civil penalty against those truck drivers and owners who fail to take any reasonable precautions to stop people gaining access to their trucks.

The right hon. Lady now talks about those who are facilitating bogus asylum seekers. However, she is the same shadow Home Secretary who, when Minister with responsibility for immigration and confronted with mounting evidence of the connection between the serious criminals who traffic in unfounded asylum seekers and the unscrupulous immigration advisers and solicitors who help them manufacture their claims in the United Kingdom, did absolutely nothing. Worse, when the Government were in opposition and we tabled amendments to the Asylum and Immigration Act 1996 to control those unscrupulous immigration advisers, what was her response? It was not to say, "Yes, we have a problem and should introduce controls", but to wash her hands of the problem and to reject those controls.

Miss Widdecombe: Currently, some lorry drivers are discovering that, against their best endeavours, they have people in their loads who should not be there. Until the right hon. Gentleman introduced the new measures, those lorry drivers were able to feel quite secure in reporting that fact to the authorities. Is he aware that I have been receiving letters from lorry drivers who have done that in the past, but who say that, in future, they would be very wary of reporting it to the authorities in case they were faced with a fine for their pains?

Is the right hon. Gentleman aware that there have been plenty of instances of illegal entrants being detected, claiming asylum—naturally—and then being issued with a voucher and told to go to Croydon, but never getting to Croydon? He has said that there have been no solid proposals from us. Does he not accept that a proposal for automatic detention in such cases would solve an awful lot?

Mr. Straw: I shall deal with the right hon. Lady's point on detention in a moment. However, her first point was absolutely extraordinary. The proposition she is advancing is that if a haulier has 20, 30 or 40 clandestines—not one or two, typically—secreted in the back of his lorry, he should be under no duty before his lorry is put on the ferry to check whether those clandestines are there. That is her proposition.

The Government are proposing a sensible and fair system under which, if hauliers take the reasonable precautions specified in the Immigration and Asylum Act 1999, they will not incur a penalty; but if they do not, they will. I think that that system is accepted by the whole of the British people except—extraordinarily—the right hon. Lady.

The burden of the right hon. Lady's speech is that the unexpected increase in asylum seekers that occurred in 1999 is the consequence solely of the Government's approach to the issue. However, on that puerile analysis, Douglas Hurd and Kenneth Baker were entirely to blame not for a doubling of asylum seekers, as happened last year, but for the tenfold increase in asylum seekers that occurred at the beginning of the 1990s. Moreover, on her analysis, the fact that the Berlin wall had come down and communism had collapsed in the intervening period was only a minor irrelevance.

We do face—as do all other prosperous nations—a significant problem of unfounded asylum seekers who are in truth simply economic migrants. However, if we look down the list of the top countries, what do we find? We find the former Yugoslavia, Somalia, Sri Lanka and Afghanistan—which together last year accounted for almost 31,000 asylum applicants; more than 40 per cent. of the total. Even the right hon. Lady would find it difficult to deny that each of those countries has faced severe upheaval of one sort or another, and that many of the applications from those countries are genuine and well-founded.

Mr. Michael Howard (Folkestone and Hythe): If that is the Home Secretary's defence, how does he explain the fact that last year the number of asylum seekers in the United Kingdom increased by 98 per cent., whereas the number of asylum seekers in Germany decreased by 3 per cent?

Mr. Straw: I am happy to explain that point. Some, but not all, European countries faced similar and, in some cases, larger increases than the United Kingdom.

[Mr. Straw]

Germany still has a higher number of applicants in absolute terms than we do, but the figure is diminishing. The reason for that is that some years ago Germany put in place the systems of control that we are introducing and made the necessary investment that we need to make in order to make good the failure over which the right hon. and learned Gentleman and his right hon. Friend the Member for Maidstone and The Weald presided.

Mr. Gale: Does the right hon. Gentleman deny that in October 1997 my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and I visited the Home Office on the advice of the police, who had told us that there would be an influx of 3,000 illegal immigrants from the Czech and Slovak Republics? Does he deny that we asked then for visa restrictions to be imposed? Does he deny that his junior Minister said that there was not a problem and nor was there likely to be? Does he deny that it took him a year to introduce a visa requirement for the Slovak Republic? Does he deny that he has still done nothing about the Czech Republic? Does not all that show that the Government are seen by others as a soft touch?

Mr. Straw: No, the Government have not been seen as a soft touch. We have to consider the problem of playing the race card. We need a swifter system to deal with well-founded applications, but we have to be careful in our use of language. I gave the figures for the four countries that I mentioned because under the 1951 convention, which the Conservatives have observed just as we have, we are obliged to consider every application on its merits, regardless of whether the applicant comes from a country that is currently on the white list or one from which only a tiny proportion of applicants—or even none—have been accepted for asylum.

Miss Widdecombe: Of course.

Mr. Straw: Yes, but the natural consequence of the emotive language that is used is that we should somehow abrogate our responsibilities under that treaty. The Conservatives have to accept that 40 per cent. of the large increase that we have faced comes from countries that, on any analysis, have suffered the most serious political upheaval and violence that any of us could imagine.

During the past two years only 2 per cent. of applicants from China have been granted leave to stay, but only three months ago the right hon. Member for Maidstone and The Weald and many Conservative Members condemned China during its President's state visit for its record on human rights, indirectly giving encouragement to all claimants from that country.

The right hon. Lady claims that numbers would be under control if we had followed the policy and approach of the Government of whom she was a member. She rests a large part of her case on the fact that numbers had started to go down as her Administration left office. If the 1996 Act was so good, why has it produced such poor results? The stark truth is that all the increase in asylum seekers about which she protests occurred under a legal and administrative framework that the Conservatives laid down.

The dip in numbers in late 1996 and 1997 came about after the previous Administration removed any entitlement to welfare support or benefit for those who applied in-country. However, one of the Conservatives many failures was not thinking through what they were doing. They were bound to be faced with a judicial review of that decision, which resulted in the policy being overturned by the Judicial Committee of the House of Lords. That badly thought-through policy resulted in a huge burden being placed on local authorities—not spread evenly throughout the country, but principally in Kent and London—to provide support for those who applied in-country. The restoration of that support is one reason why numbers started to rise.

Mr. James Clappison (Hertsmere): Will the Home Secretary give way?

Mr. Straw: In a moment.

I remind the right hon. Lady—who, even by her standards, seems extraordinarily poorly briefed—that for the time being the 1996 Act remains binding on the Government. We are replacing most of its provisions by more streamlined and effective measures in the new legislation, but until they are implemented, the 1996 Act remain in force—including the so-called white list which she claimed we had already abolished.

The right hon. Lady also claims that the Government have somehow encouraged the increase. That is a complete travesty of the facts. There has been and there will be no amnesty. The arrangements in the White Paper for dealing with the backlog of cases which had been waiting for an initial decision—not during our period in government, but since 1993—reflect the reality of those cases. New applicants have been in no doubt that their applications will be considered in the usual way.

The difference between Labour and Conservative is that we announced the policy for dealing with that backlog, but until this afternoon, in response to a question from my hon. Friend the Member for Bolton, South-East (Dr. Iddon), never before has the right hon. Lady or any Conservative Member admitted that they had any policy to deal with the backlog from 1992–93, that it was an amnesty, and that it was a mistake. They were so ashamed of that amnesty that they failed to report it to Parliament. I wrote to the right hon. Lady three times last year asking her to accept responsibility for what happened and three times she failed properly to answer. The simple fact is that in 1992-93, under her amnesty, 26,000 people were granted exceptional leave to remain, compared with fewer than 6,000 in the years around that period.

Miss Widdecombe: I am grateful to the right hon. Gentleman for giving way. As he is dealing in simple facts, the simple fact is that he inherited from us a backlog approaching 50,000, which he described at the time as scandalous. The backlog now stands at 102,000. The whole of that increase has occurred under his administration. Will he take responsibility for that increase?

Mr. Straw: Of course I take responsibility for what has happened under my administration. I have never denied that. It is part of my role. In my very first speech as Home Secretary I said that I would take responsibility for what happened under my administration and my holding of

this office. I invite the right hon. Lady to accept that we are not in the era of Pol Pot and 1 May 1997 was not year zero. What happened before may just have some bearing on the circumstances and systems that we inherited.

The right hon. Lady complained today, as she has in previous years, about the pressure on asylum seekers in her county of Kent. In her conference speech last year, she even had the audacity to say:

"I went to Dover myself, saw the effects of the government's disgraceful concentration of asylum seekers on the town."

Yet she was the Minister responsible for the shambolic arrangements which have piled the pressure on Dover and other towns in Kent—keeping social security cash benefits and housing benefit for port applicants, with all the incentive for sucking in unfounded applications which they provide—and then forcing Kent and London local councils to bear the brunt of supporting almost every other applicant who applies in-country and then, on top of that, proposing an extra £500 million in social security cash handouts. What sort of message did that £500 million in unnecessary cash handouts send to asylum seekers?

Mr. Prosser: Is my right hon. Friend aware of the damage that the right hon. Lady did in Dover when she pirouetted through Pencester gardens? At a time when Labour Members were trying to quell social tensions and solve community problems, she came along surrounded by television cameras, looking for a quick soundbite and a headline. Is she aware of the terrible damage that she did on that day?

Mr. Straw: First, I pay tribute to my hon. Friend for all the work that he has undertaken in Dover and in the surrounding area. Secondly, I point out to the right hon. Lady that the Liberal Democrat amendment—which is better than a curate's egg, although I am sorry that I cannot accept all of it—includes an important reference to the statement signed by all party leaders on the need for those of us who hold office to conduct our debates and arguments in a way that does not damage race relations.

When I listen to the language used by the right hon. Lady and examine some of the things that she has done and her complete evasion of responsibility for what has happened in Kent and in Dover, I wonder whether she does not come perilously close to what the hon. Member for South Cambridgeshire (Mr. Lansley) invited his party to do—to use immigration as an election issue.

Some of us remember all too well the hon. Gentleman's chilling words when he was the head of the Conservative research department. He stated that immigration was "an issue which we"—the Conservative party—

"raised successfully in 1992 and in the 1994 European election campaign. It played particularly well in the tabloids and has more potential to hurt."

The hon. Gentleman was talking about hurting the Labour party, but that language—that sort of invitation—does not hurt our party nearly as much as it hurts people from black and Asian communities. It hurts genuine asylum seekers, as well as those who are not.

Miss Widdecombe: Will the right hon. Gentleman acknowledge that those who suffer most from the failing asylum system are the genuine asylum seekers, who, as I said in my speech, need a rapid and safe haven? They are at the centre of our wish to have a streamlined and effective asylum system. Is it really his view that, when asylum applications and the backlog have doubled, it is improper for the Opposition to criticise the Government for that, to point out why it happened and to make our own proposals for rectifying it? Is he saying that to do that is to come perilously close to racist language? Let him grow up.

Mr. Straw: For five years, we have been asking for the hon. Member for South Cambridgeshire to withdraw those remarks, or for them to be disowned by Opposition Front-Bench Members. I am looking forward to that.

Mr. Andrew Lansley (South Cambridgeshire): I am grateful to the right hon. Gentleman for raising that point. If he cares to look back, he will find that my remarks were made entirely in the context of the Labour party's policy in both the 1992 and the 1994 elections. He will remember that policy well; it was to extend a right of residence in the United Kingdom to everybody who enjoys the right of residence in other EU countries. He knows that that was a damaging policy—as we argued in both elections. He acknowledged that and dropped the policy.

Will the right hon. Gentleman tell me or my constituency—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I think that one bite of the cherry is sufficient.

Mr. Straw: The hon. Member for South Cambridgeshire protests too much. I promised to give way to the hon. Member for Hertsmere (Mr. Clappison).

Mr. Clappison: I thank the Home Secretary for giving way. May I take him back to the collapse in the administrative machinery at the Home Office that is at the root of the problem? Last March, he told the Special Standing Committee on the Immigration and Asylum Bill that he was taking personal responsibility for that machinery and that it was the most important task that he faced. Since then, the backlog has grown by a further 30,000; it is now more than 100,000 and growing every month. When will he bring that matter under control? When will the backlog start to go down?

Mr. Straw: Later in my speech, I will give the hon. Gentleman the figures that spell out how, after a period of considerable difficulty, the processing of asylum applications, as well as the casework on other immigration applications, is improving.

Mr. David Winnick (Walsall, North): Like my right hon. Friend, I have no time for bogus asylum seekers. Is it not true that time and again the Tory party has played the race card—including an onslaught on the ancestors of several Members sitting on the Tory Benches?

Mr. Straw: I bow to the greater historical knowledge of my hon. Friend.

What, above all, gives lie to the posture of the right hon. Member for Maidstone and The Weald is the Opposition's record during the passage of our Immigration and Asylum Act 1999. She calls today for a huge extension of detention, yet at no stage did those on

[Mr. Straw]

the Conservative Front Bench or any Member of the Opposition table such an amendment during the passage of the Act. She calls now for a continuation of the white list, yet those on the Conservative Front Bench were evidently so satisfied with our alternative to the white list that they did not even seek to debate the proposals in the Act, still less to vote to against them.

Twice in the space of three years the Conservative Government tried to reform the asylum system. If their first Act—the Asylum and Immigration Appeals Act 1993—had worked, the second would not have been necessary. Dramatically short turn-around times in processing applications were promised when the Act was considered in 1992. The then Home Secretary promised that many applications would be turned around in 10 days.

The 1993 Act failed, so the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) had to introduce the Asylum and Immigration Act 1996. He admitted what has now happened. He said:

"Unless we take firm action now . . . Home Office projections show that the number claiming asylum will rise to at least 8,000 a month—almost 100,000 a year—by the end of the decade."

It was fundamentally because of the failure of the 1996 Act that we decided that the system needed root-and-branch reform. Following a comprehensive review of the system, our White Paper set out the provisions for that reform.

The 1999 Act, unlike the provisions of the previous Administration, will deliver a single, comprehensive right of appeal. It will create a new asylum support system to replace the current shambles and it will regulate immigration advisers to eradicate the unscrupulous who exploit and cheat vulnerable applicants. It will strengthen the power of the immigration service to target the criminal facilitators who profit from the traffic in clandestine and illegal immigration.

At the time of our 1998 White Paper, asylum applications were projected to increase to 44,000 in the current financial year, but we now expect to receive more than 80,000. As I spelled out in answer to the right hon. and learned Member for Folkestone and Hythe, numbers in many other countries have increased to a similar degree. The Republic of Ireland, proportionate to its population, has seen a huge increase, and so has Finland. Under figures just released by the United Nations High Commissioner for Refugees, per head of population Britain is not at the top of the league tables; it is ninth. That fact needs to be taken into account if we are to have a balanced and sensible debate about the well-founded and unfounded problems of asylum seekers.

Mr. Bercow: The right hon. Gentleman's predictions seem as likely to be fulfilled as was Billy Bunter's postal order to arrive. Given that thousands of asylum seekers habitually disappear when their applications are turned down, can he explain why the Home Office target for the removal of such people in 1999-2000 is only 8,000, even though the applications of many times that number are rejected each year? Is not his policy—pusillanimous as it is—a recipe for a constant, on-going increase in the number of people staying here who should not be staying here?

Mr. Straw: I am not entirely clear to which figures the hon. Gentleman refers. Total removals in the last financial year were 35,200, which happens to be up on the total number of removals in the last year of the previous Government, which was 28,000. Let me make it clear that I accept that we need to do much more to expand enforcement and removal activity. That is one thing that we propose to do. However, we start from a very low base because the previous Administration effectively collapsed the staffing of the immigration and nationality directorate by taking the astonishing risk that all the savings that were promised, but never delivered, under the old contract would be available.

The right hon. Member for Maidstone and The Weald was at her most extravagant when it came to criticism of the increase in the backlog of asylum applications. Part of the reason for that increase is the higher than expected volume of applications to which I have already referred. However, it is also significantly the result—if I accept responsibility for what happens under this Administration, the right hon. Lady and the right hon. and learned Member for Folkestone and Hythe have to accept responsibility for what happened under theirs—of the contract that she signed with Siemens for the delivery of so-called business change in the immigration and nationality directorate. That contract is binding on the Government. At its signature, Home Office Ministers described it as

"a unique opportunity for the transformation of the IND."

It certainly had a transforming effect. As I have already said, the Public Accounts Committee recently described it as

"over-ambitious from the outset".

The previous Administration even made provisions for a redundancy programme to get rid of people before they had any savings in their pockets. We reversed the redundancy programme, but unfortunately by then the IND had lost valuable caseworking expertise.

I can tell the hon. Member for Hertsmere that since last summer, we have begun a massive recruitment programme to boost staff numbers. We are taking on 850 extra staff. They include 250 asylum decision-makers, who have already been recruited, and more are planned. We are close to achieving 4,000 asylum decisions a month, and we are aiming to make 8,000 a month by the late spring. All that takes time, but even at current intake levels those additional resources should enable us to make major inroads into the backlog.

I pay particular tribute to the staff of the IND. They have made a massive effort to recover its business from the depths of last year. That commitment and the additional resources that we are providing will help to consolidate the recovery.

Mr. Simon Hughes (Southwark, North and Bermondsey): I echo the Home Secretary's tribute to the staff who deal with that huge amount of work. However, the present system gives rise to serious concern about the work that is being done. Does he accept that some of those who sit on tribunals as adjudicators are not working at all at the moment because they are not being given any cases? That is because some of the files that have been transferred from Lunar house to the Whitgift centre as part of the great reorganisation are sitting in a basement, untouched because they are said to be surrounded by

asbestos; they are not being processed at all. Is not it still the case that the system is not working, even though many people want to do the work?

Mr. Straw: I accept that the system is certainly not working as well or as fully as it should, and it will be some time before it is working fully. However, it is getting better. There has been a significant improvement in the departments and arrangements for which I am responsible and those for which my noble Friend the Lord Chancellor is responsible.

Mr. Humfrey Malins (Woking) *rose—*

Mr. Clappison *rose—*

Mr. Straw: I have given way a great deal. I know that other hon. Members want to speak, so I shall make progress.

We have set a target that from April 2001 most initial asylum decisions will be made within two months, and most appeals decided within a further four months. We remain committed to those targets. Indeed, I am pleased to tell my hon. Friends that we are already meeting those targets for families with children. Following a debate on the Immigration and Asylum Bill, we have given priority to such applications, and since November most of them have been decided within two months.

The interim asylum support scheme is already in place and there has been much more dispersal as a result, easing pressures on London and the south-east. The full scheme will come into force from April 2000. Support, mainly in kind, will then be provided with minimal cash. Dispersal will be on a no-choice basis as regards location.

Returning to removals, at the end of last year I announced our plans to open a new reception centre for asylum seekers at Oakington, near Cambridge, providing up to 400 additional places. Applicants who are transferred to Oakington will be required to reside there for about seven days while their claim is decided, and their application will fall to be refused on non-compliance grounds if they leave without permission.

Subject to relevant permissions being granted, new detention facilities are also already planned for Aldington in Kent, Heathrow airport and Lindholme, near Doncaster. Those alone will create an additional 400 places and will reduce the immigration service's dependence on places in Prison Service establishments. A further expansion in the immigration service's detention estate, to cope with the increasing number of removals that we are expecting to achieve, is under active consideration, along with the establishment of reporting centres, which will ensure that contact is maintained with applicants throughout the process.

Mr. Malins: I am very concerned about the question of removals. I ask the Home Secretary carefully to check his figures for 1998-99 and for how many are expected in future. Official figures that I have obtained show that in 1998, only 350 failed asylum seekers left as a result of deportation. That figure was in a written answer, which I can show him now.

Mr. Straw: I understand what the hon. Gentleman is saying, but the figure cannot be as low as 350. As soon as I have finished my speech, I will get the information to which he is referring and ensure that the Minister of State, Home Office, my hon. Friend the Member for Hornsey and Wood Green (Mrs. Roche), deals the matter when she replies to the debate. I can tell him that, in the current financial year, 35,200 people have been removed from this country.

Mr. Peter Lilley (Hitchin and Harpenden): Will the right hon. Gentleman give way?

Mr. Straw: No, I have dealt with the matter.

Mr. Lilley: The right hon. Gentleman has not dealt with the matter; I have the figures here.

Mr. Straw: I have dealt with the matter. I am always concerned to ensure that there is agreement on figures, but that cannot be reached across the Floor of the House. There is a huge difference between 350 and 35,200, which needs to be sorted out—the figure is certainly not 350—in more detailed discussion. Perhaps I should invite my right hon. Friend the Secretary of State for Education and Employment to establish a numeracy hour for Conservative Members.

I come to the issue of charges for clandestines. In 1987, the previous Government introduced civil penalties, at £2,000 a passenger, on airlines that carried passengers who had inadequate documentation and no permission to enter the UK. That system has worked, but there is a gaping loophole in its scope because it does not extend to buses, coaches or trucks. Partly as a result of that, there has been a huge increase in the number of clandestine asylum seekers coming through sea ports, particularly Dover—something else that has added to the pressure on that port.

Under our new Act, we are extending the civil penalty to bus and coach carriers, and creating a new civil penalty for all clandestines found in the back of freight trucks. The system will work fairly for those who take the necessary precautions. I fail to understand how, on one hand, the right hon. Member for Maidstone and The Weald can use the emotive language of calling us a soft touch, while on the other opposing such a common-sense policy, which builds on the controls that the Conservatives initiated.

Mr. Clappison: Will the Home Secretary give way?

Mr. Straw: I have already given way to the hon. Gentleman.

Not least because of a large immigration case load as a constituency member, I am well aware that the service that the IND has been providing to hon. Members has fallen short of the standard that they have a right to expect. We are determined to correct that. In order to provide a much better system through which hon. Members and their staff are able to contact the IND, a new dedicated telephone service has been established. Staff will be available between 9 o'clock in the morning and 6 o'clock in the evening to answer the inquiries of hon. Members and their staff and to check the progress of any case. Where a case is found to be straightforward and can be easily resolved, that will be done, and quickly.

[Mr. Straw]

To return to the question raised by the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), I am pleased to say that the position in the integrated casework directorate, which deals with non-asylum matters, is improving. More than 60 per cent. of applications are resolved within a few days of arrival, all public callers in Croydon are seen on the same day, and about 800 Home Office travel documents are delivered each week, compared with 100 a week in August.

We recognise the scale of the task to restore the integrity of the asylum and immigration system. There can be no quick fix, and we have never promised one. We are putting in place the foundations to ensure that the system is fairer, faster and firmer. The Immigration and Asylum Act 1999 should, over time, deliver real changes. We are devoting the resources needed to deliver substantially higher output. Against the degradation of the system under the previous Government, we are investing an additional £120 million in the immigration and nationality directorate over this and the next two years.

If the changes introduced by the Conservatives—their two flawed Acts, their computerisation that went wrong and their staff cuts—had worked, the major reforms on which we are embarked would not have been necessary. However, they are necessary, and it is a mark of the continued policy failure of the Conservatives that their contribution to our legislation was not to strengthen it, but to weaken it by opposing penalties on hauliers with clandestine entrants hidden on their lorries and by calling for a £500 million extension of cash payments to asylum seekers.

We are getting on with restoring the asylum and immigration system to proper integrity, so as to ensure that it deals firmly, fairly and swiftly with asylum and immigration applications. We are repairing the damage that the previous Government did to that system with their cuts in staff, their computerisation and their failure to provide proper financing. Having listened to the speech of the right hon. Member for Maidstone and The Weald, I can tell her that the British people will need far more than the nonsense that she served up this afternoon if the Conservatives are ever again to be elected to govern.

4.56 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"believes that both the last Government and the present Government have failed to respond properly to the asylum, immigration and nationality demands made of this country; is aware of widespread discontent with the delays in processing immigration applications and that the number of unprocessed asylum applications has doubled over the previous two years to a total of over 100,000; takes very seriously the Seventh Report of the Committee of Public Accounts (HC 130), which criticises the Government's mismanagement of the Immigration and Nationality Directorate and the fears of local authorities about the practical difficulties associated with the asylum-seekers dispersal scheme; calls upon the Government, which has now been in office for over a thousand days, to take more effective and urgent action to reduce the backlog of unprocessed applications and to improve the effectiveness of decision-making; believes that the necessary staff should be employed immediately so that good-quality decisions can be made quickly, and that the interests of applicants and taxpayers alike can be met in a system which treats every applicant fairly; and supports the Commission for Racial Equality agreement, signed by all three major party leaders, not to use problems in the immigration and asylum systems in ways which could damage community and race relations.".

It comes as an unexpected pleasure and surprise that, for the first time in my years as a Member of Parliament, on a Conservative Supply day, a Liberal or Liberal Democrat amendment has been selected for debate. At the end of the debate, the choice will be between one Conservative policy and one Liberal Democrat policy, which might explain why the Government amendment was not selected—if it had been, the choice would have been between two conservative policies.

The Home Secretary was kind enough to alert my office to the fact that there had been a technical hitch with the Government amendment. As I told him just before the debate stated, we had already noticed that something had clearly gone wrong because we had seen the Government's amendment on a previous occasion and voted against it then. I know that the Government suffer from amnesia, but to put the same amendment before the House twice in three months strikes me as somewhat excessive. However, it is not inappropriate that, in a debate on the poor administration of the Home Office, the Home Office has not even managed to get the right amendment on the Order Paper.

Mr. Straw: I thought that he would say that.

Mr. Hughes: I thought that the Home Secretary would think that I would say that. As I told him previously, I hope for his sake that things can only get better.

I have been looking back at debates on what became the Immigration and Asylum Act 1999. In large measure, my hon. Friend the Member for Sheffield, Hallam (Mr. Allan), with the support of my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith), dealt with that legislation for the Liberal Democrats. On Second Reading in the House of Lords, the current Attorney-General, then a Home Office Minister, said:

"Immigration and asylum are among the most sensitive and difficult issues. Decisions in individual cases can mean the difference between life and death . . . We want to uphold this country's long-standing tradition of giving shelter to those who flee persecution."—[*Official Report, House of Lords*, 29 June 1999; Vol. 603, c. 177.]

I start on a non-partisan and non-party political note by saying that our job when we debate such issues is to rise above jingoistic politics, which are often too easily resorted to. We must try to deal with a matter that is hugely important, not only to all our constituencies, but nationally and internationally. Over the generations, many of the great contributors to British life have been the children of immigrants. Many of those who have given most have been the descendants of refugees. Many Members of Parliament have sprung from families who fled persecution in other parts of the world.

I entirely concur with the Government in saying that it is not normally the attitude, behaviour or competence of the UK Government that is the largest single determinant of the number of people applying to settle in this country, either as immigrants or as asylum seekers. They come here principally because of the politics and pressures prevalent in other places in the world. We are not immune from those pressures, nor should we be. We have to behave responsibly and play our proper part in the world.

It is quite wrong of the Conservative Opposition to suggest that the number of asylum seekers shows whether the Government are a soft touch. I heard the Leader of the Conservative Opposition make his allegations today. The number of applications from people coming to Britain has gone up, as it has in almost every other country in Europe, for self-evident reasons. Only someone who has not read a newspaper or watched a television news bulletin in the past 10 years would imagine otherwise.

Mr. Howard: Did not the hon. Gentleman listen to the Home Secretary? Did not he hear the Home Secretary say, in answer to my question about the fall in the number of asylum applications in Germany, that the reason for that fall is the fact that there are effective arrangements in Germany for dealing with asylum applications? In other words—the Home Secretary did not use these words, but it comes to the same thing—he said that the number of applications had fallen in Germany because Germany was no longer a soft touch.

Mr. Hughes: Those were not the words that the Home Secretary used. I listened to the exchange. The right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who is a former Home Secretary, knows that immigration into Germany during the 1990s was often from countries immediately to the east of it and from Turkey in large measure. The pattern of immigration to Germany in the past few years was different from the pattern of immigration to Britain.

Of course, the measures taken by a country have an effect. The Home Secretary was right in what he said to the right hon. and learned Gentleman.

The pattern across Europe is revealed by the figures for the 13 European countries, which the right hon. and learned Gentleman can obtain from the Library, just as I did. The UK rate for asylum applications last year per head of population was 9.8 per 100,000, compared to an average of 9.5 per 100,000. Germany had a slightly higher number last year than we had. Yes, its rate is now going down, and yes, ours is going up, but it would not be wise or reasonable to suggest that that is entirely or largely due to the measures adopted by the country in question. They are a factor—

Mr. Howard: That is what the Home Secretary said.

Mr. Hughes: I do not believe that, and the record will show that that was not the case. I was present for the exchange between the right hon. and learned Gentleman and the Home Secretary.

The Home Secretary has on previous occasions accused me and other colleagues of being woolly liberals. Many of us who deal with immigration and asylum matters are far from woolly liberals about those issues. We have constituencies with huge numbers of asylum seekers and immigrants. I checked the figure this morning. There are just under 3,000 refugees being looked after by my local authority, and large numbers in my constituency. My office receives a significant number of new immigration cases every day, as do those of some of my hon. Friends around the country.

We come to the issue first from our constituency experience. That is why we are critical of the present system. People can wait for up to six years for their cases to be dealt with. People hand in their passport for a new permission to stay to be approved, and they do not see their passport for weeks, months or sometimes years. Documents handed in are lost and not found. Documents are not returned. One Department does not know that another Department has transferred the case to it to be dealt with. The case does not get to the tribunal for weeks to be dealt with so that the appeal can be heard, because the papers get lost in the system.

Those are administrative problems, but behind them are real people with real concerns. There are people in refugee camps waiting to join their families. There are people who want to come on a visit, like the person who wanted to come from Sierra Leone to see his dying mother but never made it because the system would not process the application in time, and the mother died while he was still waiting for his case to be dealt with in Sierra Leone.

From all over the world, the experience is that the system is not working. That is not in the interest of the asylum seeker or the rest of the community, because it builds up the number of people who are literally waiting in a queue, some of them on our doorstep, and it builds up the cost.

Let us be clear that none of us in this country is being overrun by immigrants or asylum seekers. The hon. Member for Dover (Mr. Prosser) and his constituents, and those in London boroughs have borne the brunt of large numbers, but compared with many countries and the numbers with which they deal regularly, asylum seekers constitute a small additional burden on this country. A rich, western country should be able to deal with that competently and fairly.

It is true that there have been significant increases in numbers in recent years. The Home Secretary was right to say that we must be careful to get the facts right. Approximately one third of asylum seekers are accepted for settlement on the first request. After appeal, approximately half are accepted. It is not an abuse of a system for people to try, even if they are rejected. That is why the system exists. It is comparable to a court. It is not an abuse of the jury system for someone to want to go to Crown court, and it is not an abuse of the immigration system for someone to try to come to Britain. In both instances, some cases are turned down.

Of course, some people enter the country illegally, and they should not; others remain illegally, and they should not. However, we should not punish those who often come from traumatic backgrounds simply because others try to sneak through when they should not. Doing that is comparable to punishing 25 good pupils in a classroom for the behaviour of five naughty pupils. That is not the right way to run a system; indeed, it would be illegal.

Dr. Evan Harris (Oxford, West and Abingdon): Does my hon. Friend agree that the Government's use of the words "abusive" and "bogus" is unhelpful? Those expressions whip up the media. An unsuccessful applicant for a job is not necessarily a bogus applicant. If applicants are refused entry, it simply means that they have not fulfilled the IND's strict criteria. The terms "bogus" and "abusive" also attach blame to people who are fleeing or trying to better themselves.

Mr. Hughes: My hon. Friend is right. In his short time in the House, he has gained huge experience of immigration matters, not least because Campsfield is in his constituency.

[Mr. Hughes]

Let us consider the international background. We should not duck the facts: this continent is experiencing the worst refugee crisis since the second world war. There are 1 million displaced people in Europe. European applications have increased by 20 per cent. in the past year. Our figures tell a story: the largest number of applicants come from former Yugoslavia. That is not an accident, but the consequence of civil war. People come here after losing their families, homes and everything they ever possessed. There are hundreds and thousands of people in refugee camps in southern Europe. I have visited central Africa, where there were refugee camps of tens of thousands of people. We must consider our position against that perspective.

As the Home Secretary said, we signed the United Nations convention in 1951. There has since been an updating protocol. The key element of the convention is that this country must treat every case on its merits. That is the test. We must look at every case, without lists for fast treatment and lists for slow treatment, or cursory treatment for some and not for others. All asylum seekers, no matter where they come from, must be considered on their merits.

The Liberal Democrats believe in a firm and fair immigration policy, which must be non-racist and non-discriminatory. There should also be a policy on asylum, and it should honour our legal and moral obligations, not deter or penalise genuine asylum seekers. Ultimately, we must be able to say that when somebody needed us, we were there; that when people justifiably needed to come to Britain, we let them in. We join the Home Secretary in paying tribute to those in the IND who have laboured under huge pressure and who are almost always as helpful as possible.

I am sorry that the right hon. Member for Maidstone and The Weald (Miss Widdecombe) had to leave the Chamber; she apologised to me before she left. The criticisms are therefore made in her absence, but they apply to the motion.

Three documents show clearly that the current problems preceded this Government. I pray in aid those documents, all of which are available to hon. Members and date from last year. The first is the evidence given to the Special Standing Committee on the Immigration and Asylum Bill in the spring of 1999 by the Public and Commercial Services Union, which described the problem with which it was trying to deal. It said that it believed

"that the Committee's consideration of these provisions"—

that is, those in the Bill—

"needs to be fully informed as to why the time limits set appear to be wholly unrealistic. The grounds for this belief include:

—the rise in the asylum backlog during 1998

—the reduction in IND staff during the same period, in preparation for the 'computerisation' of casework . . .

—the delay in the delivery of the I.T. system

—the transitional problems currently being experienced in IND and their repercussions in the medium term

—doubts about the anticipated longer-term efficiency gain. . .

—the insufficiency of the additional funds made available to IND following the Government's Comprehensive Spending Review."

The PCS concluded that it

"firmly believes that unless the implementation of these provisions are accompanied by the investment of significant additional resources in the form of extra staff, further delays and backlogs are inevitable, jeopardising not only the viability of this particular strategy but the main aims of the Bill, in general."—[*Official Report, Special Standing Committee*, 22 March 1999; c. 448-49.]

That was the union's evidence and it was clear.

As the right hon. Member for Maidstone and The Weald is clearly aware, the Public Accounts Committee more recently produced two other relevant documents in the autumn. One looked into the Home Office IND casework programme and the other was on improving the delivery of Government information technology projects. They are both damning indictments of the system as set up, the failure to provide the resources and to plan for an increase in the number of people who would arrive, and the absolutely mad—those are my words—decision to move the whole operation while changing the operating system and at the peak of demand.

If ever anything was bound to have caused complete confusion and add to the backlog—and it did—it was that administrative change last year. The incompetence and failure to plan adequately began under the Tories and they failed. The number of people who were not picked up and should have been and who were told to leave but were not deported was no better under the Conservative Government than it is now, and the system was no more competent, as I know from personal experience. Therefore, it is a bit rich to say that the problem is the fault of this Government since 1997.

However, the PAC did not let the Government off the hook. The PAC and its report made it abundantly clear that the Government did not respond quickly or adequately enough and that they could have done. The PAC was very critical indeed. The truth of the matter is that every increase in the number of cases that are not dealt with increases the trauma of the person in the queue, who may be a valid immigrant seeking asylum, as well as having two other harmful effects. It increases community tension—the longer the queue and the larger the pool of people, the more tensions and pressures are put on the system. As great a folly, however, is that it costs everyone more.

The PAC made the case explicitly. The cost of processing an application is of the order of £400. The cost per month of keeping a family here in the queue is of the order of £1,000 more than that. Therefore, it is in no one's interests to have a huge number of people waiting and we do not have the resources to deal with them. It was a terrible mistake not to have anticipated these problems, as the Government failed to do, and not to have provided resources and investment.

Sometimes when we argue about resources, for example for the health service, the Government reasonably say, "Well it takes three years to train a nurse and seven to train a doctor, so we can't suddenly sort out all the problems." The Home Secretary knows that it takes between three and six months to train people to deal competently with IND cases in the Home Office and that after that time those people will be as competent as those who were dealing with them before. The system can be turned around quickly. It is not an impossible task and it must be tackled.

I have some questions and propositions for the Government. There are still huge pressures on the system. First, we need to know whether the cost of the system that

the Government have introduced—the asylum support directorate national system, which will come into force in April—is still per person or per unit administratively much more expensive than the system that is being replaced. If that is the case, it will have immediate knock-on implications for additional resources.

Secondly, the Home Secretary said a moment ago that he still hoped that most of the cases could be dealt with in the target of two months by April next year—four months for appeal cases. Will the right hon. Gentleman be more specific? Are the Government on course to deliver that target? From now on, will the backlog reduce and the target time come nearer?

Thirdly, we always criticise the Government for choosing the waiting list test for hospital beds and treatment. The number of people on the list matters little. What matters is how long one waits. The issue is not how big is the backlog, but how long one must wait for one's case to be heard. What is the present average length of wait for a case to be dealt with? If that is not decreasing, we are not winning the battle. If the time that one has to wait for one's case to be processed and for an appeal to be dealt with is not decreasing, we are not moving forward.

Finally, there is great concern about the provisions for local authorities and their ability to provide under the interim system dispersal places for asylum seekers. The authorities are keen to help, but they do not appear to have come up with places. There is even greater concern that after April there will not be places to enable the new system to work. When the Minister of State replies I should be grateful if she told us how far short we are of the number of guaranteed places that are necessary if dispersal is to happen. It is no good to plan the dispersal of refugees from Kent, south London or Islington if there are no places to receive them. That is not an acceptable policy and it must be changed.

Our position as expressed in our amendment is straightforward. We believe that one must start by trying to reduce globally the number of people who become refugees. Good foreign policy, diplomacy and conflict resolution will play their part in reducing the sorts of crises that we have recently seen on our continent. Those require us to work internationally and not put our head in the sand and be little nationalists. As my hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) said, it is no good Conservatives using language that suggests that everything will be fine so long as we look after our own and that anyone else can come second.

We have to be ruthless about reducing the waiting times. That is in everyone's interests, not least those of the taxpayer, and that has to be a priority.

Also, we are nearing the Budget. The Prime Minister always accuses my hon. Friends and me of wanting more money. The truth of the matter is that investment now in good-quality staff to process the cases in the system will save money in the medium and longer term. There has been movement in that direction, but if we are to make progress, the Chancellor must put his hand into the contingency reserve in the Budget, and the comprehensive spending review needs to produce more money for the IND. We find money quickly when there is a war in Kuwait or southern Europe, for example. We have no problem with paying for the troops to go there. When a war somewhere else has a knock-on effect for us, however, we find it more difficult to respond.

Finally, as the Home Secretary was kind enough to say, the former leader of our party, my right hon. Friend the Member for Yeovil (Mr. Ashdown), signed with other party leaders, at the request of the Commission for Racial Equality, a document which stated that when debating immigration and asylum matters we must be particularly careful to ensure that we say and do nothing to harm race and community relations in this country. The test of the right policy and the right approach will be passed by the politicians who rise above the temptation to foster party advantage and racial disharmony and argue for immigration and asylum policies that allow Britain to honour its obligations and those who come to us for help to be dealt with quickly and fairly in their interests and in ours.

Several hon. Members *rose—*

Mr. Deputy Speaker: Before I call the next hon. Member, I appeal to all right hon. and hon. Members to keep their remarks within a reasonable limit. There is little time left for the debate and many hon. Members are seeking to catch my eye.

5.20 pm

Mr. George Mudie (Leeds, East): First, I pay tribute to the speech made by the hon. Member for Southwark, North and Bermondsey (Mr. Hughes). Sometimes, he infuriates both friends and enemies, but when he pitches his speech in the manner that he has just done, it is hard not to pay tribute to its content.

However, I shall not go down the road of that speech, which dealt largely with asylum matters. Asylum is under debate for obvious political reasons, providing a nice bit of knock-about, a few good headlines and, perhaps, a little embarrassment. I shall leave others to deal with it. I prefer to take the opportunity to deal with a number of immigration matters, which arise from having thousands of constituents who were either born in the Indian subcontinent or whose mum and dad were born there while they were born here, who, over the years, have had problems with the immigration rules. I prefer to leave asylum to the heavy hitters, who have much in their past to cover up and will do their best to do so, and deal with immigration.

I offer the Government my condolences because this is another matter where 18 years of neglect and hostility by some of the culprits smiling on the Opposition Benches could not be put right in the two and a half years that Labour has been in government. The dates and times, the run-down of staff and the ordering of computers, are all grist to that mill.

I congratulate the Government on a number of immigration matters. First—this might be seen as a slightly back-handed compliment because it concerns a Minister from another Department—I congratulate the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Leicester, East (Mr. Vaz). Immigration matters are shared between the Home Office and the Foreign Office, and my hon. Friend has, uniquely, started surgeries for all hon. Members with difficult immigration problems. When a Minister deals with immigration problems, he does not have much spare time, he does not get much thanks, he has a fair amount of reading and he probably has 649 hon. Members coming

[Mr. George Mudie]

to him with problems. Therefore, to put aside time to meet hon. Members by appointment is particularly courageous, and I congratulate my hon. Friend on that initiative. I hope that it spreads to others.

The other matter to which I want to refer was mentioned by the right hon. Member for Maidstone and The Weald (Miss Widdecombe), and the context in which she mentioned it was sad. The Home Secretary and the Government must be congratulated on the removal of the primary purpose rule within months of taking office. That was probably the most pernicious and vicious piece of legislation, the most blatant piece of race legislation, which affected individuals, and young individuals in the main, ever to have been put on the statute book. When it was consigned to history within months of Labour taking office, I thought that no one grieved.

It is sad that, in the context of what the right hon. Member for Maidstone and The Weald said was an attempt at a firm and fair immigration policy, she alluded to the removal of that measure as bad. I hope that, when the hon. Member for Aylesbury (Mr. Lidington) replies, he makes it clear, for the relief of many British people and many serious politicians on both sides of the House, that that pernicious piece of legislation is deservedly buried and will not reappear whatever happens. I see some Conservative Members shake their heads, but I hope that they represent the minority. Within months of taking office, the Labour Government removed that provision, and they deserve to be congratulated on that.

I also congratulate the Government on the Immigration and Asylum Act 1999, particularly the reinstatement of appeals for visitors who have been refused a visitor's visa, a right which was removed by the previous Government in 1993, placing an undeserved burden on the shoulders of entry clearance officers, who have a hard enough job without that. I am often critical of them and sometimes furious with them, but they have an unenviable job. When they were given the final say on visitors, that proved the last straw for many of them. However, I am told by the Minister that, in October, those appeals will be reintroduced with a comprehensive system of fast tracking, which will deal with the differences that often arise in immigration cases where time matters.

Having said that, I should like quietly to ask Ministers to rethink two matters. One concerns a sad legacy that we inherited on which we should have wanted to act immediately, and it involves DNA testing. I have come across several cases which reveal an outrageous bureaucracy and hard-heartedness, whereby parents have had the right to come here with their children, but one of their children, because of the paucity of records in the Indian subcontinent, is singled out as not being their true child and so is prevented from coming here. Incredibly, that means that a youngster is deliberately separated from his or her family and raised in another country with relatives while his or her bothers or sisters are raised here with their mum and dad.

I speak with feeling on the matter because I have one particular case that I have raised with the Home Secretary and on which I shall continue to campaign until my dying day. One does not have to have been in a happy family to know what family life is all about. For us as a state deliberately to separate children from their mum and dad and brothers and sisters so that they grow up without them is unacceptable.

The problem caused by the lack of records was put right by DNA testing. That allowed any dispute to be settled scientifically. I hope that there is not an hon. Member who would not want that wrong to be put right if scientific evidence showed that we had deprived an individual of a family life and all that goes with it. We have done that and we are continuing to do so. That is the saddest thing that any Government or human being could do. What would happen in other aspects of Home Office life—what would have happened to the Birmingham Six—if we said that, although scientific evidence had proved that a wrong had been committed, we were not prepared to put it right? I cannot think of an hon. Member who would not be on his feet objecting to that.

I remember the Friday afternoon when my hon. Friend the Member for Thurrock (Mr. Mackinlay) raised the issue of first world war pardons. Men were shot or imprisoned 80 years ago and all were dishonoured, but medical evidence on their condition emerged years later and the House is united in its determination to put things right. However, there is studied indifference to the DNA issue.

Ms Oona King (Bethnal Green and Bow): When DNA testing proves conclusively that children have been denied the right to be brought up with their family, would not the offer of a concession by the Home Office be a common-sense way forward? Will my hon. Friend push the Minister further on that point?

Mr. Mudie: I am grateful for that intervention, but may I consult my notes? I should have said that the Home Office accepted that a wrong had been done, but the individual was over 18 by that time and it said, "Of course you're right, but you're past 18 and you cannot come in." One should not say to someone whose childhood was taken away as he could not be brought up by his mum and dad, "We have done you no wrong." Anybody with any decency about him would say, "We have committed a grievous sin and we should put it right." I would welcome any concessions and plead with my right hon. Friend the Home Secretary to reconsider the decision on this matter.

Sir Peter Lloyd (Fareham): Does the hon. Gentleman accept that, sometimes, the problem occurs because the family substitutes a nephew or niece on its list and that person is allowed in? Is he suggesting that such a person would be returned? I do not think so. The problem is more difficult than he describes.

Mr. Mudie: The problem is difficult. It has various aspects such as the passage of time and the person involved growing up and having a family, but I cannot get away from the fact that we wrongly separated individuals from their family. How should we behave? The House should not look around for excuses, but face up to the fact that we made a mistake, although not deliberately. *[Interruption.]* I am being signalled to finish, and quite rightly, but I want to discuss bonds.

I am in difficulty, as the right hon. Member for Maidstone and The Weald raised this point and I am in the same position as her. I confess that I discovered that

the consultation document had been sent out only as I was researching my speech. We are too late. The 1999 Act refers to the bond as well, so I hold my hands up. I appeal to my hon. Friend the Minister not to put bonds for visitors into operation until we have seen how the re-established appeals procedure works. She is quite right to say that a number of constituents have said to Members, "If they don't believe us, let us put up a bond." Members have passed that on to the Home Office and, as a listening Government, we have put the proposal into legislation. However, a number of Members were influenced by the past seven years, when visitors' rights of appeal were not permitted.

Mr. Jeremy Corbyn (Islington, North): I am pleased that my hon. Friend has mentioned bonds. Does he agree that their introduction would discriminate against the poorest people and be divisive for families in this country? They would be discriminatory because they will, I understand, be introduced under a pilot scheme applying to India, Pakistan and Bangladesh. That will cause untold anger among those in the south Asian community in this country, who will feel that the Government are discriminating against them.

Mr. Mudie: I do myself no good with the Home Secretary, but I agree with every word that my hon. Friend says. These words from the consultation document should fill any Home Office Minister with dread:

"We envisage that a bond will only be requested by an Entry Clearance Officer . . . in certain circumstances."

What are those circumstances?

"This will be when the ECO is satisfied that all other requirements of the visitor rules are met, but there is reason to doubt that someone who has applied for a visa visit to come to the UK . . . intends to return to their own country."

I cannot understand why a person should not get a visa if he has met all the conditions that we have imposed. We could apply that paragraph to the other part of the Home Office and tell the police, "Have this individual, go through every question and get his alibi, but if you have a gut feeling, despite him giving perfect answers, put a bond on him because your gut feeling is enough," but we would not get such legislation past the House. In these circumstances, a person might satisfy every condition and the entry clearance officer might say, "Okay," but he still may face a bond.

I do not think that the bond will be £10,000—that figure represents a bit of kite flying to make £5,000 satisfactory—but it will have to be substantial if it is to act as a deterrent. That is wrong. We should either introduce bonds on the facts and be able to check those facts on appeal or leave things—*[Interruption.]* I shall finish soon, to the relief of the Whip.

Constituents should be able to say to us, "I can afford it. Put a bond on and I'll pay it," but what would happen to the constituent who cannot afford a bond? This story is not hypothetical. A woman constituent of mine was dying in a hospice and was days from going into a fatal coma. Her brother and three sisters were in Pakistan. She asked them to come and they wanted to see her. The ECO let the younger sister in, but the other two were turned down. They would not be turned down now, but would have a bond placed on them. Such a family would have to find £10,000 to come here to see a dying sister. I could provide other instances in which the ECO turned people down, despite the facts. Every Member of the House knows such stories. The Government have introduced the proposal for the right reason, but I appeal for it not to be implemented until we have re-established the appeal system in October, seen how it works and gained confidence in an objective adjudicator who listens to the facts.

5.37 pm

Mr. Michael Howard (Folkestone and Hythe): I do not want to add to the difficulties of the hon. Member for Leeds, East (Mr. Mudie) with the Home Secretary, but I, too, agree with his last point and what he said about the bond. He made a powerful case against the proposal. While I am in agreement mode, I agree with the Home Secretary and the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) on the work of the immigration service. Although there is no doubt that it does a tremendous amount of hard and conscientious work—it is right to pay tribute to that—the debate is about not its efforts, but the system in which it has to operate.

First, I must nail the repeated falsehoods so sedulously propagated by Ministers from the Prime Minister down—he was at it at Question Time today—whenever they discuss these issues. They never comment without blaming the previous Government for the appalling mess that they themselves created. There is absolutely no foundation whatever for those allegations. Let me repeat the figures, although they are a matter of record. I last quoted them in the House during our debate on the Immigration and Asylum Act 1999 and invited the Home Secretary to challenge them. He conspicuously refused that invitation.

In 1996, which was the last full year of the previous Government's term, there were 29,640 asylum seekers in the United Kingdom. The year before, the number was almost 44,000—to be exact, 43,965. That reduction was a direct result of the Asylum and Immigration Act 1996, for which I was responsible, and of the associated benefit changes for which my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) was responsible.

If we compare the figures month by month—a much fairer comparison, as the changes were not in force for the whole of 1996—we see that the percentage reduction was even greater than that represented by the figures that I have just given. If, for example, we compare the figures for May 1996 with those of May 1995, we see that the reduction was nearly 50 per cent. That was the record of the last Government: a record of substantial progress. Let us compare those figures with the record of the present Government. The number of asylum seekers in 1999 was not 29,640 but 71,160, nearly two and a half times as many.

Those are national figures. I represent a part of Kent that has had to bear more—much more—than its fair share of the burden that inevitably arises as a result of the numbers; and the numbers in Kent are stark. In the first six months of the financial year 1996–97, fewer than 50 in-country asylum seekers—those who apply for asylum after entering the country—were dealt with by Kent county council. Since 19 August last year, less than six months ago, the council has dealt with more than 5,000 in-country asylum seekers. That is the measure of the total failure—the total abdication of responsibility—of the present Government.

Fiona Mactaggart (Slough): What the right hon. and learned Gentleman fails to recognise is that those figures

[Fiona Mactaggart]

reflect the fact that asylum seekers are coming from different parts of the world. That is the main reason for the increase in the United Kingdom, and the main reason for the differential between the impact on Kent and the impact elsewhere. The vast bulk of the increase is represented by an increase in the number of asylum seekers from Europe; the number of asylum seekers from Africa is still significantly lower than it was in the 1980s. I am afraid that the right hon. and learned Gentleman is misleading the House.

Mr. Deputy Speaker: Order. I think that the hon. Lady should withdraw that remark.

Fiona Mactaggart: I did not say that the right hon. and learned Gentleman was intentionally misleading the House.

Mr. Deputy Speaker: In that case, the hon. Lady should qualify her remark.

Mr. Howard: The hon. Lady's assertion is wholly unconvincing. I shall deal with the source of asylum seekers later.

Mr. Shaw: Will the right hon. and learned Gentleman give way?

Mr. Howard: I will, but then I must make progress.

Mr. Shaw: Does the right hon. and learned Gentleman regret the fact that the 1996 Act placed the burden of funding asylum seekers on councils such as our own Kent county council? Does he not agree that national Government should bear the financial responsibility, as Kent county council now says?

Mr. Howard: The 1996 Act did not do that. The Home Secretary was partly right in what he said earlier. The Act had the dramatic impact to which I have referred. As the Home Secretary rightly pointed out, that impact was then blunted by a High Court decision on judicial review, which placed the burden to which the hon. Gentleman refers on local authorities, and distorted the intended effect of the Act.

The Home Secretary was right about that, but he was wrong in saying that the judicial review decision was made in the Judicial Committee of the House of Lords. In fact, it was made in a lower court; and there were two things that the present Government could and should have done to restore the original effect of the 1996 Act.

First, the Government could and should have appealed against the decision made on judicial review. They decided not to pursue such an appeal. Secondly, they could and should have introduced subsequent legislation to restore the good effect of the 1996 Act. I am sure that they would have had the full support of the Opposition had they done so. If that had been done, the 1996 Act would have continued to have the dramatic, beneficial and constructive impact that it had in 1996.

I must say one more thing about Kent. I must reproach and reprove the Government for the fact that they have yet to reimburse Kent county council for the costs that it has incurred in dealing with this problem.

I have concentrated on the figures relating to the number of people seeking asylum here, but the last Government also made progress in regard to the number of applications dealt with. In the last year of Conservative government, the number was nearly 50 per cent. up on that of the previous year. Moreover, we managed to reduce the backlog of applications by 10,000. Responsibility for the present mess rests squarely—indeed, exclusively—on the shoulders of the present Government. Those are the facts of the matter.

I have always made it clear that we in this country should continue to act in accordance with our honourable tradition of granting refuge to those who genuinely flee persecution, and none of the changes made by the last Government affected the entitlement of genuine refugees to obtain asylum here. But it is surely crystal clear that our arrangements are being abused—and "abused" is the right word.

The hon. Member for Oxford, West and Abingdon (Dr. Harris), who I am sorry to see is no longer present, talked absolute nonsense when he compared an application for asylum that failed with an application for a job that failed. It is a ridiculous comparison: we need only glance at the latest figures in the most cursory way to see that that is so. In every single month of 1999 since May, far the largest number of asylum seekers came from the Federal Republic of Yugoslavia; almost all came, or claimed to have come, from Kosovo.

It is of course true that, in May and June last year, terrible atrocities were committed in Kosovo. I have no doubt that, at the time, many genuine refugees from that troubled land applied for asylum here, and may well have been entitled to asylum here. Since July, however, we and other countries have had armies in Kosovo. They are there to ensure that persecution does not take place. It is surely ludicrous that we should undertake the burden of an expensive military presence in that land to make it safe, and at the same time allow large numbers of people from that land to enter this country alleging that it is not safe. That is an inexplicable and indefensible state of affairs.

The Government have in their hands a remedy for this abuse. The provisions in the 1996 Act that enabled applications from certain listed countries to be made subject to an accelerated appeal process are still on the statute book. The Government have acknowledged that no unfairness has resulted from the operation of that power. They could have added months ago, and could add today, the Federal Republic of Yugoslavia to the list. That single step—which I asked the Home Secretary to take as long ago as 9 September—could have a dramatic impact on the scale of the problem.

I urge the Government to take that step, and also to take the steps urged on them by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe). If they do not, they will simply confirm the widely held view that they lack the political will to sort out the mess for which they, and they alone, are responsible.

5.48 pm

Mr. Roger Godsiff (Birmingham, Sparkbrook and Small Heath): I know that time is short and others wish to speak, so I shall confine myself to relatively few points.

I welcome the opportunity to debate immigration policy. As was said earlier, the issue can provoke heated comments, and we must tread carefully. Regrettably,

certain comments made by Opposition Members about asylum policy seemed to be along the lines of "Our asylum policy shambles was not as bad as your asylum policy shambles", rather than contributing to a debate on the merits of the policy.

I do not want to talk about asylum policy. Like my hon. Friend the Member for Leeds, East (Mr. Mudie), I will leave that to others to slug out. Similarly, I do not want to talk about immigration policy in terms of the racketeers, the people who prey upon desperate individuals, cram them into the backs of lorries and get them into the country, having taken large sums of money off them. I pay tribute to the work of the immigration service in trying to stop those rackets. I certainly support the policy of making more resources available to the immigration service to deal with the problem.

I do not want to talk either about immigrants coming into this country via the European Union. The hon. Member for Ludlow (Mr. Gill) raised that issue in a Westminster Hall debate recently, when it was adequately covered. Instead, I want to talk about another aspect of Home Office policy, but before doing so I shall comment on refugee status. This country has had a long and honourable tradition over many hundreds of years of taking in refugees who have fled from political persecution. I would like that always to be the position. However, as a Member who has many constituents who have come from the Indian subcontinent and from other parts of the world, I have to say that the 1951 United Nations convention on refugees has on many occasions been flagrantly abused. Not only that, unscrupulous solicitors and immigration advisers have used it as a device to make money, not as a means of helping the individuals concerned.

When the 1951 convention was brought into force, we lived in an entirely different world from the one we now occupy. The world had recently been devastated by a world war and there had been mass displacements of populations. Millions of people were swilling around who had suffered political persecution. I am not saying that political persecution does not exist in the world now, but escape from poverty is often the prime factor in immigration cases, not escape from persecution.

I shall direct my remarks to a specific aspect of Home Office policy. I say Home Office policy—not Conservative policy or Labour policy—for reasons that I hope will become apparent. In effect, it is a Home Office tablet of stone. The immigration service fights a valiant battle to deal with organised racketeering, but the service knows that it is rather like trying to put its finger into a dam. The United Kingdom, for reasons best known to Home Office officials, chooses not to have an embarkation policy, unlike America and Australia, for example.

We know that in 1996, 849,060 people came to this country on short-term visas. In 1997, 851,000 came here. The Home Office does not have the slightest idea whether 849,060 left or whether one left. That is because there is no means of knowing. That means that once someone has entered the country he can stay here for the rest of his life, unless he runs into officialdom, is picked up by the police for a driving offence or runs into problems with the Benefits Agency, for example. Least of all does the Home Office know whether that individual has left.

I feel strongly because entry clearance officers are aware of the situation. All the pressure goes on them, if they have the slightest doubt about an individual, to say no. If he is a young man from the Indian subcontinent and a subsistence farmer, the entry clearance officer will put on the refusal notice, "I suspect that you may try to remain in the United Kingdom. Therefore permission is refused." That will happen despite the young man meeting all the other criteria.

As my hon. Friend the Member for Leeds, East said, the reintroduction of the appeal system for visitors is to be welcomed, particularly if it is a fast-track system. However, the lack of embarkation controls means that entry clearance officers are doing their job blind. Good entry clearance officers will want to know whether their judgment is correct. When they interview someone and say, "Right, I will give you a visa", they will want to know whether that person complied with the terms of the visa and returned to their country before the visa expired after six months. However, as the system stands—it is not a Labour Government system but one that the previous Conservative Government were happy to operate for 18 years—that information will not be available.

That is Home Office policy, but why? It is because the Home Office says, "We are not going to pay for the cost of embarkation controls. Our budget was not funded for that." If the repercussions are that the Lord Chancellor's Department has to deal with all the appeals, for example, there will be more abuse of the benefits system. However, the Home Office says, "It is not our problem. It is nothing to do with us." In the modern world of the new millennium, we can go out shopping to—I was about to say Asda, but our friend is not in the Chamber, and neither is our new friend from Sainsbury—a supermarket and use a swipe card. We can even get reward points. However, the immigration service cannot have a system whereby people entering the country can be swiped in, nor one that swipes them out when they leave. That is ridiculous and dangerous.

Most of the debates that take place in this country on immigration are heavily clouded with prejudice, perception and myth. Why is it that the far right in British politics has immigration policy as its first policy, which is to kick out the immigrants? It takes that position because it knows that in doing so it is on strong ground. Its arguments can never be countered by fact. It is always prejudice, perception and myth. I regret to say that the Home Office seems to be happy to allow that to happen.

I can see no reason why we cannot have rational debates on immigration policy that are based on fact. Why cannot we debate rationally whether this country should allow further primary immigration? Personally, I do not think that it is necessary, but why cannot we discuss it? Why cannot we discuss what policies we need to put in place to catch the people who are abusing the system? In 1996, 849,060 people came to this country as visitors. If 849,059 went back, I would gladly concede that we do not need to put a paraphernalia of controls in place to deal with the situation. If only one went back, we would need to have such discussions.

I hope that the Minister of State, Home Office, my hon. Friend the Member for Hornsey and Wood Green (Mrs. Roche), and the Secretary of State will be prepared to take on the forces of conservatism that are obviously alive and kicking in the Home Office. After the disappearing Government amendment, Ministers' feelings towards the Home Office may be that much more psyched up. I hope that they are very psyched up. They will do race relations in this country a great service if they are

[Mr. Roger Godsiff]

prepared to take on Home Office officials' conservative attitude, which has nothing to do with joined-up government. They say, "We will not have sensible controls because we are not going to pay. If another part of Government wants to pick up the cost, it will be their problem."

I hope that the Minister can assure me that she and her colleagues will look again at the implementation of sensible embarkation controls. After all, Britain is an island and there are only 50 points of legal entry into the country. If Australia and the United States can do it, I fail to understand why we cannot.

6.1 pm

Mr. Humfrey Malins (Woking): In the spring of 1992, I had very little to do with my life, the reason being that, a little while earlier, the electors of Croydon, North-West, in their wisdom, probably rightly, decided that they would like a Labour Member of Parliament. There I was, wondering how to conduct my life, when the then Home Secretary kindly contacted me and, with my background in immigration work in Croydon, asked me to produce a report, which I did.

That led to the formation of the Immigration Advisory Service, which I chaired and was trustee of for several years. I enjoyed my work in immigration greatly. I learned that it was important to give help with compassion and to approach topics with good sense and moderate language. How right the hon. Member for Leeds, East (Mr. Mudie) was about the DNA point, by the way. We need not emotive conversations, but debates with a bit of good hard sense.

With that background and knowing that there had been 4,000 applications for asylum in this country in 1988, which had risen to 70,000 or more in 1999, I took some advice over the weekend. My constituency of Woking has a large, settled Pakistani minority, so I went to see one of the leaders of that group. I said, "There is a big debate on Tuesday about immigration and asylum." He said, "I have some advice, which you can take to the Home Secretary for me." I said, "You know the background. There is a big backlog of cases. There is an increasing number of asylum applications year after year."

That person's advice was, "It is quite simple. What we need in this country is more people making quick decisions about asylum applications. We need more adjudicators to hear appeals quickly, decisions to be made fast, short appeal times, one line of appeal, rather than several, final appeals to be made fast, and the results of those appeals to be enforced quickly. We do not want a refusal all the way up the line, followed by no enforcement action. Take that back to the House of Commons because that is the policy that is in the interest of the settled people in Woking. Tell your friend the Home Secretary that." He still thinks that I am a Labour Member; I have not told him yet that I am not. Did not what he said make good sense? This country needs such policies.

One would think that the Home Secretary realises that, over the past two or three years, asylum applications in this country have gone up and up and need to be looked at carefully. When the applications for asylum go up, so does the backlog of cases. We were told in May last year that the backlog of asylum applications awaiting initial decision was 52,000. By the end of September, the figure was 90,000. By now, it is well over 100,000. It must be obvious to anyone that some serious action is needed.

Mr. Clappison: My hon. Friend will agree that the backlog depends as well on the number of cases that are determined. Does he share my curiosity to hear the Home Secretary say that the latest figure for the number of applications that has been determined was nudging 4,000? Home Office asylum statistics that I have received show that the figure is only 2,320 and that there has been a further decline in the number since last summer?

Mr. Malins: My hon. Friend, who has a distinguished background in immigration and asylum, is right.

Apart from the backlog, I want to look at two other categories of people. One is those who are seeking asylum in this country and with whom the Government have lost contact. Many of those seeking asylum disappear in our system and are never heard of again. I do not think that those are genuine people. They should not benefit from Government inefficiency, but I regret that they do.

In a written question, I asked the Home Secretary for an estimate of the number of people seeking asylum with whom the Government had lost contact completely. His response in 1998 was that he thought that there were possibly 14,000 such people, plus their dependants, in this country.

The second category is those who lose all their rights of appeal in respect of either asylum or immigration. What has happened to them? I have suggested to the authorities that there are tens of thousands of such people in this country, who, having lost all their rights of appeal, are never dealt with further. They are lost to the system and stay here. It makes one wonder what the point is of an appeal.

When I asked the Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien), about that in March 1999, I was told that it was estimated that some 24,000 people, plus their dependants, lost every right of appeal all the way through and were still here, against whom no action had been taken.

When the permanent under-secretary at the Home Office, Mr. David Omand, came to the Select Committee on Home Affairs last year, I discussed with him the retrieval system. I said:

"Am I right in saying that there are tens of thousands of such people at large in the country"

who have lost all their appeals, with whom there is no contact and for whom there is no retrieval system? He agreed that the number of such people was extremely large. He could not give the actual figure. I said that it was a ludicrous world. We had an appeal system whereby people could appeal all the way up, lose all the way up, lose their case and still have less than a 10 or 20 per cent. chance of ever being found and deported from the country. He replied:

"I agree entirely . . . We"—

the Government and Home Office

"are trying to . . . get ourselves out of the absurd situation that you have described."

He described it, I regret to say, as "a losing battle." That is one of the problems. It is all very well hearing and dismissing appeals, but, after that, one does absolutely nothing. That means that the interests of genuine asylum applicants are not met and are damaged.

Fiona Mactaggart: I intervene precisely on that point. One of the hon. Gentleman's colleagues has suggested that enforcement action has been taken against only 350 asylum seekers. That seems to be a peculiar misreading of Home Office statistics. I am struck by the fact that, since the election of the Government, enforcement action has been more rigorous. From a proper reading of the table, it seems to have more than doubled: about 1,290 asylum seekers had enforcement action taken against them in 1995 and 3,430 in 1998. Will he join me in welcoming the more rigorous enforcement action and the increase in the hearings of appeals, which speed up the system in the way in which he advises?

Mr. Malins: I would join the hon. Lady if I thought that the enforcement action was more rigorous, but I think that it is all talk and no action. In answer to a parliamentary question on the issue that I tabled to the Home Secretary, I was told that, in 1998, only 350 failed asylum seekers left as a result of deportation orders made against them.

Where are the tens of thousands of failed asylum seekers now? Who is paying for their upkeep, and why should the ratepayer or taxpayer pay for it when the applicants have failed in their attempts all the way down the line? Where are the tens of thousands who have lost their immigration and other appeals all the way down the line, but are still in the United Kingdom?

Mrs. Roche: The hon. Gentleman is dealing with an important point. However, given his expertise in the matter, I am slightly surprised at some of his comments. He will know that we are discussing deportation orders, whereas very many asylum seekers in the United Kingdom enter as clandestine entrants. They are therefore subject to administrative removal, not to deportation orders.

Mr. Malins: I hear what the Minister says, and there is some merit in her final point. However, the point that I made to her was based precisely on a parliamentary answer that I have been given.

The general point—no hon. Member can deny it—is that tens of thousands of people lose their immigration appeals all the way down the line but never leave. Moreover, tens of thousands of people with answers to their asylum applications pending lose contact entirely with the Home Office.

When people claim asylum in the United Kingdom, the Government have to ensure that, first, the Home Office knows how to keep in contact with them, rather than lose contact completely; secondly, their cases are heard quickly; thirdly, when the result is known, an appeal is heard soon and quickly; and, fourthly, and very importantly, any enforcement is really acted upon, rather than completely ignored. Unless the Government are prepared to do that, the problem will only get ever worse. The Labour party should also know that those who are genuine asylum applicants and lawfully settled here—and I know many of them—suffer from the problem as much as anyone else does.

6.12 pm

Mr. Neil Gerrard (Walthamstow): I am glad that the tone of the debate has changed. In its first half hour or three quarters of an hour, I felt that we were listening simply to hysteria and to attacks on the Government's record. I say that as someone who has not always supported the Government on the issue, and—unlike any Tory Members in the Chamber—I voted against the Immigration and Asylum Act 1999, although I did vote for the proposed amendment to it to restore benefits.

I realise, however, that since the general election visitor visa appeals have been restored, the primary purpose rule has been changed, and action has been taken on same sex relationships and to help the victims of domestic violence. The nature of the Home Office has also changed—it is more open now, and we are able, for example, to go there to read country assessments. All the changes add up to an enormous improvement on previous practice. I also certainly do not regard the Minister as a soft touch when I go to her with cases, but sometimes wish that she was a rather softer touch on those cases.

The debate has sometimes shied away from discussing the issue—I am glad that the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) raised it—of the central principles of asylum policy. When people come to us asking for asylum, it is because they have been persecuted. Subsequently, we are supposed to fulfil the international obligations that we accepted in the 1951 convention on refugees.

It is extremely depressing that, whenever there is a debate on asylum either inside or outside the House, it is conducted entirely in negative terms—such as, "These people are frauds and benefits scroungers." In my constituency advice surgeries, I have seen people who make asylum claims that I think are entirely unfounded, and I have told them so. However, in many of those cases they have quite good reasons to be allowed to remain in the country and could use good mechanisms to achieve it, but they have been pushed into making a stupid asylum claim by a solicitor or a so-called immigration adviser.

It is regrettable that, in the past decade, we have built our asylum and immigration policy on the basis of negative assertions. The debate always seems to start with the question, "How can we deal with fraud?", rather than with questions such as, "What are our international obligations on asylum? What should they be? What type of immigration policy do we want?" It seems sometimes as though we are not talking about people, but we are—we are talking about people's lives.

The point on the condition and origin of refugees has already been made and I shall not labour it. However, most refugees are not—and never will be—in Europe. Most refugees are women and children, and most of them go to poor countries adjacent to the countries from which they had to flee. I am sure that many hon. Members in the Chamber will have seen refugee camps, perhaps in Africa, in the middle east, or perhaps even in Serbia. There are probably more refugees in Serbia than in any other country in Europe. It may not be popular to draw attention to the fact—but it is true—that there are very large numbers of refugees in Serbia.

The top four countries from which we receive asylum seekers are the Federal Republic of Yugoslavia, Somalia, Sri Lanka and Afghanistan. Anyone who knows what has been happening in those countries should not be surprised

[Mr. Neil Gerrard]

about the numbers of refugees that they have produced. Regardless of whether we agreed with the bombing, the fact is that we have just had the biggest war in Europe for 50 years. Wars generate refugees. All refugees do not return to their home simply because the war and the bombing have ended. In the history of movements of people, that has never happened. It just does not happen like that.

The sooner that Governments stop pretending that we can really fundamentally affect the number of people applying for asylum here with our internal laws, the better. I have never believed the argument that benefits are a draw. No serious evidence has ever been produced to back up that argument. Some people say, "When benefits were taken away, the number of applications decreased", but the number increased later. If we seriously compare the number of in-country applications and port applications before and after benefits were withdrawn from applicants, the benefits argument does not stand up. If benefits had been the draw, we would have had far more fraud and applications refused at ports of entry—which is how one keeps benefits—but that has simply not happened. The issue is far more complicated than that.

The first part of this debate really should cause us some concern, because what is happening to asylum seekers in the United Kingdom is worrying. Hostility towards asylum seekers is being generated by the impression that they are all fraudulent. Very real hostility is being encountered by those who say they are asylum seekers or refugees.

We are also saying to people outside London and the south-east, "It's a good idea to disperse applicants. We're going to send you people who are frauds and scroungers." They must think that that is a great idea, after that image of applicants has been created. I have some very real concerns about the way in which the interim support scheme is being operated, and the destitution of some of those who are being cut off from support.

I shall keep my remarks brief, given the time limitations. My final point is on economic migration, and the idea that we shall be able to address the issue of economic migration in our immigration and asylum law. Anyone who believes that is living in a dream world. The pressures of economic migration will not be controlled through asylum and immigration law. Some of the countries that are being complained about now—including Poland, the Czech Republic, the Slovak Republic, Hungary and Romania—already have association agreements with the European Union allowing economic migration. Soon they will be full members of the EU with freedom of movement throughout the Union. We are not going to address the issue through asylum and immigration law.

We encourage economic migration when it suits us. We are happy to receive a nurse or a doctor or a business man with a lot of money. It is easy for the rich to enter the UK. We will not turn off the pressure of economic migration through immigration and asylum law. We need to deal with it through foreign policy, aid, investment, trade and other mechanisms. Dealing with economic migration should not be the driving force for asylum and immigration policy. We are in danger of concentrating on keeping people out when we have undertaken in international conventions to help people who have been persecuted.

6.21 pm

Mr. Peter Lilley (Hitchin and Harpenden): I congratulate my right hon. and hon. Friends on selecting this important issue for debate. It is a sensitive, emotive and serious issue—in short, precisely the sort of issue that the House ought to debate. It is right that the Opposition should make time for it if the Government do not.

We have to deal with the issue sensitively. Every Member of Parliament will have had to deal with asylum seekers who, at worst—albeit rarely—have suffered torture or persecution, and, at least, come from impoverished and distressed countries. It is an emotive issue because the scale of the problem causes concern in this country. Many people recognise that a great proportion of asylum seekers are not genuine refugees. That concern leads to resentment, which is easily turned against the asylum seekers. I emphatically believe that that is wrong. Even those who are what the Prime Minister today called bogus asylum seekers—economic migrants—deserve our sympathy. They come from miserably poor and insecure countries. Many of them are enterprising and talented people responding to opportunities in our law and our system.

The real targets of public resentment and blame should be those in the media, politics and the law who, perhaps inadvertently, have created a system that generates incentives and opportunities for people to cross the world in large numbers and drive a coach and horses through our original immigration laws. Most pernicious of all are those who try to suppress debate on the subject by pretending that there is no serious problem, saying that all asylum seekers are genuine political refugees or trying to silence critics of the present system by accusing them of being the friends of torturers or racists. We have heard disgraceful accusations that the Conservatives are playing the race card. We have made no attempt to do that. I object strongly to people who play the racism card and try to smear those who enter into debate on this serious issue.

The issue is serious because of its scale and growth. Last year there were 71,000 applications for asylum in this country. That understates the problem, because the Government do not include the dependants of asylum seekers in that figure. It is time that they did. The scale of the problem is so great that they should collect and report that information. On UNHCR figures, that means that there are more than 90,000 people applying, including dependants. Even that understates the true picture, because it does not include other dependants who will be brought over by those who are given the right to remain.

Nearly 100,000 people is a huge number. The Government try to give the impression that large numbers are being returned at the end of the process. The Home Secretary came up with some extraordinary figures that either were wrong or which contradict the figures published by the Government. His most recent document for December shows that there were 6,845 removals and voluntary departures of asylum applicants from this country in 1998, which is the last full year for which figures are available. That compares with the very large number of applications and the total of 67,000 people against whom deportation or illegal entry action had been initiated by 4 January 1999. That information comes from a former Minister of State at the Home Office in the excellent House of Commons review on the subject.

A high proportion of the people concerned are staying in this country. That is more than the population of Hitchin and Harpenden, the two main towns in my constituency. I am not suggesting that my constituents are suddenly going to be swamped by nearly 100,000 people. For the most part, they will stay in city centres, perhaps in squalid properties. However, they have to be housed and the effects will ripple out. We have to provide extra housing for the extra people in the country. The housing growth projections assume a net 5,000 asylum seekers staying in this country every year. That was obviously a fallacious figure when it was fed into the system in 1996 or 1997. I suspect that it was chosen for politically correct reasons to diminish the apparent size of the problem, offsetting it with some equally bogus figures elsewhere in the calculation. The Government must come clean on whether they are acknowledging the scale of the problem and its implications for housing in this country.

Mr. Gale: Will my right hon. Friend ask the Minister to confirm the information given in a briefing earlier this week that local authorities will be expected to provide 40 per cent. of the necessary housing from their stock?

Mr. Lilley: I hope that the Minister will answer that point, as well as putting right the figures on deportations, removals and voluntary departures that her right hon. Friend the Home Secretary gave.

The numbers fell by 30 per cent. in the last full year of the previous Conservative Government, but they doubled in the first full year of this Government, at a time when the increase in the whole of the rest of Europe for which we have figures was less than one fifth. It is absurd for the Government to suggest that we are simply experiencing an inflow felt by all other countries. The figures fell under the Conservatives because we were prepared to take tough action on benefits, entry procedures and employment rules. All those measures were opposed by Labour. The figures have risen under this Government because of their actions, their incompetence—the Home Secretary cannot even get his amendment to our motion right, so he is unlikely to be able to organise a system as complex as the asylum procedures—and their failure to respond to changed circumstances.

My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), the former Home Secretary, pointed out the change in circumstances since the liberation of Kosovo. It is now policed by NATO, but in December the largest number of asylum applications—more than 1,000—still came from the former Yugoslavia. There are also large numbers who have been given temporary exceptional leave to remain in the past. In response to parliamentary questions, Ministers have said that only 2,000 have returned to Kosovo. We risked our armed forces to ensure that those refugees could return. It is not unreasonable to suggest that the Home Secretary should now help them to do so.

The Government have failed to tackle the worst bottlenecks and to increase the number of departures and removals rather than increasing the flow of approvals earlier in the production line, where it has no effect on the final number of people leaving the country. However, I agree that whatever is done by any Government, there remains a major problem. It has resulted from the growing ease of travel across the world colliding with the well-meaning gradual transformation of what was a limited discretionary power to grant access to refugees to a universal legal right.

The 1951 convention applied only to Europe and to events before 1951 and gave a strict definition of a refugee. We signed the convention in 1954 and in 1967 the protocol removed the limitations on time and place. In 1993, the convention entered into United Kingdom law. All that was well meaning, but the consequence has been to extend to every inhabitant on the globe who can find their way to this country the right to enter, to claim asylum, to receive benefits, to appeal when their application is turned down, to receive legal aid, to take their case to judicial review, if they are lucky, and, if they can string out the process for long enough, to stay indefinitely.

My personal view, which I do not think is shared by many of my hon. Friends, is that ultimately that system is untenable. I would ask the Home Secretary at least to look with an open mind at whether we can give some legalised right to everybody on the globe that can then be litigated in our courts. If he says that it is a matter of principle that they should have that legal right, how is it that we do not extend such a right to those who, within a country where persecution exists, find their way to the British embassy or high commission and ask whether they can come to Britain to claim asylum? They will be told, "Good Lord, no. That is not a criterion for coming to Britain. First, you have to convince us that you have a legitimate reason to come here, that you have the means to support yourself when you are here and that you have a return ticket. Just wanting to claim asylum is not allowed." Discretion is used and only in very extreme cases would such people be allowed to come here. We use discretion elsewhere, but we have created a legal, litigable right in this country which is the basis of the problem.

Ms Oona King: Looking at the global context, would it not be right to increase our spending on international development assistance to reduce the flow of refugees? That would be in marked contrast to what the previous Government did.

Mr. Lilley: We should certainly do all we can to improve the economic situation in those countries. I spent eight years of my life dealing with aid programmes. I have many criticisms of them, but I entirely agree with the hon. Lady that we should do all we can through trade, aid, investment and other means to remove the need for people to come here. However, at the end of the day we have a problem of enormous dimensions that the Government are trying to disguise, that their incompetence is aggravating and that has resulted in the United Kingdom ending up as a soft touch for people—with whom I have a great deal of sympathy—trying to get into this country, rather than providing a safe haven for the small number of genuine political refugees who we would all like to let in and who in the best circumstances would be let in by a much simpler procedure than we have at present.

6.33 pm

Mr. Richard Allan (Sheffield, Hallam): I am pleased to sum up on the Liberal Democrat amendment which was fortunately selected today. I was also pleased to hear the Home Secretary's comments—not only when he confessed his slight error in manipulating fax machines, but the

[Mr. Richard Allan]

general liberal tone of his speech. I mean liberal not in the woolly sense, but in the rational sense. The right hon. Gentleman certainly advanced a more rational argument today than he has on many previous occasions about why we get a flow of asylum seekers and what the responsible factors are. It is not something that has always characterised the Government's contributions to the debate.

I am old-fashioned enough to feel that we should be judged on how we treat the worst off in society. I also believe that society does not end at the white cliffs of Dover. That view is held by many citizens in this country and many right hon. and hon. Members.

I was extremely proud of the way in which the people of Sheffield treated Kosovan refugees who arrived there during the height of the crisis. Children gave up their toys in order to make the refugees feel at home and the entire community supported them. As well as the most obvious cases, I feel some sympathy for individuals such as the Roma people from the Czech Republic who have a history of persecution. Tens of thousands of them were killed in concentration camps in the second world war and they now see their families and friends murdered in the streets by skinheads, often with very little response from the authorities.

Although they and many similar groups may not qualify for asylum, we must never forget to relate on a human level to people in such appalling circumstances whatever strict criteria of the refugee convention or the Immigration Rules apply. Many hon. Members would join me in praising the Labour Members who have to deal with such people on a daily basis for the way in which they have maintained their sympathy and humanity.

I thank the right hon. Member for Maidstone and The Weald (Miss Widdecombe) for raising this important debate, although I question her motives in doing so and fundamentally disagree with virtually everything that she said.

Not only in the United Kingdom, but across Europe we are at a crossroads in terms of our attitude towards immigration and asylum policy. We have to decide whether to become fortress Europe or to accept reality and embrace globalisation. One view of the world is summarised by Jörg Haider and the Freedom party in Austria, which should fire a warning shot across Europe and remind us that some people are trying to create a climate of fear surrounding immigration and outsiders.

Although the debate today has been quite measured, some of the comments outside the House demonstrate that there are forces within the Conservative party seeking to play to a different agenda by scaremongering and making the problem seem worse than it is. That is despite the party leaders all signing up to the excellent declaration on behalf of the United Nations High Commissioner for Refugees, the Commission for Racial Equality and the Refugee Council. It states that

"the right to free political expression must not be abused in pursuit of political advantage by inciting or exploiting prejudice on the grounds of race, nationality or religion."

We need to take that seriously, as some people do not take such a charitable view and interpret differently words that are uttered in all innocence to create ugly scenes such as we have witnessed in towns in the south-east where incidents of public disorder have been deliberately stirred up.

The alternative is to accept reality and respond properly to the challenges of globalisation. That is what we have sought to do in our amendment today, which proposes a system of immigration and asylum which is genuinely able to cope with the legitimate demands of a world in which many people live and work and marry people in different countries. National borders are no longer the barriers that they used to be.

I remind right hon. and hon. Members that we should judge matters according to how we would wish to be treated. If I sought to marry someone from another country, I would not expect to have to jump through a huge number of hoops, to have my passport held by the authorities for six months at a time or to have to wait nine months to get an interview before a decision was taken as to whether I could live with my partner. However, that is the reality for many people today.

We live in a world where students who wish to travel face problems. We all desire and need a good-quality immigration service. The comments from the hon. Member for Leeds, East (Mr. Mudie) were particularly instructive in pointing to some of the detailed problems that arise on a day-to-day basis and are wholly unnecessary. Such problems should belong in the past. One of the positive messages that we are trying to draw out of the debate is that the immigration service should exist to assist citizens and not to erect a series of barriers to try to stop citizens of whatever country going about their perfectly legitimate business. The vast majority of people who apply for visitor visas or student visas or wish to marry are perfectly decent people who simply wish to take advantage of the opportunities presented by the modern world.

As we heard from the Home Secretary, recent asylum claims have been from people from countries such as the Former Republic of Yugoslavia and Sri Lanka, where there are clearly acknowledged problems. We need continually to remind ourselves that large numbers of people are being displaced because of the security situation, which is unlikely to improve. If we are planning for the next 10 or 20 years, we should invest in the asylum system because we shall need it. Let us not kid ourselves about global peace and security, as that is not our experience. Anyone with any understanding of foreign affairs will realise that we need to plan in order to cope with future influxes from flashpoint countries such as Kashmir. If anything blew up there, huge numbers of refugees would be displaced, many of whom would have a legitimate claim and wish to stay with relatives in the United Kingdom, for example.

In that climate, it is our duty to show real political leadership; to reaffirm this country's commitment fully to participate in international affairs and to support international justice and human rights. We live in a multi-racial and multi-cultural society. We have always done so—since the Celts mixed with the Romans, followed by the Anglo-Saxons, the Vikings and the Normans. From that time, through the British empire and up to the present day, we have never been anything but a multi-ethnic society.

Many immigrants and refugees have made an enormous contribution to British society and will continue to do so. Where better to celebrate that than in this global city of London? London is one of the foremost global cities; it benefits tremendously from its people. A recent report showed that more than 300 languages are spoken by

London schoolchildren. That is not a threatening fact; it is one of the great strengths of the city and of this country and should be celebrated.

I hope that the House will make it clear that we should show true political leadership. We must not fall prey to the blandishments of the likes of Jörg Haider, offering people simplistic and inaccurate solutions to the genuine problems that we face on the economy and on the global movement of people. The solutions lie in immigration and asylum services that are adequate to meet current and likely future demand. I hope that the Government will tell us that they are prepared to commit serious resources to that matter.

I urge the House to support our amendment and thus to show that we can still take a rational and humane view on these matters. The Home Secretary spoke quite warmly to our amendment, and suggested that he did not find it wholly unpleasant. Despite his failure to condemn it, I hope that hon. Members on both sides of the House will still feel able to support it.

6.42 pm

Mr. David Lidington (Aylesbury): The hon. Members for Southwark, North and Bermondsey (Mr. Hughes), for Leeds, East (Mr. Mudie), for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff), for Walthamstow (Mr. Gerrard) and for Sheffield, Hallam (Mr. Allan) have spoken with considerable parliamentary and constituency experience of immigration and asylum issues. I associate myself and my right hon. and hon. Friends with the tributes that have been paid by Members on both sides of the House to the work of the staff at the immigration and nationality directorate. I add a tribute to the work of the private office staff of the Minister of State at the Home Office; they have always handled my constituency casework with great courtesy and efficiency.

Mr. Straw: And Ministers?

Mr. Lidington: I have to disappoint the Home Secretary with a less generous verdict on Ministers.

My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) spoke with the benefit of several years of ministerial experience in handling these matters. My hon. Friend the Member for Woking (Mr. Malins) was able to speak both from his experience as a Member of Parliament and from his work, over several years, with the Immigration Advisory Service.

I was particularly struck by two points made by my hon. Friend the Member for Woking. He made telling comments about enforcement action. My answer to the hon. Member for Slough (Fiona Mactaggart) would be that the figures on page 27 of the Home Office statistical bulletin show that, in a period during which the number of asylum applications has more than doubled, the amount of enforcement work has not even remotely kept pace with that upsurge in the number of cases coming to the notice of the IND.

My hon. Friend referred to the position of ethnic minority communities. My experience is that some of the people who are most concerned to ensure the efficiency and effectiveness of our asylum controls are members of British ethnic communities who are in this country lawfully. They are concerned partly because many of them had to surmount all the hurdles described by the hon. Member for Leeds, East—they, or members of their families, may have had to wait for many years to come here—so they feel that it is grossly unfair for other people to enter the country unlawfully.

Furthermore, they are concerned because, sadly, as we saw last year in Dover, the security of Britain's ethnic communities within British society is questioned and comes under threat because some unpleasant racist groups take advantage of the genuine anxiety about failures in our system of asylum and immigration control. For that reason, it is right that the Opposition should assert our continuing commitment to work and speak for racial harmony and for the full integration of ethnic communities in Britain into the mainstream of our national life. We must also make it clear that we have grave concern as to the failures in the Government's management of the system of asylum and immigration control.

The Government tend to offer several excuses for the acknowledged crisis that faces the system. The first and easy excuse is to say that it is all the fault of the Tories; it is all down to the previous Government. That excuse wears thinner every time that it is deployed. My right hon. and learned Friend the Member for Folkestone and Hythe gave us an account of what really happened—the Government's inheritance of falling queues during 1997 continued in 1998, as a result of the legislation introduced by him and my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe).

Not only does that point give the lie to the excuse peddled by the Government, their own words make it clear that their explanation is untenable. The Government's annual report in March 1999, when they had been in office for almost two years, stated, in respect of the problems at Croydon:

"The situation has now settled and the majority of problems have been resolved."

The Government published a White Paper on immigration and asylum in July 1999—more than two years after they came to power—in which they set out the targets that they thought they were on track to achieve for the current financial year and for future financial years. Presumably, they had decided on those targets after taking into account any administrative difficulties, or any perceived trends in the number of applications. That excuse is untenable.

The Government's next excuse is that the problem is due to great international trends that are beyond our control. My right hon. Friend the Member for Hitchin and Harpenden was right to describe the international dimension—the age of mass movements of people in which we live. However, the hon. Members for Southwark, North and Bermondsey and for Walthamstow over-egged the pudding; they appeared to be saying that the Government could do nothing to influence the number of applications to enter the UK.

It is true that last year in particular, because of the Kosovo crisis, there was tremendous pressure from the large movement of people into western European countries. However, the comparison between the relative shares of asylum seekers taken by countries is striking. Today, I studied the latest figures from the UNHCR—an unprejudiced source of information on the subject. Four European countries—Britain, Germany, the Netherlands and Switzerland—account for more than 60 per cent. of all asylum applications.

[Mr. Lidington]

The UK was the only country whose share of the total increased during 1999. Germany's share fell from 27 per cent. to 22 per cent. In the Netherlands, the share fell from 12.5 per cent. to 9 per cent., and in Switzerland, from 11.4 per cent. to 10.7 per cent. The UK share—

Fiona Mactaggart: Will the hon. Gentleman give way?

Mr. Lidington: I am sorry, I do not have time to do so.

The UK share rose from a little more than 16 per cent. in 1998 to almost 21 per cent. of the European total in 1999. That relative performance is an indication that we should be asking the Government for an explanation of their mismanagement of the system.

The Government keep telling us that everything is getting better and that there will be plenty of improvements. The difficulty is that we have heard that tale so many times before.

This morning, I found in my file one of a number of letters that I and other hon. Members had received from the Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien), who was formerly the Minister responsible for immigration. The letter was dated 5 March 1999 and it informed me that he expected things to return to normal by Easter of that year. The permanent secretary told the Public Accounts Committee that all current asylum claims would be cleared by October 2000, a target that the Minister confirmed to me recently in a written answer. I hope that when the Minister of State replies, she will explain how the Government will do that.

The Government's progress so far has been miserable. Their target for the current year was 59,000 asylum decisions to be taken, but the expected outturn is 38,000; their target was 46,000 appeals to be disposed of, but their expected performance is 22,100 and their target for the costs for the management of the IND and asylum seeker support was £587 million, but the actual cost is likely to be more than £800 million. That is an extra £200 million that could have been spent on hospitals, schools or the police. Instead, it is being frittered away because of ministerial mismanagement.

It is because of the incompetence of Ministers that the morale of their staff has collapsed and that genuine refugees have to endure the anxiety of waiting for many, many months. For those reasons, it is right that the Government should be censured and that the House should accept the Opposition motion.

6.51 pm

The Minister of State, Home Office (Mrs. Barbara Roche): Let me start on a note of agreement with the hon. Member for Aylesbury (Mr. Lidington) and other hon. Members from both sides of the House. They paid tribute to the work of the immigration service and the immigration and nationality directorate, which are doing the best that they can and are working very hard. That is why we are giving them the extra resources that they need and the resources of which they were starved by the previous Administration.

Although all that the right hon. Member for Maidstone and The Weald (Miss Widdecombe) could offer them was their P45, I appreciate what the hon. Member for Aylesbury said about the staff in my private office. They are excellent and they provide a very good service. The hon. Gentleman's comments will be warmly appreciated by very hard-working people.

Despite the unpromising beginning by the right hon. Member for Maidstone and The Weald, this has been a good debate. Immigration and asylum are important issues, and they are sensitive and complex subjects. It is right to say that the decisions that we take sometimes may mean the difference between life and death, so we should not underestimate the sensitivity of what we are doing.

What are we trying to do? First, the key thing is that we are trying to honour our international obligations to genuine asylum seekers. The difficulty that we all face is that the huge numbers of unfounded applications being made at the moment devalue the whole concept of seeking asylum. I do not always see eye to eye with my hon. Friend the Member for Walthamstow (Mr. Gerrard) on this subject, but I recognise his expertise on the matter as he chairs the all-party group on refugees. It is to uphold this country's proud tradition of giving asylum to genuine refugees that we must have a firm, fair and fast system.

The hon. Members for Southwark, North and Bermondsey (Mr. Hughes) and for Sheffield, Hallam (Mr. Allan) were right to place the emphasis where they did and to speak about their constituency concerns. In the time that is open to me, I wish to respond to as many of the concerns expressed as I can.

The hon. Member for Southwark, North and Bermondsey asked about waiting times. The average time for an initial decision in all asylum cases at the end of 1999 was 13 months.

Mr. Malins: That is far too long.

Mrs. Roche: The hon. Member is quite right. However, let us compare that with the period of 20 months that existed in April 1997. Perhaps, he will congratulate us on the figure.

While I respond to the hon. Member for Woking (Mr. Malins), may I point out as gently as I can that my hon. Friend the Member for Slough (Fiona Mactaggart) rightly picked him up on his figures? He needs to read the table rather more carefully, and it is important to point out the difference between removal and a deportation order.

The right hon. Member for Hitchin and Harpenden (Mr. Lilley) also asked me to consider the figures. In 1996, 4,821 failed asylum seekers were removed and that contrasts with 6,800 in 1998. Before Conservative Members criticise our record, perhaps they should read the table properly. We publish it for their information.

Mr. Clappison *rose—*

Mr. Lilley *rose—*

Mrs. Roche: As I have mentioned the right hon. Member for Hitchin and Harpenden, I shall give way to him. I must then make progress.

Mr. Lilley: Is the Minister repudiating the figures given by the Home Secretary at the Dispatch Box at the

beginning of the debate? He said that 35,000 people were removed or deported, but the figure for the most recent year is 6,845, including voluntary departures.

Mrs. Roche: I knew that I should not have accepted that intervention; I knew that it would not be worth while. I will answer the question, but first may I tell the right hon. Gentleman that I would never repudiate anything that my right hon. Friend the Home Secretary has said? However, if the right hon. Gentleman looks at the table, he will see that the figure that my right hon. Friend gave was for total removals. All that he has to do is read the figures—we provide them.

Mr. Lilley: Will the Minister give way?

Mrs. Roche: No.

I wish to deal with some of the other points that have been raised. My hon. Friend the Member for Leeds, East (Mr. Mudie) raised the issue of DNA testing. This is a—

Mr. Lilley: On a point of order, Mr. Deputy Speaker. There is something wrong with the hearing apparatus in the House. We all heard the Home Secretary say that 35,000 people had been removed or deported, but the figure in the document that he has published for removals and voluntary departures—

Mr. Deputy Speaker (Mr. Michael Lord): Order. I can hear everything quite clearly from the Chair.

Mrs. Roche: I will try to spell the matter out very softly and slowly. The figure of 6,800 is for asylum seekers; the figure that my right hon. Friend the Home Secretary gave was the total figure for removals. It was the correct figure of 35,200.

To answer my hon. Friend the Member for Leeds, East, DNA testing has been considered by the Home Secretary and the Home Office. The decisions taken at the time were made in good faith. My hon. Friend also asked about the bond system. Many Members of Parliament and community organisations support the scheme, but we shall consider the results of the consultation very quickly indeed.

The right hon. and learned Member for Folkestone and Hythe (Mr. Howard) raised the question of asylum seekers and returns to Kosovo. He will be aware of my right hon. Friend the Home Secretary's announcement of 13 September 1999 that the concessions that had been made would end. We expect people to return and they are returning now.

Mr. Howard *rose—*

Mrs. Roche: Please sit down. I can tell the House that 1,570 Kosovans have returned.

My hon. Friend the Member for Birmingham, Sparkbrook and Small Heath (Mr. Godsiff) mentioned embarkation. It is important that we use our resources not at embarkation but at entry so that we can target those who would seek to evade our control.

The hon. Member for Hallam mentioned general casework and students. I know that he has a particular interest in that matter, and we are dealing with it.

The Immigration and Asylum Act 1999 represents the most comprehensive overhaul of immigration legislation for three decades, and it is essential to deliver our fairer, faster and firmer system. The civil penalty is crucial in delivering that system because it will deal with those who seek to evade our control. What do we get from the Conservative party? Filibustering through the night so that the measure will not be dealt with. What do we get when we regulate immigration advisers? Opposition from the Conservative party.

It is interesting to read what former Conservative Home Office Ministers have said. The hon. Member for Bexhill and Battle (Mr. Wardle) said on the Floor of the House,

"I have mixed feelings about the 1996 legislation".—[*Official Report*, 26 October 1999; Vol. 336, c. 828.]

On 29 August 1999, David Mellor said that the last Tory Government had left the immigration and asylum system in a complete and utter shambles.

It is important that we restore integrity to the system. That is why we are providing resources and it is why we introduced the Act. We shall ensure that we honour our international obligations and deter unfounded applications. We shall make sure that this country's proud record is upheld. I ask the House to reject the Conservative motion and the Liberal Democrats' amendment.

Question put, That the amendment be made:—

The House divided: Ayes 38, Noes 147.

Division No. 58] **[7.2 pm**

AYES

Allan, Richard
Baker, Norman
Ballard, Jackie
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Brand, Dr Peter
Breed, Colin
Bruce, Malcolm *(Gordon)*
Burnett, John
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Oaten, Mark
Rendel, David
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Wigley, Rt Hon Dafydd
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. Tom Brake.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*

Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mrs. Eleanor Laing and
Mr. Peter Atkinson.

Question accordingly negatived.

Mr. Tim Collins (Westmorland and Lonsdale): On a point of order, Mr. Deputy Speaker. Is it in order for the Minister of State, Home Office, the hon. Member for Hornsey and Wood Green (Mrs. Roche), who—I believe—is not now present, not to have followed her voice in the Division? Is it in order for her not to follow her advice to her hon. Friends to vote against the Liberal Democrat amendment, which is explicitly critical of the Government? Is that another example of the Lib-Lab pact, or just of the blatant incompetence of that shower over there?

Mr. Deputy Speaker: It would—I think—be usual for Members to vote in the way that they have exhorted others to vote, but, at the end of the day, how right hon. and hon. Members vote is entirely a matter for them.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 145, Noes 362.

Division No. 59] **[7.16 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spelman, Mrs Caroline

Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
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Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Peter Atkinson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Burden, Richard
Burgon, Colin
Burnett, John
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Elman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Grant, Bernie
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Harman, Rt Hon Ms Harriet
Harris, Dr Evan
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Livsey, Richard
Lloyd, Tony *(Manchester C)*
Llwyd, Elfyn
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheff'd Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Oaten, Mark
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen

Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Reynolds, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tynan, Bill
Vis, Dr Rudi
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. David Jamieson and
Mr. Robert Ainsworth.

Question accordingly negatived.

Development Policy

Mr. Deputy Speaker (Mr. Michael Lord): I must inform the House that Madam Speaker has selected the amendment in the name of the Prime Minister.

7.28 pm

Mr. Damian Green (Ashford): I beg to move,

That this House urges the Government to disown the Crow Report and its recommendation of 1.1 million houses to be built in the South-East; condemns the Government's practice of bulldozing homes and walking away from the regeneration of run-down town and city areas; requests an urgent response to the proposals in the Rogers Report for urban renewal; stresses the connections between planning and transport policies; and calls for a change to planning policy to encourage one Britain and urban renewal instead of the divisive policies the Government is pursuing.

Hon. Members: Where is Archie?

Mr. Green: I should apologise to the many Government Members who are admirers of my hon. Friend the Member for Tunbridge Wells (Mr. Norman). I advise them all to book early for Environment questions next Tuesday.

We have brought the debate to the House because the Government stand condemned on two counts: first, they have shown themselves to be completely uninterested in protecting the countryside; and, secondly, they have shown themselves to be neglectful of the interests of city centres that need regeneration. The combination of those two failures of Government policy has led to despair in the countryside and anger in the cities.

Let me start with the ignorance and neglect that the Government have shown toward the countryside, which will for ever be symbolised by the now notorious remark made by the Secretary of State for the Environment, Transport and the Regions:

"the green belt is a Labour achievement, and we mean to build on it."

That is perhaps the only example of the right hon. Gentleman speaking with complete clarity and accuracy since he took office. The only charitable course of action in respect of his use of language is to laugh, but there is far more serious hypocrisy afoot. His deputy, the Minister for the Environment, said before the general election:

"we will make the next Labour Government the first truly green Government that Britain has ever seen."

That is the standard that the Government set themselves. Let us investigate their performance on the Crow report against that standard.

Mr. Andrew Miller (Ellesmere Port and Neston): It would be helpful if the hon. Gentleman reminded his hon. Friend the Member for Tunbridge Wells (Mr. Norman) that, according to the conventions of the House, we would give him an easy ride first time round.

Does the hon. Gentleman consider it appropriate to table a motion with the title "Northern Cities and Southern Green Fields"? Does he realise that there are many acres of beautiful countryside in the north of the country? Does he ever visit the north? Will he dissociate himself from the title?

Mr. Green: If that is the best that the special advisers at the Department of the Environment, Transport and the

Regions can come up with as a handout, I shall not take any more interventions. If the hon. Gentleman had bothered to investigate the subject of the debate, he might know that the Crow report is specifically about the south-east of England. It blithely proposes to put 1.1 million extra homes in the south-east.

The report is one of the shoddiest, least-well-argued and anti-environmental documents ever produced by the planning profession. It takes us straight back to the 1960s, when planners looked at the demographic trends, thought of a housing number, added a bit for luck and insisted that those houses be built, whatever the consequences for the environment.

A really green Government who meant to stick to their principles would have thrown the report out at the first opportunity. Regardless of those principles, the report cuts across the Government's declared policy.

Mr. Tony Baldry (Banbury): Will my hon. Friend confirm that the Conservative Opposition will move to a policy whereby, instead of housing numbers being imposed on local authorities from above, leaving them no control, local authorities will in future have a much greater say in the housing numbers that they must provide in their areas?

Mr. Green: My hon. Friend is exactly right. That is what we have proposed. We want to give more planning power to local people and take away the Government's centralising tendencies.

The Government should have thrown out the Crow report. Instead, they have proceeded to play their usual game of nods, winks, nudges, leaks and half-truths, leaving no one knowing where they stand, and leaving many people angry—not just people in the south-east of England but a much wider coalition, who will never trust the Government again.

Serplan—the south-east regional planning committee—has pointed out a large number of deficiencies in Crow, not least that it brushes aside the problems of congestion and pressure on services. That does not seem to have moved the Government, nor does the Council for the Protection of Rural England's response to Crow. The CPRE said:

"The Government should reject these nightmare plans for building in the South East. They spell sprawl and congestion in England's most overcrowded region and continuing urban decay and social exclusion in other parts of the country."

Several hon. Members *rose—*

Mr. Green: I shall give way to the hon. Member for Watford (Ms Ward), then I must make some progress.

Ms Claire Ward (Watford): The hon. Gentleman is setting out the views of a range of organisations, yet before that he said that my right hon. Friend the Secretary of State should have rejected the Crow report's proposals immediately. Is not the point to listen, consider and consult, and to ensure that such responses are forthcoming so that the Secretary of State is well informed when he finally makes his decision?

Mr. Green: The response to Crow has been universally negative, and I would expect the hon. Lady, whose own constituency is under threat, to share that view. I shall stop complaining if the Government this evening reject Crow hook, line and sinker, but they have not done so. They have deliberately been sending out leaks, nods and winks for the past six months, without letting us know what they think. That is creating widespread anger across the south-east, not least in my constituency, which is particularly targeted for the bulldozers by Crow.

Mr. John Gummer (Suffolk, Coastal): Does my hon. Friend recall that practically the first action of the Deputy Prime Minister, without listening to anyone, was to agree to 10,000 houses on the green belt outside the new town of Stevenage? In that, he was supported by the hon. Member for Stevenage (Barbara Follett), who is not in her place.

Mr. Green: My right hon. Friend is characteristically correct and points out one of the betrayals of the green fields that the Deputy Prime Minister has committed.

Ms Ward: Will the hon. Gentleman give way?

Mr. Green: Not again; once is enough for the hon. Lady.

Several hon. Members *rose—*

Mr. Green: I shall make progress. The only support for the Crow report comes from Professor Christine Whitehead, who is an adviser to the Government and who believes that we need 10 new towns the size of Basingstoke in the south-east of England.

Professor Whitehead, with commendable honesty that has so far failed to grip those on the Government Front Bench, said to *The Times*:

"I don't mind covering a bit of the South East in concrete, to be honest."

At least she is honest. By contrast, the Government's response has been to dither and dodge the issue ever since it came up.

Two weeks ago the Government leaked to a Sunday newspaper the prospect of what they call "millennium towns", new settlements of 50,000 people, one of which they wanted to plonk down on the green fields in my constituency. I asked the Department a number of questions to elucidate the truth behind that leak.

The Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Stretford and Urmston (Ms Hughes), replied that proposals for a new town had been put forward and that the Secretary of State would shortly consult on draft changes to the draft regional planning guidance. We are to be consulted, are we? Do not believe it for a minute.

Yesterday the Deputy Prime Minister revealed to a Fabian Society and SERA—Socialist Environmental Resources Association—conference that he has taken the decision already. He claimed that the Government would not be concreting over the south-east. He went on to say:

"We will be recognising the needs of continuing economic growth and providing for future prosperity"—

weasel words which show that he believes in a bit of concrete over the south-east, just like Professor Whitehead.

[Mr. Green]

The Deputy Prime Minister went on to say:

"We will want to make the best use of major transport modes and utilise transport corridors. This includes ensuring that the new Channel Tunnel Rail Link brings as much benefit to the surrounding areas as possible."

Those are real weasel words. The benefit that he wants to bring is a large pile of concrete all over the green fields of east Kent.

Mr. Jonathan Shaw (Chatham and Aylesford): Does the hon. Gentleman's party's policy extend to allowing local councils to determine planning applications for out-of-town supermarkets?

Mr. Green: We do believe in greater local powers across the planning system. We are consistent in that. I should be interested to know the Government's view on that.

Dr. Alan Whitehead (Southampton, Test) *rose—*

Mr. Green: It is clear that the Deputy Prime Minister is not going to consult. He has already decided. There is further dishonesty. He has clearly decided that part of the Crow report will be implemented, yet his spin to the press yesterday, as quoted in the *Evening Standard*, was "Prescott shuts door on homes boom".

Dr. Whitehead: Will the hon. Gentleman give way?

Mr. Green: No doubt the Government wanted to reassure everyone in the south-east, but one has only to read the story to discover that, after all his months of dithering, the Deputy Prime Minister has not rejected Crow. He has looked at the Serplan figure, which is 750,000, and the Crow figure of 1.1 million, and he has split the difference.

The Deputy Prime Minister's figure will still mean that large swathes of the green land that people in England value will be gone. He knows, as do those on the Government Front Bench, that once it has gone, it is gone for ever. He will have written on his political tombstone, "The man who ripped up the green fields of England."

Dr. Whitehead *rose—*

Mr. Green: Hon. Members from other regions—

Mr. Deputy Speaker: Order. The hon. Member for Southampton, Test (Dr. Whitehead) must not remain standing if the hon. Gentleman who is addressing the House is clearly not giving way.

Mr. Green: Hon. Members from other regions need not think that this is just a south-eastern problem. There are already murmurings of hundreds of thousands of extra homes needed in the south-west of England.

I suggest to the Prime Minister that before he takes his annual day trip to the countryside tomorrow, where he will lecture people on how they should stop moaning about the lack of rural services, the destruction of British agriculture, the closure of their post offices, and the extra petrol taxes levied by the Government, and start learning to love him as they have been told, perhaps he should be aware that he will face one more legitimate grievance.

As well as farmers, drivers, shoppers, postal workers and fishermen, the Prime Minister will have environmentalists after him. They will be telling him that life in the countryside is not the idyllic vision painted by the Cabinet Office report that we will see tomorrow, but a struggle against an uncaring and ignorant Government.

Mr. Anthony Steen (Totnes): My hon. Friend mentioned the south-west. Is he aware that at the Dartington Church of England school in my constituency, the sewer is so small that it cannot cope with the amount of water that goes down it when there is a storm? As a result, the sewage pops up in the basins of the primary school—the sewer is too full because too many homes have been built without the proper infrastructure being in place. Does he agree that we should not build new homes if the infrastructure cannot cope? May I draw to his attention my private Member's Bill to be debated on 24 March, which deals with the matter?

Mr. Green: My hon. Friend gives a vivid example of what happens when building is too much for the infrastructure. We shall take the advert for his private Member's Bill as the commercial break in my speech.

The Deputy Prime Minister has spent the best part of three years fiddling at the edges of the planning system, without making it integrated, joined up, modern or any of the other buzz words that the Government substitute for principles. He said that he would move on from predict and provide for housing plans. Sadly, he has replaced it with dither and destroy. In the countryside, things can only get worse under this Government.

The Government stand condemned as the enemy of the countryside, but that probably does not worry Labour Members. The few Labour Members who were elected in mainly rural seats expect to be here only temporarily and are already planning what to do next. That may apply less strongly to Labour Members who represent inner-city constituencies. They expect to be here for more than another year. It is refreshing to witness the way in which they are beginning to come out of the woodwork and endorse our criticisms of the Government.

This week, the hon. Member for Liverpool, Walton (Mr. Kilfoyle), after courageously and honestly deciding that he could not stomach sitting on the Front Bench any longer, blew the gaffe. In *The Guardian* on Wednesday, he criticised the Government for their "wholly London perspective", which, he is reported as saying, leads to

"'very often a lack of understanding' of issues in Merseyside and the regions."

Intriguingly, the article continues:

"New Labour had become 'a pejorative term in many people's eyes', which he no longer used."

The Prime Minister may believe that the north-south divide does not exist, but his candid friends in the north clearly do not believe him.

The hon. Member for Walton is not alone. When the Prime Minister commissioned the famous Cabinet Office report in a desperate attempt to show that he was not letting down the inner cities, Mr. Bill Midgley, president of the north-east chamber of commerce, dismissed it as

"whitewash". He said that Ministers were highly selective within regions, and that anyone could play that game. The hon. Member for Blyth Valley (Mr. Campbell) suggested that the Prime Minister should put up or shut up on the issue. Many of us heartily endorse that sentiment.

The Government fail on two counts: they are unwilling to protect the landscape in relatively prosperous areas and unwilling to take action to regenerate our cities—in the south or the north.

Mr. Bob Blizzard (Waveney): Last year, I read on page 56 of my local newspaper that the hon. Gentleman had visited my constituency. As he drove north of Lowestoft, did he notice a large, out-of-town superstore? Did he realise that the local council had unanimously rejected the application for it when the Conservative party was in government? Does he know that the previous Government overruled the local council to grant permission for building an Asda superstore? How does he square that with his comments about granting power to local councils?

Mr. Green: I feel sorry for the hon. Gentleman because he had a prepared intervention for someone other than me. Unfortunately, he is insufficiently flexible to devise an intervention on his own.

I shall present some practical suggestions, which we have made public. The Government can adopt them if they wish; they would help cities in the north and in the south.

Mr. Stephen O'Brien (Eddisbury): There is an acid test in the life of every Government and, as my hon. Friend considers the north-south divide, we recall the Prime Minister's rhetoric. The acid test comes this week, when we await the decision on whether the Synchrotron award will be given to Oxfordshire or Cheshire. If it is awarded outside the north-west, which has a zone of natural advantage, we shall have proof that the Prime Minister is not sincere about wanting to support the north-west.

Mr. Green: My hon. Friend has been fighting hard for the interests of his constituents. He has done that alongside many trade unionists whom he met today. I hope that the Government will take note of that.

The Government should set higher brownfield targets; they should be increased to two thirds of all new housing. The Government should do more to release redundant land and buildings from the public sector to the private sector for redevelopment. Run-down housing stock should be transferred from the public to the private sector for redevelopment. The Government could give homesteading grants to provide financial incentives for individuals and co-operatives to transform run-down, dilapidated council houses and flats. The Government could do more to restore contaminated land. They could set tougher penalties for anti-social activity, which makes life difficult in some of the deprived estates in our cities.

Several hon. Members *rose—*

Mr. Green: I shall not give way again. Most important, the Government should revise planning guidance so that local people can have more control over the planning system. Instead of Ministers making decisions in Whitehall, councils should be given more discretion to determine the amount of greenfield development that they want. We should make it easier for councils to develop in the inner cities, where regeneration is possible, and more difficult for development to occur on green fields.

We have proposed a raft of policies, which are available for the Government to steal, if they wish. If they believe that that is beneath their dignity, perhaps they would like to look to their own side. Last summer, the Labour peer Lord Rogers produced an interesting and full report, which provided many options for regenerating our cities. At the time, the Deputy Prime Minister mumbled that it was all jolly interesting and that the Government would consider it carefully. Since then, there has been a deafening silence, which means that the Department is paralysed at the prospect of making a decision.

Our cities are supposed to be an urgent problem for the Government and the Deputy Prime Minister. It is so urgent that they have put the Rogers report on a shelf in the hope that we shall forget it. I assure the Minister that we will not. The Minister could bring a constructive element to the debate if he gave a firm date for the publication of an urban White Paper, which gave the Government's full reaction to the Rogers report. If he cannot do that, the House must draw its own conclusions.

It is not only cities that feel the Government's slowness in producing their thoughts. I commend the Government for the consistency in their attitude to the rural White Paper. Since they told us that they would produce a rural White Paper, they claim that it will be published in the next season of the year, or the next season but one. Last summer, they claimed that it would be published in the late autumn; in the early autumn, it was scheduled for the new year; before Christmas, publication was set for the spring; last month it was set for the summer. I heard recently that it will not be published until this autumn. At such a rate of progress the Government will be saved from their indecision. The collapse of large parts of agriculture and the over-development of many green fields will mean that no rural life will remain about which to produce a rural White Paper. The rural White Paper is another example of dither and destroy.

Conservative Members, who care about protecting the countryside and regenerating cities, are frustrated because we are asking the Government to do something that is popular and right. However, they seem determined to wait for years before plunging in the wrong direction. They must have noticed that their attitude creates anger in communities across the country, in all areas with all sorts of social conditions.

Hon. Members on both sides of the House know that the Government are failing the countryside and the cities and creating a divided society. With every month that passes, it is increasingly obvious that the Government have no understanding of, no interest in and no solutions to those serious problems.

7.49 pm

The Minister for Housing and Planning (Mr. Nick Raynsford): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's commitment to create high-quality, desirable, safe places to live without eating up the countryside; supports the Government's policies on protecting the Green Belt

and believes the Government's inclusive and strategic approach to planning, housing, transport, countryside protection, welfare and economic policies will achieve more sustainable and equitable patterns of both urban and rural development; recognises that this Government is planning for economic success and that there is an opportunity to use growth to create better and more sustainable communities and improve the quality of life; welcomes the Government's move away from the previous 'predict and provide' approach to housing provision and the introduction of a 'plan, monitor and manage' policy; supports the Government's target of building 60 per cent. of all new housing on previously developed land; and welcomes the Government's determination to ensure that the whole country shares in the benefits of economic recovery."

First, I congratulate the hon. Member for Tunbridge Wells (Mr. Norman) on his new appointment to the Opposition Front Bench. That said, the hon. Gentleman may feel a little apprehensive knowing that he is the fourth shadow Secretary of State for the Environment, Transport and the Regions in less than three years.

May I also say how disappointed I am that the hon. Gentleman has declined to open tonight's debate, despite the trail on the "Today" programme, which indicated that this was to be his great opening event? In case it is suggested that that was, perhaps, due to the fact that the Deputy Prime Minister is not opening the debate, let me say that it was made clear last week that I would be doing so. It was also made clear that the right hon. Member for Wokingham (Mr. Redwood) would be opening for the Opposition. Clearly, he is not available and it is interesting that his successor has not chosen to open the debate.

Perhaps the hon. Member for Tunbridge Wells is too modest. Perhaps he is aware that he is inadequately briefed on a difficult subject; or perhaps he has been too busy with his business interests. No doubt the Leader of the Opposition—who I understand worked closely with him when they were at McKinsey's—was well aware of the extensive business interests of the hon. Member for Tunbridge Wells when he made the appointment, not least his association with Asda and the US giant Wal-Mart.

I hear that the hon. Gentleman announced this afternoon that he is giving up his directorship and consultancy post with Asda. I welcome that, although I question whether it is right that he should retain a major shareholding in Wal-Mart which, as the House knows, has substantial interests in the retail sector and planning issues, which are highly relevant to the subject of this debate.

Mr. Archie Norman (Tunbridge Wells): I assume that the Minister will shortly come to the substance of the debate and move on from these dreary and pathetic issues. Is he aware that the major shareholding to which he referred is 0 per cent?

Mr. Raynsford: I am pleased to hear that. Perhaps the hon. Gentleman will tell us about his shareholding—

Mr. Peter Bottomley (Worthing, West): On a point of order, Mr. Deputy Speaker. During my time in the House, if Ministers, or anyone else, say something that is denied, they usually substantiate it or apologise and withdraw. The Minister should do so.

Mr. Deputy Speaker: That is entirely a matter for the Minister.

Mr. Raynsford: If the hon. Member for Worthing, West (Mr. Bottomley) had not leapt up intemperately, I was about to say that I was pleased to hear that the hon. Member for Tunbridge Wells had done so. I was acting on the basis of the "Register of Members' Interests", which was prepared on 1 December 1999 and which declared under "Registrable shareholdings" a holding by the hon. Gentleman in Wal-Mart. If the hon. Gentleman has disposed of his shares since then, I am pleased to hear it, but I hope that he will accept that I spoke in good faith on the basis of the latest available information in that register.

The House should pay attention to such matters. I think that we would also welcome an indication of the hon Gentleman's intentions for his other directorships—in companies such as French plc, Maybeat Ltd., Knutsford, and the wonderfully named Nocktwice. This is an important issue, which is not only of concern to the House. As *The Times* said today, the hon. Gentleman's business connections would be

"the voice of vested interest, whether the issue was planning laws or car parking charges".

Mr. Baldry: We are all genuinely pleased to see the Minister back in much better health. However, my constituents will not understand this knockabout. Concerns on the Crow report are such that parish churches in certain villages are the only buildings that are large enough to hold the public meetings to complain about the report—such a thing has not happened for a long time. As part of the consultation process under the draft regional planning guidance, I invite the Minister to visit Oxfordshire to hear at first hand the concerns of the people who live there about the impact of the new planning guidance on our county.

Mr. Raynsford: I thank the hon. Gentleman for his kind words. As he will know, we are considering carefully the recommendations of both the Serplan report and the Crow panel and we will make our decisions clear in the near future. Until we do so, it is not appropriate for us to participate in any public debate. However, we will be happy to debate the issue fully subsequently. Also, it is a matter of concern in the House and throughout the country that our decisions on matters as important as this should be taken impartially and solely from the point of view of the public interest. There should be no question of any other interest influencing our decisions.

I gather that, when the hon. Member for Tunbridge Wells was at Asda, he used to—

Mr. Deputy Speaker: Order. I trust that the Minister will agree that it is time to move on. He is supposed to be speaking to the amendment and I trust that he will do just that.

Mr. Raynsford: I will come immediately to the point in hand. I was simply observing the absence of the shadow Secretary of State from the Dispatch Box when the Conservative party announced on the "Today" programme this morning that this would be his first test—a test that he has spectacularly failed.

Whoever dreamt up the title of tonight's debate, "The Two Britains", could have done with some help. Presumably, the right hon. Member for Wokingham decided to use this echo of Disraeli. I will miss him at the Dispatch Box, but I suppose that it is not surprising that,

unsure of his future in a turbulent and demoralised Conservative Party, the right hon. Gentleman should be desperately hankering after past glories in turning to Disraeli for inspiration. Whoever chose the title, he clearly did not spend much time reading Disraeli. Had he done so, he could hardly have failed to recognise Disraeli's powerful message and how different that was from the simplistic, badly researched and unconvincing case put across by the official Opposition this evening—a pale sad shadow of the Conservative party, which was a party of government.

The two nations of which Disraeli spoke:

"between whom there is no intercourse and no sympathy, who are as ignorant of each other's habits, thoughts and feelings as if they were dwellers in different zones or inhabitants of different planets, who are formed by a different breeding, are fed by different food and ordered by different manners",

were not dwellers in different regions—north and south. They lived in close proximity to each other in almost every corner of Victorian Britain. They were, of course, the rich and the poor. The shocking division between rich and poor that Disraeli chronicled remains all too visible.

Mr. Crispin Blunt (Reigate): It sounds as though the Minister is describing the difference between old and new Labour.

Mr. Raynsford: I was describing the difference between the glorious days of the Conservative party in the time of Disraeli and its sad, pale shadow today.

That was the division that Disraeli described. It was not between north and south, but between rich and poor. Those divisions got much wider under the 18 years of Conservative Government, despite their—*[Interruption.]* Let us look at the previous Government's record on employment region by region between 1979 and 1995. Employment in the north was down 10.6 per cent.; in the north-west, 11.4 per cent.; in Yorkshire and Humberside, 5.8 per cent.; in London, 11 per cent.; and, in the west midlands, 9.7 per cent.

There is more. Under the Tories, the top 10th of the population got almost two thirds better off, while the bottom 10th became 17 per cent. worse off. In 1994, the gap between the highest and lowest paid worker was higher than at any time since records began in 1886, just five years after Disraeli's death. That was the Conservative Government's record on dividing the nation, and that is the legacy which the Government have inherited.

Mr. Blunt: Will the hon. Gentleman give way?

Mr. Raynsford: No, I have already given way once to the hon. Gentleman.

The challenge that the Government have willingly taken up is how to reduce the gap between the haves and the have nots—the inequalities that scar our society—and how to tackle the evils of social exclusion, unemployment, homelessness and despair, to which all too many of our fellow citizens were condemned by the previous Conservative Government's policies. This Government's one-nation policies are addressing those problems, which exist all over Britain.

Poor economic and social conditions are not confined to any one part of Britain. Of the 150 most deprived wards in the country, 42 are in London and the south-east, and 66 are in the south, and 22 of London's 33 districts feature in the top 100 deprived areas. Unemployment in London is second only to that in the north-east.

Mr. Tony Lloyd (Manchester, Central): Does my hon. Friend agree that what was remarkable about the speech the hon. Member for Ashford (Mr. Green) was that, while the debate is notionally about not simply the south and the green belt, but about the north, there was almost no reference to that, and certainly no analysis? My hon. Friend's present point is the most telling of all. Even within the south, there are enormous pockets of poverty, of which the hon. Gentleman seems blissfully, and, in his case, I assume, happily, ignorant.

Mr. Raynsford: My hon. Friend makes a telling point. The absence of any significant reference to the problems of poverty throughout Britain and particularly in the north by the hon. Member for Ashford (Mr. Green) was something which all hon. Members will have noted.

Mr. Blizzard: Representing Britain's most easterly constituency, I find that debates about the north and the south, and speeches such as that of the hon. Member for Ashford (Mr. Green), show a neglect of the east, which is what we suffered for 18 years. This Government's policy of tackling deprivation, poverty and unemployment, wherever it is, is the right way forward, and that is certainly appreciated by my constituents.

Mr. Raynsford: I well recall a visit that I made to my hon. Friend's constituency to see the real problems of deprivation in Lowestoft and areas of the eastern region, and he is right to highlight the fact that problems of poverty and deprivation exist throughout Britain and are not confined to any one region.

Regional averages mask enormous variations in social and economic conditions. For example, in Yorkshire and Humberside, GDP per head in 1996 ranged from 30 per cent. above the national average in York to 35 per cent. below in Barnsley and Doncaster. In the south-east, GDP in Berkshire was 38 per cent. above the national average, while in East Sussex it was 26 per cent. below. Those are real variations within existing regions, north and south.

Likewise, the media have greatly exaggerated the idea of a north-south shift in the population. Although England's three northern regions lose people each year to out-migration, for every 100 people that move away, at least 95 people move in. The total number of people lost by net migration from those three regions is just 10,000 each year, and that is largely offset by natural growth in the population. Most importantly for this debate, most of that regional out-migration is to neighbouring regions. Anyone who looks at the hard data will see that few people make the much-hyped north-south leap of which the Tories try to make such capital.

The Opposition clearly did not bother to look up their facts before making suppositions about trends that do not exist. They need to look at what is happening within each region. Households tend to move out of our cities—the six metropolitan counties and Greater London lose more than 90,000 people each year through net migration to the less urban areas surrounding them.

If the Opposition look only at the regional averages, they will only ever learn part of the story. All regions contain pockets of deprivation and prosperity, areas of

[Mr. Raynsford]

population decline and growth. We recognise the need to have in place the right conditions for growth throughout the country, and policies to tackle specific problems of deprivation and decline wherever they occur.

How should we do that? As we never tire of reminding the Opposition, we have set up regional development agencies to target areas of under-performance and generate sustainable and more balanced economic growth in their regions. For the first time, regional strategies set out how less prosperous areas in each of our regions can gain a share in, and contribute to, Britain's increasing prosperity.

Just as the regional development agencies are beginning to make a real impact, the Tories, with their uncanny knack of doing the wrong thing at the wrong time, are calling for their abolition. It would be a matter of deep regret if anyone took them seriously, and if it were not so maladroit, that the Opposition now want to abolish the RDAs—although I gather not those in Scotland and Wales—the regional planning structures and the regional chambers, the new deal, the minimum wage and the working families tax credit. That is the policy of despair, not the politics of a serious party that might aspire to Government.

Mr. David Prior (North Norfolk): Can the hon. Gentleman name one thing that the East of England development agency has done to alleviate poverty in East Anglia?

Mr. Raynsford: The East of England development agency is already working in a number of different ways. It has submitted a detailed strategy for activity within the area. Its representatives have met the Minister for Local Government and the Regions to outline what will be done in the regions. As my hon. Friend the Member for Waveney (Mr. Blizzard) so rightly pointed out, the Government are tackling the problems that were neglected by the previous Government.

Mr. Blizzard: Will my hon. Friend give way?

Mr. Raynsford: No, I have given way once and I must make progress.

Housing is one fundamental element in people's living standards. Unlike Conservative Members, the Government are committed to offering everyone the opportunity of a decent home. Over the life of this Parliament, we are making available an additional £5 billion for investment in housing in England. Resources for housing investment by local authorities from April next year have been increased by 48 per cent. over the previous year, the largest increase in the housing investment programme that has ever been made, following long years of cuts under the Conservative Government. That investment is helping to tackle the serious backlog of poor condition council housing, to build new affordable homes in areas of shortage and to tackle the problem of low demand which was ignored throughout the Tory years.

Mr. Graham Brady (Altrincham and Sale, West): Can the hon. Gentleman explain the rationale for cutting the budget of the Housing Corporation in the north-west by nearly 20 per cent. this year?

Mr. Raynsford: The Housing Corporation's budget has not been cut by 20 per cent., it has increased this year. The Housing Corporation's regional allocation, like that given to local authorities, is determined by formulae. In the case of the Housing Corporation, that is the housing needs index, and, in the case of the local authorities, a slightly different one called the general needs index. Because the HNI was based on the 1996 house condition survey, which showed significant changes from the previous data, the improvement in housing conditions in the north-west resulted in a lesser allocation. Overall, when one considers the allocations to the local authorities and housing associations combined, the north-west region has some £70 million of additional housing investment this year.

Mr. Gummer: Under which Government did that improvement in housing in the north-west take place? Was it under the same Government whom the hon. Gentleman was attacking for not doing anything about housing?

Mr. Raynsford: I am happy to pay tribute to the good work of all the local authorities and housing associations in the north-west, many of which I know well, which successfully secured significant improvements in their area during those years.

Our forthcoming housing Green Paper will set out a series of radical new proposals for the further modernisation of housing policy and lay the foundations for ending the appalling legacy of homelessness, housing deprivation and social divisiveness that we inherited in 1997.

Mr. Steen: Will the hon. Gentleman give way?

Mr. Raynsford: If the hon. Gentleman will bear with me, I will give way, but I should like to make some progress first.

Crucial to building a successful and united country is our policy of urban renaissance. The flight from the cities, which was such a characteristic of the Tory years, must be reversed. The notion that urban living is second best needs to be overturned. We want to make our towns and cities places in which people choose to live and lift the threat of unnecessary development from the countryside.

People also want the tide to turn on dreary and soulless house building. No one wants more of the indifferent collections of little boxes that were allowed to spread across our countryside like a rash. Unfortunately, many of those developments, which I regret were a characteristic of development patterns under the previous Government, are still in the pipeline, particularly in the south-east. That must change and we have made it clear that it will.

The creation of better-designed places where people want to live will be a strong message in our new planning policy guidance for housing—PPG3—which we shall publish soon. We shall make it clear that planning authorities should promote developments that bring together environmental, transport and planning best practice to create places that have their own distinct identity and are in harmony with the local environment. New development should help to create safe, attractive places of a quality that will endure.

Dr. Phyllis Starkey (Milton Keynes, South-West): Does my hon. Friend agree that my constituency is an

excellent example of precisely the good planning that he has described? Was it not unfortunate that the hon. Member for Ashford (Mr. Green), who is on record as being extremely rude about my constituency, did not see fit to give way to allow him to put that right on the record?

Mr. Raynsford: My hon. Friend is absolutely right to highlight the considerable qualities of Milton Keynes. There are many good things in her area and she is right to condemn unthinking, ill-informed attacks by people who probably have little or no practical knowledge of that part of the country.

We shall make it clear in our new guidance that new developments should help to make places safe and attractive and should be built to design standards that will endure. We shall not beat about the bush. When applying for planning permission, housebuilders will have to show how they have taken the need for good design into account. Planning authorities will be expected to reject poor design, particularly when their decisions are supported by clear planning policies and design guidance. We shall support them on appeal.

Mr. Steen: The Minister talks about good design, which is important, but does he agree that it is equally important to have sewers and schools in place when new homes are built? There must be enough facilities so that people already living in an area are not prejudiced. How will PPG3 ensure that people who already live in the countryside do not have their lives ruined because there is insufficient infrastructure for new homes?

Mr. Raynsford: I say to the hon. Gentleman, who always enlivens our proceedings, that design is more than aesthetics; it is about creating the correct environment and ensuring that places are safe for people to lead pleasant lives without fear of the undesirable consequences that he described.

The Environment, Transport and Regional Affairs Committee recently produced a welcome report on planning for housing and I say to the Chairman and its members that I shall respond to the report and that PPG3 will be published very shortly. The Committee will know that planning guidance has quasi-legal status and takes time to prepare. An enormous number of responses have been made to the consultation, including one from the hon. Member for Totnes (Mr. Steen), and we are taking them seriously. The document is a key plank in countering the irresponsible development policies that were pursued for more than a decade in the early years of the previous Administration and which threatened the green belt and gobbled up the countryside.

We take no lessons from the Opposition. On the profligate use of greenfield sites, hon. Members should look at what they did on out-of-town shopping. During their 18 years in office, nearly 13 million sq m of out-of-town shopping floor space was developed in shopping centres, retail parks and superstores. Superstores alone added 5 million sq m and half all out-of-town shopping—much of it in the south-east—was approved and built under the previous Administration in seven ruinous years from 1986-92.

The disastrous consequences have been recognised and policies changed. To his credit, the right hon. Member for Suffolk, Coastal (Mr. Gummer)—I am delighted that he is present—began that process, and we have tightened further the restrictions on inappropriate out-of-town developments with the clear support of the Select Committee's recent report. In the same way that the tide has been turned against a proliferation of out-of-town shopping centres that damage our town centres, so, too, the tide is turning in favour of housing development in our towns and on brownfield sites. We are promoting a sequential approach to delivering land for new homes, which will prioritise the re-use of brownfield sites.

Mr. Peter Lilley (Hitchin and Harpenden): May we take it that the Government prefer building on brownfield sites and that they will rescind the permission to build 10,000 houses on the green belt in my constituency? That is the largest approval ever given for housebuilding on the green belt.

Mr. Raynsford: The right hon. Gentleman knows from previous debates in the House that the decision to proceed with that designation was taken by the local authority, quite properly, and it decided to proceed because of a perception—for which there is considerable support from people who have looked at the matter carefully, including planning professionals—that it is better to concentrate development in an area close to transport linkages and other facilities rather than allow a proliferation of development throughout the wider surrounding rural area. I know that that is a difficult issue and that there are different points of view, but he knows only too well that the decision was properly taken by the local authority. It would be quite improper for the Government to intervene belatedly in the way that he suggests.

Ms Ward: Does my hon. Friend agree that developments such as the west of Stevenage development are important to achieving a balance? Although the majority of houses should be built on urban redeveloped land, some are necessary in areas where a new town can be constructed. If it were not for the west of Stevenage development, areas of Stevenage and Watford would experience more building and the amenities available to the people who already live in the town centres would be decreased. They have little green space around them so they want to protect some of it.

Mr. Raynsford: My hon. Friend rightly articulates the concerns of many people in urban areas who do not want urban green spaces to be built on. We support that. Our policy priority is to secure development, wherever possible, on brownfield sites. When that is not possible—we recognise that it is not always—it is essential that sustainability principles apply. I described them in response to the question posed by the right hon. Member for Hitchin and Harpenden (Mr. Lilley).

Mr. Blizzard: Will my hon. Friend give way?

Mr. Raynsford: Once more, but then I must make progress because this is a brief debate. I have given way to my hon. Friend already.

Mr. Blizzard: Before my hon. Friend moves on from brownfield sites, may I draw his attention to a large £3 million redevelopment that is under way on a derelict

[Mr. Blizzard]

brownfield site in Lowestoft? It was funded by the East of England development agency, and that may be of interest to the hon. Member for North Norfolk (Mr. Prior).

Mr. Raynsford: I thought that my hon. Friend was about to come in with a useful and apposite reference that responded well to the question asked by the hon. Member for North Norfolk (Mr. Prior).

As I have made clear, we are also committed to a 60 per cent. target for recycling land. We believe that that is tough, but achievable, and Lord Rogers' urban task force agrees. That is not only a question of maximising the use of recycled land. We must end the profligate waste of land through the type of low-density greenfield development that characterised the Tory years. The facts speak for themselves: between 1989 and 1997, 58 per cent. of all new housing developments in the south-east were at densities of less than 20 houses per hectare. That was the previous Government's legacy, and it has to change. As my right hon. Friend the Deputy Prime Minister said yesterday, "We've got to stop wasting land." We want local authorities to look critically at the standards that they apply to new development.

Mr. Andrew Reed (Loughborough): On wasting existing brownfield sites, will my hon. Friend ensure that local authorities have powers to act when private landlords price town centre sites unreasonably and make sure that developers are not able to use them to enhance housing and urban regeneration? There are real difficulties as many such sites are derelict. Will he consider bringing them back into use?

Mr. Raynsford: My hon. Friend makes an important point about the difficulty of land assembly in many urban areas. As he will probably know, we have commissioned a detailed study of compulsory purchase practice and are looking at ways of improving the procedures to ensure that it is possible for land assembly to take place while the interests of all parties are respected. A delicate balance has to be achieved, but we are seeking a way forward.

Raising densities does not represent either a pipe dream or a return to the high-rise developments of the 1960s and 1970s. I want better-quality housing design that includes modern variations on popular traditional-style layouts to improve the quality of life in our towns and cities and reduce development in the countryside. It can be done, and it has been done, as developments such as Poundbury in Dorset and Coin street in London have clearly demonstrated. We can achieve better-quality housing and use less land with a popular mix of housing. Even on suburban sites, net development densities of about 50 dwellings per hectare can be achieved with a mix of terraced, semi-detached and detached houses with gardens. Few would quibble with the Government's wish to see quality places that people will cherish.

We will soon announce the conclusions that we shall reach on regional planning guidance for the south-east and eastern regions. As all Members know, we cannot and will not pre-empt that announcement. Let me make this crystal clear, however: our response, and our approach to the future development needs of both regions—and, indeed, others—will be firmly based on the principles that I have set out today, and our commitment both to encouraging an urban renaissance and to the protection of our countryside.

In contrast to the previous Government, who presided over a profligate and unsustainable development bonanza that gobbled up millions of hectares of greenfield land, the present Government have developed what is probably the most co-ordinated, thoughtful and realistic approach to planning and regeneration that we have seen for many decades. A number of the new policies are already in place; others will follow in the near future. They will, of course, take a little time to work—there is a lot of damage to make good—but what I have described is a joined-up, long-term programme, with clear objectives in mind and with huge benefits for all our country, urban and rural, north and south. What a contrast that is with the piecemeal, knee-jerk attempt by a non-credible Opposition to grab headlines by distorting a few selectively chosen statistics.

We care about the countryside. We care about our towns, and we care about our cities. We care about all our regions. We are the party of one nation—one Britain. I commend the amendment warmly to the House.

8.22 pm

Mr. Mike Hancock (Portsmouth, South): I am sure that all hon. Members share my disappointment that the right hon. Member for Wokingham (Mr. Redwood) was not here to open the debate. I, for one, would have liked to ask him some questions about the policies that he has expounded in recent months—not least how he squares cutting bureaucracy for developers with giving more power to local people. I wonder whether that policy will continue.

Like many other Members, I am also disappointed that the hon. Member for Tunbridge Wells (Mr. Norman) is not at the Dispatch Box, but I am sure that everyone awaits next Tuesday's Environment questions with great interest.

This afternoon, answering my right hon. Friend the Member for Ross, Skye and Inverness, West (Mr. Kennedy), the leader of the Liberal Democrats, the Prime Minister had a great opportunity to start the process of showing the Government's commitment. He could have said that the Government were going to come clean about whether they would provide match funding for areas that have been granted objective 1 status in Wales, the south-west, Merseyside and Sheffield. If he had said that the Government now had every intention of honouring those commitments, the message would have gone out to those areas, loud and clear, that the Government were on the ball and would deliver. I am sure that people living there are greatly disappointed that the opportunity was lost.

I spent 30 years in local government, during which time I chaired a local planning authority in what was probably the country's most densely populated city, and led the largest local authority in the country, with a great responsibility for a sizeable chunk of the south-east. I had expected to discover what the Tories had to say. I am sorry that the hon. Member for Ashford (Mr. Green) did not allow me to intervene; had he done so, I would have asked what responsibility he felt he and his colleagues had for what had happened between 1979 and 1997. As planning chairman and as leader of a local authority,

I suffered weekly from the overturning of planning decisions and from the pressure that is placed on local authorities to do more—and from not being able to receive a straight answer, even when Ministers were confronted by delegations of members and the public.

I was interested to read the document "Common Sense Revolution in Regeneration", and to note the sudden conversion experienced by the Tories who wrote it. They speak of restoring contaminated land. Where were they in the 1980s and 1990s, when authorities such as mine and many others throughout the country begged for resources to free up brownfield sites and enable them to be developed? The price for the failure to do that was the taking of hundreds, if not thousands, of the green acres that the Tories now long to protect. They did nothing; and there is no disclaimer in the document. There is not even a footnote saying, "Whatever you do, be careful: there is a denial at the back that you can use in case of emergency." Moreover, we heard nothing from the Tories today about their current position.

In a section entitled "Revised Planning Guidance", the Tories say:

"We will streamline the planning process in rundown areas and make brownfield development easier."

Why now?

Mr. Norman: What is your policy?

Mr. Hancock: Do not worry; we shall come to that. You had years in power, and we are now suffering the results. It is a bit rich for you to come here—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Gentleman must remember to use the correct parliamentary language.

Mr. Hancock: It is a bit rich of Her Majesty's Opposition to present a motion that does little other than cry crocodile tears. It would have been nice if someone had owned up to the part that the Conservative party played in creating the present mess.

I entirely agree with the Minister about the difficulty of judging the north-south divide, but it is certainly not right for Members to talk down our northern cities. We need only look at the success stories in Newcastle, Manchester and Leeds, and the huge advances that have been made in Liverpool and Sheffield, in a very short time, under Liberal Democrat control. The figures speak for themselves.

Mrs. Louise Ellman (Liverpool, Riverside): Is the hon. Gentleman aware that, following the Rogers report, the Labour Government's policy is already being enacted in Liverpool? The regeneration company Liverpool Vision—in which the regional development agency works with the local authority and the private sector—has already begun its work. Perhaps he will thank the Government for giving Liverpool city council additional financial support, thus enabling the Liberal Democrats to freeze the council tax. Will he urge them to do the same next year, as the Government have given them yet more funding?

Mr. Hancock: No doubt everyone can produce similar stories from that area. The hon. Member for Liverpool, Walton (Mr. Kilfoyle) is a classic example in this regard. He has spoken of the needs of his community. Just over the edge of his constituency, the Kensington community has been given new deal status: it will receive £50 million of investment over the next 10 years. A stone's throw away, a similar community consisting of great people struggling with similar problems will receive nothing.

The hon. Member for Walton said to the House, to the Government—I hope—and certainly to his constituents that areas should not continue to be run down while waiting for the result of pilot schemes in other areas. That must be what was behind his leaving the Government so dramatically: he must have seen the dissatisfaction that his constituents saw daily a stone's throw from where they lived. It is not good enough to try to massage the truth.

The hon. Member for Liverpool, Riverside (Mrs. Ellman) was right to mention Liverpool, but since the Liberal Democrats have been in control there has been record investment of £1 billion in the city. Liverpool has been voted the top United Kingdom day visitor destination. Office developments in Princess dock are going ahead without gap funding, for the first time; and 4,500 homes have been transferred from council control to new social landlords, thus unlocking much-needed capital to improve houses. The story goes on—and that came about because a Liberal Democrat-controlled council had the strength, and the commitment to the city, to bring it about.

The same message is beginning to emerge in Sheffield. It is early days, but already a real change is coming over the city. I could list a great many incentives that are already beginning to bring it into the fold. It is not good enough that—

Dr. Whitehead: Does the hon. Gentleman recall a development between his constituency and mine, which is the largest out-of-town development along the M27? Does he recall also the party that was in control of the council that gave permission for that development, and the consequences that ensued?

Mr. Hancock: The hon. Gentleman is right. I intended to give credit to him for his achievements as leader of Southampton city council. We represent similar cities. The hon. Member for Portsmouth, North (Mr. Rapson) is in his place, and he also can bear witness. Mistakes have been made by local authorities. However, the local authority to which the hon. Member for Southampton, Test (Dr. Whitehead) referred was squeezed into a difficult corner. We must try to arrive at policies that allow a reasonable balance. The development could have taken place in the Southampton docks, for example, if Southampton had been open-minded enough to attract it on to a brownfield site. However, millions of pounds would have been needed to clean up the site and make the docks ready for the development. The money was not available because the Tory Government would not provide it. As a result, the development went elsewhere and put pressure on the green belt, and so the story continues.

Portsmouth is a densely populated island. However, as part of its commitment, it is taking another 5,000 housing units. Portsmouth needs new houses like a hole in the head, but it is prepared to do something. As I am sure Ministers and others would say, people living in urban

[Mr. Hancock]

areas do not want to see rural communities and the green belt that surrounds our cities built upon all over the place. However, there is a price to pay for urban areas such as Portsmouth, Southampton and Brighton playing their part in the south-east.

The figures are hopelessly wrong. They take no account of the fact that in Portsmouth, for example, there are probably nearly 2,000 empty properties. There are probably 10,000 properties that are under-occupied. Many of them are council-owned properties.

Mr. David Drew (Stroud): The hon. Gentleman is right to talk about the need to protect the countryside. Does he agree that it is fundamental that we allow some development in rural areas? Through village appraisals and blueprints, local communities often say that they want some housing or economic development because they will suffer just as much as urban areas unless they get it.

Mr. Hancock: Absolutely. I have spoken at numerous village meetings where the village community—not the people who came in for second homes and picturesque thatched cottages—has said that. What about the youngsters, who were born and grew up in the village and who want to continue to live there? Where do they go in the New Forest? Where can they find housing? Do they have to go to Southampton or Bournemouth to live in multi-occupation housing? Do they have to go to Basingstoke? It is the same throughout the south-east. There are obvious needs in the rural community and, once again, a balance must be found.

I hope that the Minister who replies will say that greater help will be given to solve the problem of rundown urban areas, wherever they are. The general improvement areas and housing action areas of the late 1960s and early 1970s have done their job. The 25-year extra life that a general improvement area was supposed to give to an old property has now come to an end in most instances, and most of the properties concerned are more than 100 years old. They now need further refurbishment. We need a return to grants to improve them. Local authorities need help to be able to offer proper and viable alternatives to the elderly who under-occupy. There are some ludicrous examples where one person is occupying a three-bedroom council house with a garden at the front and at the back. At the same time, there are 4,500 and sometimes nearly 5,000 families waiting to be rehoused in many cities. In some instances the figures may be even higher. We need to arrive at policies that offer solutions that do not involve building new housing. In other words, we do not have to build new houses.

A number of things could and should have been done between 1979 and 1997. We know that no one in this place will own up for what did not happen. The Minister rightly applauded the achievements of the last Secretary of State in the Conservative Government with responsibilities in this area, the right hon. Member for Suffolk, Coastal (Mr. Gummer), who tried to halt the development of out-of-town shopping. Unfortunately that finger appeared in the dyke a little too late in the day when most of the damage had been done. Most of the stores have been built, with their acres of car parks. That cannot be reversed.

Mr. David Heath (Somerton and Frome): My hon. Friend is right when he says that the then Secretary of State's intervention came late in the day. It is a fact that the sword of Damocles still hangs over some communities. There is a proposed supermarket site outside Frome. Permission for the development was given in the dying days of the Conservative Government, overriding the local authority's decision. We still do not know whether that development will take place. If it does, it will be an Asda.

Mr. Hancock: Once again my hon. Friend has made his point. He has given another example of how the innocence of the countryside will be disturbed for the want of money. When the Conservatives were in Government they created a developers' paradise. Land banks were established in most of the counties of the south-east and the area surrounding the M25 corridor, and many of them still exist.

I was slightly disturbed by the Minister's answer to the right hon. Member for Hitchin and Harpenden (Mr. Lilley), when he said that building up to 10,000 units was what developers might have wanted. Some of the developers who bought land banks in Hampshire, West Sussex and probably in Kent and East Sussex wanted to be involved in that very sort of development. They want to create Micheldevers outside Winchester. However, that is the very thing that most people in the south-east find impossible to handle. I hope that the Minister will clarify the Government's position. I understand that there are exceptions but I would not like developers once again to misinterpret the Minister's response as suggesting that such development will be an acceptable norm in future. If that is the correct interpretation, once again we shall have a Government whose record on development will be tarnished by the time that they leave office.

The hon. Member for Ashford (Mr. Green), who spoke from the Opposition Front Bench, asked about the Liberal Democrats' plan. We have a plan. Unlike Baldrick's, it is not a cunning plan. Indeed, it is a straightforward, open plan.

Mr. Nicholas Soames (Mid-Sussex): A short plan?

Mr. Hancock: It is not a short plan. I do not want to disappoint the hon. Gentleman. It is a straightforward plan that could be adopted by the House and the Government very quickly.

We could establish a greenfield development tax to encourage more efficient use of brownfield land and existing properties. We cannot proceed in any other way. There is not a cat-in-hell's chance of achieving the Government's targets otherwise. We would set up regionality to reflect the relative scarcity of greenfield land in each region and regionalise priorities within them. With the vagueness of the present system, a local authority will turn down permission and the Government will grant it, and that will continue.

We would devolve regional responsibility for housing to regions. We would ensure that regions had planning conferences and housing conferences that led to planned strategies. As for Portsmouth, I hope that the region would not be the south-east as a whole but a smaller one. We would simplify regeneration funds into one regeneration fund instead of the numerous sources that now exist.

We would free local government to be more innovative by allowing it greater freedom to borrow and to introduce local income tax—another tax, but it would specifically

benefit people in that area. People in many parts of the country are disappointed at the way in which their tax is spent. A regional local income tax that targeted issues where people live would be far better received than some of the tax rises that they have had to pay since 1 April.

We would give people better control of local politicians via proportional representation and referendums, allowing people to have more say and to reflect more on what was happening. We would give special encouragement to local government development in areas where it has been lagging, such as the north-east and elsewhere.

We would do something about unemployment. The Minister has quoted regional figures. I read with interest the latest published figures on unemployment: it has come down to a record low of just over 1 million; about 1,070,000 are claiming benefit. However, 1.7 million people are registered unemployed, but not claiming benefit. Therefore, nearly 3 million people are still registered unemployed. Whatever the reason, a significant number of people are still registered unemployed. Members may frown at that. The Government supplied those figures. For the first time, they were published on the same day. It was interesting to draw a comparison.

In opposition, the Labour party accused the Tory Government of massaging the unemployment figures. The figures that I have just exposed show that the massaging continues. We ignore them at our peril. We still have major problems of unemployment. We have to give help to regions and to large cities where unemployment still figures high on the agenda of the poor in our community.

I hope that, when Members vote tonight, they will think seriously. I would have loved it if the Government had made another mistake and hon. Members were able to vote on our amendment. I am sure that many Labour Members would have found it hard not to support it.

The Conservative motion starts to redress the situation. It fires a great warning shot. I hope that the Government will take it seriously. However, when people reflect on the debate, most of them will think that it was more about educating Archie than bringing to the attention of the nation the Tories' mistakes while in government, and the way in which they allowed developers to rape the countryside.

Several hon. Members *rose—*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. Before I call the next hon. Member, may I remind the House that many Members wish to speak, so shorter speeches will be appreciated?

8.42 pm

Mr. Tony Lloyd (Manchester, Central): I am also disappointed that the hon. Member for Tunbridge Wells (Mr. Norman) did not speak, but for the reason that it would have been impossible for him to make a worse speech, at least on the north of England and its cities, than the hon. Member for Ashford (Mr. Green), to whom I pay the following compliment. I will ensure that his speech is read widely in my constituency because it will show the absolute contempt that the one-region Tory party has for the north of England.

Rightly, there is still anger in my constituency towards the people who have failed to apologise for the damage that they caused constituencies and cities such as mine and those of many other Labour Members. The Tory party will regret that, not so much at council elections, but at constituency elections, when the party—which does not exist in the city of Manchester—will cease to be relevant to ordinary people's needs.

Mr. Brady: Will the hon. Gentleman give way?

Mr. Lloyd: I will, provided that the hon. Gentleman promises to be brief.

Mr. Brady: The hon. Gentleman would do himself more credit and do more justice to his argument if he gave credit where it is due: to the redevelopment in the centre of Manchester and in Salford Quays, which was achieved under a Conservative Government. Much was done in Manchester under the last Conservative Government. He should admit it.

Mr. Lloyd: I think that the hon. Gentleman was away from Manchester for some time during that era. The shame is that he does not come round with me. I invite the hon. Member for Tunbridge Wells to do so. If he wants to know what really happens in a northern city, he should come with me to my constituency and see, for example, east Manchester, which the present Government are doing something about. House prices in the private sector have tumbled there. My constituents come to me because they have paid perhaps £28,000 or £30,000. I accept that that is not a lot by the standards of the millionaires on the Conservative Benches, but it is a lot for working people in the north of England. They have seen house prices plummet to £4,000, £3,000 or, effectively, nothing.

The combination of unemployment and poverty hits people's health, so that people die younger in my constituency—a result of the previous Government's policies. In parts of my constituency, it will take a generation for us to get rid of the legacy of crime. On top of that, people's life chances were blighted by the previous Government. Not once have we heard an apology from Conservative Members, but it is about time that they accepted the blame that attaches to them because of the previous Government—and that attaches to them even now when they fail to understand the real problems, and the real scale of the problems, in constituencies such as mine and across the north of England.

Some action was taken by the previous Government. The right hon. Members for Skipton and Ripon (Mr. Curry) and for Henley (Mr. Heseltine)—the then Deputy Prime Minister—recognised the scale of the problems, and it is right and proper to say that parts of Manchester, such as Hulme, were redeveloped under the previous Government. However, that redevelopment was no compensation for the damage done by the recklessness of that Government in the 1980s and early 1990s, and which will literally blight my community for many years to come.

I pay tribute to the Government for their attempt systematically to promote regeneration. East Manchester, for example, has obtained a £75 million package, and that money is making and will make a real difference to and significant inroads into the problems that we inherited. Moreover, the Government are not treating regeneration as a simple issue, but are considering it as part of an overall social and economic process.

[Mr. Lloyd]

The Government are concentrating on the various issues affecting my constituents, and education has become a major part of their drive. Ministers are also placing emphasis on joined-up thinking between the various Departments, tying health, for example, into regeneration. Ministers have implemented key initiatives—which the Opposition would end—such as the working families tax credit and the minimum wage, which are desperately important to people in the community that I serve. The new deal in Greater Manchester is already offering opportunity to young people, 120,000 of whom have gained sustainable employment because of the Government's action. Conservative Members would not have allowed those programmes to proceed, but would end them if they could. That is why Conservative Members are seen to be so irrelevant.

When my hon. Friend the Minister replies to the debate, I hope that she will make the point that if Conservative Members—who belong to a party with no credibility in northern cities—really want to have a debate and examine the north-south divide, they should talk a little, please, about the north of England. The hon. Member for Ashford barely mentioned it in his speech—his was a speech for his own constituents in the south, dictated largely by the preoccupations of the Conservative party, which is now down to its rock-bottom layers of support and desperately trying to appeal to those. The speech was irrelevant to my constituents.

I should like to spend a few moments outlining what Labour Members expect from the Government. It is important that we have reinvestment in our urban communities, which are important not only for the cities themselves, but for the wider community. It is important that the Greater Manchester travel-to-work area and community has a strong city at its heart, so that it is not plagued with the sort of problems that we have seen. We have to deal with the issues of crime, poverty, ill health and poor education, which have blighted the lives and futures of my constituents. Such action is beginning to be taken.

I hope that Ministers will also take on board some recommendations on necessary action. Perhaps we need more joined-up thinking in Government. One problem encountered by local planners in my constituency, which has both a single regeneration programme and a new deal programme, is the difficulty of tying the two together. One scheme is administered by the regional development agency, but the other by Government office of the north-west. We need a little more creative thinking to ensure that joined-up Government really does deliver the maximum bang for the bucks provided.

Although I realise that it is a more difficult issue, it would help enormously if we could incorporate European funding structures into mainstream Government programmes, so that we are able to ensure maximum delivery on the Government's objectives. I ask my hon. Friends the Ministers seriously to address those issues.

We should also recognise the Government's achievements. I hope that Ministers will recognise how important the minimum wage has been already and the importance of sending a signal that it will keep pace with changes in average earnings in society generally. In the coming weeks and months, Labour Members will be looking to the Government to send those signals. I hope that my hon. Friends will take that message back.

Powerful signals could be given on the long-term future of Manchester and the region. The future of Daresbury has been mentioned. There is a battle between Oxford and the north-west of England for the siting of new investment and the decision lies at the highest level in the Government. They could send an important signal by recognising that when there is an equal case—or, on this occasion, a stronger case—for a northern location, it should be accepted, because we need to maintain the human capital and skills base in the north-west and throughout the north of England.

I hope that my hon. Friends understand the disappointment that has sometimes been felt. We hear that the dome was recently granted an extra £60 million of funding. That contrasts with the difficulty that Manchester has had in persuading the Government to look kindly on investment and development in the Commonwealth games site. Those are important issues for Manchester.

Mr. Soames: Hear, hear.

Mr. Lloyd: I am glad to have the support of at least one Conservative Member from the south of England. It is an important issue, because with a one-nation Government we need investment in sporting, cultural and other facilities not just in London and the south-east, but throughout the country. Even at this stage, the Government could decide to make Manchester the home of athletics in this country. That would need investment in the Commonwealth games site, but it would leave a legacy for athletics throughout the United Kingdom that would not result from the proposed development in London, if that is to be the site of the 2005 world athletics championship.

The strongest signal that the Government can give is to make it clear that they are determined never again to let the people of my constituency be crucified in the wanton and cavalier fashion that we saw during the 18 years of Conservative Government. Every time that I listen to my hon. Friends, that is the commitment that I hear. There will be no more Tories for Manchester, because what they did was wicked and it will take us a long time to overcome the problems that resulted from that wickedness.

8.52 pm

Mr. John Gummer (Suffolk, Coastal): I had intended to draw together the issues on which there is agreement across the House, but that was before I heard the speech of the hon. Member for Portsmouth, South (Mr. Hancock). I was thrilled to hear his description of Liberal Democrat policy. We all know what their policy really is: they bang on the door, find out what the person wants to hear and tell them that. If the person next door wants to hear something different, they tell them that instead. Every Liberal Democrat local authority operates on that basis.

There is no common Liberal Democrat policy on the issue—that was proved when the hon. Gentleman tried to explain what they would do. They want a lot of regions and referendums, as well as two new taxes. I wonder what would happen if people decided in a referendum that they did not want the new taxes. Would they then not have

them? The hon. Gentleman said that the regions would not be too big, but the localities would also have to have their say. It is the usual nonsense from the Liberal Democrats, desperate to appear that they have a policy when all that they want to do is be antagonistic—significantly so to the Conservative party and not quite so significantly so to the Labour party. Their policy is "A plague on both your houses", because they will not face the real tough issues.

I congratulate the—

Mr. Steen: Will my right hon. Friend give way?

Mr. Gummer: In a moment, because I want to get my congratulation out before it sticks in my throat. I congratulate the Minister on a range of measures that, I hope that he agrees, have continued the kind of policies that I tried to introduce. He wants to improve the quality and design of the homes that are built. I congratulate him on his recent announcement.

It is a pity that the Department has no specialist advisers to bring fresh architectural design into its work. It is a pity that they are all political advisers and not specialist advisers. It is important for a Department that has not been marked for its design consciousness in the past to have new, bright and unusual ideas. That would happen if the Minister were to bring in people from outside. It would make up for the clearly mistaken views that were put forward by Professor Crow and others who take an old-fashioned view.

It is not sensible to make party political comments about lack of density in building. We all know the reason for that. The planning establishment went on and on about how we should not have town planning and how we had to have low-density development. When I introduced proposals for higher densities, I was told that I was going back to Victorian times. Some Labour Members, then in opposition, echoed those planning mantras. The Minister will have significant support from the Opposition in seeking to explain to planners that quality and design matter more than density. They matter whether the development is in the north of England or the south of England. That is a crucial issue.

The Minister has to understand why the debate was introduced. After the winding up of the urban development corporations, which quite properly had a period of time in which to do remarkable jobs in Manchester, Sheffield and many of the great northern cities, we need to consider what has replaced them. So far, it is difficult to see in the actions of the Leeds authority or the Sheffield authority, under its previous administration or its present administration, the verve, new ideas and excitement that was put into those cities by the UDCs. We have not seen it yet. I do not want to say that we will not see it, but I believe that the Minister has an important job to do in trying to find new ways of looking at urban regeneration, which is so important and which the UDCs in large measure began.

In those circumstances, the Minister must understand why we feel that there is a real lack of enthusiasm for the regeneration that is necessary in our great northern cities. After all, when we talk about guilt, we should consider the guilt of Labour councils that destroyed great cities by pulling down buildings and building badly in their place, instead of providing the regeneration which all parties now agree ought to be the answer. There is a great deal of guilt around, but there is also a great deal of common view. I suggest, therefore, that we build on that common view and try to get a bit more oomph—if *Hansard* cannot spell oomph I shall do it for them—into what the Government are doing in the great cities of the north.

The Government also have to realise, however, that large numbers of people live in the countryside. The Prime Minister's reception at the National Farmers Union was not wildly over the top. The delegates recognised that the right hon. Gentleman's speech lacked answers and demonstrated a failure of understanding. He suggested only that they should consult. We have had three years of crisis and we are now in the business of consultation. The Prime Minister got a raspberry for a very good reason: he presented no vision of any kind about the rural areas of Britain—so those in rural areas have begun to ask whether the Government have anything to say to them at all. If that conference was any guide, the answer is no. It is no good saying that the Government understand the rural areas. People in rural areas feel beleaguered and do not believe that the Government will try even to protect the countryside outside our cities.

I am trying to be as helpful as possible. That is the truth. Just as the Government must show more commitment to regeneration in the great northern cities, so they must show a commitment, in which people can believe, to the protection of the countryside. It is no good the Minister telling me that 10,000 new houses in the green belt next door to Stevenage are part of his policy for protecting the countryside. That will not wash. It is no good him saying that the Government were unable to turn down the plan. They could have done so; they had the legal means to go back on their decision.

What did the Government say when I raised the matter? Ministers all had pieces of paper telling them to say that I had allowed large amounts of the green belt to be used, so I looked up what I had allowed. I allowed no housing in the green belt. The major project was the extension of Manchester airport—it would be difficult to build an airport in the centre of Manchester. Who asked me to extend Manchester airport? It was the Labour Members of Parliament for Manchester. I also found that I had allowed a development to create jobs in Woking.

The Minister must accept that the whole policy started badly with Stevenage. Then, instead of developing the centre of Newcastle, the Government wanted to build 2,000 homes on the edge of the city—against the advice of someone who is now one of their revered Ministers. He probably got the job because he was so effective at putting over that point.

The Government went on to announce that they would put aside a large greenfield, greenbelt site in Birmingham for new building. It is no good telling us that they support open fields, they do not—what they do is not what they say. Until they do what they say, we cannot be expected to believe them.

My hon. Friend the Member for Tunbridge Wells (Mr. Norman) was accused of not making a speech today—although my hon. Friend the Member for Ashford (Mr. Green) made an excellent speech. The accusation is hard to sustain when the Deputy Prime Minister is not in the Chamber for the debate. When the right hon.

[Mr. Gummer]

Gentleman gives a major speech it is to the Fabian Society, not to the House. He is not in the Chamber telling us what to do; he is doing that outside.

The Minister should be careful when he makes criticisms. The real criticism is of the contempt in which the House is held by the Deputy Prime Minister and of his failure to announce in the House, to the House, major policy changes—making such announcements instead to his cronies in the Fabian Society.

From time to time, I have fallen out with my hon. Friend the Member for Tunbridge Wells—about Asda building in certain places—so I cannot be described as sycophantic. However, it is an odd House of Commons in which someone who has provided opportunities for keeping jobs and for creating jobs and wealth should be deemed unsuitable to comment on the environment, transport and the regions. The Minister should realise that no member of his ministerial team has ever created a job in his life—that is the problem with the Government. They do not realise that it is not only the northern towns which have no confidence in them—that is evident in the resignation of so eminent a man as the hon. Member for Liverpool, Walton (Mr. Kilfoyle)—but that the same is true of the rural areas and of the conservationists. They do not have the confidence of the wealth creators of Britain, to whom they have not given the certainty that such people need.

The only way to get people to redevelop city centres is to make it clear that they will not be granted approval for development plans outside cities. If the Government did their job properly, they would not hide behind legalistic matters and Professor Crow's document; they would say clearly, "Professor Crow is wrong. We will not allow 1.1 million houses to be built on the green belt—not because we want to suck up to voters in the south, but because if we do so, voters in the north will never have the regeneration that they need, and the regeneration needed in so many of our southern cities will not take place either."

I think that the Minister's heart is in the right place—very often his mouth is too—but he has to put his Government's actions in the right context. The person who he has got to get at first is the Prime Minister. His answer to urban deprivation in Islington was not to improve education there, but to take his children to a school five boroughs away. I am not introducing private family matters into the debate—it is an example of "Don't improve it, go somewhere else." That is true of too many of Labour's answer to inner-city problems.

I want the inner cities to be improved and I want action, not words. I want a Prime Minister who stays there and shows that his family will put up with the education that Labour's consistent control of Islington has destroyed. It is not just housing and the environment that will regenerate our cities; it is schools to which people will want to send their children. Most of the movement out of our cities has been by young families who have looked for places where their children can be better educated. If we get the schools right, we can do a great deal more about regeneration. If only this Prime Minister had led the way.

9.6 pm

Ms Hazel Blears (Salford): I am beginning to feel a slight sense of déjà vu. Just three months ago, we had a debate on virtually the same issues and, again, it was called by the Opposition. On that occasion, I accused the right hon. Member for Wokingham (Mr. Redwood) of living on another planet, because he did not seem to be in touch with the real world. He seems to have vanished into thin air and I had hoped that the Opposition's new representatives would have learned something from that debate. Yet the contribution that we have just heard from the right hon. Member for Suffolk, Coastal (Mr. Gummer) almost seems to be an attempt to airbrush the Conservatives' role out of history and to whitewash the whole record of their time in government.

My hon. Friend the Member for Manchester, Central (Mr. Lloyd) was right to remind people in the country and the House of the dreadful wickedness—wickedness was the right word to use—of the actions and policies of successive Tory Governments. They created many of the dreadful problems that this Labour Government is now having to address in many of our cities, not just in the north, but in all parts of Britain. I am amazed that Conservative Members can stand there with impunity and accept no responsibility whatever for the actions and policies that they introduced.

Conservatives do not like to be reminded of the economic mismanagement that led to many of our problems. The failures and recessions decimated manufacturing industry and put hundreds of thousands of people out of work in many cities and that led to the spiral of despair, dereliction and decline with which we are having to deal today.

Mr. Nigel Waterson (Eastbourne): I am grateful to the hon. Lady for giving way before she does herself an injury. If things are going so well, why did the hon. Member for Liverpool, Walton (Mr. Kilfoyle) resign?

Ms Blears: My hon. Friend will undertake a magnificent job on behalf of his constituents. In future, he will raise many of the issues about which we are concerned. If the hon. Gentleman finds it disturbing that Labour Members have passion and integrity about the issues on which they speak, I suggest that he remind his own colleagues of the depth and intensity that we feel about these issues. We represent our constituents and see on a day-to-day basis the effects of the Tory policies that damaged and decimated many of our areas.

The massive rise in unemployment, particularly in my constituency, led to that spiral of decline. People had no jobs, no hope, no skills and no chance of a decent future. The problems will take many years to begin to turn around, not simply the two and a half years of the Labour Government.

The Tories' response—then as now—was absolutely pathetic. They did not invest in people; they invested in bricks and mortar and prestige projects. They told us to move and to look for work elsewhere. They did not encourage regeneration by empowering local communities to do things for themselves. Instead, they had the cult of the individual and selfishness—everyone for himself and get on if we can. That is not my idea of rebuilding communities.

If I am honest, I do not believe that the Opposition care about regeneration. I do not think that they have thought deeply about how to build capacity in local communities; how to involve local people in changing their neighbourhoods; how to make sure that youngsters have the skills to enable them to take the jobs that are on offer; how to give people the self-confidence to stand up to crime and disorder in their communities and how to make a difference. Theirs is a glib, superficial approach. The issues are difficult, long-term and structural, and complex approaches are required to make a difference.

None of that matters to the Opposition. They have demonstrated an obsession with protecting the green belt and a last-minute, unconvincing conversion to revitalising cities as a way out of the corner that they have painted themselves into. As is usual with the Tories, that does not add up. It has already been said that they want to abolish the regional development agencies. How else are we to get the land assembly, infrastructure and inward investment that will bring jobs to many of our hard-pressed cities? They have no answer to that.

The Tories want to abolish the minimum wage, which is helping 2,000 families in Salford, and the working families tax credit, which is benefiting 2,500 families in Salford by between £24 and £100 a week. They want to take that money away from those families. They oppose child benefit increases, and 10,000 children in Salford would not be lifted out of poverty if it were up to the Tories. Those are their policies.

The Tories want to abolish the new deal. In my constituency, youth unemployment has fallen by 60 per cent. and long-term unemployment has fallen by 70 per cent. We have a new deal pilot project for the over-50s. A lady in my constituency has just got her first job for 15 years under that project. The Tories' policies would take away opportunities from many people that I represent.

If we consider what the Labour Government have done in the past two and a half years, we see a dramatic contrast in my area alone. We have a single regeneration budget project in Seedley and Langworthy, which provides £25 million to help people to build their way out of decline and dereliction. A new deal for communities project is currently being built in Kersal and Charlestown. Again, local people are coming together and deciding what are their priorities for the city and what they want to happen.

In our education action zone, we had a children's university this year. For the first time 700 children from the most deprived inner-city area went to Salford university and spent a week doing science, jazz, dance, percussion, engineering and a range of other subjects to which they would not otherwise have had access. At the end they graduated and got certificates, and their parents came to the university—people who would never normally cross the threshold of a university.

Those long-term regeneration projects are crucial if we are to begin to turn the tide. That investment will not pay off straight away; it will take years. If only the previous Government had thought about some of the ways in which they could have invested in young people, we might not be in our present difficulties.

We have a sure start project in Pendleton, which is investing £3,000 in every child born there over the next three years, giving them a decent start and opportunities. That is real regeneration: projects that last and are embedded in local communities; projects that local people own and which give them pride, self-respect and confidence. That is not easy, and it takes time. We cannot do it overnight. People have expectations. We have made a brilliant start, but there is a long way to go.

I suggest to the Government a couple of things that they could do to help us to revitalise our cities further. We need to review the standard spending assessment formula. I know that we are having a review, but I feel strongly that inner-city areas lose grant because people are leaving those areas. The families that they leave behind often have more problems that the people who leave. Those who leave are the more able members of the community, while those who stay have a multiplicity of problems and still need help from social, housing and education services. We need to be much more flexible about the way in which the formula applies to cities.

We lose money because people go from welfare to work. I am delighted that in Salford unemployment has gone down by 13.5 per cent. However, people in poor communities often get low-paid, casual, part-time, temporary jobs. They do not go from being on benefit into a job that pays £20,000 a year, with all that it entails. They still need local authority housing, education and social services to help them to cope. We have lost £4 million this year because we have been successful in getting people into work. We do not want to be penalised for that.

We have to tackle crime if we are to get the most from our social exclusion initiatives, as my hon. Friend the Member for Manchester, Central said. I want to echo several other contributions by saying that if we are serious about regeneration, we have to create high-quality jobs.

I must mention the vital Diamond synchrotron project at Daresbury. The case for locating the facility at Daresbury is very strong. It is already a world-class centre of synchrotron research expertise and has an unrivalled international scientific reputation. The site is in the right place; planning consent has already been granted; it is within 20 minutes of Manchester airport; it is adjacent to a new research development project that could create 7,000 new jobs; it is in an assisted area. A decision by the Government to invest in science and technology in the north-west would be a massive signal of confidence to the community and investors.

The competing claim by Oxford does not meet the Government's priorities for investment and regeneration. If we are serious about developing centres of excellence in every part of Britain, we should grasp the opportunity. Let us make the Diamond project the jewel in the crown of the north-west. It is in our Labour heartland, and it is overwhelmingly the right thing to do.

The motion describes the need to create one Britain. Two very different Britains are on offer today; we have heard about them both. The Tory Britain is of unemployment, poverty, run-down public services, division and dereliction, while the Labour Britain is of rising—and I hope full—employment, a decent income for hard-working families, education and health services of which we can be proud, and hope and opportunity. Faced with those two options, I know very well which the people of this country will choose. This Labour Government can and will deliver the kind of cities in which people want to live.

9.16 pm

Mr. David Curry (Skipton and Ripon): If you believe that, Mr. Deputy Speaker, you will believe anything.

I assume that it is a matter of common sense that denying development in the south does nothing automatically to encourage it in the north. We must be careful not to make that rather silly arithmetical assumption. The north has its own needs which must be dealt with by policies designed to address them. We know what they are: the exodus from cities, whether to the immediate neighbourhood or beyond; surplus housing; dismal education performance, as the Office for Standards in Education reports in Leeds and Sheffield either have shown or are about to show; and problems of community safety which make people not want to live on estates. I shall address my remarks mainly to the subject of housing, so I am grateful to the Minister for Housing and Planning for remaining in his place.

In the north-east, for example, there is an annual population decline of 1.4 per cent.—3,500 people a year are expected to leave—but household numbers are increasing due to the phenomenon experienced across the country. There are 9,400 local authority voids—3.2 per cent.—but, across all sectors and the range of tenure, there are 77,000 unfit houses. The real problem is the inexorable rise in the number of properties that are difficult to let: 14 per cent. in the local authority sector and 10 per cent. in the housing association sector.

The north-east's annual clearance programme accounts for 1,400 properties a year, yet regional planning guidance provides for the building of 6,000 new houses a year. So, there will be a continuation of over-supply. It takes a lot of money to demolish properties—£16,000 a property under the Housing Corporation's scheme, "New Tools". There is already a dislocation of the planning process and real need on the ground.

Let us look at Newcastle slightly more closely. Of 36,500 council properties, 1,600—4.3 per cent.—are voids. The problem is one of turnover: 8,000 properties a year see a change of tenant. How on earth do we build a stable neighbourhood with a 20 per cent. turnover? The tenancy structure shows a division between very old people and youngsters. There is a great hole in the middle of tenants between the ages of 30 and 45, who have families and, let us say, jobs, who might play an active part in the community.

The reason for such a hole is obvious. One can buy a terraced house in a decent part of Newcastle for £30,000 or a semi-detached Barrett-type house on north Tyneside for less than £50,000. Why pay £40 a week rent when one can put that money into a mortgage?

Let us consider Sheffield—I see the hon. Member for Sheffield, Attercliffe (Mr. Betts) in his place. With a housing stock of 65,000 and the same problem of an ageing tenant population, the city calculates that in 10 to 15 years, up to one third of its tenants will have died or will need to move to different accommodation. There is no new generation of tenants that the city can identify coming along behind, which is one of the reasons why it is actively canvassing transfer options.

Let us take Liverpool, one of the greatest of our northern cities—the hon. Member for Liverpool, Riverside (Mrs. Ellman) is present. The council has 38,000 properties and other registered social landlords have roughly the same, but in the city there are 15,000 too many properties, of all sorts of tenure. The local authority has embarked on a programme of mothballing or demolishing houses, simply because there is no use for the stock.

I shall not to continue my recital of statistics. Instead, I shall suggest three areas in which Government action is needed, the first of which is stock transfer. That activity received great impetus from the ability to set up housing companies being established under legislation introduced by the previous Government; the Minister for Housing and Planning and I sat on Benches opposite to those upon we now sit when that legislation was passed. The projected programme is for 300,000 transfers, but that includes the whopping Birmingham transfer of about 90,000 units.

There are decisions to be made. As the Minister knows, there is a problem with penalties on the early repayment of debt that are consequent on transfers being made. I hope that the hon. Gentleman will take a firm view of the size of transfer permitted: we do not want transfers from one monopoly to another. It is the nature of the management that counts, not the ownership. There is a real danger of great cities being carved up into zones, each of which has a monopoly provider.

I would prefer the division to be achieved in such a way that associations own properties in different parts of a city, so that tenants can compare the performance of different registered social landlords. In addition, we must encourage the development of mixed tenures within housing corporations, housing companies and housing associations, and encourage them to offer tenures across the full range, so as to achieve the sort of mixed development that we know is necessary.

We need a new concept of social housing. We must get away from its present characterisation as residual housing. We are witnessing the death of the council house, but not the death of social housing. We need to find a new definition and a new perspective on social housing, so that it addresses the social problems that hon. Members have identified.

The second issue I shall examine is that of VAT on home refurbishment and repair and on greenfield sites. Let me state clearly, so that there is no confusion, that I would be in favour of a uniform rate of VAT covering greenfield development and housing refurbishment and repair. I asked the Treasury how much that would cost. The reply was £670 million, but I do not believe a pound of it, for very good reasons.

Let us make some assumptions. Let us say that 175,000 new houses are built; at about £80,000 each, that brings in £700 million at 5 per cent. VAT—£600 million if social housing is exempted. According to calculations carried out two years ago by Business Strategies Ltd., we find that such a change in VAT leads to more small firms registering for VAT, more VAT being collected from those who are registered, and higher levels of activity. There are fewer empty homes—the Minister was and remains a great fan of the empty homes initiative—with about 30,000 properties being brought back into use. Let us assume an end to work on listed buildings being categorised as "new" so as to avoid VAT. The overall result is additional VAT receipts of more than £100 million.

If we use the English house condition survey—a little out of date, but the relative values still hold good—we find that the total declared private spending on

improvement, repairs and maintenance is £20 billion, and public spending is £3 billion, giving £23 billion in spending across all sectors. That should yield £4 billion in VAT, but the actual yield is £1.78 billion. Either there is gargantuan evasion, or an enormous proportion of work is being done by people who are below the VAT threshold. I think the truth is probably a bit of both, but it is certain that the scale of evasion is immense.

Even if no extra building work results from a reduction in VAT, which is an extremely pessimistic assumption, and if no evasion occurs, which is an extremely optimistic assumption, so the two assumptions balance each other out, and VAT is charged on all building works, we are talking about a VAT figure of about £1.35 billion in today's prices. That second calculation shows a fall of £400 million in Government VAT receipts.

However, the measure would actually result in a net gain for the Treasury of between £300 million and £800 million. The Treasury reckons a loss only because it makes no allowance for any change in the rate of black work or lessening of evasions, or for whether small firms are registered for VAT and larger ones consistently charge for it. The Treasury makes no calculations in respect of whether customers would be happier to have proper builders and proper receipts than cowboys to whom they pay no VAT. We do not know whether private investors, contractors or regeneration agencies would carry out more property improvement and renovation. The chances are that they would, but the Treasury answer to every single one of these questions is no. I do not believe that.

I suggest that there should be a pilot scheme in three or four major conurbations to see what would happen. The VAT on greenfield sites need not be charged for the purpose of the experiment. Let us see what is right.

I do not expect the Minister to reply in this debate, but I shall make sure that *Hansard* has a clear record of the points that I have made, and I should like a letter setting out the figures, which are crucial to the Government's response to the Rogers report. The Treasury response, as always, has been calculated to give the least information, and has little credibility. The issue is extremely important.

I mention education briefly. Education action zones are fine, but the problems exist in far too many schools. We are beginning to learn that putting strong heads into individual schools will do a great deal more than the constant multiplication of zones, which last only for a limited period and are spread almost across the political spectrum.

Finally, the Government have a major decision to take. They must decide what their relationship will be with the regions and with local government in the regions—in other words, what political geometry they will use to address the issue.

We all know that the regional assemblies have floated off into never-never-land. Either the Government believe in local decision-making, a regional agenda and democratic accountability, or they do not. We need to know what they plan. The Government promised these things.

Ms Margaret Moran (Luton, South) *indicated dissent.*

Mr. Curry: It is no good the hon. Lady shaking her head. Those were the Government's pledges when they came to power. The Government judge outputs, whereas they should perhaps judge outcomes. To give a little more confidence to local government, the Government should draw up a contract, find out what it can deliver, and be less prescriptive about the methods by which it does so and more concerned about the outcomes.

We all have lessons to learn about the degree to which we have been prescriptive about how other democratic and representative institutions should work. We now have an opportunity to find out whether we can achieve real regeneration in the great cities of Britain, irrespective of where they lie. The problems of Plymouth are just as bad as the problems of Liverpool and Newcastle.

There could not be a finer test of all of us than to give democracy a chance of achieving that. We should give it the means to do so and judge it by what it delivers. We could then all rest a little more easy on our rhetoric.

9.27 pm

Mr. Colin Burgon (Elmet): I shall try to bring another northern perspective to the debate and to keep my contribution brief.

The position adopted in the debate by the Conservatives is a simple one, as befits the sophistication of their current thinking. According to their stance, there are two Britains, with a north-south divide. We have, in their view of the world, a south that is booming, overheating and suffering from overdevelopment, and northern cities that are declining.

I want to examine the contention that northern cities are declining. I am aware that my colleagues from cities such as Liverpool and Manchester have already pitched in, so I shall restrict my remarks to my home city of Leeds, the city in which I was born and raised, and one of whose eight constituencies I am proud to represent.

At the last election, the Conservatives were effectively wiped out in northern cities. As a result, it seems that only sporadic and inaccurate information is received by the Conservatives about our northern cities, which exist somewhere on the fringes of their known world. Indeed, I am tempted to say that those on the Conservative Front Bench probably know more about Royston Vasey than they do about the great city of Leeds.

As a Leeds person, I know that Leeds has had to respond to tremendous challenges as a result of the collapse of traditional industries such as clothing, in which my father and mother worked, and engineering. Leeds does have its problems. For example, the Leeds inner area, consisting of 10 local government wards and home to about 225,000 people, is among the top 10 per cent. of the most deprived wards in England.

We urgently need to improve skills and increase qualifications in the work force and among the unemployed, of whom 20 per cent. and 25 per cent. respectively have no qualifications. We do have high levels of deprivation, low household income and high benefit dependency. However, it is wide of the mark to deduce from those figures that Leeds is a declining northern city. Like many others, it is a two-speed city.

The way in which Leeds has adjusted to the decline of its traditional industries is a great story. The facts refute the idea that Leeds is a declining northern city. Overall, Leeds has performed strongly in creating jobs. In the 1990s, employment increased by 12 per cent., which means more than 36,000 extra jobs; financial and business services

[Mr. Colin Burgon]

employment grew by 36 per cent; and manufacturing output also increased by 36 per cent. A projection based on a Cambridge Econometrics model suggests that employment in Leeds will increase by 11 per cent.—above the national average—between 2000 and 2010.

The Yorkshire and Humberside regional economic strategies document stated:

"Leeds is one of the fastest growing cities in Europe in terms of employment, fuelled mainly by the growth in the financial and professional services . . . Leeds is one of Europe's most successful job generating cities."

If those on the Conservative Front Bench do not believe the figures, I urge them to visit Leeds.

Last summer, Conservative Members had an away day—or a "bonding session"—at a five-star hotel in Leeds. It is a pity that they did not catch a bus to the city centre and see what a vibrant, lively city Leeds is. They should have examined the regeneration of the riverside area, where people are repopulating the city centre. They should have visited the shopping areas, such as the Victoria quarter. For sport and culture, they should have nipped to Elland road to watch Leeds United, a rising power in the soccer world.

If a bus journey is not to Conservative Members' liking—they probably would not recognise a bus—they could have caught a train and arrived at Leeds City station, which is undergoing £165 million of improvements to its infrastructure. It will be one of the busiest railway stations in England. If they wanted to fly in, they could have witnessed a similar rate of development at Leeds-Bradford airport. I hope that Conservative Members will reconsider before they write off northern cities such as Leeds simply to advance a poorly thought-out political argument.

There is a complex pattern of economic and social performance across England. Any attempt to simplify that into a north-south divide is a generalisation, which masks the great variations within regions. Poor economic and social conditions are not confined to one part of the country. Five of the 10 most deprived local authority areas in England are in London.

I look forward to hearing the Opposition Front-Bench spokesman admit, when he sums up, that their motion is flawed, that Conservative Members have misrepresented our great northern cities and that he acknowledges Leeds as an energetic, creative and confident city. I hope that the hon. Member for Eastbourne (Mr. Waterson) is writing that down because I shall be listening carefully to his response. Writing off our northern cities is offensive and patronising.

I can reveal that the hon. Member for Tunbridge Wells (Mr. Norman) is not in his place because my speech was leaked to the Conservative party. He used to have an office bang in the middle of Leeds. He knows that everything I say is true and therefore he could not come to the Dispatch Box to refute my arguments.

9.33 pm

Mr. Nicholas Soames (Mid-Sussex): I endorse what the hon. Member for Elmet (Mr. Burgon) said about Leeds, which, like Manchester, is a great, exciting city. The interpretation he placed on my hon. Friends' speeches showed clearly that he had not listened to them, because none of them said anything offensive or patronising about Leeds.

Two jolly things have happened today. First, the hon. Member for Manchester, Central (Mr. Lloyd) bitterly criticised my hon. Friend the Member for Ashford (Mr. Green) for saying nothing about the north of England, and then made a 15-minute speech exclusively about the north in which he omitted to mention the south. Secondly, the hon. Member for Salford (Ms Blears) made a passionate speech about her constituency. We are all here to talk about what we know and what we can contribute to the debate.

I welcome the Minister back after his absence. I want to raise a matter that he and I have debated previously, and which relates to West Sussex. I endorse the comments of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). How can the Government seriously pretend to care about the countryside when they allow the planning outrages that are currently in the pipeline?

How can it be sensible to build in Hampshire and Sussex, when large tracts of land in Portsmouth and Southampton, not to mention Bradford and Liverpool, could well absorb the housing? What does that say about joined-up government? Even if the Government dump the wretched Crow report, as I hope and pray they will, they have made unauthorised changes to West Sussex, which means that one of the most beautiful and rural counties in Britain will never be the same again.

The Minister is a genial chap and realises that none of this is personal, but I want him to know about the real contempt and anger felt in West Sussex at the behaviour of the Government over the present planning issue. The campaign has been brilliantly reflected by two energetic local newspapers in West Sussex—the *Mid Sussex Times* and the *West Sussex Gazette*—whose letter pages every week are full of correspondence from people who are outraged at the way in which the Government have behaved towards West Sussex.

All parties in Sussex agreed a structure plan, which was approved by one of Her Majesty's inspectors in May 1997. It was a proper, well-thought-out and careful plan, which had been fully consulted on. All the parish and district councils and the relevant bodies had come together to agree it, but the Deputy Prime Minister overturned it in an outrageous decision in December 1997. In addition to the 37,800 houses agreed, he imposed an additional 13,000 houses.

A new town will probably have to be planted in the green fields near Horsham; the Sussex coastal communities will have their last remaining gaps plundered; and the landscape in central and Mid-Sussex will come to resemble that of New Jersey unless we are careful. Many villagers are terrified at the prospect of what will happen to that beautiful and romantic scenery, quite unnecessarily.

I urge the Minister to understand that the Government's proposals seem to brush aside the terrible problem of congestion and pressure on our services and infrastructure. The ultimate effect of what the Government propose—this is the stupidity of the Labour proposals—will be the choking of economic growth, which will prevent our part of the world from achieving its true economic status.

Of course, there has to be development. I sympathise with the Government in that they have to reach agreement on sensible proposals, but what is proposed in Sussex is mad. As the Minister knows, the truth is that the infrastructure in Mid-Sussex in particular and West

Sussex in general cannot cope. If many more houses are built, we will run out of water and the roads are inadequate.

My hon. Friend the Member for Totnes (Mr. Steen) said that there were not enough sewers in his constituency. I cannot report on the condition of the sewers in West Sussex, but I am sure that it is deplorable and deserving of much Labour investment. On a previous occasion, I described the number of cars in West Sussex. We are facing a "Carmageddon". There are not enough schools, roads or hospital facilities but, in that chaos, the Labour party intends to build another 50,000 new houses.

Will the Minister explain to my constituents how he can square that planning vandalism with the principles of sustainable development to which the Government signed up with such bally-hoo at Rio and Kyoto? What flows from the Government's obligations to sustainable development? As my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) said, 10,000 new houses are to be built on a greenfield site between Stevenage and Hemel Hempstead, which is very caring. There are to be 90,000 new homes in Devon.

How can it make sense to build 2,500 new houses on a greenfield site outside Newcastle when there are 4,000 empty homes in the city? The north-south divide is greater than ever and it is driven and fuelled by an obdurate and ignorant Government. Surrey residents have an average household income 71 per cent. higher than that of people who live in Tyne and Wear—that cannot be right.

I conclude merely by asking how the Minister can stand at the Dispatch Box and tell the people of Britain that the Government care about the countryside when they insist on such rural vandalism.

9.39 pm

Mr. Nigel Waterson (Eastbourne): This has been a good if short debate. It has been a shorter debate than it need have been for two reasons. First, there was the Home Secretary's crass incompetence in not tabling the right amendment in the previous debate. Secondly, the Minister for Housing and Planning spoke for more than half an hour and spent nearly one third of that time on a bunch of unjustified and ill-informed slurs on my hon. Friend the Member for Tunbridge Wells (Mr. Norman), which simply underlined the fact that he had nothing new to say on the key issues. The rest of his speech was the sort of vacuous posturing that we have all come to expect from him.

The Minister tried to deny that there is a north-south divide, or that there is migration on a serious and growing scale from north to south. However, if he was right about that—even on a random basis, that must occur occasionally—why is he proposing to build 1.1 million, or even 670,000, new homes in the south-east? They are plainly not needed, so why, as my hon. Friend the Member for Ashford (Mr. Green) asked, is he dithering about disowning the ghastly Crow report?

The hon. Gentleman talked about the north-south divide as if it did not exist. Had he read his own urban task force report, he would have seen that it highlighted the disproportionate level of demand between north and south. There is ample evidence of the different earnings and incomes of residents in different parts. For example, Surrey residents have an average household income that is 71 per cent. higher than that of Tyne and Wear. Has he read the Joseph Rowntree Foundation's report, conducted by the new policy institute, which concluded that the gap between the richest and poorest in Britain widened in the first year of the Labour Government, with 1 million more people earning less than two fifths of the national average income? Will he please spare us his lectures about Disraeli?

The Minister also said—I made a note of it because it struck me as such an amazing claim by a Minister in his Department—that the Government were building a successful and united country. Leaving aside the vandalism of devolution, the hon. Gentleman's policies simply do not pass the "Kilfoyle" test. They have not passed muster even with one of his valued former Front-Bench colleagues.

It is rich for the Minister to lecture the rest of us about the green belt, particularly in the presence of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). Only last April, the hon. Gentleman said:

"in certain cases where it is desirable in terms of urban extension and sustainability, there may be a case for reconsidering green-belt boundaries."—[*Official Report*, 29 April 1999; Vol. 330, c. 531.]

What kind of message does that send to planners, local authorities and the population of areas such as the south-east? Does he realise that brownfield development is falling, not rising, under this Government, and that the latest figures show that only 52 per cent. of dwellings were built on brownfield sites in the previous year? In reality, the Government are not even achieving their own brownfield development target.

The speech of the hon. Member for Portsmouth, South (Mr. Hancock) was the usual protracted Liberal Democrat whinge. It is some indication of the importance that the Liberal Democrats attach to the issue, particularly in relation to the south-east, that they have found about the only Member of their parliamentary party who is not a Front-Bench spokesman to come and speak on their behalf. It is something of a rarity to find a Liberal Democrat who does not have a Front-Bench title.

The hon. Member for Manchester, Central (Mr. Lloyd) abused us for ignoring the north and its interests, when nothing could be further from the truth. My right hon. Friend the Member for Skipton and Ripon (Mr. Curry) nailed that particular inaccuracy.

My right hon. Friend the Member for Suffolk, Coastal, who has an honourable record in planning and environmental matters and always speaks with great authority in the House, pointed out that the Liberals always ask for more government and more interference. The hon. Member for Salford (Ms Blears), who was a challenge to *Hansard* if nothing else, talked about rebuilding communities, but does not she realise that traditionally Labour-supporting communities feel abandoned by the Government? It is no good her talking blithely about what she called Labour heartlands as some are not Labour heartlands any more, and some will cease to be so in future if the Government do not wake up to the problems described in the motion.

Mr. Don Foster (Bath): Would the hon. Gentleman describe this part of his speech as a whinge?

Mr. Waterson: It is merely a recital of self-evident facts.

Mr. Tony Lloyd: The hon. Gentleman has made a serious point, as democracy matters in our cities—there

[Mr. Tony Lloyd]

should be a political challenge—but can he tell me why the Conservative party no longer fights local elections in the worst-affected parts of my constituency?

Mr. Waterson: As shadow Local Government Minister, I must do something about that.

My right hon. Friend the Member for Skipton and Ripon spoke with authority about housing, local government and regional planning guidance, which has lost the plot. *[Interruption.]* It calls for more homes where they clearly are not needed. He adopted an imaginative approach to the financial aspects of the motion, which the Minister will accept raised interesting thoughts on which he will want to reflect.

The hon. Member for Elmet (Mr. Burgon) described himself as a Leeds person and purported to lecture us—and, in particular, me—about the value of Leeds. I was born in Leeds, brought up in Leeds and educated in Leeds until I went to university, so he cannot tell me anything about Leeds that I do not already know. My hon. Friend the Member for Mid–Sussex—*[Interruption.]*

Mr. Deputy Speaker: Order. The House must come to order. We cannot have so much noise.

Mr. Waterson: My hon. Friend the Member for Mid-Sussex (Mr. Soames) joined the general agreement that Leeds is splendid, but made an extremely eloquent case for Sussex and other parts of the south-east. I share his view. The Minister tried to pooh-pooh the genuine concern in the south-east about the Crow report, but where are the roads, the rail links, the schools, the hospitals and the natural resources such as water to meet the target of 1.1 million—or even 600,000 or 700,000—new homes? [HON. MEMBERS: "The sewers?"] Indeed, where are the sewers?

We are seeing the opposite of joined-up government. The Government are apparently paralysed in the face of a growing north-south divide and growing migration from north to south—so much so that they could not even carry their former Minister, the hon. Member for Liverpool, Walton (Mr. Kilfoyle), with them. The Crow report puts more than 430 sq km of rural land—an area larger than the Isle of Wight—under threat of urban development.

We need not come to the House to hear about Government policy; we need only read what the Deputy Prime Minister had to say to the Fabian Society. I am afraid that my membership has lapsed so I was unable to listen to his speech, but he clearly wants to become a hero by saying, "We don't want to go along with that wicked Crow report, which talks about 1.1 million new homes. We'll go for more than the Serplan figure, but less than 1.1 million." In other words, the Government intend to use the Crow report as a stalking horse for a much larger figure than Serplan had in mind.

My hon. Friend the Member for Ashford set out clearly our policies to give more power to local communities so that local decisions can be made on local issues by local people. In contrast, the Government regularly duck the big issues and tend to kick matters such as their own brownfield target, the Rogers report, planning guidance, rural and urban White Papers and decisions on Crow and other serious issues into the long grass. Under this Government, the long grass is the only grass that is safe. I urge my colleagues to support the motion.

9.50 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): The House always has lively debates on this subject, and tonight has been no exception. I thank my hon. Friends, in particular, for their contributions. As for the Conservatives, they may have a new shadow spokesperson, but it is still the same old story.

We have debated the issue on a number of occasions. Labour Members are always happy to do so, because it is important, and because, each time we discuss it, the Tories' dismal record, and their inability to present any credible policies for the future, are repeatedly exposed. What has been highlighted again today is their failure—especially that of their Front Benchers—to grasp the complexity of the problems, or to come up with any new or workable measures to deal with those problems.

The Tories claim that they care about the issue but, for most of the debate, their Benches were denuded. Only a handful stayed the course to debate this important matter, including the new shadow spokesperson, the hon. Member for Ashford (Mr. Green).

Like my hon. Friend the Member for Manchester, Central (Mr. Lloyd), I was struck not only by the lack of attention paid to northern cities by the hon. Member for Ashford in his unfortunate opening speech—I read in "Vacher's Parliamentary Companion" that he used to be a speech writer for the right hon. Member for Huntingdon (Mr. Major), which may explain a lot—but by the terms in which the Opposition cast their motion, which is entitled "Northern Cities and Southern Green Fields". It is the old stereotype, and, like all stereotypes, it is a gross and inaccurate over-simplification. For their own political purposes, the Opposition choose to fuel the notion of a north-south divide—grimy cities in the north, and green fields in the south. As a northern woman, I can tell them that we in the north have our green fields too, and we want to keep them.

Mr. Brady: Will the Minister give way?

Ms Hughes: I would love to take an intervention, but I am afraid that I have no time.

The wording of the motion obscures the fact that the real issues, both rural and urban, affect regions in both the north and the south of England. The quality of speeches from those on the Front Benches—the shallow, ill-informed rhetoric that we heard from the Opposition, and the detailed analysis of Government policy that we heard from my colleagues—could not have shown the difference in approach more starkly. *[Interruption.]* I can say that because it is true, as anyone who sat through the debate will know. *[Interruption.]*

Mr. Deputy Speaker: Order. I appeal to the House again. There is far too much noise; we must be able to hear the Minister.

Ms Hughes: I am grateful to my hon. Friends the Members for Manchester, Central, for Salford (Ms Blears) and for Elmet (Mr. Burgon) for redressing the balance.

Given the rather spiteful response of the hon. Member for Eastbourne (Mr. Waterson), they must have hit a raw nerve for him to be drawn to such an extent. They reminded us of the damage done to their communities by the previous Government, and the fact that people in the north—like people everywhere else—want a decent life. *[Interruption.]* The hon. Member for Chesham and Amersham (Mrs. Gillan) clearly finds that terribly funny, but those people want a decent life and a good environment. They want their green fields too.

Mr. Brady: Will the Minister give way?

Ms Hughes: I am sorry; I would love to, but I have only 10 minutes.

All my hon. Friends who spoke described ways in which the Government could continue to do more. We are considering all the issues that they raised in the urban White Paper. We need to keep and to continue to attract companies in the north, as well as the south, by all means possible—for instance, by providing facilities such as those at Daresbury.

The right hon. Member for Skipton and Ripon (Mr. Curry) was the only Conservative Member to talk about cities. He rightly mentioned the importance of housing and education to regeneration, and made several suggestions. Some of them are discussed in the report on popular housing, some we are actively considering as we develop our White Papers, and some will involve—are already involving—discussions with other Departments, including the Treasury. The right hon. Gentleman's comments were very helpful.

In relation to rural areas—*[Interruption.]* Yes, the right hon. Gentleman may be done for now. As for rural areas, the right hon. Member for Suffolk, Coastal (Mr. Gummer) and the hon. Member for Mid-Sussex (Mr. Soames) raised matters relating to the areas that they represent. I shall make a point about Stevenage that was not raised by any Opposition Members, and that is that the proposals will increase the green belt in Hertfordshire by nearly 5,000 hectares. The decisions are difficult, but we must take a balanced view. That approach is certainly resulting in an increase in green-belt land.

The right hon. Member for Suffolk, Coastal made some sensible comments on design and density, with which I can agree. I do not accept for a moment his contention that the Government have done little, or are perceived to have done little, in dealing with rural problems. I remind the right hon. Gentleman that, every year for the last decade of the Conservative Administration, there was a net loss of green belt. By contrast, since May 1997, there has been a gain of almost 30,000 hectares.

I do not have the time to detail all the occasions when the Conservative Government directed southern counties to increase their housing numbers because they failed to plan for social need. However, that is precisely what has happened in West Sussex.

We have yet to see whether the arrival of the hon. Member for Tunbridge Wells (Mr. Norman) on the Opposition Front Bench will change the Opposition's disastrous stance on these matters. Perhaps the hon. Gentleman will ditch the common-sense revolution for the nonsense that it is. Perhaps he will search for something else for the Tories to latch on to. If he does, he will face an insurmountable difficulty, and that is the Conservative party's complete lack of credibility. It is the party that tried to create two Britains. It concreted over the countryside and abandoned any attempt to address the needs of the regions. Its record in the past is so dismal and its policies for the future are so bankrupt that nobody believes that its about-face from free market economics—*[Interruption.]*

Mr. Deputy Speaker: Order. I know that the debate has nearly come to a conclusion, but I will not tolerate hon. Members shouting across the Chamber.

Ms Hughes: Conservative Members do not like what they are hearing, Mr. Deputy Speaker, and that is their only response.

The Conservative party lacks credibility because nobody believes that its about-face from free-market economics to social and economic intervention is anything other than cynical opportunism. That just about sums up the contribution of the Conservative party to any serious analysis of, and discussion on, the serious and diverse problems facing people in our different regions. The Conservative party is opportunist, bankrupt and dismal.

What are the Opposition's contributions and what are their big ideas in addressing the problems that have been raised during the debate? They would batten down the hatches in the south-east and strangle the potential for economic growth in the eastern and southern regions, thereby holding back the UK economy as a whole and sending business off to Europe. They would dismantle the planning system and stop housing development, irrespective of the human consequences. They would abolish the regional development agencies, the very agencies that were set up to develop differentiated regional strategies to tackle inequalities between and within regions.

In stark contrast to that rag-bag of ill-conceived measures, the Government have a long-term, co-ordinated and joined-up strategy. It addresses, through the new deal and the minimum wage, the needs of individuals wherever they live. It addresses the needs of the disadvantaged areas, wherever they are. It tackles regional inequalities through the RDAs and through reform of planning—

Question put, That the original words stand part of the Question:—

The House divided: Ayes 173, Noes 321.

Division No. 60] **[9.59 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Baldry, Tony
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burnett, John
Burns, Simon
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*

Chope, Christopher
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Harris, Dr Evan
Harvey, Nick
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Keetch, Paul
Kirkbride, Miss Julie
Kirkwood, Archy
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maude, Rt Hon Francis
May, Mrs Theresa
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Ruffley, David
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Widdecombe, Rt Hon Miss Ann
Wigley, Rt Hon Dafydd
Wilkinson, John
Willetts, David
Willis, Phil
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Peter Atkinson.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Home Robertson, John
Hood, Jimmy
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ilsley, Eric

Ingram, Rt Hon Adam
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Killoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kumar, Dr Ashok
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Rapson, Syd
Raynsford, Nick
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, David *(Inverness E)*
Stinchcombe, Paul
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vis, Dr Rudi
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Gerry Sutcliffe and
Mr. Clive Betts.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's commitment to create high-quality, desirable, safe places to live without eating up the countryside; supports the Government's policies on protecting the Green Belt and believes the Government's inclusive and strategic approach to planning, housing, transport, countryside protection, welfare and economic policies will achieve more sustainable and equitable patterns of both urban and rural development; recognises that this Government is planning for economic success and that there is an opportunity to use growth to create better and more sustainable communities and improve the quality of life; welcomes the Government's move away from the previous 'predict and provide' approach to housing provision and the introduction of a 'plan, monitor and manage' policy; supports the Government's target of building 60 per cent. of all new housing on previously developed land; and welcomes the Government's determination to ensure that the whole country shares in the benefits of economic recovery.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Monday 7th February, notwithstanding Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Questions on any Motions in the name of Mr. Secretary Darling relating to Social Security not later than Ten o'clock.—*[Mr. Jamieson.]*

DELEGATED LEGISLATION

Mr. Deputy Speaker (Mr. Michael J. Martin): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

OVERSEAS DEVELOPMENT AND CO-OPERATION

That the draft African Development Bank (Further Subscription to Capital Stock) Order 1999, which was laid before this House on 10th January, be approved.

That the draft International Development Association (Twelfth Replenishment) Order 1999, which was laid before this House on 10th January, be approved.

MULTILATERAL INVESTMENT GUARANTEE AGENCY

That the draft Multilateral Investment Guarantee Agency (Further Subscription to Capital Stock) Order 1999, which was laid before this House on 10th January, be approved.

ECCLESIASTICAL LAW

That the draft Grants to the Churches Conservation Trust Order 2000, which was laid before this House on 18th January, be approved.

CINEMAS AND FILMS

That the draft Films (Modification of the Definition of "British Film") Order 2000, which was laid before this House on 18th January, be approved.—*[Mr. Jamieson.]*

Question agreed to.

House of Commons Commission

Motion made, and Question proposed,

That Sir Peter Lloyd be discharged from the House of Commons Commission and Mr. Eric Forth be appointed a member of the Commission under the House of Commons (Administration) Act 1978.—*[Mr. Jamieson.]*

10.13 pm

Mr. Andrew Miller (Ellesmere Port and Neston): I should like to remind the House of the words of the right hon. Member for Bromley and Chislehurst (Mr. Forth), spoken in the Chamber on 20 January this year. During the debate on the Braithwaite report he openly and honestly described his lack of understanding of the House of Commons Commission. He also described his views on how members should be appointed to it. His desires have clearly not been met, because he has been nominated through the usual channels. *[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. There is far too much background noise. The House must come to order. I also remind hon. Members that the terms of the motion are very narrow indeed.

Mr. Miller: The right hon. Member for Bromley and Chislehurst expressed concern about the process of appointment and proposed that a different process should be implemented. Clearly, it would be entirely wrong of me to speculate on what that process should be, as that would be outside the terms of the motion. However, if one looks at the duties that are undertaken by the House of Commons Commission as set out in the House of Commons (Administration) Act 1978, it is clear that it has some extremely important and rigorous functions. It is quite proper that the House should consider his suitability for the position by way of a formal interview.

It has been alleged in recent debates that the right hon. Gentleman was flying his own kite and acting out of control of his party Whips, but the prima facie evidence before the interview committee tonight is that that is not the case. Clearly, he would not have been nominated through the usual channels had he been acting outside the control of the Whips. So all the stories that we were told during that ridiculous all-nighter last week that the Whips were not in control of the situation must have been untrue.

I return to the functions of the House of Commons Commission. It is responsible for important functions in the House, not only in providing important services to hon. Members and the staff, but in ensuring that we are open and accountable to citizens.

Mr. Douglas Hogg (Sleaford and North Hykeham): Those of us who know my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) know full well that he is a vigorous defender of the rights of the House. That being so, will the hon. Gentleman tell us why he is not fit to be on the House of Commons Commission?

Mr. Miller: With the greatest of respect, I have not suggested that. I am just reminding the House that we are making an appointment to an extremely important body.

Mr. Eric Forth (Bromley and Chislehurst) *indicated assent.*

Mr. Miller: The right hon. Gentleman acknowledges that. Yet on 20 January 2000 he said:

"However splendidly the Commission may work, I am not convinced—because I do not know enough about how it works—that that is in the forefront of its mind when it goes about the strategic planning that may or may not happen."—[*Official Report*, 20 January 2000; Vol.342, c.1079.]

As he acknowledged, he clearly does not understand and has not read the House of Commons (Administration) Act 1978.

Lorna Fitzsimons (Rochdale): Will my hon. Friend also consider that, as there are so few appointments to this august body that adjudicates over so many important issues for us Back Benchers, its members must be representative of a large majority of hon. Members—and that can hardly be said of the individual whom we are discussing this evening?

Mr. Miller: I very much agree with the first point made by my hon. Friend—that the person should be representative of a wide range of Members. However, her second point will be tested by the interview process in which we are engaged. Given that the Commission— *[Interruption.]*

Mr. John Bercow (Buckingham): Will the hon. Gentleman give way?

Mr. Miller: Of course.

Mr. Bercow: I am grateful to the hon. Gentleman for giving way, but I am a trifle perplexed by his use of the word "interview". In reference to these proceedings, is it customary, Mr. Deputy Speaker, for someone conducting an interview to do so by making a lengthy and rather tedious speech? *[Laughter.]*

Mr. Deputy Speaker: Order. *[Interruption.]* I assure the hon. Gentleman that we are not conducting an interview.

Mr. Miller: Clearly, I must have been in order, Mr. Deputy Speaker, or you would have rapidly stopped me. Perhaps the hon. Member for Buckingham (Mr. Bercow) has had a word with my Whips, who from time to time accuse me of being long-winded, boring and tedious.

Hon. Members: Never.

Charlotte Atkins (Staffordshire, Moorlands): In case my hon. Friend was about to become tedious, he might care to reflect on the fact that there are about four times as many Opposition Members in the Chamber for this debate as there were for the previous one.

Mr. Deputy Speaker: Order. The hon. Member for Ellesmere Port and Neston (Mr. Miller) has been in good order, but if he responds to that intervention he will be out of order.

Mr. Miller: I take your guidance, Mr. Deputy Speaker. As for being long-winded and tedious, I must point out that this is the largest audience to which I have ever spoken in the House.

Several hon. Members *rose—*

Mr. Miller: I give way to my hon. Friend the Member for Watford (Ms Ward).

Ms Claire Ward (Watford): Does my hon. Friend agree that Members of the House who want to represent Back Benchers on such an important Committee should have taken part in a considerable amount of debate, and should have ensured that they knew much about the subjects on which they will represent Back Benchers? That would include ensuring that they knew what the Commission exists to do.

Mr. Miller: That is precisely why I am making my speech. On his own admission, the right hon. Gentleman does not know what the task of the Commission is. There are plenty of Opposition Members who know precisely what it is, because they have read in detail the reports made by the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), who speaks for the Commission. They have participated in debates such as the one that we held on the Braithwaite report on 20 January.

My hon. Friend makes an extremely important point. We are dealing with an important issue—

Mr. Lindsay Hoyle (Chorley): Will my hon. Friend give way?

Mr. Miller: I want to finish my point.

We are discussing an important body, which deals not only with services to Members and with members of the House's staff, but with the public outside. People outside the House look on the quaint ways in which it works with some disdain. Indeed, it has sometimes been suggested that the practices engaged in by the right hon. Gentleman lead the public to have a certain disregard for the House.

Several hon. Members *rose—*

Mr. Miller: I give way to my hon. Friend the Member for Chorley (Mr. Hoyle).

Mr. Hoyle: I assure my hon. Friend that it is not just the Whips who think that he is tiresome and boring. Will he take up a relevant point and tell us what benefits the right hon. Member for Bromley and Chislehurst (Mr. Forth) could bring to that most august body, the Commission? That is most important. Hon. Members seem eager to condemn the right hon. Gentleman, but I am sure that my hon. Friend will be able to explain the benefits as he continues his speech.

Mr. Miller: I can think of a number of benefits that the right hon. Gentleman would bring—his wit, his humour and his snappy dressing, including his choice of ties. Whether they would benefit the House is another matter.

Mr. Tom Levitt (High Peak): The question of how representative the right hon. Gentleman might be has been raised. His title shows that he is a member of the Privy Council, so he is therefore among the minority in the Chamber. Does my hon. Friend consider that the right hon. Gentleman's membership of the Privy Council is the closest that he has ever got to being "PC" in his life?

Mr. Miller: I see you move forward, Mr. Deputy Speaker, and I know that I would be straying dangerously

[Mr. Miller]

from the terms of the motion if I considered my hon. Friend's point. I shall resist the temptation to consider it now. I shall speak to him outside the Chamber.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. If we have so many interventions immediately after one another, there will be no flow to the hon. Gentleman's speech.

Mr. Miller: I give way to my hon. Friend the Member for Amber Valley (Judy Mallaber).

Judy Mallaber (Amber Valley): Does my hon. Friend agree that, as the Commission has important functions in respect of the employment of staff, it would be incredibly helpful if, before the end of the debate, the right hon. Member for Bromley and Chislehurst (Mr. Forth) let us know what experience he has of staff employment practices? Would he be prepared to undertake equal opportunities training in terms of selection and recruitment and what is his attitude to an important issue that concerns many Members: child care facilities for Members and the staff employed by the House?

Mr. Miller: I am grateful to my hon. Friend for that point. I would not want to pursue the right hon. Gentleman too far along that line, because the public record shows that his views are extremely clear.

The functions of the Commission need to be considered with much care. As I said earlier, issues such as communication with the outside world are important. However, when we discussed the Braithwaite report on 20 January, there were interesting exchanges in which the right hon. Gentleman acknowledged that he was out of his depth. Perhaps, in a year's time, after he has mugged up and read line by line the reports of the hon. Member for Roxburgh and Berwickshire—the right hon. Gentleman laughs but he has to read them—and developed a fuller understanding of the role of the Commission, the House should take a different view.

Innovations are important to the House. I agree with my hon. Friend the Member for Amber Valley that child care is important as are the development of broadcasting, the development of *Hansard* on the web and the improvement of facilities for members of the public. I hope that I am not using an unparliamentary expression, but the signs are that the right hon. Gentleman is something of a luddite on such matters.

Mr. Brian White (Milton Keynes, North-East): Those of us who were present for the Braithwaite report debate heard the right hon. Member for Bromley and Chislehurst (Mr. Forth) argue passionately for elections to bodies such as the Commission. Given those comments, is it not strange that he should allow his name to go forward in this way?

Mr. Miller: As I said earlier, I might stray out of the terms of the motion if I responded in too much detail to the alternative methods that could be pursued. However, it is on the public record that the right hon. Gentleman believes that the process of appointment on the nod—we are certainly not doing that tonight—is not an ideal mechanism. Appointments should be subject to detailed scrutiny.

Mr. Michael Fabricant (Lichfield): Does the hon. Gentleman agree that a Member of independent mind is needed? Does he further agree that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) is not only of independent mind but, unlike those on the green swathes opposite, he is not one of the Whips' apparatchiks? He will stand up for the rights of Parliament, and more importantly, he will stand up for nursing women employees of the House. *[Interruption.]*

Mr. Miller: I see that the right hon. Gentleman has appointed the hon. Gentleman his campaign manager—and a powerful speech he made too. The hon. Gentleman is wrong, of course, because he said that his right hon. Friend would stand up for Back Benchers. The right hon. Gentleman might stand up for the totally independent Members who have views that are out of touch with those of the majority in the House.

Mr. Fabricant: The Whips.

Mr. Miller: I do not know about the Whips. I have not seen any sign from them that I should shut up or do anything else, and I am not looking their way in case I get the wrong guidance.

The Commission should represent minority views, including those of minority parties. It is particularly important that the House take into account all the parties represented here.

Mr. Fabricant: On a point of order, Mr. Deputy Speaker. With the cheering, the hon. Gentleman may have misheard me. I referred not to minority views of the House, but to independent views.

Mr. Deputy Speaker (Sir Alan Haselhurst): I see that the hon. Gentleman has not lost his touch.

Mr. Miller: I shall make my point to the hon. Member for Lichfield (Mr. Fabricant) a little clearer. Minority parties must be properly represented by the Commission, and someone who is so independent-minded that he does not take into account the consensus that must be achieved to make the Commission work is inappropriate for this post.

It is possible that I am entirely wrong about the right hon. Gentleman, because the Opposition Whip, the hon. Member for West Derbyshire (Mr. McLoughlin), may over time have given him advice and guidance. Perhaps what we perceive as the actions of a man of independent mind are in fact those of the independent mind of the hon. Member for West Derbyshire. That puts paid to the observations of the hon. Member for Lichfield.

Ms Joan Ryan (Enfield, North): Does my hon. Friend agree that whether or not the right hon. Member for Bromley and Chislehurst (Mr. Forth) is of independent mind, it is extremely important that someone who seeks to sit on a Commission with such an important role in employment in the House make a full and firm commitment to legislation on employment terms and conditions, in particular the national minimum wage?

Mr. Miller: I honestly do not know, off the top of my head, what is the right hon. Gentleman's view on the

national minimum wage, other than that he traipsed through the Lobby to vote against it. However, I would stray slightly from the motion if I developed that point.

My hon. Friend makes an important point about the issues that members of staff face from time to time when the day's programme of business is so severely disrupted that it causes them domestic disruption, particularly if they are low paid or have a family. That point needs to be considered carefully.

Several hon. Members *rose—*

Mr. Miller: I shall give way in a moment.

If the man of independent mind is independently causing that disruption, that is not a good reason for appointing him to the Commission.

Spurious debates that are dragged out for the hell of it by the right hon. Gentleman are costing the taxpayer a ridiculous sum of money. I have been probing the hon. Member for Roxburgh and Berwickshire on the matter, although I must say that I have yet to get a satisfactory answer from him. I remind the right hon. Gentleman that that was precisely his point at column 1079 on 20 January. So, we have a man who acknowledges that he does not understand the Commission's role and believes that taxpayers' interests should be taken into account, but who seems to be acting independently—or perhaps with the guidance of the hon. Member for West Derbyshire, the Opposition Whip—in dragging out proceedings, which costs the House a lot of money.

Mr. Andrew Dismore (Hendon): The right hon. Gentleman has very clear views on the issues of Europe. Bearing in mind that much of our employment legislation, such as that on the limit on working hours and parental leave, emanates from European directives, what assurances does my hon. Friend think the right hon. Member for Bromley and Chislehurst (Mr. Forth) would be able to give the House on his willingness and ability to act within the spirit as well as the letter of that legislation?

Mr. Deputy Speaker: Order. I do not know whether the hon. Member for Ellesmere Port and Neston (Mr. Miller) needs my help in recognising that that is a red herring.

Mr. Miller: I almost beat you to it, Mr. Deputy Speaker. I was about to say that I believed that my hon. Friend's intervention was outside the terms of the motion, although it was interesting speculation.

Mr. Martin Salter (Reading, West): There has been much talk of independence of mind. It is a tribute to the independence of mind of Labour Members that they are prepared to defy their Whip's order.

How does my hon. Friend square the House of Commons Commission's responsibility for the staff of the House and the fact that a number of our staff are from the Irish Republic with the description by the right hon. Member for Bromley and Chislehurst (Mr. Forth), a few days ago, of people from the Republic of Ireland as

"aliens . . . from a . . . foreign country"?—[*Official Report*, 19 January 2000; Vol. 342, c. 899.]

Is that an appropriate view?

Mr. Miller: On my hon. Friend's first point, I perhaps ought to seek your protection, Mr. Deputy Speaker, because I will not be threatened by anyone in the House over this debate—apart from your good self. I have not had a discussion on the matter with anyone currently sitting on the Treasury Bench.

My hon. Friend's second point is important to my observations about the need for the Commission to be representative of all interest groups in the House. Of course, there are people who take somewhat eccentric views by comparison with their party's norm, and their views must be accommodated. Some hon. Members represent very small minority interests. One of my near constituency neighbours, the hon. Member for Tatton (Mr. Bell), is his own Chief Whip and party leader. His views must be accommodated, too. However, I am not sure, given the kind of behaviour to which my hon. Friend the Member for Reading, West (Mr. Salter) referred, that the right hon. Member for Bromley and Chislehurst is properly equipped to do the job.

Mr. Michael J. Foster (Worcester): I feel that I must spring to the defence of the right hon. Gentleman, given my previous experience of him representing me. In judging whether he might be a suitable candidate for the Commission, the House might find the following information useful. Between 1985 and 1992, I lived in Redditch, where the right hon. Gentleman was my elected Member of Parliament. In many ways, he was an ideal representative of the Conservative party: we never saw him; we never had a leaflet or letter from him.

Mr. Miller: I fear that I shall have to pursue that point outside the Chamber, lest I suffer the wrath of the Deputy Speaker.

Several hon. Members *rose—*

Mr. Miller: I give way to—

Mr. Deputy Speaker: Order. May I repeat the advice given earlier? This is not Question Time. I hope that the hon. Gentleman will be allowed to make some progress.

Mr. Miller: Were it Question Time and were I a Front Bencher, I would be considerably better prepared than I am now.

Dr. Nick Palmer (Broxtowe): I, too, should like to defend the reputation of the right hon. Member for Bromley and Chislehurst (Mr. Forth). We know that he believes strongly that the House passes business far too quickly, without adequate debate and sometimes late at night. I suggest that the motion should be allowed to pass only when the Government have agreed to a full day's debate on the subject.

Mr. Miller: I do not think that I could keep the debate going for a full day. However, there is a serious underlying point: the right hon. Member for Bromley and Chislehurst has himself raised the issue of the process of appointments, arguing that it is unsatisfactory. We are now trying to deal with his appointment, albeit in a muddled way—[HON. MEMBERS: "Yes."] I accept that. Hon. Members from both

[Mr. Miller]

sides are asking probing questions, yet there has been no formal interview, selection process or hustings for an extremely important function.

Mr. Peter Bradley (The Wrekin): Will my hon. Friend give way?

Mr. Miller: No, I must make a little progress and end my remarks shortly, because other right hon. and hon. Members want to contribute to the debate.

I shall draw my remarks together by referring again to the debate on Braithwaite, in which the right hon. Member for Bromley and Chislehurst raised some important issues, but acknowledged that he knew nothing about them. The Braithwaite report referred to the process of management within the House of Commons and made several important recommendations. It strikes me, not only that the Commission should be composed of right hon. and hon. Members who not only understand the sensitivities of all the parties and interest groups represented in the House, but that candidates for a position should be people who can bring a certain expertise to the complex and varied functions of the Commission.

My concern is that the right hon. Gentleman did not know what the Commission does, so we do not know what expertise he can bring to it. We can read about what he has done and we have heard him make some interesting speeches in the past, but, at this time, the House has no knowledge as to whether or not he is an appropriate candidate for the Commission. I agree that the process in which we are engaged is unsatisfactory, but it is the best one we have.

I should now draw my speech to a close because others want to speak. Irrespective of the outcome, I genuinely hope that tonight's important debate will stimulate discussion within the Commission about the process of future appointments—*[Interruption.]* I am pleased to see the hon. Member for Roxburgh and Berwickshire acknowledge that point.

Mr. David Taylor (North-West Leicestershire): Before my hon. Friend concludes his remarks as to the suitability of the right hon. Member for Bromley and Chislehurst (Mr. Forth), will he refer to the terms of reference of the Commission, which include responsibility for the British-Irish interparliamentary body? In the light of the right hon. Gentleman's remarks on 19 January, will my hon. Friend emphasise that when we discuss people from the Republic of Ireland we are talking not about

"aliens coming from a strange foreign country"—[*Official Report*, 19 January 2000; Vol. 342, c. 899.]

but about people with local connections? Given the right hon. Gentleman's remarks, is my hon. Friend convinced that the right hon. Gentleman is an appropriate person to have such a responsibility? In addition, given the Commission's demanding timetable of 13 meetings a year, does the right hon. Gentleman have the time and energy to spare from persistent filibustering to fulfil such an arduous schedule?

Mr. Miller: I honestly do not know. I described earlier the qualities that I think the right hon. Gentleman has—his charm, his humour, his tie—*[Interruption.]* I do not think his waistcoat is that charming. Beyond that, all we know about the right hon. Gentleman is that, from time to time, he tends to frustrate many of us late in the evening. Perhaps I am doing the same to him now.

As a result of this discussion, I want the Commission to consider whether we ought to review the process of appointment, and I want the House to determine, through this process of interview—which I am not allowed to call an interview—whether the right hon. Gentleman is suitable for that onerous task.

10.46 pm

Mr. Archy Kirkwood (Roxburgh and Berwickshire): I want to focus the attention of the House on the fact that the motion is important, and that this is a House of Commons matter. It has nothing to do with the Whips or with party political advantage. A vacancy that exists on the Commission must be filled. That is crucial for the functioning of the House of Commons. We are therefore right to spend some time collectively considering the people who are nominated to fill such vacancies.

The debate is good fun, but the subject is important. The hon. Member for Ellesmere Port and Neston (Mr. Miller) made some good points. We must make sure that the matter remains a House of Commons matter and does not get into the hands of the usual channels and the Whips. I know; I have been there, and I know that there are better ways of dealing with it.

The debate this evening has stimulated some important questions. As a result, it is possible that, in the context of Braithwaite, the Commission will reflect on a mechanism that gives hon. Members a chance sensitively to select people in whom they have confidence. If that does not happen, the Commission cannot do the work that it is charged to do.

Let me clarify what the House of Commons Commission does and the responsibilities of the Commissioners. The Commission is a corporate body, set up, as the hon. Member for Ellesmere Port and Neston said, under the House of Commons (Administration) Act 1978. It has six members. The Chair is the Speaker. The Leader of the House is a member of the Commission by statute, and the Leader of the official Opposition has the power to nominate a third member of the Commission.

There are three remaining positions. One of them is the one that we are discussing tonight. There is another vacancy, because the hon. Member for Kirkcaldy (Dr. Moonie) has been promoted. It is important that we fill the vacancies quickly and do so in good order.

Three Members are nominated by the House to serve on the Commission. It has two principal functions. Briefly stated, it has the duty to appoint all the members of staff in the precincts of the Palace of Westminster. The number of staff, their remuneration and terms of service must be set down, considered and decided by the Commission.

Ms Ward: Does the hon. Gentleman not fear that, given the power of members of the Commission to appoint members of staff in the House, the right hon. Gentleman may discriminate by not wishing to favour anyone from the Irish Republic?

Mr. Kirkwood: That is a matter for each hon. Member. I have views on the suitability of the right hon. Member

for Bromley and Chislehurst (Mr. Forth), but the decision is a matter for hon. Members. The hon. Member for Ellesmere Port and Neston was right to refer to the Braithwaite report, because the right hon. Gentleman made an important contribution to the debate on it. Anyone who is interested in determining his views through that report is entitled to do that.

Judy Mallaber: Will the hon. Gentleman tell us whether Commissioners receive training on their employment duties, employment law and good practice? We might want to bear the answer in mind when considering the suitability of the right hon. Member for Bromley and Chislehurst.

Mr. Kirkwood: That is a sensible question. We have no training, but we have access to the Board of Management, which comprises paid professionals, who are experts. If we believe that specific questions are not within our competence, we bring in consultants. The House of Commons Commission is responsible for providing appropriate terms and conditions for modern times. It is important that we set an example and get the best advice.

Mr. John Cryer (Hornchurch): On a point of order, Mr. Deputy Speaker. The narrow motion applies purely to the fitness of the right hon. Member for Bromley and Chislehurst (Mr. Forth) to serve on the Commission. It does not cover the Commission's functions.

Mr. Deputy Speaker: It is in order for the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) to refer to the Commission's functions because there is an interplay between that and the suitability of the candidate. However, I hope that he will not go into too much detail because the motion is narrowly drafted.

Mr. Kirkwood: I am not wasting time. I am trying to sketch briefly the role of a Commissioner because I want to develop my view on the qualities that are necessary to do the job properly. I cannot do that unless I explain some of the responsibilities.

The Commission consists of six Commissioners. It is chaired by the Speaker and appointed for a Parliament.

Mr. Frank Roy (Motherwell and Wishaw): As a fellow Scot, who is aware of the criticism that Scots are over-represented in the House, and even in the Cabinet, does the hon. Gentleman believe that the appointment of the right hon. Member for Bromley and Chislehurst (Mr. Forth) would exacerbate that?

Mr. Kirkwood: If I followed that line, I would be ruled out of order.

I am trying, with little success, to describe briefly the Commission's responsibilities. Commissioners work with the Board of Management.

Mr. Clive Efford (Eltham): The hon. Gentleman takes a fatherly tone with the House. Perhaps he could explain exactly what we should expect from individuals who are appointed to the Commission.

Mr. Kirkwood: If people would leave me alone, I could try to do that. The six Commissioners are charged with the responsibility of implementing best employment practice, working with consultants and being the best possible employer. That means being open, fair, efficient, and applying equal opportunities policy. The treatment of staff is a crucial element of Commissioners' work.

Another onerous responsibility is setting the votes and estimates that are to be placed before the House. They totalled £188 million in 1998-99. Commissioners must work them out with the various domestic committees and the Finance and Services Select Committee, ensuring that all the angles are covered and making proper provision for the expansion in services that we all support. Commissioners also consider staff salaries and Members' services.

Mr. Dismore: Will the hon. Gentleman give way?

Mr. Kirkwood: For the last time.

Mr. Dismore: The hon. Gentleman outlined some of the onerous duties of members of the Commission. I see from the last annual report that it met on 13 occasions in the year in question. How long did the average meeting last and how long would he expect the average meeting to last should the right hon. Member for Bromley and Chislehurst (Mr. Forth) be appointed, bearing in mind his reputation for, I would not say filibustering, but a degree of prolixity?

Mr. Kirkwood: The hon. Gentleman should know that the Speaker is the Chair of the House of Commons Commission. If it comes to a contest between the right hon. Member for Bromley and Chislehurst and the Speaker about how long a meeting takes, I know who my money is on—every time.

I described the background and the sort of duties and overall responsibilities that the six of us have to discharge on the collective behalf of hon. Members. I think that it is important for me to share my experience of the past two years. To be a successful Commissioner, one has to understand that the Commission works best as a small, closely knit team. Team working is a crucial part of the operation. Also one needs to accept a fair amount of advice from professional advisers. Members of the Commission need to be able to trust one another implicitly. To work well, the Commission needs to proceed with almost a Quaker-like consensus. Diplomacy and understanding are important for effective service and a need to co-operate on an active and continuing basis would also help.

The timing of the vacancy is also important. Three extremely serious issues confront the Commission. One is the Braithwaite report, which gives us a chance to reconfigure and modernise the structure of the House of Commons. It is important that that process should not be delayed.

Secondly, Portcullis house has still to be commissioned. It is important that that public space, which has been the subject of some controversy, is put into the service of hon. Members and their constituents as soon as possible without any further delay.

Finally, I would gently advise hon. Members that they may not be aware that the Commission is involved in some detailed legal negotiations—in actions in the civil courts. Elements of commercial sensitivity are involved and the protection of the reputation of the House.

Mr. David Taylor: Will the hon. Gentleman give way?

Mr. Kirkwood: No, I am about to sit down.

[Mr. Kirkwood]

Let us consider the importance of trying to develop a system in which hon. Members feel that the three Commissioners they nominate, one of whom is in front of us this evening, have the confidence of the whole House. This is not a party political matter. They require consensus from both sides of the House. The work is important and the House would be well advised to consider with great care all new nominations.

10.58 pm

Angela Smith (Basildon): I welcome the opportunity to speak to the motion and will try to be brief. I appreciate that many other hon. Members want to contribute.

I greatly appreciated the contribution made by the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), which helped to put the debate in context. I was shaken by some of the facial expressions of the right hon. Member for Bromley and Chislehurst (Mr. Forth).

Mr. David Taylor: They were all the same.

Angela Smith: I must correct my hon. Friend, as there were several expressions. Sometimes, the right hon. Member for Bromley and Chislehurst seemed quite put out at the depth and breadth of the qualities needed.

It was helpful to be given an idea of the scope of the work and what the appointment is all about. All hon. Members will agree, I think, that any appointment to an important body needs widespread support from and the confidence of both sides of the House.

You may be aware, Mr. Deputy Speaker, that during the debate on the Braithwaite report, it was said that hon. Members knew little if anything about the work of the Commission. I hope that tonight's debate will put those fears to rest. The contribution from the hon. Member for Roxburgh and Berwickshire should do so and I can see many copies of the report around the Chamber, so hon. Members have clearly done a great deal to remedy that position and ensure that they know a lot more about the work of the Commission. Those hon. Members who are relatively new to the House will have been surprised at the scope of the Commission's work and the fact that it was established in 1978.

In defence of the right hon. Member for Bromley and Chislehurst, it should be said that he has a reputation in the House for the forensic examination of legislation. That may be a quality that the Commission would find useful. His assiduous attendance on Fridays, particularly when the House considers private Members' Bills, will be known to many.

Mr. Michael J. Foster: With regard to the assiduous nature of the right hon. Member for Bromley and Chislehurst (Mr. Forth), when the hon. Member for Mid-Worcestershire (Mr. Luff) defeated the right hon. Gentleman in a selection contest, the right hon. Gentleman decided not to hold any further surgeries in his constituency. Would such a person be suitable—

Mr. Deputy Speaker: Order. The hon. Gentleman is straying too far from the motion.

Angela Smith: I can understand the concern of my hon. Friend the Member for Worcester (Mr. Foster), but I agree that that is not a matter for the House tonight when we are considering the qualities of the right hon. Member for Bromley and Chislehurst and the work of the Commission.

Mr. David Taylor: Does my hon. Friend agree that someone with a reputation for tedium, repetition and irrelevance would hardly be appropriate to represent the House in that important post on the Commission?

Angela Smith: I am sure, Mr. Deputy Speaker, that if any Member were guilty of those things, you would rule him or her out of order immediately. Those of us who sat through the debate on the Representation of the People Bill found it enjoyable and interesting.

Mr. White: The motion talks about not only the appointment of a new member to the Commission but the discharge of a current member. Does my hon. Friend accept that we should consider the reasons for discharging that person, the qualities that he has brought to the post, and whether he should not continue to do the excellent job that he is already doing?

Angela Smith: If hon. Members seek to divide the House, they will be able to make their own decision about who should be appointed to the Commission.

We should be addressing two points tonight. One is the role and scope of the Commission, and the other is whether hon. Members feel that the right hon. Member for Bromley and Chislehurst is the person whom they wish to represent their interests on the Commission.

Many hon. Members who have been involved in private Members' Bills have been impressed by the way in which, at every opportunity, the right hon. Gentleman, regardless of the time available and the merits of the legislation, has sought to examine such Bills in minute detail. I see the right hon. Gentleman nodding in agreement. It would be fair to say that some of us—perhaps not all—who have sat through many debates have been disappointed that legislation has been lost as a result of the right hon. Gentleman's interest in it. However, he has exercised his right to examine legislation in detail. I wonder if that is a quality that he wishes to bring to the Commission.

In reply to an intervention from my hon. Friend the Member for Hendon (Mr. Dismore), the hon. Member for Roxburgh and Berwickshire referred to Madam Speaker keeping the right hon. Member for Bromley and Chislehurst in order. If Madam Speaker is not available, any member of the Commission can take the Chair. Hon. Members will wish to consider whether the right hon. Gentleman would be an appropriate person to take the Chair in that way.

Mr. Nicholas Winterton (Macclesfield): Does the hon. Lady believe that a Member who has been a highly successful and articulate Minister and is a member of Her Majesty's Privy Council is unsuitable to fulfil a position on the Commission of the House of Commons?

Angela Smith: I am rather surprised by that intervention. I am sure that the right hon. Member for Bromley and Chislehurst would argue, in his customary style, that all support for any matter should be examined in detail. If the hon. Gentleman is suggesting that a

Member of the House's suitability for another role should not be scrutinised because he has been a Minister, I find that surprising. However, I have yet to make up my mind and shall have to listen to the rest of the debate.

Mr. Desmond Swayne (New Forest, West): Will the hon. Lady give way?

Angela Smith: I want to finish this point—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt, but we must have calm in the House. The hon. Lady will decide whether to give way without assistance from anybody else.

Angela Smith: I am happy to give way.

Mr. Swayne: I want to assist the hon. Lady in making up her mind. She referred to the scrutiny exercised by my right hon. Friend the Member for Bromley and Chislehurst, but said earlier—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt, but Labour Members should behave themselves.

Mr. Swayne: The hon. Lady is disappointed that that scrutiny has cost a number of Bills that she wanted to progress, but that is as nothing compared with the number of private Members' Bills that her own Government have killed off in this Parliament.

Angela Smith: Unfortunately, none of the Labour Members to whom the hon. Gentleman refers are here tonight. If they were, I should still want to have exactly the same debate because Members of the House have the right to discuss this appointment in detail. The merits of other Members are irrelevant; we are discussing whether we want the right hon. Member for Bromley and Chislehurst to represent us on the Commission. Forensic examination of legislation is one of his talents and it is right to consider that in the context of the Commission's role.

Ms Ward: Does my hon. Friend agree that the presence of so many Conservative Members shows that they, too, believe that this is an important matter for the House to debate? Indeed, were attendance to be used to judge the issue, it might be considered more important than the health service, the green belt—which we discussed this evening—and many other issues.

Angela Smith: I thank my hon. Friend for her contribution, but she is at fault in suggesting that every Conservative Member supports the right hon. Member for Bromley and Chislehurst and every Labour Member opposes him. We shall have to wait to find out whether that is the case.

Mr. Salter: There has been much talk about effective scrutiny. I urge my hon. Friend, if she has not already had the opportunity, to read the parliamentary profile of the right hon. Member for Bromley and Chislehurst. She will find that the candidate before us was an apologist for the previous regime in South Africa and described the staff of a citizens advice bureau as a bunch of Trots. Is he suitable?

Angela Smith: Hon. Members will make up their own minds about that, but I return to the point that I have heard no complaint from the right hon. Member for Bromley and Chislehurst about the examination of his appointment. Given his reputation in the House, I am sure that he has none.

Time is short, so I move on to a couple of the Commission's functions on which hon. Members may want to reflect. Under the House of Commons (Administration) Act 1978, the Commission may from time to time "increase or reduce" the number of House Departments, "allocate functions" to any other House Department or amalgamate or abolish House Departments. We need to hear whether the right hon. Gentleman has any plans along those lines. A number of hon. Members are greatly concerned about that and would want assurances before proceeding with his appointment.

Helen Jones (Warrington, North): I understand that oversight of the Library, which is very important to us, is a duty of the Commission. My hon. Friend will be aware that some hon. Members have been debating whether the Library should stock fiction. Has she examined the views of the right hon. Member for Bromley and Chislehurst (Mr. Forth) on that matter, in particular his knowledge of contemporary British fiction? Considering his lamentable record as an Education Minister, does she think he is a suitable person to oversee that Department?

Angela Smith: I have no knowledge of the right hon. Gentleman's reading habits, but I think the Conservatives might feel that one novelist in the party is quite enough.

Mr. Bill Rammell (Harlow): I think that the novelist referred to by the hon. Member for Warrington, North (Helen Jones) was expelled from the Conservative party today.

Angela Smith: I am grateful for the information, but I am sure that there are a number of other novelists. Sometimes, when we read *Hansard*, we could be forgiven for believing that some of it might come from "Alice's Adventures in Wonderland".

Mr. Dismore: Will my hon. Friend give way?

Angela Smith: I will give way once more, but I want to make some progress.

Mr. Dismore: I note that one of the Commission's responsibilities is the Refreshment Department. My hon. Friend may know little about the reading habits of the right hon. Member for Bromley and Chislehurst, but does she know anything about his eating habits? I for one would like the Refreshment Department to branch out into more adventurous cuisine, but does my hon. Friend think that the right hon. Gentleman's strong views on Europe may result in a much more traditional approach?

Angela Smith: Whatever the membership of the Commission, I am sure that hon. Members will wish to submit their dietary requirements. Personally, I would ask for more vegetarian food.

[Angela Smith]

As we have heard, one of the Commission's principal roles is that of employer, and many of us are gravely concerned about the commitment of the right hon. Member for Bromley and Chislehurst to employment legislation. I would want an assurance that he will support the minimum wage in future. A number of us are concerned about the terms and conditions of employment and the salaries of some of the staff of the House, and I hope that the Commission will address itself to that, whatever its membership.

Mr. John Butterfill (Bournemouth, West): Is the hon. Lady seriously suggesting that a prerequisite for appointment to the Commission is that one voted for the national minimum wage, and that anyone who voted against it should be excluded? Such a prerequisite would exclude most of the Conservative party. That may be the intention of the hon. Lady and others who have spoken, but it is not the way in which the Commission functions.

Angela Smith: The hon. Gentleman has missed the point. I do not suggest that every member of the Commission would have to have voted for the national minimum wage, but once something is the law of the land I expect all hon. Members to uphold it. I am sure the hon. Gentleman is not suggesting that Members should work against the law of the land and try to break it. Indeed, it is a criminal offence not to abide by the legislation on the minimum wage.

Perhaps my greatest worry relates to paragraph 6(2) to schedule 1 of the House of Commons (Administration) Act 1978, which states:

"The Commission may determine its own procedure."

I feel that hon. Members have cause for concern, given the attitude of the right hon. Member for Bromley and Chislehurst to the procedures of the House, and his boast that he is determined to block legislation that is not given adequate scrutiny. Members of the Commission may want to reflect on how long they want their meetings to last. I would also want some assurances in regard to employment law. I should like to know that the right hon. Gentleman wished to meet representatives of the trade union movement representing the staff of the House to discuss matters.

The right hon. Gentleman's commitment to forensic examination of legislation does him credit. I am sure that he will agree that tonight's examination of appointments to the Commission is also important.

I want the regulations of the House to be fully upheld. In 1998, the right hon. Gentleman said:

"I'm a deregulator; I'm against regulations on business."

I hope that he would not think that he was against regulations in the House, because that is one of the functions for which we exist. It is important that we have regulations to govern the way in which we work. Members should reflect carefully on the matters that are before them.

11.15 pm

Mr. David Wilshire (Spelthorne): It will come as a surprise to some right hon. and hon. Members and a disappointment to others, but as a great relief to you, Mr. Deputy Speaker, when I say that I have not the slightest intention of detaining the House for more than a few moments.

These motions are usually not debated but, as it has been decided that this motion will be discussed, we should ensure that the entire motion is discussed. Whatever we may want to say or not say about the Member who is being proposed, we should not let the debate go by—*[Interruption.]* I am coming to what I want to say about my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). If the House is prepared to be serious, we should consider my right hon. Friend the Member for Fareham (Sir P. Lloyd), who has served the House and who has decided to relinquish his place on the Commission. It would be a pity if, during the debate, it was not made clear that it was our unanimous view that we should say thank you to my right hon. Friend.

I agree with some of the remarks of Labour Members. They have rightly said that to serve on the Commission is an onerous task. That being so, I am extremely grateful that my right hon. Friend the Member for Bromley and Chislehurst is willing to take on the task and look after my interests. I wish him well.

11.17 pm

Mr. Bill Rammell (Harlow): I shall make a short contribution to the debate.

I sometimes chide some of my local government colleagues about the size of their interview panels. After this evening's experience, I shall be on exceedingly dodgy ground if I continue with that approach. I welcome the debate. Sometimes these appointments go by omission and without discussion. Given the importance of the role and function of the Commission and the qualities of the right hon. Member for Bromley and Chislehurst (Mr. Forth), appropriate or otherwise in terms of the appointment, it is important that we discuss the matter. I hope that our discussion will be welcomed by the right hon. Gentleman.

My experience in the House since 1 May 1997 is that whenever, for example, a money resolution is before the House for debate, more often than not it is the right hon. Gentleman who intervenes to demand that it should not be moved formally and should be debated in detail. He goes further than that and demands that those who are putting forward the proposition should justify and defend it. I hope that, before this short debate ends, he will seek to justify and support his appointment.

Mr. David Taylor: Does my hon. Friend accept that there is a risk, if he pursues the line that he is apparently intent on in laying compliments on the right hon. Member for Bromley and Chislehurst, that there may not be sufficient in the House accommodation budget to widen the doors of the Chamber to enable the right hon. Gentleman and his ego to leave it at the end of the debate?

Mr. Rammell: I shall temper my remarks as I proceed.

We are discussing a hugely significant role. When the role and function of the Commission were discussed in the context of the Braithwaite report, an intervention by the right hon. Gentleman elicited the response that the Commission is responsible for spending nearly £3 million of taxpayers' money per year. We are talking not about a minor functionary but about one of six

Members who have significant responsibilities. It is a huge job. All of us recognise that we need improvements in the running and functioning of the House of Commons. It is within that context that we should judge the qualities, or otherwise, of the right hon. Gentleman. Hon. Members whom we put forward to serve on the Commission should recognise the need for change within the management of the House of Commons and show an interest in managing the House's affairs better.

I have nothing against the right hon. Gentleman. Indeed, I am sure that he has many fine qualities, which, unfortunately, I do not have time to go into.

Mr. John Cryer: Is my hon. Friend aware that, in a debate on procedure, the right hon. Member for Bromley and Chislehurst said on time limiting Back Bench speeches:

"Will the right hon. Gentleman concede that another powerful reason in favour of the argument is that the restriction of speeches might discourage incoherent rambling and self-indulgent contributions and would encourage people to structure their speech in advance and produce a tight, taut argument?"—[*Official Report*, 31 October 1984; Vol. 65, c. 1344.]

In view of what happened last Tuesday evening, does my hon. Friend think that consistency of argument is one of the right hon. Gentleman's strong points?

Mr. Rammell: That is a valid point. I welcome within the House and, indeed, within the management of the House, constructive and engaged opposition, but to do the job effectively, hon. Members need tolerance and self-restraint. That is one of the qualities that is often lacking in the contributions of the right hon. Gentleman.

Mr. Malcolm Savidge (Aberdeen, North): In the context of the debate last Tuesday, I wonder whether it is not a particularly unfortunate time to discuss the matter. Members will remember that the Leader of the Opposition and his Whips lost control of their party, desperately pleaded to the Prime Minister for help—

Mr. Deputy Speaker: Order. That has nothing to do with the motion.

Mr. Rammell: I am happy to take your guidance, Mr. Deputy Speaker.

As I have said, I have nothing against the right hon. Gentleman. However, I am sure that not even his closest friends, or members of his family, would say that he recognises the need for change in the management of the House of Commons and the fact that things need to function more effectively. After all, he is the candidate for the status quo. During the debate on 20 January, he said that he was depressed that the Braithwaite report had said that

"the status quo is not an option."

Given the need for change in this place, I hardly think that we should put forward someone who is in favour of the status quo: of things continuing as they always have. That has been a consistent feature of the right hon. Gentleman's parliamentary career.

We need people who understand the functioning of the House of Commons Commission. By his own admission, the right hon. Gentleman does not possess that experience. Perhaps in the 13 days since he made that statement, he has undertaken a lot of homework. It is true that, occasionally, we need novices and people who bring new ideas and new experiences, but, for something as significant as the functioning of the House of Commons, it would be dangerous to put forward someone who, by his own admission, does not have that level of understanding and experience

There is inconsistency in the arguments of the right hon. Gentleman. We have heard that, in that debate, he called for elections, manifestos and hustings, so that people could put forward their views about the changes that were necessary in the House of Commons, yet, only 13 days later, the intention was to move the motion deep in the night, wholly unremarked, with his appointment, which is based on patronage, slipped through. That inconsistency needs to be challenged.

Conservative Members have argued for minority representation. In that long night last Tuesday, or Wednesday, the largest number of Opposition Members I remember voting was 16 or 17. Larger minority groupings than that on the Opposition Benches are worthy of representation.

Other hon. Members have already very effectively made the point on the role played by Commissioners in complying with employment legislation. Although I do not think that anyone would argue that one should have to have voted for the minimum wage to sit on the Commission, in every debate in which I have heard the right hon. Member for Bromley and Chislehurst speak, he has consistently opposed regulation and good employment practice. I am simply not convinced that those are the qualities that we should be looking for when appointing an hon. Member to the Commission.

Mr. Jim Murphy (Eastwood): I speak with hesitation, as I am in hopeful anticipation that the right hon. Member for Bromley and Chislehurst (Mr. Forth) will aid my campaign in my constituency at the next general election. Nevertheless, does my hon. Friend believe that the right hon. Gentleman—who previously criticised wages councils for setting the minimum wage at £2.33—is a suitable candidate for a position in which he would be responsible for the employment and salaries of many low-paid people in the House?

Mr. Rammell: My hon. Friend makes that point very effectively, on one of the central concerns of Labour Members about the proposed appointment.

Mr. Nick St. Aubyn (Guildford): Will the hon. Gentleman give way?

Mr. Rammell: I shall very briefly give way, but hope that, after it, the right hon. Member for Bromley and Chislehurst himself will intervene.

Mr. St. Aubyn: Will the hon. Gentleman tell the House how many of those who work in the House and for all of us are subject to the minimum wage legislation?

Mr. Rammell: All staff in the House are subject to the minimum wage legislation. However, I think that my hon. Friend the Member for Eastwood (Mr. Murphy) was plucking out that specific example to show that the right hon. Member for Bromley and Chislehurst has a

[Mr. Rammell]

discernible track record of opposing decent employment protection, which raises questions about his suitability to take on the post and responsibility.

All the facts that I and other hon. Members have provided militate in favour of a judgment that the right hon. Gentleman is unsuited to the position for which he is being proposed. One therefore has to ask why the Conservative Whips have proposed him for the position. I think that it is one of those old management, or Whip, judgments: it is better to have him on the inside with parts of his anatomy projecting outwards than the other way round. Although that might speak volumes for management style in the Conservative party, it should not influence our decision today.

The bottom line is that, in politics and government, it is a case of horses for courses. I am not quite sure what type of horse the right hon. Gentleman is, but I am absolutely certain that appointment to the House of Commons Commission is not, and should not be, his course.

I shall finish on a more serious note. When members of the public observe our proceedings in the Chamber, they are often concerned that we are still operating like a 19th century old gentlemen's club, rather than as a modern legislature that is trying to meet the needs and aspirations of people living in the 21st century. I am simply not sure that, with the appointment of the right hon. Gentleman, we shall be facing up to the needs and challenges of the 21st century.

Mr. Dismore: In the most recent report of the House of Commons Commission, in the section on the responsibilities of the Serjeant at Arms, it states that the number of visitors to the Gallery had increased by more than 188,000. Does my hon. Friend think that that is a very welcome trend? Does he also agree that the activities and behaviour in the Chamber of the right hon. Member for Bromley and Chislehurst have probably had an entirely opposite effect on the trend, so that next year's report may well show a decline in visitors?

Mr. Rammell: That point is very powerfully made.

I am simply making the point that we need to be a modern and effective legislature. We need to manage our affairs in the House of Commons effectively. I am not convinced that the appointment of the right hon. Gentleman would move us in that direction.

11.29 pm

Mr. Edward Leigh (Gainsborough): We have had some fun tonight and there is no harm in that. For what it is worth, over the years I have found many of the views of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) infuriating. We disagree on many of the social issues that I find most important, such as divorce and abortion. His views on those subjects may well be closer to those of many Labour Members.

Labour has a large majority in the House. If Labour Members wish to vote down my right hon. Friend they certainly have the power to do so, but I wonder whether they want to send out the message that they are prepared to use their majority to vote down somebody simply because he is a member of the awkward squad, because he is a dedicated parliamentarian, because he does not do what the Whips tell him and because his views are not always those of the majority of Members of Parliament. Surely the Commission has to represent all points of view. Regardless of whether we agree with him, my right hon. Friend is entitled to his point of view.

11.31 pm

Fiona Mactaggart (Slough): I am glad to be called immediately after the hon. Member for Gainsborough (Mr. Leigh). My reasons for opposing the appointment have nothing to do with the general political views of the right hon. Member for Bromley and Chislehurst (Mr. Forth). I do not regard this as an opportunity to take revenge for sleepless nights. I believe that the House has a responsibility to treat appointments to the Commission very seriously, as it has traditionally done. I echo the words of the hon. Member for Spelthorne (Mr. Wilshire) in paying tribute to the right hon. Member for Fareham (Sir P. Lloyd) for his contribution and the seriousness with which he has taken his role. The same is true of my hon. Friend the Member for Kirkcaldy (Dr. Moonie), whom we shall also have to replace shortly. I hope that the Labour Members responsible for nominating his successor will take into account some of the points that have been made during this debate.

My hon. Friend the Member for Basildon (Angela Smith) referred to the very expressive face of the right hon. Member for Bromley and Chislehurst. Conservative Members have probably not noticed which issues have provoked the most expressive responses. Some of those issues are serious and relate to the responsibilities of the House of Commons Commission. The first issue to provoke a force 10 "God how ghastly" face was when someone referred to the Commission's responsibilities for child care in the House. One of the Government's most serious failures is that, although we have created new child care places throughout the country—

Mr. St. Aubyn: On a point of order, Mr. Deputy Speaker. Is this speech still in order? Is it still about the qualifications of my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth)?

Mr. Deputy Speaker: It is perfectly in order.

Fiona Mactaggart: We have created extra child care places throughout the country, but we have failed to do so for the children of employees in the House and in Whitehall.

Mr. Owen Paterson (North Shropshire): If the hon. Lady bothers to turn to page 9 of the report of the House of Commons Commission, she will see that the first report of the Administration Committee on child care facilities in the House concluded that 79 per cent. of respondents to a questionnaire were generally satisfied with the existing provision.

Fiona Mactaggart: The hon. Gentleman obviously takes an interest in these matters, so he will know that the existing provision is a voucher scheme. If someone who cared about and understood child care issues was a

member of the Commission—and I advise the House to appoint such a person—the questionnaire would not have been put out in that form.

Mr. Wilshire: So the hon. Lady would design it to get the answer that she wanted, would she?

Fiona Mactaggart: I would have preferred a questionnaire that was a more accurate test of the opinions of the people who need child care provision.

Child care is the first issue that makes the right hon. Gentleman roll his eyes up to the heavens.

Ms Ward: Does my hon. Friend agree that because child care is such an important issue for Members of Parliament, we shall want the Commission to return to it at some point? It is clear that the right hon. Member for Bromley and Chislehurst (Mr. Forth) would have no intention of ensuring that it returned to the issue if he became a member.

Fiona Mactaggart: It is clear from the right hon. Gentleman's face not only that he would not want the Commission to return to the issue, but that he thought it stupid and irrelevant.

The second issue that made the right hon. Gentleman's eyes do the force-10 roll was when someone talked about consensus and the important role of the Commission in building consensus among right hon. and hon. Members about how the House is run. *[Interruption.]* He is doing it again, so I am clearly right in my analysis. It is important for us to work together, but not in a party political way.

Dr. Alan Whitehead (Southampton, Test): Perhaps my hon. Friend will be interested to know that in April 1998, along with the hon. Member for Mid-Sussex (Mr. Soames), the right hon. Member for Bromley and Chislehurst (Mr. Forth)

"forced a late night vote, making Labour MPs troop through the voting lobbies while Tory MPs nipped to the front of the Westminster taxi queue."

Does that strike my hon. Friend as an example of consensus?

Fiona Mactaggart: I do not want to spend any more time on the record of the right hon. Gentleman. I want to focus on what the House of Commons Commission should do. If its real job is ensuring good order and good management of the House, it needs to command the respect of the whole House. That has nothing to do with party politics. It is certain that many right hon. and hon. Members have real respect for the work that the right hon. Member for Fareham has done. It is not a party political issue, but involves working in a way that can command the consensus and respect of the House.

The third lemon was when people started talking about change and modernisation. The latter word usually produces a kind of huff-puff noise from the right hon. Member for Bromley and Chislehurst.

My biggest shock on entering the House was the 19th century way in which we go about much of our business. I know that the House of Commons Commission has tried to modernise certain things and that its members are sometimes frustrated by the pace of change. If we were to appoint to the Commission another member who is committed to slowing the pace of change, we would do the House and the country a disservice. For that reason I find the lack of judgment shown by those responsible for putting forward the right hon. Member for Bromley and Chislehurst surprising. It shows a lack of care for the importance of the job; therefore we should throw out their nomination.

11.38 pm

Dr. Julian Lewis (New Forest, East): The speech by the hon. Member for Slough (Fiona Mactaggart) sums up the way in which it is possible for a Labour Back Bencher completely to misread the mood of the House. Until she spoke, Conservative Members rather appreciated the irony, wit and good humour of Labour Members giving my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) what I am sure he would be the first to acknowledge is a taste of his own medicine. Instead of their wit, style and grace, she indulged in sour, humourless whingeing.

My right hon. Friend does not even have to open his mouth in a debate, as the hon. Lady attempts to interpret every twitch of an eyebrow and every flicker of expression. She is slightly living in a time warp—something of which I have occasionally been accused. She reminds me of those Kremlinologists who used to try to determine what was about to emanate from Moscow by judging the expressions of Brezhnev and Chernenko on the podium.

Mr. Peter Bradley: I am indebted to Andrew Roth's biography of the right hon. Member for Bromley and Chislehurst (Mr. Forth). I am sure that the hon. Member for New Forest, East (Dr. Lewis) will be fascinated to learn that, while at school, the right hon. Gentleman was a communist. *[Laughter.]*

Mr. Forth *indicated assent.*

Mr. Bradley: Does the hon. Member for New Forest, East agree that once a red, always a red and will he be joining us in the Lobby tonight?

Dr. Lewis: I am delighted to have that piece of information. It only goes to show that, in order to rectify the terrible mistake of his youth, my right hon. Friend will need to go much further to the right than he has already done.

Mr. Bercow: Does my hon. Friend agree that one pre-eminent qualification of my right hon. Friend for the appointment is that, unlike the hon. Member for Slough (Fiona Mactaggart), he did not have a charisma bypass operation at birth? *[Interruption.]*

Dr. Lewis: I disagree with my hon. Friend only in that he takes for granted the outcome of the nature versus nurture argument. The operation may not have occurred at birth; it might have been when she realised that she was an inheritor of a great deal of money. That is always very embarrassing—*[Interruption.]*

Mr. Deputy Speaker: Order. The debate is going downhill. I suggest that the hon. Gentleman return to the main point.

Dr. Lewis: Thank you for that guidance, Mr. Deputy Speaker. I greatly regret the downhill contribution of my hon. Friend the Member for Buckingham (Mr. Bercow), which distracted me from the straight and narrow.

Ms Ward: Perhaps the hon. Gentleman will reconsider his support for his right hon. Friend—as may many of his colleagues—when they realise that, according to Andrew Roth, he campaigned for the entry of the UK to the European Community.

Mr. Forth *indicated assent.*

Dr. Lewis: I am indebted to the hon. Lady for pointing out that fact. I was not aware of it. I might seriously reconsider my support for my right hon. Friend, but for the fact that he still has time to make good that deficiency.

In conclusion, I make two serious points. The first is that, if my right hon. Friend does such a great disservice to the House as is alleged, why has he been selected as one of the final four in the competition for Opposition politician of the year? I am sure that that will be acknowledged on both sides of the House. *[Interruption.]*

The Government—

It being one and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Standing Order No. 16(1).*

The House divided: Ayes 87, Noes 108.

Division No. 61] **[11.43 pm**

AYES

Arbuthnot, Rt Hon James
Beggs, Roy
Bercow, John
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Campbell–Savours, Dale
Cash, William
Chope, Christopher
Clappison, James
Clifton–Brown, Geoffrey
Clwyd, Ann
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Fraser, Christopher
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hawkins, Nick
Hayes, John
Heald, Oliver
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Loughton, Tim
Luff, Peter
McLoughlin, Patrick
Madel, Sir David
Nicholls, Patrick
O'Brien, Stephen *(Eddisbury)*
Paice, James
Paterson, Owen
Pickles, Eric
Pound, Stephen
Prior, David
Randall, John
Robathan, Andrew
Robertson, Laurence
Ross, William *(E Lond'y)*
Ruffley, David
St Aubyn, Nick
Simpson, Keith *(Mid–Norfolk)*
Spicer, Sir Michael
Spring, Richard
Swayne, Desmond
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Townend, John
Tredinnick, David
Trend, Michael
Viggers, Peter
Wardle, Charles
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Peter Atkinson.

NOES

Adams, Mrs Irene *(Paisley N)*
Alexander, Douglas
Allan, Richard
Atkins, Charlotte
Ballard, Jackie
Beith, Rt Hon A J
Blackman, Liz
Blears, Ms Hazel
Borrow, David
Bradley, Peter *(The Wrekin)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burgon, Colin
Cann, Jamie
Casale, Roger
Clapham, Michael
Clarke, Tony *(Northampton S)*
Corston, Jean
Cotter, Brian
Cox, Tom
Cryer, Mrs Ann *(Keighley)*
Curtis–Thomas, Mrs Claire
Davidson, Ian
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Drew, David
Efford, Clive
Ennis, Jeff
Fitzsimons, Lorna
Foster, Michael J *(Worcester)*
George, Andrew *(St Ives)*
Gerrard, Neil
Gilroy, Mrs Linda
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Harris, Dr Evan
Healey, John
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hope, Phil
Hoyle, Lindsay
Hughes, Simon *(Southwark N)*
Iddon, Dr Brian
Jackson, Helen *(Hillsborough)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keetch, Paul
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Kirkwood, Archy
Laxton, Bob
Lewis, Ivan *(Bury S)*
Linton, Martin
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Marshall–Andrews, Robert
Merron, Gillian
Miller, Andrew
Moffatt, Laura
Moore, Michael
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
O'Neill, Martin
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Prentice, Ms Bridget *(Lewisham E)*
Prosser, Gwyn
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Rendel, David
Roy, Frank
Russell, Bob *(Colchester)*
Ryan, Ms Joan
Sanders, Adrian
Savidge, Malcolm
Sawford, Phil
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Sir Robert *(W Ab'd'ns)*
Stinchcombe, Paul
Stunell, Andrew
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Tyler, Paul
Ward, Ms Claire
Watts, David
Webb, Steve
White, Brian
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Angela Smith and
Mr. Bill Rammell.

Question accordingly negatived.

Sir George Young (North-West Hampshire): On a point of order, Mr. Deputy Speaker. The Government

have just lost a Division on a motion in the name of a Minister. Will Government Front Benchers be tabling a motion to rescind the decision of the House?

The Parliamentary Secretary, Privy Council Office (Mr. Paddy Tipping): Further to that point of order, Mr. Deputy Speaker. You will be well aware that this is a matter for the House. It has been consistently so over many years; the precedent is well known. The House has made its decision.

Mr. Deputy Speaker: I do not think that the House would benefit from prolonged discussion of the matter. Neither the business of the House nor how right hon. and hon. Members vote is a matter of order for the Chair. There is nothing further that I can add on the issue.

Mr. Butterfill: Further to that point of order, Mr. Deputy Speaker. We have been debating extensively a Government motion, yet it is clear that the Government did not vote for it. Is that not an abuse of the House?

Mr. Deputy Speaker: I have already ruled that how right hon. and hon. Members vote is not a matter for the Chair.

Mr. Gerald Howarth (Aldershot): Further to that point of order, Mr. Deputy Speaker. Is it not extraordinary that the proposer of the motion neither spoke, moved or voted on it?

Mr. Deputy Speaker: That is not a point of order.

Mr. Miller: Further to that point of order, Mr. Deputy Speaker. The will of the House has been expressed. In the light of the particular circumstances in which we have found ourselves, would it be appropriate, through you, to invite the House of Commons Commission to make fresh proposals on how the job should be fulfilled?

Mr. Deputy Speaker: That is not a question on which I can rule. Tonight's proceedings will be studied and I have no doubt appropriate action will be forthcoming.

PETITIONS

Liane Singleton

11.58 pm

Mr. Phil Woolas (Oldham, East and Saddleworth): I should like to present a petition, on which there are 8,000 signatures, on behalf of Mr. Gordon and Mrs. Jaqueline Singleton, which states:

For the brutal murder and dismemberment of Liane Singleton, aged eighteen years, a life sentence should mean life and not a minimum of fifteen years for murderer Paul Stowers who will be young enough to do it again.

The petitioners therefore request that the House of Commons asks the Secretary of State for the Home Office to look specifically at this case, with a view to ensuring that Paul Stowers serves the whole of the life sentence imposed upon him for his heinous crime.

The petitioners remain, etc.

To lie upon the Table.

Television Licences

11.59 pm

Mr. Bob Blizzard (Waveney): On behalf of the Lowestoft branch of the Suffolk Pensioners Association, whose members believe that the cost of a television licence is high in relation to the value of the state pension, I wish to present a petition bearing 2,000 signatures. The petition was started before the Government announcement of free television licences for the over-75s. The original demand, for half-price television licences for all pensioners, has been modified. The petition states:

To the House of Commons.

The Petition of the Suffolk Pensioners Association

Declares that the TV licence has now been increased to over £100 p.a. In view of the below subsistence level of the old age pension, the Association, on behalf of all pensioners, believe they are entitled to a reduced licence fee of 50%.

The Petitioners therefore request that the House of Commons urges the Government to consider reducing the TV licence fee to £50 for all pensioners who will not receive a free licence under the government's current proposals.

And the Petitioners remain, etc.

To lie upon the Table.

Cattle Welfare (East Anglia)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Dowd.]*

12 midnight

Mr. Eric Pickles (Brentwood and Ongar): The subject of this debate is of importance to my constituents and to the whole of East Anglia. The over-30-months slaughter scheme was introduced to cull cattle and so to deal with the BSE problem and to take those cattle out of the human food chain. Since then, in a renewal of contracts, the Intervention Board has caused East Anglia to lose all its slaughterhouse facilities under the scheme. The net results are longer journeys for cattle within East Anglia and a considerable financial burden placed on East Anglia's farmers.

In many ways, tonight's debate is a continuation of one that was held before Christmas in Westminster Hall, which was about problems in the west country. However, the problem in East Anglia is quite different. East Anglia is unique in that there is almost no infrastructure for cattle distribution. Of 170 markets in the country, there are now only two in East Anglia that are capable of dealing with such a large geographical area. In previous debates, Ministers have been keen to stress the network of markets that would be available to deal with the problem, but that argument obviously does not apply in East Anglia, with its limited facilities.

On 20 January, I presented a petition of 1,450 signatures protesting against the decision to remove the right of Cheale Meats to perform a necessary service. It is interesting to note that the petition was signed not by members of the general public, but by farmers from all over East Anglia. Given the number of dairy farmers in the region, the number of signatures represents almost all of them. Farmers are rightly upset by the loss of facilities. They are even more concerned by rumours circulating that the casualty slaughtering facility in Cambridge is to be lost, leaving East Anglia without both an OTMS slaughterhouse and a casualty slaughterhouse.

In a written reply, the Minister told me that there were relatively few cattle in East Anglia, which is why the region was lumped in with south-east England. However, it is clear that the Intervention Board put geography second in its consideration of the matters within its remit. A look at a map clearly shows how difficult the issue of journey times is in East Anglia. In another written reply, the Minister of State, Ministry of Agriculture, Fisheries and Food told me:

"As a result of the changes being introduced following the tender, some journey times will, inevitably, increase, but in no case will the journey times exceed those laid down by animal welfare guidelines. Some journey times will decrease."—[*Official Report*, 25 January 2000; Vol. 343, c. 183W.]

Mr. Patrick Nicholls (Teignbridge): Is my hon. Friend aware that the situation that he describes is mirrored in Devon, where there is no slaughterhouse left operating under the over-30-months scheme? Does he agree that the Agriculture Minister would be better employed addressing that problem, considering issuing a challenge under article 30, and introducing honesty in labelling, instead of wringing his hands and pretending that he cannot do anything?

Mr. Pickles: I intervened in my hon. Friend's debate, and I was struck by the gravity of the situation in the west country. I know that my hon. Friend is pursuing the matter vigorously.

Some journey times will be reduced—16 per cent.—but 84 per cent. of farmers in East Anglia will face longer journey times when they take their cows to be slaughtered. That means extra effort for them and extra stress and discomfort for animals at the end of their natural lifespan. As my hon. Friend the Member for Epping Forest (Mrs. Laing), who has been extremely helpful, said recently, it is a matter of humanity rather than of cost.

We have figures showing that if a farmer takes his cow from Yarmouth directly to the designated abattoir in Chesterfield, that is a journey of 157 miles. If he takes the cow from Stevenage to Colchester, then on to an abattoir in Kent, that is 165 miles. The journey from Cambridge is 201 miles and from King's Lynn 181 miles.

In the debate initiated by my hon. Friend the Member for Teignbridge (Mr. Nicholls), the Minister said:

"I have asked the Intervention Board about the 130-mile figure—the figure of 160 miles was cited in one press release. I do not believe that a journey of 130 miles will be involved."—[*Official Report, Westminster Hall*, 21 December 1999; Vol. 341, c. 173WH.]

However, it is clear that journeys of well over 160 miles will be commonplace in East Anglia.

It is not surprising that Mr. Barney Kay, the livestock adviser to the National Farmers Union's East Anglia region, commented:

"A cow that is delivered in the morning to Colchester will be sent down to the abattoir in Kent by the evening, where it may have to wait overnight to be slaughtered the next day. For an old dairy cow this is a protracted and uncomfortable process."

That is, perhaps, a nice way of putting it. For many cows, it will be a frightening, painful and confusing experience. It will be the first—and last—journey of their life. They were born on the farm and they are part of a herd.

In all my dealings with farmers, I have been struck by how deeply worried they are about their animals' welfare. I have received many letters on the subject, but let one letter speak for them all. It is from Mrs. Helen Hall of The Orchards, who is a farmer in my constituency. She writes that she has a small suckler herd of red poll cattle. She wants their last journey to be as unstressful as possible. She said:

"All my cattle now have been born on the farm, live in a family group and only travel to new pasture in the summer. A long journey by lorry whether to Derby or Kent is not a pleasant thought . . . how many times has one been stuck in traffic jams on the M25 or at the Dartford crossing, let alone on the Ashford road. Think of the poor cattle on hot summer days stuck in an unfamiliar lorry without their herd."

That point should be borne in mind.

The Intervention Board's disposal of public money does not inspire confidence. It has awarded contracts to organisations that were not running abattoirs. It awarded a contract to a slaughterhouse in Kent, which, in the words of the *Eastern Daily Press* is

"closer to the Dutch coast than to farmers in remote broadlands."

The Scottish Farmer reported that it awarded contracts to a company in Kilmarnock that was in deep financial trouble. The Intervention Board did not even undertake a basic credit check before awarding the contract.

In a written reply on 24 January, the Minister of State, Ministry of Agriculture, Fisheries and Food, the right hon. Member for Gateshead, East and Washington, West (Ms Quin), said that while a credit check was undertaken on those companies with which the Intervention Board had no dealings,

"similar reports were not sought in respect of companies with whom IB already had a satisfactory and long-standing contractual relationships"—[*Official Report*, 24 January 2000; Vol. 343, c. 9W.]

Is that the way in which the Government go about awarding contracts? I could not believe it, so I sought answers from various Departments to ascertain whether it was the Government's practice not to undertake a credit check on companies. I am pleased to say that the circumstances that we are considering seem to be exceptional.

Today, I received a reply from the Treasury. I asked the Chancellor whether the credit rating of companies that tendered for services provided by the Treasury was checked before contracts were awarded. The reply stated:

"Treasury decisions on an individual bidding company's financial standing take account of the latest available audited and interim accounts and any other relevant published information including credit and debt rating."

The Treasury carries out a credit check on companies if it has any worries about them even after the contract has been awarded.

The Intervention Board's actions are truly astonishing. I have a report on the credit rating of a company—not the Scottish company—that I shall not name because I do not want to add to its financial troubles. Its condition was described as poor; it showed "significant levels of risk". The report recommended that

"before extending credit, suppliers seek suitable assurances and guarantees."

Yet the Intervention Board did not bother to carry out the most basic checks. The board's financial checking speaks volumes about the way in which they undertake the whole process.

The Intervention Board makes a spurious claim that £5 million has been saved by the process. That figure can be reached only by comparing the old contract price with the new contract price. If one examines the new tendering procedures in which all the companies bid, the figure of £5 million begins to evaporate. We are considering a significant transfer of costs. If all East Anglian farmers decide to send their cattle along the Intervention Board's preferred routes, through the two markets, an extra £1 million will be added to the cost of their haulage.

Let us consider welfare, and the extra time that will be involved in transportation. Eight hours is the permitted time, and extensions are available. If we assume a minimum turn-around time of two and a half hours for identification, live weighing and reloading, travel to Stevenage will mean a total of eight hours, travel to Cambridge will mean nearly nine hours and travel to Aylesbury will mean eight and a half hours.

Angela Smith (Basildon): Will the hon. Gentleman give way?

Mr. Pickles: I shall give way gladly because the hon. Lady has been most helpful in the campaign, and shares many of my worries.

Angela Smith: The hon. Gentleman and I have spoken to farmers meetings in our adjoining constituencies. It may not be apparent why a representative of Basildon is interested in farming. However, several farms in my constituency are affected, and 30 per cent. of the work force of Cheale's, which may soon lay off staff, are from my constituency.

I am interested in the hon. Gentleman's point about animal welfare. When the Minister responds, will she deal with the fact that journey times for animals going to slaughter will increase? Surely, we should slaughter animals as near to the point of production as possible, rather than extend the journey time.

Mr. Pickles: The hon. Lady is right. I recognise that her constituency interest—the work force at Cheale Meat—is important. Initially, like me, she became interested in the matter because of the company and its work force, but it has rapidly become clear that the issue is really animal welfare.

The Prime Minister said yesterday:

"We need a new direction for farming to meet the present day challenge."

The most pressing present day challenge for farmers in East Anglia is longer journey times and the extra suffering caused to their cattle. The dilatory and incompetent Intervention Board is causing those farmers great grief.

We do not blame the Minister—we do not believe that she has been a party to these bad decisions—but there comes a time when we must join the Royal Society for the Prevention of Cruelty to Animals, which has said that we must reconsider and reopen the tenders because to stick with the existing situation is to condemn cattle.

These cattle are near the end of their natural lifespan and many of them are milkers. They need to be milked on such a long journey, but they will not be. They will be very frightened. As we enter the first year of this new century, I do not believe that that is any way to treat cattle.

12.16 am

The Minister of State, Ministry of Agriculture, Fisheries and Food (Ms Joyce Quin): I congratulate the hon. Member for Brentwood and Ongar (Mr. Pickles) on securing this debate. I know that he has been active on the issue. Indeed, as he said, he has tabled a number of written questions on the subject. He intervened briefly in the previous debate on the subject before Christmas and he has also presented a petition on it. Other hon. Members and hon. Friends have also expressed concern about the situation in their areas. Indeed, I have had a number of meetings with Members, including my hon. Friend the Member for Waveney (Mr. Blizzard), to discuss the situation.

The debate is entitled, "Cattle Welfare (East Anglia)", although it could just as easily have been entitled, "Changes to the over-30-month scheme and the loss of contracts in abattoirs"—in this case, the Cheale Meat abattoir in the constituency of the hon. Member for Brentwood and Ongar.

A number of animal welfare concerns have been raised, as have other concerns associated with employment, geographical distribution and so forth. Many of those matters were mentioned in the earlier debate.

The hon. Gentleman was right to point out that the changes in the number and location of over-30-month-scheme abattoirs stem from a competitive tender

[Ms Joyce Quin]

held by the Intervention Board at the end of last year. The new arrangements were introduced on 4 January and I am pleased to have this further opportunity to discuss their operation in the light of practical experience of the new contracts so far.

Obviously, I recognise—I have never tried to disguise it—that the reduction in the number of contracted abattoirs is an important and sensitive issue for farmers and for animal welfare. I assure hon. Members on both sides of the House that I have watched closely the operation of the new arrangements so far, have asked for regular reports from the Intervention Board and have had a number of meetings.

Many of the concerns that were predicted by hon. Members, such as long waiting lists and inadequate access, have not materialised, and, in many respects, the new arrangements are settling in well. However, I assure hon. Members, and the hon. Gentleman in particular, that, as I have said in the past, I am committed to monitoring the situation, and, if it appears not to be working, I shall reconsider it. It will be kept under close review.

Mr. Pickles: I, the hon. Member for Basildon (Angela Smith) and other hon. Members are keen to meet the Minister with a group of farmers to discuss the problem. Is she minded to meet us in the reasonably near future?

Ms Quin: In principle, I am certainly sympathetic to the hon. Gentleman's request. I have met farmers around the country, including in my own area. I should point out that one of the abattoirs that lost a contract was in my constituency, which rather gives the lie to some of the criticisms in the south-west press which suggested that somehow or other I was personally completely immune to the process. That is not so. For such reasons, I have considered closely what the Intervention Board has done, but I believe that it has acted properly in the negotiation of the tendering process.

Arrangements before this tender round dated back to 1997. As is common practice, they were reviewed to ensure that they represented good value and continued to meet the need. As I said in the earlier debate, as a Minister I have to respond to the Public Accounts Committee, which, as the hon. Gentleman may know, has in the past been critical of the high rates paid to OTMS abattoirs. The Public Accounts Committee's report previously marked the service out as one which required close attention by officials, and I need to respond to such concerns. Following the expression of those concerns, the Intervention Board rightly recommended to UK Agriculture Ministers that the slaughtering contract should be re-tendered.

My right hon. Friend the Minister of Agriculture, Fisheries and Food, with colleagues in Wales, Scotland and Northern Ireland, carefully considered the board's advice and accepted its recommendation. The tender process was started last August and concluded with the announcement of the award of contracts at the end of last year.

I stress that tenders were evaluated against published objective criteria and final decisions were taken by a project board, comprising representatives of the Intervention Board, the four Agriculture Departments and expert bodies such as the Meat and Livestock Commission and the Meat Hygiene Service. It is important to stress that, because so often, in the earlier debate and this debate, statements have been made as if the Intervention Board is somehow acting in a vacuum and is not involved with other interested bodies with a real interest in seeing that the service works well.

I have examined in detail the way in which the tender process has been handled, and, the evidence that I have—I am always willing to look at evidence—shows that it has been conducted professionally and impartially, in a way which will stand up to scrutiny, which may well come about through bodies such as the Audit Commission and the PAC, which have already scrutinised the processes in the past. It is true that the tender has resulted in further efficiencies, but that has not been at the expense of animal welfare considerations or quality of service.

The hon. Gentleman understandably spoke a great deal about the welfare of animals going for slaughter. I accept that fewer abattoirs have been contracted, but capacity is broadly the same. Furthermore, tenders were considered geographically to provide sufficient capacity to ensure that animal welfare is not compromised. Clearly there is a balance to strike between the number of contracted abattoirs and the efficiency of the operation. The hon. Gentleman referred to my written answer. Numbers are lower in East Anglia compared with the south-west, the midlands and parts of the north of England. Although some animals face a longer journey time to the point of slaughter, many face a shorter journey.

Mr. Pickles: The right hon. Lady must recognise that 84 per cent. of farmers taking animals to slaughter face longer journey times. Surely she cannot be saying that journeys of 160, 180 or 200 miles are acceptable?

Ms Quin: The hon. Gentleman refers to journeys of 200 miles, but I do not know where that figure comes from. The abattoir in his constituency regularly took cattle not only from Sussex and Kent, but the Thames valley and even Wiltshire. Animals will now travel shorter distances to slaughter and there is sufficient capacity in each area of the United Kingdom to deal with animals that come forward. Obliging animals to undertake lengthy journeys is the last thing I would want and in theory we look for a limit of eight hours. In practice, very few journeys get remotely near that.

This is not simply a matter of distance as the conditions in which animals are transported are also relevant. A brief journey in appalling conditions can be more stressful than a somewhat longer one in better vehicles. Many aspects of animal welfare such as vehicle type, vibration, noise, movement, temperature and humidity, space and separation, food and rest, animal handling and loading and unloading were not referred to by the hon. Gentleman or other hon. Members. All those issues are vital, which is why I commend the work done by my hon. Friend the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food in co-operation—

Mr. Pickles: Will the right hon. Lady give way?

Ms Quin: I have only two minutes.

Mr. Pickles: May I make a brief point?

Ms Quin: I give way, but if we run out of time I shall be accused of not addressing the issues in full and I should be sorry about that.

Mr. Pickles: That accusation will not be made by me. The Minister did not mention the age of the animal involved. Does she agree that that is rather important?

Ms Quin: I certainly agree, but the age of an animal is also important in relation to the different types of conditions of transport. We want to ensure that older animals are carried in conditions that are as satisfactory as possible. The Government have been working actively with organisations such as the Humane Slaughter Association precisely to tackle some of those animal welfare issues. Overall, animals travel shorter distances than they did a few years ago. The whole thrust of Government policy on animal transit—not only for over-30-month animals, but generally—is going in entirely the right direction and I pay tribute to what my colleagues have done in that respect.

Obviously I recognise that concern has been expressed, but I spoke to farmers before and immediately after Christmas, and more recently, and the number of concerns has dropped dramatically. In many parts of the country, farmers feel that the arrangements are working satisfactorily.

Mr. Pickles: Not in East Anglia.

Ms Quin: Waiting times are an important aspect of the debate. There is no waiting time in East Anglia at present for over-30-month cattle. I am glad of that and it is—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half-past Twelve midnight.

House of Commons

Thursday 3 February 2000

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

KENT COUNTY COUNCIL BILL *[Lords]*

Order for Second Reading read.

To be read a Second time on Thursday 10 February.

MEDWAY COUNCIL BILL *[Lords]*

Order for Second Reading read.

To be read a Second time on Thursday 10 February.

MERSEY TUNNELS BILL *(By Order)*

Order for Second Reading read.

To be read a Second time on Thursday 10 February.

COMHAIRLE NAN EILEAN SIAR (ERISKAY CAUSEWAY) ORDER CONFIRMATION BILL

Read the Third time, and passed.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Married Couples Allowance

1. **Mr. Tim Collins** (Westmorland and Lonsdale): What estimate he has made of the average cost of the abolition of the married couples allowance to a couple of working age in a full financial year; and if he will make a statement. [106881]

The Chancellor of the Exchequer (Mr. Gordon Brown): Let me, first, announce that the Budget date will be Tuesday 21 March.

The cost to the married couple when, under the previous Government, the allowance was cut from 40p to 15p was £430. The cost of ending it is £197. The children's tax credit, which will replace it, will be worth £400—£8 a week—to families with children. However, in the case of this Government, the 1p cut in the basic rate, the introduction of the working families tax credit and the introduction of the new children's tax credit mean that almost every family with children is better off. The tax burden on the average family will fall to its lowest since 1972.

Mr. Collins: Why will not the Chancellor admit that the abolition of the married couples allowance is a tax increase, that the abolition of mortgage tax relief is a tax increase, or that ever higher petrol duties are a tax increase? Is it because to admit that would be to admit that he has clearly breached the Prime Minister's assurance that there would be no tax increases at all under a Labour Government?

Mr. Brown: I will deal with each of the hon. Gentleman's points in turn. However, I should have thought that the first thing he would want to do is welcome the 10p tax rate, which is a Labour tax cut. I should have thought that the second thing he would want to do is welcome the cut in the basic rate of tax, which is a Labour tax cut. I should have thought that the third thing he would want to do is welcome the national insurance cuts that we have introduced—which are worth £3 a week, and are another Labour tax cut—and of course the child tax credit and the working families tax credit, which are tax cuts worth on average £24 a week for the poorest families.

I am very glad that the hon. Gentleman raised the issue of the married couples allowance, because he might want to ask the new shadow Chancellor some questions about that. I have been looking back to the debates of the early 1990s, and the person who introduced the biggest cut in the married couples allowance and piloted it through the House of Commons was the shadow Chancellor himself. He told the House that the allowance had "no on-going justification"; he said that it was the "most anomalous" of allowances. He said:

> "I doubt that the reduction to be made in the first year . . . could be held to be crucial for those deciding whether they get married."—[*Official Report, Standing Committee A*, 22 February 1994; c. 347.]

If the hon. Gentleman looks back at the 1992 debates on mortgage tax relief, married couples allowance, national insurance or VAT on fuel, he will find that the person who was responsible for the 22 tax rises piloted through the House of Commons was the shadow Chancellor.

The debate in this country is between fairness, with our children's tax credit, and unfairness. It is because we are creating policies of stability and creating jobs that people are better off.

Mr. Robert Sheldon (Ashton-under-Lyne): Is my right hon. Friend aware that the married couples allowance did make sense in the early war years, when it was an incentive to get women into the labour market to help the war effort, but that now, with women forming such a large proportion of the working population, it is not really necessary?

Mr. Brown: It would seem strange to say so, but I agree with the Leader of the Opposition on the matter. He said that if we were to replace married couples allowance, it should go to families with children, to meet the costs that people have as their children grow up. That is why I should have thought that the Opposition would welcome the children's tax credit, which is to be worth £8 a week to almost every family in this country. I should have

thought that they would welcome the working families tax credit, which is worth £24 a week. I should have thought that they would welcome the rises in child benefit. That is the dividing line between the parties: we are for fairness to families; they have nothing to say to ordinary families in this country.

Mr. Michael Portillo (Kensington and Chelsea): May I tell the right hon. Gentleman what a pleasure it is to be standing here opposite him, and what a pleasure it will be to oppose him? I very much hope that we can have a civilised relationship. I also very much hope that we can have some fun—although I do not think that laughing at himself is the Chancellor's strong suit, but perhaps Conservative Members can make up for that.

I do hope that we can start our relationship on a straightforward footing, because the Chancellor of the Exchequer has a reputation for ducking questions. However, does he agree that the burden of taxation in this country is rising faster than in any other industrialised country, as stated by the Organisation for Economic Co-operation and Development? Will he now admit that millions of people are going to be paying more income tax?

The Chancellor is abolishing the married couples allowance. He is abolishing mortgage interest relief. Income tax for a one-earner couple is therefore going to increase. Is he denying that that is the case? Will he further admit that those on the lowest incomes will face the biggest increases? [HON. MEMBERS: "Oh!"] Do Labour Members think that fair? Is not Brown's first law of gravity that that which goes up just keeps going up?

Mr. Brown: I welcome the new shadow Chancellor to his position. I look forward to the debates that we shall have over the next few months. I wish him well in his dealings with his Conservative colleagues in trying to come up with a sensible Conservative economic policy.

I have worked under four shadow Chancellors since I became Chancellor. The first denied any responsibility for the 22 tax rises, saying that they were all down to his predecessor. The second said that he was at the Department of Social Security at the time, in the early 1990s. The third said that he was not even in the House of Commons—his alibi was that he was not at the scene of the crime. We now have the person who piloted through the 22 tax rises. I think that he will want to take credit for the fact that he piloted through the House of Commons the rise in VAT on fuel, the escalator on fuel, the escalator on tobacco and the cuts in the married couples allowance. *[Interruption.]* I only make those points because, while the shadow Chancellor was touring the country and recanting, the Conservative party should have been learning from its mistakes. They made an unsustainable tax guarantee in 1992, followed by 22 tax rises.

Let me read the figures for the tax burden on families with children. When we came to power it was 21.5 per cent. It then fell to 20.9 per cent. and is falling to 20.4 per cent. By next year it will be 18.9 per cent. That is the lowest tax burden for families in this country since 1972, because we know that fairness to ordinary families matters.

Mr. Portillo: I notice that the Chancellor did not deny that tax for single-earner married couples will increase. That point is proven. I thank him for his words of welcome. Dealing with past Chancellors has sometimes been described as like being savaged by a dead sheep or nuzzled by an old ram. Dealing with the current Chancellor is like being assaulted by Mr. Toad, with the pomposity and self-congratulation that distinguish him. I did not get very far in securing answers from him. He says that he works under shadow Chancellors. Perhaps he does not yet realise that he is here to answer questions because he is meant to be part of the Government. [HON. MEMBERS: "Get on with it."] I intend to.

I want to be entirely open to see whether we can get some openness from the Chancellor. The next Conservative Government will respect the independence of the Bank of England and will legislate to enhance that independence and increase accountability to Parliament. The next Conservative Government will not repeal the national minimum wage.

Hon. Members: Hear, hear!

Madam Speaker: Order.

Mr. Portillo: I now want the Chancellor to answer questions and admit to the House that he is about to put up income tax for millions of people. I am not talking about people with children. I am talking about single-earner married couples with a mortgage. Their income tax is going up.

Mr. Brown: The shadow Chancellor is wrong. The tax burden is falling from 37.4 per cent. to 37 per cent. to 36.8 per cent. Those are the figures published in the Red Book and the ones into which the Select Committee inquired. They have been published internationally and are accepted by those who look at such matters. So not only has the burden for the family with children been cut to its lowest since 1972, but the tax burden will be cut next year.

I welcome the conversion of the Conservative party to Labour party policy on the Bank of England. I welcome, in particular, the shadow Chancellor who opposed the minimum wage so vigorously when he was at the Department of Employment admitting that he was wrong and now agreeing to the minimum wage. Now, will the Conservative party accept our other policies: first, the new deal to get young people back to work, which the Conservatives would still scrap; secondly, our working families tax credit, which is worth £24 a week; thirdly, our children's tax credit and our child care strategy; and fourthly, our commitment to the national health service, which they have never matched in anything they have said?

May I give one final bit of advice to the shadow Chancellor? If he is looking back on his record and what he might learn from it, is it not amazing that, on his first day as shadow Chancellor, he has repeated the same mistake as the previous Prime Minister, the previous Chancellor and the previous Chief Secretary made when they committed the Conservative party to a politically driven tax guarantee that risks money for the NHS and the maintenance of prudence in this country? It is a tax guarantee that the former Prime Minister now says was "mad", and it puts the NHS at risk. It is a tax commitment that the former Chancellor, Lord Lamont—not noticeably

a left-winger on tax issues—says is "irresponsible". I put it to the shadow Chancellor that the Tories should learn from all their mistakes.

Madam Speaker: Perhaps we could get on with questions and answers now.

Match Funds

3. **Mr. Andrew George** (St. Ives): What discussions he has had with his colleagues in other Departments about the budget for match funds for the United Kingdom's European objective 1 regions. [106883]

The Chief Secretary to the Treasury (Mr. Andrew Smith): As part of the current spending review, I and my officials have begun discussions with all Departments on their spending plans, including those departmental programmes from which regions can draw match funding.

Mr. George: Does the Minister accept that the Government last year signed commitments to Britain's four poorest regions, and that Cornwall will receive £314 million over the next seven years from Europe? The Prime Minister will want and expect a warm welcome when he visits Cornwall tomorrow. In order to be confident that he receives one, can the Chief Secretary assure us that the Government will honour their financial commitments to the UK's four poorest regions?

Mr. Smith: I welcome the hon. Gentleman's thanks—I take it that is what it was—for the work of the Labour Government, in partnership with those areas, in winning the objective 1 status which, as he said, means a boost of more than £300 million for Cornwall. All departments and Government offices will work closely with the areas to benefit, to ensure that they get the match funding that they need.

The hon. Gentleman might not be aware of how many sources of match funding there are: the revenue support grant for local authorities; the regional development agencies; business links; the new deal for communities; the Foresight and Smart programmes; the national lottery; loans from the European investment bank; and the voluntary and private sectors. We are committed to making a success of regeneration and growth in those areas. The Government will succeed where the previous Government failed—in the regions which suffered the most.

Mr. Denis MacShane (Rotherham): The Chief Secretary will be aware that south Yorkshire and the other regions have got objective 1 funding because their gross domestic product per capita sank to below 75 per cent. of the European level—an indictment of the poverty politics of Planet Portillo when the Conservatives were in charge. However, that massive lifeline from Europe—I do not know whether we will see the Conservatives converting to pro-Europeanism as well by the end of Question Time—does need match funding. The money is there, but is my right hon. Friend aware that there is great concern that departmentalitis is not allowing the money to be made available? Will he look at that matter and crack the whip over other Whitehall Departments? He has indicated the sources of the money. Will he make sure that this money is made available, and that we get the help from Europe that south Yorkshire certainly needs after 20 scandalous years of Tory control?

Mr. Smith: There is certainly no question of departmentalitis, red tape or anything else standing in the way of the help that those areas need to make a success of objective 1 status. As my hon. Friend recognises, that means a £750 million boost to the local economy of south Yorkshire. The day before yesterday, my right hon. Friends the Minister for Trade and the Minister for Local Government and the Regions met representatives from the area, including hon. Members from the constituencies affected, to ensure that they gain the benefits from the programme that they need and deserve.

Mr. David Heathcoat-Amory (Wells): Instead of scrabbling around trying to increase the level of handouts from the EU budget for those regions, why do not the Government tackle the real issue, which is that for every £2 we pay into the EU budget we get £1 back? That is not a good deal for the British taxpayer or for those regions. Why did not the Government tackle that issue at the Berlin summit last year when, for the first time for many years, the entire structure of the EU budget and finances was up for renegotiation? Instead of renegotiating it, the Government accepted a continuance of that unfair mechanism, which is bad news for the British taxpayer and which has failed to release the additional resources for the regions that would otherwise be available from our own budget.

Mr. Smith: The truth is, of course, that we succeeded in doing what the right hon. Gentleman, and his right hon. and hon. Friends, said was not possible—we fought for and saved the British rebate in Europe. The people living in south Yorkshire, west Wales and the valleys, Cornwall and Merseyside, who will benefit from the European programmes, will remember that the Conservatives are more interested in attacking everything European than they are in securing the benefits of constructive engagement in Europe for those areas of our country.

Working Families Tax Credit

4. **Mr. Tom Clarke** (Coatbridge and Chryston): How many new claims for working families tax credit have been made since its introduction; and if he will make a statement. [106884]

The Chancellor of the Exchequer (Mr. Gordon Brown): Up to the end of December 1999, there had been 630,000 awards for the working families tax credit, of which 300,000 were for families who were not in receipt of family credit at the time of the claim. The average gain to working families is £24 a week.

Mr. Clarke: I thank the Chancellor for that reply and I assure him that many low-paid families in my constituency have benefited greatly from the working families tax credit. Indeed, some low-paid families have seen their incomes rise by more than £30 a week. I wish to encourage the Chancellor, who rightly enjoys an international reputation for challenging child poverty,

to continue to address, in his Budget, that challenge to domestic child poverty in constituencies such as mine and in every constituent part of the United Kingdom.

Mr. Brown: I am grateful to my right hon. Friend, who has fought hard on international development issues and on national issues to relieve the plight of those in poverty. He will be interested to know that 130,000 families in Scotland will benefit from the working families tax credit. Some families will get up to £50 a week extra. The Inland Revenue telephone line and the special working families tax credit telephone line have received nearly 2 million calls from people inquiring about the working families tax credit; that is why most people will conclude that it is a worthwhile and necessary innovation.

In the spirit of conversion from previous mistakes, the Conservatives might remind themselves that the policy that they cannot support in Britain was perfectly acceptable to Ronald Reagan in the United States.

Mr. David Ruffley (Bury St. Edmunds): May I draw the Chancellor's attention to the remarks of the Office for National Statistics and the OECD to the effect that his treatment of the working families tax credit as a tax cut is a clear breach of standard accounting rules? When will he stop fiddling the figures?

Mr. Brown: That is absolutely wrong. In the same way as the Conservatives considered mortgage tax relief, we have considered the working families tax credit. In the same way as these matters are being debated in America and elsewhere, and in the international organisations, they are now the subject of discussion here.

Conservative Members do not like to admit that they are opposing a £24 a week tax cut for ordinary families. It is about time that, instead of trying to get out of the commitment that they should make to working families, they started supporting the working families tax credit.

Ms Sally Keeble (Northampton, North): Is my right hon. Friend aware that the working families tax credit has been important in my constituency not so much in itself but because, even if people get only £1 of it, they can get the child care credit which has transformed the lives of many women in my constituency, who say that they are £60 or £65 a week better off? Will he ensure that when the literature is produced for the working families tax credit, it will make much clearer the benefits of the child care credit? Will he comment on the fact that the Conservative party would destroy that benefit—if their promises are to be believed—thus throwing those women out of work and back on to benefit, damaging their families in the process? *[Interruption.]*

Mr. Brown: They do not like hearing it, but Conservative Members are opposed to the measure that is taking more children out of poverty than any other. If only a few children were released from poverty by the working families tax credit, we would all support that; but 800,000 children are being taken out of poverty as a result of this and related measures.

The number of people claiming the child care benefit has doubled as a result of the publicity, and we will advertise it widely so that it is available for mothers and fathers who have to make the choice between working and staying at home. I should have thought that, with the new evidence that 800,000 children are being taken out of poverty, the Conservative party could support what the Republicans support in America: an earned income tax credit such as we have.

Mr. Matthew Taylor (Truro and St. Austell): The Chancellor talked once again of tax cuts for families, but did he not have a huge Conservative deficit—not least the legacy of the former Chief Secretary, the right hon. Member for Kensington and Chelsea (Mr. Portillo)—to overcome? The real figures show that tax has risen, but the Chancellor, like his predecessor, likes to choose indirect taxes as the means of increase. Would we not have a more honest debate if the Chancellor restored the index measuring the overall tax burden, including indirect taxes, so we could see whether it is the Chancellor or the former Chief Secretary who increased indirect taxes most?

Mr. Brown: The hon. Gentleman is obviously very interested in the statistics, so let me tell him that the tax burden on the ordinary family with one child has fallen, and is falling, from 21.5 per cent., to 20.9 per cent., to 20.4 per cent. and to what will be next year the lowest tax burden on ordinary families for 20 years. He should support that.

The hon. Gentleman is right about the Conservative party: we must unite on that, and remind the country that the current Conservative Front-Bench spokesmen on tax are the very people who, in the Conservative Government after 1992, put VAT on fuel, introduced the escalator, reduced the married couples allowance from 40 per cent. to 15 per cent., introduced the air passenger tax and implemented 22 tax rises: the biggest rises in tax that the country has seen.

It seems from yesterday's performance, when the shadow Chancellor made his tax guarantee, that he has learned nothing from past mistakes. With all those tax rises behind him, he is not the Conservative party's solution: he is its problem.

Mrs. Louise Ellman (Liverpool, Riverside): Does my right hon. Friend accept that the benefits of the working families tax credit in areas such as Liverpool go alongside the benefits of employment opportunities provided by, for example, Government regeneration programmes and the ability of the Merseyside objective 1 area to spend £850 million of European funding, especially on business support? Does he recall that the working families tax credit was opposed in the House not only by the Conservatives but by the Liberal Democrats?

Mr. Brown: Perhaps the Liberal Democrats need to rethink these matters. In the north-west and Merseyside, nearly 170,000 people will benefit from the working families tax credit. We now have a strategy, through the new deal, to give people new job opportunities, and through the working families tax credit, to make work pay. The child care credit makes it possible for people to work who might not otherwise be able to; and the tax changes that we are making, including the cut in the basic rate of tax, make it possible for work to pay even more for these families. We will, in the Budget, be introducing further measures that make it possible for people in the

areas that have been hardest hit by unemployment in the past, because of 20 years of Tory Government, to get the jobs they want.

Mr. William Ross (East Londonderry): How many claims for working families tax credit come from farming families? Would not that number of claims be reduced if the Chancellor and his right hon. Friends drew down the compensatory funds that are available for farming from Europe, owing to the changes in the value of the pound?

Mr. Brown: I am grateful to the hon. Gentleman for raising this issue. I know that substantial numbers of claims have come in the past and still come from farming families. Self-employed people are also eligible for the working families tax credit and there has been a distinct increase in the number of applicants. That is the right of people in any area of this country. In Northern Ireland, 50,000 people are now eligible for, and claiming, the working families tax credit.

Furthermore, the second biggest group of people claiming investment allowances, which we introduced in 1997, is the farming community. So we are doing what we can, within the resources that we have, to help farming families.

Mr. Howard Flight (Arundel and South Downs): On working families tax credit, the Chancellor clearly believes that he has been brilliant. Can he explain why the working families tax credit has to be paid out to people whom the Inland Revenue know are not eligible? Can he explain why people earning more than £38,000 a year can be eligible to receive it? Can he explain why more than 1 million people have a marginal tax rate of 69 per cent? Can he explain why employers have to spend £100 million on administering the credit? The OECD has made it clear that it should be treated not as a tax cut, but as a social security spending increase, as it is means-tested. The Royal Statistical Society has said that the Chancellor is failing to put the national accounts on a reliable footing. I suggest that the right hon. Gentleman's skills in creative accounting have misled even himself.

Mr. Brown: If the hon. Gentleman has any allegations about fraudulent claims for working families tax credit, let him put them to the proper authorities. Every other issue he raises shows how little he understands the working families tax credit. This is a benefit that will be paid through the wage packet because it shows that work pays. I thought that the Conservative party was interested in showing that work paid. It will encourage mothers who otherwise would not be able to work to have the resources, through child care, to do so. I should have thought that the Conservative party would want women to have that freedom. It will increase the number of jobs in the economy, and will benefit the very small businesses in which the hon. Gentleman says he is interested.

The Government are ensuring that work pays for these people. I should have thought, on the basis of the Conservative party's new analysis of policy, that it would accept that it has been wrong over the working families tax credit, and change its policy.

Debt Relief

5. **Mr. Andrew Reed** (Loughborough): What steps he is taking to persuade other countries to offer 100 per cent. bilateral debt relief to all countries that qualify for debt relief under the enhanced highly indebted poor countries initiative. [106885]

12. **Mrs. Betty Williams** (Conwy): What discussions he plans to hold with his counterparts in other G7 countries about measures to write off the debt of the highly indebted poor countries. [106895]

The Chancellor of the Exchequer (Mr. Gordon Brown): I am delighted that the French Finance Minister announced at the G7 meeting in Tokyo on 22 January that France, too, will provide 100 per cent. debt relief to all countries that qualify for debt relief under the highly indebted poor countries initiative. I have urged my other G7 colleagues and other countries to make similar commitments. I believe that further commitments will be announced in the run-up to the International Monetary Fund meetings in April.

Yesterday, Mauritania received debt relief—the first country to benefit under the new enhanced initiative. Tomorrow, I believe that Bolivia will receive the debt relief that it is due, and in the next few weeks Uganda will receive its relief. The initiative is working, and I am grateful to all the Churches and community organisations which joined the campaign to make it possible.

Mr. Reed: I am sure that the House would wish to congratulate the Chancellor on his worldwide moral lead, which has been described as

"wonderful news and shows welcome vision and leadership".

Those are not my words, but those of Ann Pettifor, the director of Jubilee 2000. However, countries such as Japan and Germany are still owed large debts that far outweigh the amounts that the United Kingdom has managed to write off. Will my right hon. Friend apply pressure over the next few weeks to ensure that those debts are relieved and that real poverty reduction is felt in the countries that really need it?

Mr. Brown: I thank my hon. Friend, who leads a House of Commons group that has widely publicised the case for debt relief. The third-world countries need and should have debt relief; that should be no source of division in the House, and I hope that the Conservative Opposition will support our efforts. He is right that debt relief must lead on to poverty relief and economic development. In 1999, the world woke up to its obligations on debt relief; in 2000, we must create a virtuous circle of debt relief, poverty relief and economic development. I shall continue to press other countries. I believe that Norway and Sweden will make announcements similar to our own, and that some other G7 countries are ready to make further announcements. The widely welcomed initiative that Britain took before Christmas had a purpose and has brought results.

Mrs. Williams: Is my right hon. Friend aware of widespread support up and down the country for the announcement that he and my right hon. Friend the Secretary of State for International Development made

before Christmas? I join other hon. Members in congratulating Jubilee 2000 and other organisations on their campaigning techniques. Can my right hon. Friend assure us that he will, in future discussion with G7 countries, make it crystal clear that the heavily indebted poor countries that save money will not invest it in armaments?

Mr. Brown: I am grateful to my hon. Friend, who has led the campaign on debt relief in her constituency alongside Churches and community organisations. During the past year, we have seen one of the greatest displays of togetherness among religious denominations and non-governmental organisations as they have alerted people in Britain and across the world to the problem. She is right that debt relief must be used for poverty relief. It must not be spent on weapons of war, corruption, bureaucracy or waste. That is why we took our unilateral action.

My right hon. Friends the Secretary of State for International Development and the Secretary of State for Trade and Industry and I have said that we will not extend export credits to 63 of the poorest countries in which export credits would lead to unproductive expenditure, such as spending on military weapons. It is unfortunate that the Conservatives have not supported that measure, and I hope that they will change their minds.

Mr. William Cash (Stone): As the Chancellor of the Exchequer may know, I chair the all-party group on the reduction of third-world debt and have tried to take a constructive interest in the Government's views and to encourage them where possible. He will also know that many millions of people in the UK and the rest of the world have signed the petition on the reduction of third-world debt.

In December, the Chancellor said that four countries would qualify by January, but have not only three done so? One of those is Mauritania, whose record on, for example, child labour is somewhat indifferent. Why will only three, not four countries qualify? Why has Guyana been demoted after having apparently been given assurances on the internal workings of its economy by an official of the International Monetary Fund? Will the Chancellor look into that question and find out why Guyana has not been give the debt relief that it deserves?

Mr. Brown: Of course, I will look into the matter. The hon. Gentleman is right; hundreds of thousands of people in the UK have been involved in the campaign. At the Treasury, we have received tens of thousands of letters asking us to take action on the matter—including one that I received before Christmas from my mother. We have been trying to get countries through the initiative as quickly as possible.

The hon. Gentleman asked why the fourth country—Mozambique—has not yet completed the process, when we had hoped that it would have done so by the end of January. I hope that he will follow these matters closely, because the reason is that Mozambique asked to be given time to formulate its poverty reduction strategy to present to the IMF board and the World Bank. It is not a delay on our part, so he should not criticise us; it was at the country's request.

As for other countries, we hope that 11 will be through the process by Easter, and 24 by the end of the year. The speed of progress will depend on the submission of poverty reduction plans. It is critical that we know that the debt relief will go to poverty relief. In the case of Uganda, we have already been promised that the country will halve the pupil-teacher ratio in schools from 100:1 to 50:1. We have also been promised that every child in Uganda will be educated in a classroom in a school building. *[Interruption.]* I should have thought that the Opposition would be interested in hearing those facts.

Mr. Gerald Howarth (Aldershot): Madam Speaker, you will have heard the Chancellor of the Exchequer repeat the claim that he made on 11 January that, in the Government's great, bold manoeuvre, no fewer than 63 countries would be removed from eligibility to benefit from the support for defence exports of the Export Credits Guarantee Department. Will he confirm that, during the past 13 years, only one of those 63 countries—Kenya—has been the beneficiary of ECGD support, and that it is unlikely that Vanuatu was high on the list of British Aerospace's prospects? I invite him to acknowledge that his manoeuvre was, at best, empty and, at worst, misleading and disingenuous.

Mr. Brown: The hon. Gentleman does not understand what happened. The reason that we have not given export credits to those countries during the past few years is that we banned them unilaterally two and a half years ago. That is why they are not receiving export credits for their expenditure on arms.

The hon. Gentleman asks me to answer for everything that happened under the previous Conservative Government. Even with the best will in the world, I cannot do that. I cannot explain all their actions. In January, we extended the list from 40 to 63; again, I should have thought that the Conservative party would support that.

Energy Taxation

7. **Mr. Tony Baldry** (Banbury): What recent representations he has received on energy taxation. [106887]

The Financial Secretary to the Treasury (Mr. Stephen Timms): We have received several representations on energy taxation. In particular, we have listened closely to the views of business and other interested parties on our proposals for the climate change levy. We intend to continue the development of those proposals in an open and consultative way.

Mr. Baldry: I hope that the Chancellor's mother received a reply to her letter sooner than the average six weeks that most of us have to wait for a reply from the Treasury.

Is it not correct that, because of the Treasury's divide and rule negotiations over the energy tax, many larger industries have been let off, whereas smaller firms, such as Colegrave Seeds in my constituency, have been disproportionately clobbered? As the firm points out, that is all the more crazy, given that the thousands of flowers produced in its greenhouses reduce carbon dioxide emissions. Will the Government produce a year-on-year

estimate of the amount of the reduction in carbon dioxide emissions in relation to the tax garnered by the Treasury, or is the measure merely about further tax gathering?

Mr. Timms: There is no size discrimination in the arrangements. We have made it clear that all the sites covered by the integrated pollution prevention and control directive will be eligible to enter discussions for a negotiated agreement. The rationale for that is strong; those sites are already treated distinctively because of their energy efficiency measures.

We remain open to the consideration of alternatives for energy-intensive firms exposed to international competition. However, such alternatives would need a clear rationale, to be legally robust and administratively simple and to comply with EU state aid rules. We are confident that, on a conservative estimate, the levy will lead to reductions in emissions of 2 million tonnes of carbon a year and at least as much again as a result of the negotiated agreements.

Mr. Bob Blizzard (Waveney): On the tax regime for the North sea oil and gas industry, notwithstanding the rise in the oil price over the past year, does my hon. Friend agree that, looking to the future, we shall have smaller fields of oil and gas? They will be marginal fields and production will be more expensive. If we are to continue to attract investment in those fields, given worldwide competition, we need a tax regime that will encourage such investment. Will he agree to keep that tax regime under review, so that we can look forward to another 30 years' production of North sea oil and gas?

Mr. Timms: We keep those matters under continual review and I met representatives of the North sea industry recently. As my hon. Friend said, the oil price is very buoyant at present and I very much hope that that will be reflected in increased activity in the North sea.

Mr. Oliver Letwin (West Dorset): Now that the Government have mercifully—albeit possibly temporarily—withdrawn their ludicrous pesticides tax on the splendidly rational ground that it would have done nothing to limit the use of pesticides, will the Financial Secretary, after a prolonged period of reflection, promise to get rid of the dreadful energy tax, which still has a massive impact on some firms and will do little or nothing to reduce CO_2 emissions?

Mr. Timms: No, I do not agree with the hon. Gentleman on that. On the pesticides tax, we said in the pre-Budget report that we were working with the British Agrochemicals Association. It has now come forward with proposals for a package of voluntary measures and my right hon. Friend the Chancellor of the Exchequer has said that, on that basis, he will not proceed with the introduction of a pesticides tax in the Budget.

The climate change levy, however, is very widely welcomed. It is important that we meet our Kyoto objectives, and competitor nations are also taking steps to meet them. We all want the problem of climate change to be addressed. We are taking the steps that need to be taken.

Fiona Mactaggart (Slough): On the climate change levy, I know that firms in my constituency have welcomed the level to which the Treasury has been open to considering changes and receiving representations. However, many firms are still concerned about the decision to use integrated pollution prevention and control as a proxy for the tax. British Plasterboard, which is based in my constituency, is not part of the scheme—which is not related to climate change—and it produces a very energy-efficient product. The Treasury constantly saying, "Give us an alternative" is all very well, but does my hon. Friend think that there may be other better measures?

Mr. Timms: I am grateful to my hon. Friend for acknowledging the extent to which we have listened and taken careful account of all the representations that have been made to us. She is right that the changes that my right hon. Friend the Chancellor of the Exchequer announced in November—they increased the environmental effectiveness of the levy while safeguarding the competitiveness of UK firms—have been widely welcomed. There are number of significant benefits, such as legal certainty, to using integrated pollution prevention and control as the basis for the negotiated agreements. However, I assure my hon. Friend that we remain open to considering alternatives as long as they meet the criteria that I set out a moment ago.

Inter-bank Transfers

8. **Mr. Richard Ottaway** (Croydon, South): If he will introduce legislation to provide for the payment of interest on inter–bank transfers. [106889]

The Economic Secretary to the Treasury (Miss Melanie Johnson): I have no plans to introduce such legislation.

Mr. Ottaway: Notwithstanding banking practice, there is an important consumer point. It takes at least three days to transfer money from one bank to another. During that time, the owners of the money do not have access to it, they cannot use it and they do not earn interest on it. Under those circumstances, will the Economic Secretary conduct a review to find out where that money has gone and who earns the interest on it?

Miss Johnson: The hon. Gentleman is right that cheque clearance takes, on average, three days to complete, but he is incorrect to say that there is a disparity between the money going into the account and it being received at the other end. Funds commonly reach the payee's account and attract interest, if appropriate, on the same day that a cheque is presented or an electronic transfer made. The Association of Payment Clearing Services believes that the majority of banks make no profit from the clearing process.

Economic Growth

9. **Dr. Rudi Vis** (Finchley and Golders Green): What are his forecasts for United Kingdom economic growth in 2000–01, 2000–02 and 2002–03. [106890]

The Chief Secretary to the Treasury (Mr. Andrew Smith): Forecasts for growth were set out in the pre-Budget report, and were between 2.25 and 2.75 per cent. for each of the years listed. Through our tough and decisive action, the Government have established the

platform of stability necessary to secure stable growth in output and employment. Updated forecasts will be published in the Budget.

Dr. Vis: I thank my right hon. Friend for that answer. Are those growth rates sufficiently high to pursue the Government's various other goals, such as full employment and an end to child poverty?

Mr. Smith: The crucial point is that we have more than 750,000 more people in jobs since the general election, thanks to the steps that we have taken to achieve stability, sustained investment and low, stable inflation. That platform of stability, with the new deal and our other measures for investment and regeneration, will enable us steadily to increase employment. We want to move towards full employment so that all our people, who were so cruelly wasted under the Conservatives, can realise their full potential and use their talents and energies.

Mr. Peter Brooke (Cities of London and Westminster): Is the Chief Secretary satisfied by the productivity gains since 1997? Will he extrapolate from that performance his productivity predictions for the years in the original question?

Mr. Smith: No one can be complacent about this country's productivity record, which is due not least to the lack of education, training and investment that we inherited from the previous Government. We continue to press ahead to improve productivity, which is why educational and vocational skills are so important and rising levels of investment are so encouraging.

We welcome the upturn in output by manufacturing industry in the quarter to November; the annualised rate was 4 per cent., which is the highest for five years. Moreover, we are now seeing the highest ever levels of manufacturing output. It is especially encouraging that improvement is greatest among small firms. There is further to go, but we are making progress.

Exchange Rate

10. **Mr. David Taylor** (North-West Leicestershire): If he will make a statement on the impact of his fiscal policy on the exchange rate of the pound in the last six months. [106891]

The Chief Secretary to the Treasury (Mr. Andrew Smith): The factors affecting the exchange rate are many and complex, so it is not possible to identify the precise impact of fiscal policy. However, as I have just said, the Government's fiscal policy has made an important contribution towards achieving long-term economic stability by locking in sound public finances.

Mr. Taylor: The Minister knows that sterling has risen to levels last seen in the mid-1980s. Does he share my concern that any fiscal loosening in the March Budget risks driving up the pound even further, accentuating the difficulties experienced by small firms in North-West Leicestershire that export to, or compete with, firms in Europe? What does he say to those who claim that it is safer to invest any fiscal elbow room in better public services rather than further income tax cuts?

Mr. Smith: I am sure that my hon. Friend would not expect me to speculate on the contents of the Budget, any more than he would expect me to speculate on interest or exchange rates. Our message is clear: the programmes that we have put in place for stability, sound public finances, investment and higher skills levels are the best measures to help businesses, including small businesses, to succeed in the global economy.

The trends for manufacturing industry are encouraging, in the east midlands as elsewhere. Output is higher than ever; exports are rising and, as this month's CBI and British Chambers of Commerce surveys showed, confidence is increasing. It is as a consequence of those measures that in the east midlands employment has gone up and unemployment has gone down since the general election, with youth unemployment down by three quarters and long-term unemployment down by two thirds. That is the confidence that we have in the businesses of the east midlands, and which they are reciprocating through their record on jobs and exports.

Sir Michael Spicer (West Worcestershire): As the Minister has implied, when he is answering the right question, interest rates are one of the factors that affect exchange rates. Why has the Chancellor of the Exchequer, according to *The Times* today, in effect told what is meant to be an independent Monetary Policy Committee to increase interest rates?

Mr. Smith: That is not what my right hon. Friend told *The Times*. He told it that we backed the actions of the Monetary Policy Committee and the Bank of England in taking whatever steps are necessary to ensure that we stick to the path of stability, steady growth and sound public finances that is steadily transforming the economic prospects of this country.

Manufacturing

13. **Mr. David Kidney** (Stafford): What assessment he has made of the prospects for growth in the United Kingdom's manufacturing sector over the next 12 months. [106897]

The Economic Secretary to the Treasury (Miss Melanie Johnson): The pre-Budget report forecast is manufacturing output growth of 1½ to 2 per cent. this year.

Mr. Kidney: I thank my hon. Friend for that answer. Recently, Stafford's premier manufacturer, Alstom, announced quite heavy job losses later this year. As my right hon. Friend the Chancellor of the Exchequer has announced that the Budget will be on my birthday, may I ask for a birthday present, namely fiscal measures that are targeted to help those sectors of the economy that are exposed to international competition and hit by the value of the pound?

Miss Johnson: I am sorry to hear about the difficulties that are being experienced by the company to which my hon. Friend referred. I shall be happy to meet him to talk about them.

It is a coincidence that the Budget will be introduced on my hon. Friend's birthday. He should draw no conclusions from the fact that the Treasury team does not give birthday presents. However, our best birthday present has been to the country, and it has been the prudence with which we have looked after the economic affairs of the nation, the caution that we have deployed and our policy of sound public finances, leading to the fastest rate of growth in the United Kingdom for five years. Manufacturing output rose by 1.1 per cent. in the three months to November on the previous three months. We have stabilised the economy and ensured that we do not return to the record interest rates that the Opposition allowed to happen when in government. We have avoided a return to the boom-and-bust policies of the Tory years.

Mr. Nicholas Winterton (Macclesfield): The Government have talked about the optimistic outlook for manufacturing industry. I am sure that the Minister would agree that the manufacturing base is too small. Do the Government see an expansion of it? What policies will the Government pursue to bring that about, as that will lead to more stable and sustainable economic growth?

Miss Johnson: I am grateful to the hon. Gentleman for his support for manufacturing industry, which I strongly share. Manufacturing productivity is now up by 6 per cent. on the previous year. That is the strongest growth for five years. These developments augur well for the future. The Conservative Government, in sharp contrast to the present Government, presided over zero growth in productivity from 1995 to 1997. I am sure that he agrees that it is the present Government's policies that are helping to provide the base on which manufacturing and exports will continue to grow.

Dr. Vincent Cable (Twickenham): Is the Minister aware that concern about the future of British manufacturing industry has been expressed by no less a body than the International Monetary Fund, which considers the pound to be 15 to 20 per cent. overvalued? What reply has the Treasury given to the IMF?

Miss Johnson: The IMF has given the UK Government a glowing report on their management of the economy, on which I am sure the hon. Gentleman would wish to congratulate us, although I did not hear him do so. As I said, manufacturing output has improved. We have on many occasions drawn to the attention of hon. Members an increase of 700,000 jobs across the UK economy. That is supported by strong manufacturing output.

Business of the House

12.30 pm

Sir George Young (North-West Hampshire): May I ask the Leader of the House to give us the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week is as follows:

MONDAY 7 FEBRUARY—Motions on Social Security Orders.

Procedure motion relating to the Sexual Offences (Amendment) Bill.

TUESDAY 8 FEBRUARY—Second Reading of the Armed Forces (Discipline) Bill *[Lords]*.

WEDNESDAY 9 FEBRUARY—Conclusion of proceedings on the Financial Services and Markets Bill.

THURSDAY 10 FEBRUARY—Second Reading of the Sexual Offences (Amendment) Bill.

FRIDAY 11 FEBRUARY—Private Members' Bills.

The provisional business for the following week will be as follows:

MONDAY 14 FEBRUARY—Consideration in Committee of the Political Parties, Elections and Referendums Bill (First Day).

TUESDAY 15 FEBRUARY—Second Reading of the Postal Services Bill.

WEDNESDAY 16 FEBRUARY—Consideration in Committee of the Political Parties, Elections and Referendums Bill (Second Day).

THURSDAY 17 FEBRUARY—Opposition Day [5th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

FRIDAY 18 FEBRUARY—The House will not be sitting.

The House will also wish to know that on Wednesday 16 February there will be a debate on the 1999 review of telecommunications legislation and radio spectrum policy in European Standing Committee C.

The House will also wish to be reminded that on Wednesday 9 February there will be a debate relating to common strategy on Ukraine in European Standing Committee B, and a debate on state aid to the coal industry in European Standing Committee C. Details of the relevant documents will be given in the *Official Report*.

[Wednesday 9 February 2000:

European Standing Committee B—Relevant European Union documents:13523/2/99, Common Strategy on Ukraine; Unnumbered explanatory memorandum submitted by the Foreign and Commonwealth Office on 1 February 2000, Ukraine Common Strategy Work Plan; Relevant European Scrutiny Committee Reports: HC 23-iv and HC 23-vii (1999-2000). [Wednesday 16 February 2000:

European Standing Committee C—Relevant European documents:14320/98, 12838/99, 12839/99, 12840/99, 1999 Review of Telecommunications Legislation and Radio Spectrum Policy; Relevant European Scrutiny Committee Reports: HC-23-i and HC 23-vii (1999-2000).]

The House may also like to know that it is the Government's intention that we should rise for Easter at the close of business on Maundy Thursday and return on Tuesday 2 May.

Sir George Young: The House is grateful for next week's business, an indication of the likely business for the week after, and advance notice of the Easter recess.

The whole House is concerned about events in Northern Ireland, following the completion of the de Chastelain report. Of course, we understand all the sensitivities, but can the right hon. Lady tell the House whether the Secretary of State has any plans to make a statement later today?

Can we expect statements next week from the Home Secretary on Senator Pinochet, and from the Secretary of State for Culture, Media and Sport on his proposals for the licence fee, some six months after the report of the Davies committee?

Will the Leader of the House undertake to find time for the usual St. David's day debate on Welsh affairs?

Following last night's vote, does the right hon. Lady understand that the Opposition very much regret that their nomination for the House of Commons Commission was rejected, with 16 Parliamentary Private Secretaries voting against a motion in the name of the Deputy Chief Whip? Will she use her best endeavours to resolve the inevitable difficulties that have ensued?

Finally, will the Prime Minister make a statement on Monday on his findings, following his tour of the south-west? May not that give him a welcome opportunity to revise the impression that he has given that he is totally out of touch with countryside issues?

Mrs. Beckett: First, I am grateful to the right hon. Gentleman for his welcome for some of the announcements that I made, and for giving me the opportunity to clarify the position.

The House will appreciate that discussions are continuing during the day. Given the political situation in Northern Ireland, the business that I have just announced may be subject to some revision. My right hon. Friend the Secretary of State for Northern Ireland expects to come to the House later this evening to make a statement. If that statement has an impact on the handling of business, I shall announce then any necessary changes in the business of the House.

Secondly, the right hon. Gentleman asked about Senator Pinochet. Although the application by Amnesty International in Belgium for a judicial review has been rejected by Mr. Justice Kay, Amnesty has renewed its application to the divisional court. In view of those proceedings, my right hon. Friend the Home Secretary has given an undertaking that he will not make a decision on extradition before the hearing of the application, which cannot take place before Monday 7 February. My right hon. Friend has always maintained that he will come to the House to announce the decision as soon as possible.

I note the right hon. Gentleman's wish for a statement on the Davies report. My right hon. Friend the Secretary of State for Culture, Media and Sport has that in mind and will make an announcement to the House when he can. The Government intend to find time for a debate on Welsh affairs around St. David's day.

I take note of the right hon. Gentleman's comments on the later events of yesterday evening. I did not know that 16 PPSs had voted on the matter. They slipped through the net, and the Whips were unable to prevent them from going into the Lobby. That is a stirring tribute to the impression that the right hon. Member for Bromley and Chislehurst (Mr. Forth) has made on his colleagues.

I cannot tell the right hon. Member for North-West Hampshire that the Prime Minister will make a statement on Monday, following his visit to the south-west. Any anxieties about the decision that the House made last night can be aired in the normal way.

Mr. Dale Campbell-Savours (Workington): Does my right hon. Friend agree that Question Time is being progressively destroyed by rambling questions from hon. Members and, to be blunt, rambling answers from Ministers? I do not disagree with the content of the answers, but I object to what is happening. We must stop the practice. What can my right hon. Friend do personally to stop it and to bring to the attention of Ministers the need for something to be done?

Mrs. Beckett: My hon. Friend will know Madam Speaker's strong views on the matter, which she expressed again earlier this week. I am conscious of both aspects of the difficulty to which my hon. Friend refers. Ministers should try to give succinct answers, which are to the point. I am sure that he understands that business questions are a little different. I do not criticise the right hon. Member for North-West Hampshire (Sir G. Young) when I say that when Ministers are asked a range of questions, it is difficult not to speak at some length without being accused of not replying to a question.

My hon. Friend is right to say that we are considering a matter of discipline on both sides—hon. Members and Ministers. Both Madam Speaker and I will continue to preach that message.

Mr. Paul Tyler (North Cornwall): We welcome the Leader of the House's assurance that, if developments occur, the Secretary of State for Northern Ireland will make a statement later today rather than waiting until tomorrow, when fewer hon. Members will be present.

I want to comment on the countryside crisis. I have read carefully the contributions of the Prime Minister and the leader of the Conservative party to the National Farmers Union annual general meeting. Both contain an amazing mixture of complacency and refusal to accept responsibility. Will there be a statement and a debate in Government time on the rural crisis? Today, No. 10 pretends that everything is hunky-dory in the countryside, especially in the south-west. That is nonsense.

Will the Leader of the House assure us that there will be an early statement on the Competition Commission report into supermarket profiteering? Predatory pricing is causing huge difficulties to agriculture and creating more problems than exports.

Mrs. Beckett: First, I thank the hon. Gentleman for his comments on Northern Ireland.

I have not read all the reports of the NFU annual general meeting, although I know about some of the comments that have been made. I strongly rebut the suggestion that my right hon. Friend the Prime Minister is complacent. Indeed, he draws attention to the many problems of the countryside, such as lack of transport and schools. However, he also emphasises that those problems have not simply arisen since May 1997 and that the Government are trying to improve matters. I cannot promise the hon. Gentleman an early statement and debate, although he will be conscious, as I am, that that matter is raised often in this slot and I point out to him that Agriculture questions are on Thursday next. I am aware of the Competition Commission report, which is under way, and shall draw his remarks to the attention of my right hon. Friend.

Mr. Barry Gardiner (Brent, North): Does my right hon. Friend agree that one of the perhaps few occasions on which the British public can share in the enjoyment of the House is Prime Minister's Question Time? Does she share the concern of many Members that last week's was lost because of the efforts to talk out the business? Will she timetable a debate on procedure so that I and other hon. Members might discuss timetabling in the House, which the Modernisation Committee recommended in one of its earliest reports should be more and better used?

Mrs. Beckett: Certainly I am aware of the concern that is felt when the business of the House gets out of control. My hon. Friend is right to say that the Modernisation Committee made recommendations for the programming of suitable Bills and it proposes to examine where we are on that issue in the near future. He will also know that we debate procedural matters from time to time. I share his regret that last week's Prime Minister's Question Time was lost. He may not know that a Conservative Member who took part in that debate has made it clear on the record that Conservative Members took deliberate action in an effort to draw attention to their concerns about the business that we were debating and that they took that decision deliberately early on Wednesday morning.

Mr. Desmond Swayne (New Forest, West): May we have a statement next week on the future of the Government information service? Of the 17 directors of communication who were in place when the Government came to office, only one remains—the 16th having been sacked last week by the Minister for the Cabinet Office. The politicisation of the civil service is a matter in which a free Parliament should take an active interest.

Mrs. Beckett: The hon. Gentleman should not believe everything he hears. There is no suggestion whatever that the head of information at the Cabinet Office was sacked. He is leaving to take up a six-month post at the Centre for Management and Policy Studies. When I was President of the Board of Trade, the head of information at the Department of Trade and Industry decided to take early retirement—entirely voluntarily and very much to my regret—for purely personal considerations. *[Interruption.]* I say to Conservative Members that those personal considerations were serious. It was a great source of regret that she chose to leave, but she did so of her own volition. That is another example of the silliness of making such statements and assumptions.

Mr. Jeremy Corbyn (Islington, North): I listened with interest to the Leader of the House's comments about a possible statement on General Pinochet, next week or

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whenever. She will have seen early-day motion 340, on correspondence between the Home Office and the lawyers for General Pinochet:

[That this House notes that on 30th January, the respected Spanish newspaper El Pais published the text of letters exchanged between the Home Office and Augusto Pinochet's lawyers from November 1999 onwards, and that these letters confirm that, despite being under no legal obligation to make such an offer, the Home Office proposed on its own initiative that Augusto Pinochet's medical details be kept secret before they received any such request from his lawyers; further notes that his lawyers informed the Home Office that their client issued them with detailed instructions about the terms under which he would submit to medical examination in November 1999 after he had allegedly suffered a major deterioration rendering him unable to prepare for trial, that, contrary to procedures adopted in previous extradition cases, the Home Office suggested General Pinochet's own British and Chilean doctors could attend his 5th January medical examination, and that the Home Office supplied him in advance with the complete list of questions they asked the independent medical team to ascertain, including queries about his ability to recall events in the 1970s; notes also that apparent loss of memory in this respect is notoriously easy to fake and that the torture offences upon which his extradition is sought occurred in the late 1980s; and therefore calls upon the Home Secretary to request that Augusto Pinochet attend a fresh medical examination at which observers for the governments of Spain, France, Belgium and Switzerland will be allowed to be present.]

The correspondence was published in last Sunday's *El Pais*. Will she ensure that all correspondence is made public so we can see the truth of the situation in respect of the request or otherwise for medical secrecy to surround General Pinochet's case? Will she also ensure that all the evidence and advice collected by the Crown Prosecution Service, which has been passed to the Spanish Government, is made public so that we can see the strength of the argument in respect of an appeal which would enable Pinochet to be extradited to Spain to face the trial that he so truly deserves?

Mrs. Beckett: I am afraid that I certainly cannot give my hon. Friend the assurance that all the correspondence and evidence is likely to be published. All I can say is that he will know that my right hon. Friend the Home Secretary has done everything he can to keep the House fully informed and gave a commitment to return with further information when he is in a position to do so. I shall certainly draw my hon Friend's request to my right hon. Friend's attention.

Mr. Eric Forth (Bromley and Chislehurst): May we please have, as a matter of urgency, a debate on the European Union's attitude to domestic politics, government and democratic elections in member states, and in particular on whether Her Majesty's Government are minded to support any intervention or interference in the democratic processes of a member state? Perhaps we could also consider whether the Government would be as interested in the domestic politics of a member state were an extreme left-wing party involved, as they apparently are—perhaps the Leader of the House will give some clarification—when the party concerned is at the opposite end of the spectrum.

I refer to important constitutional matters relating to the European Union. I am sure that the Government will want to take an early opportunity to clarify their view.

Mrs. Beckett: The Government indeed believe that it is important for all EU members to respect the provisions of the treaties. That means that they should be committed to acting against xenophobia and discrimination. Obviously, we share the concerns that other Governments have expressed.

On a lighter note, let me inform the right hon. Gentleman that, having read yesterday's *Hansard*, I am shocked and dismayed to discover that the views on the EU that he has just expressed are in clear contravention of the stance that he adopted yesterday. *[Interruption.]* Perhaps the right hon. Gentleman has learned since then; but, having taken a different attitude from his at the time when the British people made their choice, I will treat his remarks about Europe with much more scepticism in future.

Mr. Ronnie Campbell (Blyth Valley): May we have a debate on the coal industry? Is my right hon. Friend aware that, although a subsidy is available in Europe, there is doubt about whether we can obtain it? Does she realise that only 17 mines remain in Great Britain, and that every one is threatened with closure over the next 12 or 18 months?

Mrs. Beckett: I am aware of the sad position in the mining industry and of my hon. Friend's long and hard work on behalf of the mining community. The same could be said of other Labour Members. I fear that I cannot undertake to find time for a special debate in the House in the near future, but my hon. Friend will observe that I have announced a debate on state aid to the European coal industry to take place in Standing Committee E. He will know that other hon. Members can take part in that debate.

Mr. David Lepper (Brighton, Pavilion): Is my right hon. Friend aware that, in a few weeks' time, the parties to the Convention on International Trade in Endangered Species will consider relaxing safeguards on whaling, trade in ivory and other matters? Hon. Members have already expressed concern in parliamentary questions and in early-day motion 342, tabled by my hon. Friend the Member for Bury, North (Mr. Chaytor):

[That this House believes that strong international controls on trade in ivory are necessary to protect endangered elephants; acknowledges that the European Union's abstention on a vote to relax the ban on international ivory trade at the Convention on International Trade in Endangered Species (CITES) in 1997 allowed a limited resumption in ivory trade between three southern African countries and Japan; is concerned that many African and Asian elephant range states have reported an increase in elephant poaching as a result of the lifting of the ivory ban and that there have been a number of large seizures of illegal ivory in recent months; notes Labour's manifesto pledge to 'support protection for the African elephant, and oppose any resumption of

the trade in ivory and elephant skins'; and therefore strongly urges the Government to fully support the restoration of a ban on international trade in ivory at the next CITES Conference of the Parties in April 2000.]

Will my right hon. Friend consider arranging a debate on the meeting, in good time for those representing the United Kingdom to be informed of hon. Members' views?

Mrs. Beckett: I am aware of the concern felt by my hon. Friend and, indeed, many hon. Members on both sides of the House. I fear that I cannot provide time for a special debate on the time scale that he suggests, but he may have an opportunity to alert hon. Members to the meeting during questions to my right hon. Friend the Secretary of State for the Environment, Transport and the Regions next week.

Mr. Patrick McLoughlin (West Derbyshire): Bearing in mind the Prime Minister's successful speech to the National Farmers Union this week, does the Leader of the House think that she could persuade him to make a speech to the House about the countryside? The Prime Minister does not seem to understand that, without a prosperous farming and agriculture industry, we shall not have the beauty and attractiveness of the British countryside.

Mrs. Beckett: I thought it was clear from what my right hon. Friend said yesterday at Prime Minister's Question Time that he is well aware of the problems that have arisen in the countryside, and is also well aware that they did not all start in May 1997.

Miss Julie Kirkbride (Bromsgrove): Can the Leader of the House tell us when the Secretary of State for Culture, Media and Sport will tell the House about his proposals for the BBC's digital licence fee? As she will know, the front page of today's edition of *The Sun* suggests that the licence fee will be increased by £15 for all subscribers, but the Select Committee on Culture, Media and Sport has said that there should be no increase. I am sure most hon. Members agree that it is unacceptable for the BBC licence fee to increase by £15. She might also be aware of all the concerns of our constituents. Those who are aged between 60 and 74, who do not benefit from the free licence fee that the Government have announced recently, would find it a complete insult if their licence fee went up by £15.

Mrs. Beckett: I have already said that my right hon. Friend the Secretary of State anticipates making an announcement about the Davies report; he will make it when he is able to do so. The hon. Lady referred to the claims in *The Sun* today, which are, I understand, wrong. She drew attention to the concerns of those who are not eligible for the Government's concession on television licences for the over-75s, on which I have yet to hear any Conservative Member congratulate the Government.

Mrs. Ann Cryer (Keighley): Will my right hon. Friend consider having a debate on employment among older workers, which just happens to be the title of early-day motion 341, which was tabled yesterday in my name? It has the support of 49 hon. Members from the three main parties:

[*That this House observes with regret the lower earnings of workers over the age of 50 and the smaller proportion of workers over the age of 50 who are in employment, both in comparison with other age groups and historically; notes that the proportion of employees aged over 50 is lowest amongst large public and private sector employers; recognises that many people in their late middle years wish to be usefully employed but are not; welcomes measures taken by Governments in recent years, including the New Deal for 50 plus, and acknowledges that these measures have not had time to yield results; and calls upon the Government and other employers to put more resources into the encouragement and career development of their older employees rather than into enhancements of early retirement benefits as an addition to an active strategy to discourage discrimination against older workers.*]

Simply to demonstrate a point, many of the signatories are from the older end and are hard-working, capable and valued Members of the House. It is a great pity that older workers are not so valued in other sectors of employment, particularly many Government Departments.

Mrs. Beckett: My hon. Friend will, I am sure, be aware that last June the Government launched a code of practice on age diversity in employment and are actively promoting the principles of the code in government. A further large-scale promotion will be launched shortly. The code's impact so far will be evaluated to find out whether further steps need to be taken to tackle age discrimination. Of course, I recognise and endorse her view that, within the great range of Members who are represented in the House, there are many whose years and experience lend weight and value to their contributions.

Dr. Evan Harris (Oxford, West and Abingdon): Will the Leader of the House ask the Secretary of State for Health to come to the House—either in a debate, or to make a statement—to confirm a report in the press that, yesterday, he confirmed plans for a new class of after-care wards for elderly patients in an effort to free badly needed acute beds? My constituents cannot understand such sentiments coming from a Secretary of State who has closed a hospital in the constituency of the hon. Member for Witney (Mr. Woodward) and in that of the right hon. Member for Henley (Mr. Heseltine), and who has closed even more beds in Abingdon. The Government profess to want more beds for elderly care, but they are closing community hospitals.

Mrs. Beckett: Of course, my right hon. Friend the Secretary of State continues to make a number of proposals and announcements to modernise and reform the health service so that it delivers a better standard of care. I do not think there is a community in the country that is not attached to its local hospital—whatever its provision and the pattern of that provision—and does not always feel regret and concern when any proposals are made for change. I am sure that the hon. Gentleman will recognise that the Secretary of State makes or approves proposals with the wish to see a strong, healthy national health service that survives for the future and to improve that service, contrary to proposals that might come from the Conservative party.

Mr. Gareth R. Thomas (Harrow, West): Will my right hon. Friend find Government time for a debate on the protection of public open spaces? May I tell her by way of example of the need for such a debate that the granting

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of metropolitan open land status for Field End recreation ground, Roxbourne park and Roxbourne rough is, rightly, of considerable importance to my constituents in South Harrow and Rayners Lane? I therefore ask her to put some pressure on colleagues in the Department of the Environment, Transport and the Regions to agree to such a debate.

Mrs. Beckett: I am grateful to my hon. Friend. I know that he has been running a strong local campaign on the issue and that there is much interest among his constituents. I fear that I cannot undertake to find time for another debate in the Chamber on the matter in the near future, but he may be aware that on, I believe, 2 March there will be a debate in Westminster Hall, where there may be scope for such issues to be aired.

Mr. Geoffrey Clifton-Brown (Cotswold): May I reinforce what other hon. Members have said by asking the Leader of the House whether she can find time for a debate on rural affairs, so that the Prime Minister could explain to the House what he explained to the NFU annual general meeting, and particularly so that he could explain to my constituent pig farmers—who at this very moment are holding a vigil outside this place—why he is effectively sentencing them to bankruptcy by imposing charges that our European counterparts who import meat into this country do not have to face?

Mrs. Beckett: I was pleased to see in the Leader of the Opposition's remarks to the NFU annual conference an admission that I have not yet heard across the Floor of the Chamber—that agriculture's problems did not start on 1 May 1997. That is certainly true, and it is particularly true for pig farmers. Many of the regulations that they are having to meet—which we know are causing them difficulties, and on which we have given a great deal of assistance and support—were introduced by the previous Government, which the hon. Gentleman supported.

Mr. Alan Simpson (Nottingham, South): I draw the Leader of the House's attention to early-day motion 347, on the completion of the biosafety protocol at Montreal:

[*That this House welcomes the agreement reached in Montreal last week in respect of the Biosafety Protocol; congratulates the Minister for the Environment on his role in securing the support of European and non-aligned nations for the protocol; and recognises the overriding importance of the precautionary principle and environmental sustainability in all discussions relating to international trade and development.*]

Many of the non-governmental organisations returning to the United Kingdom have spoken in glowing terms about the role played by the Minister for the Environment in achieving a remarkable agreement that, for the first time, puts the precautionary principle in human and environmental health alongside trade considerations in international affairs. Could we have a statement on those discussions so that the House may pay its own tributes to the Minister? Could a copy of the protocol also be placed in the Library to support the statement?

Mrs. Beckett: I am grateful to my hon. Friend. As he said, my right hon. Friend the Minister for the Environment had a considerable triumph at the Montreal conference, and I think that the whole House will welcome the fact that we have the first proper substantial international agreement on a biosafety protocol. Although I cannot find time in the near future to discuss the matter again, I shall certainly draw my hon. Friend's remarks to the attention of my right hon. Friend, who I know will be grateful and will seek to inform the House, as my hon. Friend has requested.

Rev. Martin Smyth (Belfast, South): One understands the reasons for delays in a statement, but could the Leader of the House tell us whether the de Chastelain report will be published shortly so that people can see what he said? In the light of the Prime Minister's statement yesterday, there is deep concern that he stand by his position that no one can be in executive government without decommissioning. Mr. Ahern has said the same thing. However, because the First Minister, my right hon. Friend the Member for Upper Bann (Mr. Trimble), has taken a firm line, he has been criticised for trying to sabotage the agreement. Surely the House stands by democratic process.

Mrs. Beckett: I fear that I cannot give the hon. Gentleman the information that he seeks now, but I shall of course ensure that my right hon. Friend is made aware of the questions that he has asked so that he can consider whether he is able to answer them in the statement he expects to make later today. The hon. Gentleman will know that both my right hon. Friend and the Prime Minister have been very clear and firm about what is required, and that they—like all hon. Members, I hope—are very anxious to see the peace process continue and strengthen.

Dr. George Turner (North-West Norfolk): With more than 22,000 pensioners in my constituency, I am well aware that the Government have made a good start on helping pensioners, and particularly on dealing with poverty, which is all too common in the pensioner age group. However, does my right hon. Friend accept that the needs of elderly people are varied and that not all of those needs can be met by fiscal measures? Does she agree that there are leisure, education and health issues to be addressed in provision for elderly people? Does she accept that this would be a good time to have a full day's debate, in Government time, on the needs of the elderly, so that not only those issues, but financial ones, can be debated?

Mrs. Beckett: I fear that I cannot undertake to find time in the near future for a special debate on the needs of the elderly, although I entirely share my hon. Friend's view—I think that the whole House will—that those needs are varied and are not solely financial. He will know how much the Government are doing, both for the health service and in education, to widen opportunities, not least for the elderly. However, I think that my hon. Friend will know that there are other opportunities which he and other hon. Members can seek, perhaps in Westminster Hall, to find time for those issues. I fear that, at present, I cannot offer him a Government day.

Mr. Peter Brooke (Cities of London and Westminster): How generous a mesh does the

Government Whips Office use if 16 Parliamentary Private Secretaries could slip through the net last night? In anticipation of our debate next Tuesday on the Armed Forces (Discipline) Bill, how do the Government currently enforce collective responsibility?

Mrs. Beckett: The right hon. Gentleman will be well aware that, although the Government prefer people to understand and recognise when collective responsibility applies, the issue that some hon. Members were discussing late last night was a matter for the House. We are all Members of the House.

Mr. Michael J. Foster (Worcester): Will my right hon. Friend find time in the near future for a debate on low pay, particularly given the recent conversion of the Conservative party to the national minimum wage?

Mrs. Beckett: That conversion is so recent that I have not had an opportunity to explore its strength and depth. I understand from hearsay that the right hon. Member for Kensington and Chelsea (Mr. Portillo) has said that the Conservatives no longer propose to repeal the National Minimum Wage Act 1998. That is welcome news, although it is slightly surprising to those of us who have long observed their hostility on the matter. I wonder whether the right hon. Gentleman has told the Leader of the Opposition.

Mr. Douglas Hogg (Sleaford and North Hykeham): Does the right hon. Lady agree that we should have an early opportunity to debate the Cabinet Office paper on sharing nature's prosperity? Is she aware that between the summer of 1995 and the end of 1999, 81 per cent. of those prescribed interferon in the Lincolnshire health authority area did not receive treatment? Is she also aware that during the first two years of this Government, the number of policemen in the county of Lincolnshire fell by 49? Are not those good examples of Lincolnshire not sharing in the prosperity of Britain?

Mrs. Beckett: The right hon. and learned Gentleman may not realise that he slightly confused me by appearing to talk about sharing nature's prosperity.

Mr. Hogg: The nation's.

Mrs. Beckett: I realise that now, but he confused me for a second. He has made some serious comments about concerns in Lincolnshire relating to the health authority and the police. I am aware that Lincolnshire has not always enjoyed the prosperity evident in other parts of the country. There is a great deal of work to be done there. Having been a Member of Parliament for that part of the world, I am well aware of the enormous contribution made to the difficulties of Lincolnshire by the Government of whom the right hon. and learned Gentleman was a member.

Fiona Mactaggart (Slough): Is my right hon. Friend aware that last night's decision was not merely a rejection by some of us of the judgment of Her Majesty's Opposition in nominating the right hon. Member for Bromley and Chislehurst (Mr. Forth) to the House of Commons Commission, but an expression of concern about the way such appointments are made? Will she find time to debate that serious issue, which was prefigured in our discussion on the Braithwaite report?

Mrs. Beckett: I do not wish or intend to be drawn in depth into the subject that was discussed yesterday. My hon. Friend is right—the Braithwaite report raises issues relating to how members of the House of Commons Commission are appointed, as well as how its responsibilities are exercised. However, I am ever mindful that the House, like any other place of business or community, works best when there is mutual tolerance.

Mr. John Wilkinson (Ruislip-Northwood): Following the right hon. Lady's refusal to grant the debate requested by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), does she accept that there is an important issue of accountability at stake? The Foreign Secretary should be sent to the Commons to explain how and why Her Majesty's Government, at the behest of the presidency of the Council of Ministers of the European Union, propose to interfere in the internal democratic affairs of Austria while welcoming into government apologists for terrorism—namely Sinn Fein-IRA.

Mrs. Beckett: I do not propose to follow the hon. Gentleman down either of the two paths that he has raised. I am confident that he would not wish to be thought to be saying anything that in any way confers respectability on a party that has said things which I would hope all hon. Members would find unacceptable and intolerable. Also, I would hope that even Opposition Members would have no wish to do or say anything at this point which will in any way hinder or jeopardise the peace process.

Mr. Mike Hancock (Portsmouth, South): Will the right hon. Lady find Government time for a debate on the tragic plight—now nearly 40 years old—of the nuclear test veterans and their families, and couple that with a statement on the latest situation with regard to the Government's response to military and civilian veterans of the Gulf? That should take place in the near future. If she cannot provide a debate on that, could she ask the Secretary of State for Defence to make a statement to the House about resourcing those two groups, so that they can get further clarification and put their cases through the courts in this country and in Europe?

Mrs. Beckett: I cannot undertake to find time for a special debate on these matters in the near future. However, the Government have doubled expenditure on research into the illnesses experienced by Gulf war veterans. Also, these issues can be raised in the context of the defence White Paper. The hon. Gentleman will be aware that the Government have a commitment to hold a debate as soon as we are reasonably able to do so and after the Select Committee on Defence has looked at the White Paper. He will find that there is time to raise these issues without a specialist debate in the not-too-distant future.

Mr. Patrick Nicholls (Teignbridge): Bearing in mind the astonishing remarks made by the Prime Minister at the National Farmers Union conference—to the effect that there was no crisis in the countryside and that any trifling problems that farmers had could be dealt with by

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embracing the internet—could I ask the right hon. Lady to consider again the many requests that she has had for a debate on rural areas? Would not that give us the opportunity to consider the fate of sub-post offices, such as that in Liverton in my constituency run by Kay Cooper, who runs a successful enterprise, but finds that some 50 per cent. of the turnover of the shop is attributable, directly or indirectly, to the distribution of state benefits? Surely the House ought to have an opportunity to understand the devastating effect on the rural community if the Government's clandestine policy of forcing people to do their transactions through banks comes about. Bearing in mind the requests that she has had today, will the right hon. Lady consider that application for a debate?

Mrs. Beckett: I remind the hon. Gentleman that the Prime Minister said that there is a real crisis in the countryside, but that there was much about which to be positive as well. It is by no means the case that my right hon. Friend suggested that there was no crisis, but he drew attention also to the responsibility for that position that lies on the shoulders of Opposition Members. I understand that that does not comfort the hon. Gentleman.

On sub-post offices, the hon. Gentleman may know that we had such a debate—I think only last week—in Westminster Hall. *[Interruption.]* I apologise to the hon. Member for North Cornwall (Mr. Tyler)—the debate was promoted by the Liberal Democrats. In the debate, my hon. Friend the Minister for Competitiveness was able to state that the Government have continuing concern for the fate of rural post offices but wish also to see improvements in the way in which benefits are paid. The Government do not believe that the two issues are incompatible.

The hon. Gentleman will know that I have announced the Second Reading of the Postal Services Bill, and I anticipate that, whatever changes are made, that will take place in the near future. This may give the hon. Gentleman and others an opportunity, and allow my hon. Friend the Under-Secretary to repeat his reassurances.

Mr. Graham Brady (Altrincham and Sale, West): The Leader of the House will recall that a fortnight ago I raised the issue of the concern felt in the north-west of England about the fact that Manchester has not been given proper consideration as the site of the national athletics stadium. Since then, I have received a communication from the British Olympic Association that makes the—to me—astonishing assertion that it regards only London as an acceptable venue to be promoted for a future Olympic games bid. Does she share my concern about that? May we have a statement, or a debate in Government time, that would allow hon. Members from all regions to express their dissatisfaction that only London is now considered a worthwhile centre for the Olympic games, should they come back to the United Kingdom?

Mrs. Beckett: I can understand the hon. Gentleman's indignation and accept that it will be shared by hon. Members from many other cities. However, I understand that it is not the British Olympic Association but the International Olympic Committee which has indicated that it wishes to consider only bids from capital cities. I understand the view that many people will find that unacceptable, but if that is the context of the IOC's considerations, it will create a difficulty for others here.

Mr. Llew Smith (Blaenau Gwent): I support the request of my hon. Friend the Member for Worcester (Mr. Foster) for a debate on low pay and the minimum wage. I am sure that the Leader of the House will agree that the minimum wage was the most important legislation of this Parliament, but I am sure that she will also recognise that the time is rapidly approaching when the minimum wage will need to be increased dramatically if we are successfully to continue the fight against poverty in communities such as my own in Blaenau Gwent.

Mrs. Beckett: Of course I share my hon. Friend's view that the introduction of the national minimum wage was a step of enormous importance and one of the considerable achievements of the present Government. He will know, however, that it is not the only step. There have been many others, such as the creation of the working families tax credit, which do and will bring benefit to lower-income families. I cannot undertake to find time for another debate on the matter in the near future, but my hon. Friend will have noticed that we have Trade and Industry questions next week, and he may find an opportunity to raise the matter then.

Mr. David Chidgey (Eastleigh): I draw the attention of the Leader of the House to early-day motion 282:

[*That this House congratulates those financial institutions which are continuing to offer free access to cash machines; expresses concern that the LINK cash machine network is considering the introduction of a surcharge of £1 per withdrawal from cash machines when cash machine providers already receive a LINK interchange fee; notes the crucial role played by the free cash machines in promoting financial inclusion in deprived and in rural areas; and therefore urges all financial institutions not to adopt surcharging, due to the adverse effect this will have on the consumer in general and particularly those on low incomes and those living in areas with limited cash machine coverage.*]

It stands in my name and has been signed by Members from at least six other parties. Is she aware that members of the Link network, which operates the machines, are attempting to introduce a standard £1 charge per withdrawal? Is she further aware that that will affect drastically the most impoverished and socially excluded members of our community—those who traditionally draw small amounts of money at regular intervals—who will be hit by a charge of £1 per transaction? Will she please impress on the Secretary of State for Trade and Industry the need for him to make an urgent statement about what he intends to do to bring that anti-competitive cartel to book?

Mrs. Beckett: I can tell the hon. Gentleman that the Government welcome the decision of the financial institutions which continue to offer that service free of charge. We are concerned about the issues he raises, although it is a matter for the banks to resolve with their customers in the marketplace as an issue of competition. However, he will know that my right hon. Friend the Chancellor has commissioned a review of banking under

Don Cruickshank. We anticipate that the report will cast some light on those matters and the Government will carefully consider its recommendations.

Mr. Stephen O'Brien (Eddisbury): Will the Leader of the House ensure that either the Prime Minister or the Chancellor comes to the House at an early opportunity to explain the new underlying thinking on green taxes, in the light of the U-turn on the pesticides tax and given that the climate change levy—as it is called by the Government, although it is an energy tax—is penalising efficient, energy-intensive manufacturing industry in this country?

Mrs. Beckett: We have just had Treasury questions and that was the hon. Gentleman's opportunity to raise that issue.

Mr. Owen Paterson (North Shropshire): The replies by the Leader of the House this morning and speeches this week by senior members of the Government show a chronic misunderstanding and grotesque underestimation of the agricultural crisis. I meet farmers every weekend and I ring them from here most days of the week. They do not want subsidies; they want the regulations, costs and conditions imposed on them uniquely by the Government to be lifted. If the Prime Minister can find two days to go to the south-west, cannot he find two hours to discuss the matter in the House?

Mrs. Beckett: We fully accept, as my right hon. Friend the Prime Minister has made plain, that there is a deep and painful crisis in agriculture, although I remind the hon. Gentleman again that the Leader of the Opposition told the NFU conference:

"I do not pretend that my Party can wave a magic wand and all the problems will disappear overnight."

The hon. Gentleman claims that the agriculture industry does not want subsidies but wants regulations and costs imposed specifically by the Government to be lifted. All I can say is that my reading of these issues—which come up weekly and include matters such as the pig industry, which he has, quite rightly, often raised in the past—is that most of them were caused by the Conservative party in government.

Mr. Paul Burstow (Sutton and Cheam): May we have a statement from the Secretary of State for Social Security to explain why in January there was a double pension pay-out to about 112,000 pensioners, at a cost of about £10 million? Was that an attempt to compensate for the derisory increase of 75p in the basic state pension, or was it just another Government computer bungle? May we have a statement on why it happened, what is being done to deal with it and what steps are being taken to ensure that such bungles do not occur again?

Mrs. Beckett: I cannot undertake to find time for a special debate on the matter, but I remind the hon. Gentleman that we have Social Security questions on Monday, so he can ask my right hon. Friend himself. Alternatively, he may find an opportunity to raise the issue in the debate on social security motions.

Dr. Julian Lewis (New Forest, East): May I reinforce the request from my right hon. and hon. Friends for a ministerial statement on the proposed very large increase in the television licence fee? I am sure that the Government would not want it to be thought that a motivation for that would be to put the cost of a licence beyond the reach of large numbers of electors, who would then be deprived of the spectacle every Wednesday afternoon of the Prime Minister trying to explain why he is reneging on all his election pledges.

Mrs. Beckett: I remind the hon. Gentleman that I have already said that the reports are wrong. The Government do not want to deprive people of the opportunity to watch television or indeed to watch Prime Minister's Question Time on a Wednesday. The only people who have deprived them of that spectacle lately have been Conservative Members.

Mr. John Bercow (Buckingham): That really will not do. Further to the opaque and unsatisfactory reply that the Leader of the House gave to my hon. Friends the Members for Bromsgrove (Miss Kirkbride) and for New Forest, East (Dr. Lewis), will she arrange for time to be made available for a full day's debate to be led by the Secretary of State for Culture, Media and Sport on the Government's plans for the licence fee? Even if he does not intend to impose an increase six times above inflation, would not a full day's debate allow the House to tell him, and him to tell the new Director-General of the BBC, that any smash-and-grab raid on the 20 million licence payers of this country would be wholly unacceptable, especially when concerns persist about programme quality, and inefficiency remains rife in the corporation?

Mrs. Beckett: I have repeatedly made it clear that my right hon. Friend is considering the Davies report. He hopes shortly to be able to come to conclusions and has said, as have I, that he will come to the House to make those conclusions known.

Mr. Allan Rogers (Rhondda): My right hon. Friend will be aware that the Intelligence and Security Committee has submitted its annual report to the Government, who have responded. Will she ensure that some Government time is reserved in the near future to debate it in the House?

Mrs. Beckett: My hon. Friend makes an important point. He is a distinguished member of that Committee. I cannot give him that undertaking at this moment, but I shall of course bear his request in mind.

Points of Order

1.20 pm

Mr. Christopher Chope (Christchurch): On a point of order, Madam Speaker. I do not know whether you have seen the report in today's press that the European Commission has issued a six-week consultation on a proposal to outlaw United Kingdom web addresses in this country. Would you be willing to respond on behalf of the House to that consultation, saying that, under no circumstances, are we prepared to give up our web address of www.parliament.uk.?

Madam Speaker: I have a short answer to that, which is no.

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker. May I seek your guidance about the conduct of Treasury questions, which is, of course, a crucial means by which the legislature can hold the Executive to account? Did you notice, Madam Speaker, that, to the considerable regret of my right hon. and hon. Friends, the Paymaster General did not have a single opportunity to answer a question at Treasury questions? We felt considerable sympathy for her. Given that that appears to have been the result of the unexpected absence of the hon. Member for Exeter (Mr. Bradshaw) and of the legendary verbosity of the Chancellor in answering questions, I wonder whether your good offices could ensure that the hon. Lady is not so badly treated in future.

Madam Speaker: I know how popular the hon. Lady is, and I shall do my utmost to see that she has long periods of time at the Dispatch Box at the next Treasury questions.

BILL PRESENTED

ROYAL PARKS (TRADING)

Mr. Secretary Smith, supported by the Prime Minister, Mr. Secretary Prescott, the Chancellor of the Exchequer, Mr. Secretary Straw, Mr. Secretary Blunkett and Mr. Alan Howarth, presented a Bill to make provision about certain offences under section 2 of the Parks Regulation (Amendment) Act 1926: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 58].

Police

1.21 pm

The Minister of State, Home Office (Mr. Charles Clarke): I beg to move,

That the Police Grant Report (England and Wales) 2000–01: (HC 169), which was laid before this House on 27th January, be approved.

Madam Speaker: I understand that with this it will be convenient to discuss the following motion:

That the Police Grant Report (England and Wales) 1998–99: Amending Report 2000–01 (HC 170), which was laid before this House on 27th January, be approved.

Mr. Clarke: May I begin by welcoming to his place the hon. Member for North-East Hertfordshire (Mr. Heald)? I congratulate him on his promotion. I am sure that his skills as a barrister will strengthen the Home Office Opposition team, and I welcome his contribution to the debate. I am not sure whether he intends to announce any dramatic switch in policy, or make a U-turn of the sort that the right hon. Member for Kensington and Chelsea (Mr. Portillo) made in Treasury questions earlier today, but I look forward to some significant shifts in position.

Since I was appointed to my post at the Home Office last July, I have had the opportunity to meet many chief constables, visit many of their forces and speak to officers of all ranks. I intend to visit many more over the next few months. I have been exceptionally impressed with the professionalism and dedication of officers of all ranks in forces throughout the country. It has been genuinely inspirational for me to see the way in which many forces are looking at new and creative ways of reducing crime in their neighbourhoods, and the courage and dedication with which they do their work. I am sure that all hon. Members share my respect, and I think that it is an important moment for us to place on record our appreciation of the work that the police do.

As part of the consultation on the settlement, I have held discussions, both oral and written, with a wide variety of chief constables, police authorities and Members of Parliament. I have received delegations—

Mr. Douglas Hogg (Sleaford and North Hykeham): Would the hon. Gentleman confirm that one of the representations that he received was on behalf of the rural forces, particularly in Lincolnshire, to the effect that the Government should implement the external report received in May 1999, which would give the Lincolnshire authority some £2 million more, or the equivalent of 50 officers? When will the Government implement the report produced by the external consultants, O.R.H Ltd?

Mr. Clarke: I am coming to that in detail in my speech. I confirm that, earlier in my tenure, I met a delegation of representatives from the rural authorities—including my own in Norfolk—which are concerned with sparsity. I know that the role of the Lincolnshire police authority in particular in co-ordinating that group is important. However, the clerk of the Lincolnshire authority has recently made public statements and stepped a bit out of line of the consensus of all the forces in that group. My advice to the group is to stick together in what

they say rather than following individual public relations initiatives. However, the issue is very serious, and I will address it in detail in a moment.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): North Wales police are terribly concerned about the point raised by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) because they are losing £1.9 million in grant aid. I do not know what representations the Minister has had from that force, but I am sure that it did not agree to the formula and to the effective shelving of an extremely important report. North Wales police are receiving an effective £1.5 million increase in the standard spending assessment, which implies that they are in some way inefficient. Will the Minister tell us what those inefficiencies are, assuming that he has held conversations with senior officers?

Mr. Clarke: I accept entirely that North Wales police are affected by the sparsity considerations, to which I shall come shortly. The same is true of Lincolnshire and Norfolk. Sixteen forces are working together on that issue, which is a perfectly reasonable one for discussion. I can confirm that there is no comment on efficiency in the settlement published today.

I wish to discuss the Government's spending plans across the board. The Government's overall spending plans for the police over the next three years were announced by my right hon. Friend the Home Secretary, following the comprehensive spending review. Under our plans, there will be an extra £1.24 billion for the police service in England and Wales between 1999 and 2002. For 2000–01, the total amount of police authority spending to which the Government are prepared to contribute their share of funding will be £7.35 billion. This amount is known as total standard spending. That represents an increase of £212 million or around 3 per cent. over 1999–2000.

Under our present plans, spending on the police will increase by a further 4 per cent. in 2001–02. Those sums represent a real-terms increase, albeit modest, in police spending, which police forces have welcomed.

Mr. Oliver Heald (North-East Hertfordshire): I am grateful to the Minister for his kind comments about me.

Has the Minister read the comments of the Association of Police Authorities on the 2000–01 settlement? The association makes it clear that funding from central Government is increasing by just 2.8 per cent. in cash terms, while revenue expenditure will have to increase by more than £300 million just to stand still. Where is the real-terms increase to which the Minister has referred?

Mr. Clarke: I have read those comments and have discussed them at length with the organisations concerned. I shall come to specific points later in my speech, but I shall of course be happy to take further interventions from the hon. Gentleman if I may clarify specific points.

The Government's spending plans take no account of a variety of additional funding arrangements for the police. First, we have announced a new crime fighting fund, part of which will be used to recruit 5,000 police officers over and above the number that forces would otherwise have recruited over the three years from April 2000. Some £35 million will be allocated to meet costs in 2000–01 under the challenge fund. Additional funding will be available in the next two years. That is new money. All forces have made bids for it, and I pay tribute to the quality of those bids. The results of the process will be announced very soon.

There will be more new money in 2000–01 and 2001–02 to complete our pledge. The House will appreciate, however, that I cannot confirm cash figures ahead of the 2000 spending review. My right hon. Friend the Home Secretary has made a public commitment to provide necessary additional funding to follow his initiative through, and we shall stick to our promise.

Mr. David Davis (Haltemprice and Howden): The Minister knows that I shall not oversimplify police funding, but I am concerned by what he has said about additional spending. Many complex arithmetical relationships can be found in the formulas contained in the papers for this debate, but the major cause of crime to which chief constables—particularly mine in Humberside—draw attention is drugs. Several police authorities, including Humberside and Merseyside, face particular drugs threats because they have ports that are points of access. Does any of the additional expenditure deal with that problem? Historically, Governments—the present Government and, I am sorry to say, their predecessor—have made false economies by cutting down on Customs, which puts a greater burden on the police. We should put that right.

Mr. Clarke: The right hon. Gentleman makes a powerful and correct point; I wholly acknowledge it. At this stage, I shall not embark on a general discussion of drugs, although he is right to highlight—as does his chief constable—the fantastic impact of drugs on crime rates. We must be better geared up to hit that problem.

Under the ring-fenced funding for the crime fighting fund for front-line policing to help in our crusade, we asked forces to examine three aspects to which we would give special consideration. The first was the problem of policing in rural areas; we realise that particular factors bear on that—I shall return to them later.

The second was the need to increase the profile of policing—to ensure that the officers appointed were not simply sitting in police stations, but had a visible presence in their communities. The third, which relates to the right hon. Gentleman's point, was the need for police in particular crime hot spots. There is evidence that such hot spots exist in certain areas covered by particular forces—the ports problem described by the right hon. Gentleman is a good example. I cannot recall whether the Humberside bid focused on the policing implications at ports where drugs were coming into the country. However, that was the type of problem that our initiative was intended to address.

Mr. Simon Hughes (Southwark, North and Bermondsey): My question is about the overall figures. Does the Minister agree that, in real terms—taking inflation into account but without adding the amount for police pensions—there was no increase during the first year of the Labour Government, but a 0.8 per cent. decrease? Does he further agree that, for the second year—the current year—the increase was 0.3 per cent., and that for next year, as he has announced, the increase

[Mr. Simon Hughes]

will be 0.2 per cent? By the end of next year, there will have been a real-terms reduction over the first three years of the Labour Government of the money allocated to police grants. The crime fighting fund money—£35 million—does not change that fact; I shall return to that point later. Does the Minister agree that the first three years of the Labour Government will have seen a real-terms decrease in Government grant for policing in England and Wales?

Mr. Clarke: It is perfectly reasonable to consider under overall expenditure the points that I am outlining about funding that is additional to the police grant. The crime fighting fund was the first point that I mentioned. It is not possible to consider the resources available to the police without taking into account, for example, the £35 million for 5,000 officers this year.

The hon. Gentleman is correct to note that, during the first two years of the Labour Government, we decided to accept the spending limits that we had inherited; it was part of our policy, we made it public and it was the subject of political disagreement. That policy led to the figure of minus 0.8 per cent. in the first year. As we moved out of that period, from April 1999, we planned to increase the amounts—the increases are those that he described.

Mr. Frank Field (Birkenhead): May I take my hon. Friend back to the question put by the right hon. Member for Haltemprice and Howden (Mr. Davis)? The question applies not only to the policing of ports, where there may be drugs problems, but to areas that have suffered significant reductions in the size of their police force. For example, in Merseyside there has been a reduction of almost 500 posts during the past five years—most of that reduction took place under the previous Government. When my hon. Friend distributes the assets from his crime fighting fund, will he pay special attention to the areas that suffered the greatest reduction in their forces over the past five years?

Mr. Clarke: We have done that. That is why the bidding documents asked for detailed information for each force on recruitment patterns and other similar factors. The short answer is that we shall take full account of what has happened in particular forces when we decide on the allocation of the money. As I pointed out, we shall make an announcement on that matter shortly.

I was talking about the crime fighting fund for the 5,000 extra police officers.

Mr. Heald: I am grateful to the hon. Gentleman for giving way. Is it not true that there will be no extra officers, as the Police Federation pointed out? Throughout the country, the number of police officers has been slashed, is being slashed and will continue to fall.

Mr. Clarke: This is a familiar debate. I am delighted that the hon. Gentleman, in reading himself into his brief, is fully abreast of the facts.

The fact is that the fund will be used—as my right hon. Friend the Home Secretary made clear when he announced it on 30 September—to recruit 5,000 police officers over and above the number forces would otherwise have recruited over the next three years from April 2000. That is clear.

Mr. Heald: As the Police Federation makes clear in this month's review, the number of police officers will fall by 1,000 over the three-year period. Is that not so?

Mr. Clarke: No, it is not. We seem to be talking at cross purposes. If I can help the hon. Gentleman, I shall do so. Police forces are setting about recruiting and they face all the normal difficulties that arise in trying to find police officers. We are providing funding for an extra 5,000 police officers to be recruited over the next three years. As that process goes on, as in any other profession, people will leave the service for a variety of reasons. Therefore, our conclusions as to how many police officers there will be after one, two, three, five or however many years depend on the interrelationship between the two factors.

We can try to inhibit—we are trying to inhibit in a variety of ways—the number of people who leave the police service. However, it is more important to put money into increasing the number who can be recruited. That is why my right hon. Friend the Home Secretary announced the crime fighting fund last September. The decision was to go for 5,000 over and above what would otherwise have been recruited.

As several organisations, including the Police Federation, have done, it is perfectly possible to speculate on the pattern that will emerge over the next two or three years. Therefore, the point of the hon. Member for North-East Hertfordshire is a perfectly appropriate one to make. However, I do not accept his figures. As my right hon. Friend the Home Secretary has already made clear, there is every reason to believe that our decision will lead to an increase in the number of police officers over the next three years.

Ms Sally Keeble (Northampton, North): Does my hon. Friend agree that, whatever the arguments about figures, the ultimate test for the public will be the figures for actual crime? The chief superintendent of Northampton says that

"crime . . . is reducing and the clear-up rate is increasing which in stark terms means there are less victims and more offenders being dealt with this year."

He attaches the figures to that statement. Crime reduction will ultimately be the public's test of the effectiveness of the Government's policies.

Mr. Clarke: My hon. Friend is absolutely right. Crime figures are the key test and crime reduction is our key target. As my right hon. Friend the Home Secretary said to the House shortly before Christmas, we are establishing clear targets for vehicle crime, for burglaries, for violent crime and for drugs offences. Targets will be set for each force in the country, and I hope that we shall shortly be able to give further details on precisely how those targets have worked through, following consultation with the police forces.

I wish to make progress on a few of the other points that I want to emphasise. In particular, I wish to deal with the sparsity factor, a matter that was raised by the right

hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg). It is a serious issue that concerns many Members on both sides of the House.

In addition to the crime fighting fund, we have a crime reduction programme. We are pursuing a range of interrelated initiatives to reduce crime and to reduce the fear of crime. Some £400 million over three years is allocated through the crime reduction programme, including £150 million for closed circuit television schemes and £50 million to protect 2 million homes most at risk from burglary.

I announced last month that more than 180 CCTV schemes are to receive £33 million of Government funding as part of the package, which is the largest single allocation of CCTV money to date. So far, almost 220 CCTV projects nationwide have now been awarded £39 million under this initiative, and I know from comments from Members on both sides of the House how welcome CCTV schemes have been in their constituencies.

CCTV plays a crucial role in helping the police tackle crime and disorder and in reducing the fear of crime. It is extra eyes and ears for the police and it will greatly improve the quality of life for local residents and help to regenerate some of our most vulnerable communities. In the next few weeks, we shall publish the new guidelines to spend the balance of the CCTV money and one aspect of those guidelines will give particular encouragement to CCTV schemes covering rural areas. I have seen several positive schemes where those in a central control room can look at pictures from villages up to 20 or 30 miles away and can immediately communicate with the police. They are positive developments, and we want to encourage them in the guidelines.

On other funding initiatives, we are providing £11 million to fund security measures to help reduce crime and fear of crime among low-income pensioners who are most at risk from burglary. We are providing £30 million for targeted policing, £34 million over two years to expand the national DNA database and £50 million in the new radio communications system for the police. All that is new money. With those initiatives we are demonstrating, over and above our commitment to the police grant, our commitment to extra funding that offers support for the police and local agencies, and our determination to tackle crime and disorder in rural and urban areas.

The settlement for 2000–01 also takes into account the Home Secretary's commitment to improve efficiency in the police service during this Parliament. Last year, we set a year-on-year target of 2 per cent. for efficiency improvements in the police service.

Mr. Graham Brady (Altrincham and Sale, West): The Minister mentioned additional funds that are available. I hope that he will also consider the additional costs that need to be taken into account. Greater Manchester police have received a real-terms increase of 0.26 per cent. this year, but that is set against a police pay settlement—which is welcome—of 3.6 per cent.; additional costs for the police national computer of nearly £1 million; and an increase in the national crime squad and National Criminal Intelligence Service levies of 7 per cent. and 26 per cent. respectively. There are massive cost increases that far outstrip the additional money available. Does that not make it inevitable that the number of police officers will fall even further?

Mr. Clarke: That is certainly not inevitable. Of course costs rise; that is the nature of life, as most hon. Members will know. I need to place on record that the figures that the hon. Gentleman quoted for the NCS and the NCIS are not correct. They are from an earlier bid, and the final precept will be lower. I simply put that on record so that the hon. Gentleman does not inadvertently mislead the House.

Many police forces have written to me to say that they do not support the amount of money going to the NCS and the NCIS, and are worried about the public safety radio communications project, to which I shall turn in a moment. Those are all competing issues, but my view is that investing in the National Criminal Intelligence Service and the national crime squad is an important means of tackling major international organised crime. That includes drugs crime, which the right hon. Member for Haltemprice and Howden (Mr. Davis) mentioned, which needs to be tackled by better intelligence and co-ordination between forces. That merits those increases in investment.

The inspectorate's assessment of the efficiency plans submitted by police forces for 1999–2000 is that the police service is on line to deliver the 2 per cent. efficiency gains required by the comprehensive spending review. Gains will be reinvested in front-line policing, and go some way to answering the point about costs made by the hon. Member for Altrincham and Sale, West (Mr. Brady). Plans are being developed by police forces and authorities to deliver a further 2 per cent. efficiency gain in 2000–01. We estimate that efficiency gains could total around £440 million over three years.

I turn now to the details of next year's funding settlement. For 2000–01, we propose to set considerable store by stability in the grant system to help police authorities to plan ahead. We shall not therefore make any changes to the method of police grant distribution for 2000–01, so there will be no substantive changes to the operation of the police funding formula for next year. There will limited changes; for example, to accommodate force boundary changes.

The issues that I shall address in explaining that position are as follows: sparsity; the continuation of the old force establishment component in the formula; the cost of the new national radio communications service, a subject that was raised by the hon. Member for Altrincham and Sale, West; the cost of police pensions and the cost of security, matters that have been raised with me by several forces. I do not want anyone to think that I am not addressing the issues that hon. Members have raised.

I need first to report on force boundary changes; 1 April will mark a major step in our programme of aligning criminal justice boundaries when we bring the boundaries of the Metropolitan police district into line with those of the 32 London boroughs. That will make co-operation between the criminal justice agencies in Essex, Hertfordshire and Surrey much more straightforward and will help our crime reduction partnership approach to be much more effective.

The four forces involved have worked closely with each other and the Home Office to ensure that a smooth transfer of responsibilities can take place in April.

[Mr. Clarke]

The allocation of money under the funding formula reflects the increased size, and hence policing need, of the three county forces. In the settlement, the Government have also recognised that, in preparing for the change, the three authorities will continue to incur additional costs next year.

The Government will therefore make special payments of grant in 2000-01 totalling £10 million, in recognition of the additional costs resulting from the changes to the Metropolitan police district boundaries. Essex will receive £1.25 million; Hertfordshire will receive £2.75 million; the Metropolitan police will receive £500,000; and Surrey will receive £5.5 million. Those payments are reflected in the grant report.

Sir Sydney Chapman (Chipping Barnet): The Minister has mentioned the variation in allowances because of the changes in the Metropolitan police boundary. He will understand that the Metropolitan police have lost areas in Essex, Hertfordshire and Surrey. I understand that he is allowing an additional £500,000 to the Metropolitan police because of the adjustments that have to be made. Does not that figure depend on the numbers of people and the numbers of assets that have been transferred out of London? Will the hon. Gentleman think again about £500,000, which has left many parts of London that remain within the Metropolitan area, especially those nearest the areas affected, with some very difficult problems?

Mr. Clarke: I understand the concerns raised by the hon. Gentleman, especially in respect of his constituency. It is in the position that he describes, being near the border. I shall talk about police funding and I shall consider the issue that he has raised, but it is important to pay genuine tribute to the co-operative way in which the Essex, Hertfordshire and Surrey forces and the Metropolitan force have worked together in dealing with the difficult managerial issues that have been involved in the transition. It is not only kit that is involved, but people. Difficult issues have arisen and the individuals involved, from chief constables downwards, have used a great deal of creativity to try to minimise the problems that any change will bring so that policing in areas such as that represented by the hon. Gentleman will not be adversely affected.

I fully accept the point that has been made by many that the police funding formula is not sufficiently sophisticated or flexible to respond to the distinct characteristics and responsibilities of the Metropolitan police. It is for that reason that the Met receives a special payment of grant outside the funding formula. In recognition of the Met's specific needs, we have increased the level of the special payment from £151 million in 1998–99 to £176 million in 1999–2000, and to £182 in 2000–01. This is paid as a 100 per cent. Home Office grant and is not charged to London council tax payers. It is an acknowledgement of some of the problems referred to in the hon. Gentleman's intervention.

Mr. Simon Hughes: I intervene specifically on London matters. We have seen the appointment of the new Commissioner of Police of the Metropolis, who has taken over this week. Will the Minister confirm that both the outgoing and incoming Commissioners have made the strongest representations to Ministers that, at the level at which the Met is funded for the foreseeable future, it is likely that there will be a considerable reduction in the numbers of people who are able to serve it, in both civilian and uniform capacities? The implication is that, if there is a wish to keep up the service, even though the numbers of police officers may be falling, the local authorities that will be precepted to raise money for the Met will see significant increases in the sums that they are asked to pass on to London taxpayers and ratepayers.

Mr. Clarke: I can confirm that both the previous and current Commissioners have been strong and vigorous in making the case for proper funding for the London force, as they properly should. The Government believe that they have taken serious consideration of the representations that they have received, given the figures that I am announcing. The Metropolitan police, along with other forces, are bidding for resources from the crime fighting fund, for example. That, too, will help the situation that the hon. Gentleman describes. Sir John Stevens has already shown outstanding leadership in trying to address these issues. I think that we shall see significant changes, which will be welcome, certainly to all London Members.

The Metropolitan police service needs a reasonable budget increase to prevent significant reductions in police numbers in London. The proposed cash increase is not excessive, at about 2 per cent. above the comparable figure for 1999–2000. About 87 per cent. of MPS funding comes from central Government, with only about 13 per cent. accounted for by council tax. That is below the average of 15.2 per cent. for police authorities in Britain. The MPS is already on target to deliver efficiency savings of more than 2 per cent., which is around £35 million.

Another major development in policing in the next financial year will be the creation of a new police authority in London.

Mr. Heald: I am grateful to the Minister, who has been generous in giving way. Is it right that, by the end of March 2000, the Metropolitan police will be 400 officers under strength? If the hon. Gentleman can confirm that, will he explain why that is?

Mr. Clarke: I cannot confirm at the Dispatch Box the specific figure to which the hon. Gentleman refers. However, I can confirm, as I did earlier, that the Metropolitan police force is under serious pressure on numbers. There were substantial reductions during the final period of the Conservative Government—*[Interruption.]* There were substantial reductions under the last period of the Conservative Government, and the Metropolitan police is now trying to stabilise the position. That is precisely the subject of the conversations to which I referred earlier, between the Commissioner, the force and the Home Office.

Another major development in policing in the next financial year will be the creation of a new police authority in London—the Metropolitan Police Authority. With the arrival of the MPA, arrangements for the policing of London will be brought more closely into line with arrangements elsewhere. As from July, there will be an independent body of 23 members, drawn from the London Assembly, the magistracy and other walks of life,

who will be responsible for securing an efficient and effective police service within the Metropolitan police district.

I look forward to the new Commissioner and police authority working together constructively to build on the existing strengths of the Met and to improve the links with the communities that it serves.

I turn to the main issues that I heard and discussed during representations on the settlement. As I said earlier, five main issues arose: the problems of policing sparsely populated rural areas; the continuation of the old force establishment component in the formula; the costs of the new national radio communications service; the costs of police pensions; and national security policing.

On sparsity, as the right hon. and learned Member for Sleaford and North Hykeham noted in his intervention, we commissioned independent research in 1998 to try to nail once and for all the question of whether extra costs were involved in policing sparsely populated rural areas. The research study was finalised last year. It found that additional costs were, indeed, incurred in policing such areas.

I emphasise that the report was not about police numbers; it was about the costs of policing in rural areas. A copy of the full report and the executive summary was put in the House Library in November and circulated to police authorities and chief constables. The report recommended that the police funding formula be changed to reflect the additional costs—that is, by switching some funding from the metropolitan forces to the shire county forces.

My right hon. Friend the Home Secretary announced in November that he did not intend to change the funding formula for 2000–01 because of the moratorium on changes to the grant distribution system for local authorities and police authorities, pending a wide-ranging review announced by the Deputy Prime Minister in July 1998.

As I said earlier, I met a number of delegations, including one from all the authorities in sparsely populated areas, and I received individual representations from Members of Parliament, chief constables and police authorities in areas of sparsity. I recognise that my right hon. Friend's decision not to change the funding formula was a disappointment for the forces for which rural sparsity is a significant factor.

As I said to the delegations, I understand and sympathise with their concerns, but I emphasise to the House, as I emphasised at those meetings, that we are considering the position. We will consider the position again fully next year. I think that the force of the argument is well understood.

Mr. Hogg: Will the Minister give way?

Mr. Clarke: I am happy to take interventions on this particular point, as I shall not return to it later in my remarks.

Mr. Hogg: I am grateful to the hon. Gentleman for giving way. He has already given way to me once, and I acknowledge that fact.

In the case of Lincolnshire, the report recommends a change that would increase the number of police men by 50 for the county. Does the Minister accept the principle of changing the formula to take account of sparsity, or is his hesitation simply due to lack of money? I understand that money is a problem, but I should like to know whether he accepts the principle and the line of the recommendations, and whether his inability to give a commitment today is due essentially to his inability to allocate money for that purpose.

Mr. Clarke: I am unable to give a commitment today because of the moratorium on changes to the grant distribution system for local authorities and police authorities while the review announced by the Deputy Prime Minister is taking place. It is not possible—or not easy, at any rate—to make changes to one aspect without looking across the whole range.

For my part, I believe that the argument of the sparsity report is well made and widely accepted. It was a factual research study, which examined the real costs of policing in sparsely populated rural areas. I am familiar with the matter from my own constituency, which, although not a rural area, is in a rural county. Those issues are well understood.

The issue is the cost of rural policing, not police numbers specifically. I understand, of course, that there are relationships and knock-ons in the way that those factors operate, but the key argument is about the additional costs of rural policing, and that is what the research report addresses.

Mr. Brady: I have no difficulty with giving sparse areas extra resources. However, if I understood the Minister correctly, he suggested that resources should be transferred from metropolitan areas to sparsely populated rural areas. That is a cause for anxiety, especially when the Government's figures show that crime is increasing most rapidly in metropolitan areas.

Mr. Clarke: I did not say that there would be a direct transfer. I was making the obvious point that, in a zero-sum game, increasing resources for a specific area has implications for other areas. Two serious policy considerations weigh against the sparsity argument. First, as the hon. Gentleman said, despite anxiety about crime in rural areas, there is significantly more crime in urban areas, and resources have been focused there. Crime levels are significantly higher in Norwich in my constituency than in the rural parts of the county, despite the fears that exist there.

The second factor is relevant to our debate. Urban forces argue, with justification, that policing densely populated urban areas involves specific costs. It is an example of the interplay of arguments and the reason for not making a move in one direction outside the context of the overall review. That is why my right hon. Friend the Deputy Prime Minister's review is so important. I did not suggest that there was a specific shift from urban to rural areas, but I acknowledge that there is a debate.

Mr. Christopher Chope (Christchurch): What should police authorities do about council tax payers, in view of the major impact of the review on them? In Dorset, council tax payers pay a higher proportion of the police bill than in any other county or authority in the country. The figure approaches 30 per cent. Does the Minister recommend that the police authority reduce its costs until

[Mr. Christopher Chope]

the Government issue a fair grant settlement, or should the additional burden be imposed on a population comprised largely of pensioners?

Mr. Clarke: The hon. Gentleman and I have had previous exchanges about the extreme poverty of the residents of Christchurch and Dorset compared with those in other parts of the country. I shall not repeat those arguments in the context of policing rather than education. This year, Dorset received an increase of 3.2 per cent., which was more than the average for England. I shall not accept his invitation to recommend what precept police authorities should set; that is a matter for them. However, I shall answer his second question: police authorities should try to make efficiency savings of 2 per cent. a year in the way in which we suggest. I have no reason to believe that Dorset does not reduce costs through greater efficiency.

Mr. Llwyd: The Minister has been refreshingly candid. I urge him to implement the sparsity policy next time round. In north Wales, we have lost all outlying small police stations and policing is done from afar. In some months, police do not have petrol for the cars. That is not due to incompetence; the money is simply not there.

Mr. Clarke: As I said earlier, I understand and sympathise with the argument. I make an appeal to hon. Members: sparsity is an important element in the rural crime and policing debate, but it is only an element of it. The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) talked about higher police presence in a whole area. Developing better crime reduction partnerships between rural district councils and the police, and giving policing a higher profile, are only partly related to resources. Other issues must be considered. The Government will address them fully as part of our overall strategy on rural matters. I hope that, like the hon. Member for Meirionnydd Nant Conwy, other hon. Members will consider rural crime in the round, not only in the context of sparsity and funding.

I want to move on to the second point on which I received representations: the continuation of the old force establishment component in the formula, sometimes called "damping". Police establishment levels were originally included in the formula to provide stability and some continuity with the previous funding system. The Government always intended that those historic manpower levels should be part of the formula only on a temporary, transitional basis, and that they should be removed at whatever rate was compatible with the need for stability in funding.

It remains our intention in due course to get rid of that part of the formula, which accounts for only 10 per cent. of overall funding. However, for reasons that I explained earlier, we are making no formula changes for next year.

Mr. Mark Todd (South Derbyshire): Does my hon. Friend recognise that the retention of the establishment element in the formula works strongly against a county such as Derbyshire, which has had a low establishment for historical reasons, and that an early change to that formula would be welcomed there?

Mr. Clarke: I entirely recognise my hon. Friend's point, with which I am familiar in respect of not only Derbyshire, but a number of other forces. He makes his argument forcefully and, as I have suggested, it remains our intention to get rid of that part of the formula in due course. Although it represents only 10 per cent. of overall funding, it operates unjustly, as he described.

Most of the costs of implementing the public safety radio communications service are contained in annual charges for the core service. These will be met by central funding by means of a deduction from total police grant provision. As part of next year's funding settlement, £5 million has been provided from police grant and standard spending assessment provision towards core service costs. It is estimated that the cost will be about £150 million a year at today's prices when the service is fully operational, which will be equivalent to 2 per cent. of police authority budgets. That needs to be set against the expenditure that forces already incur in maintaining their existing radio communications systems. The cost will be reduced by the £50 million subsidy announced by my right hon. Friend the Home Secretary last September.

The costs of the public safety radio communications project will also be taken into account in the overall resources provided for the police service in future years. That new digital radio and data service is tremendously important to improving the efficiency and effectiveness of the police service. It will provide state-of-the-art, fully digital secure mobile radio communications services and offer users ready access to the police national computer and other computerised databases. The new PSRCP system will ensure that the police have a crime-fighting tool that is at the cutting edge of new technology. That development is difficult but important, and I believe that it will be widely welcomed.

Mr. Heald: For absolute clarity, is the Minister announcing genuinely new money in the third year, over and above the comprehensive spending review, or is the money part of the comprehensive spending review that we already know about?

Mr. Clarke: As the whole House knows, we are undergoing the next comprehensive review and the process will be concluded next June for the next three years.

Mr. John Greenway (Ryedale): Is that June 2000 or June 2001?

Mr. Clarke: With effect from June 2001. I am sorry, Mr. Deputy Speaker. I am at risk of misleading the House. I responded to the hon. Gentleman's comment, which was made from a sedentary position. I cannot remember the legal term, but he is briefing his colleague, the hon. Member for North-East Hertfordshire, on exactly how to operate. In June 2000, the outcome of the comprehensive spending review will be clear, so we shall know what the position is. It covers the three coming years. In the context of that review, which is taking place, the additional costs arising from the PSRCP will be taken into full consideration as we see where we can make progress. The force as a whole welcomes the service, although aspects of it have been controversial. Generally, it will affect the nature of policing and increase its quality substantially.

Mr. Todd: I thank my hon. Friend for giving way again. Does he recognise that, with no change in the support given to implement the new service, which he

rightly says is welcome, it has been calculated that a force such as Derbyshire would have to cut the equivalent of about 173 officers to meet the cost, either through the additional revenue cost of the system or through additional contributions to the capital cost from revenue?

Mr. Clarke: I acknowledge that that representation has been made by Derbyshire and appreciate the way in which my hon. Friend makes his point, as he said that those could be the implications "with no change" being made. My right hon. Friend the Home Secretary has already announced changes, such as the extra £50 million to which I referred a moment ago, and there may be other changes further down the line. I am experiencing slight wry amusement as I am new to this game. Whatever forces attacked—the cost of the PSRCP, the sparsity factor or the National Criminal Intelligence Service—they had drawn up a little equation about the cost of one measure versus more bobbies on the beat in each particular locality and ran that argument every time. I appeal to hon. Members to listen to the advice of my hon. Friend the Member for Northampton, North (Ms Keeble), who said that, although we should consider police numbers, we should also look at what we are doing to reduce crime. That issue has to run through the whole debate.

The fourth issue on which I received representations was that of police pensions, a difficult and problematic subject. The Government have recognised the increasing costs of police pensions: we increased the proportion of funds to be distributed for pensions from 13.2 per cent. in 1998–99 to 14.5 per cent. in 1999–2000.

The arrangements whereby police pensions costs form part of each police authority's budget are long-standing. They have some merits in ensuring that police forces concern themselves with, for example, the number of unnecessary medical retirements that they permit; but we accept that rising costs are a matter of concern to the police service.

The absence of a funded scheme is not the only or, indeed, the main reason for the increasing costs. That is why we did not advocate a move to a funded scheme in the March 1998 consultation exercise. In the light of the consultation, we have been giving further consideration to the case for a funded scheme. No decision has been made, but a funded scheme is not an easy option, given the extra start-up costs. Those are substantial—around £25 billion—and the money would have to come from somewhere. That is why the focus of the review has been on a more affordable scheme for new entrants, and the improved management of ill-health retirements for current as well as new officers.

Mr. Chope: How many of the 1,642 medical retirements of police officers and the 839 medical retirements of civilians that took place in the last year for which figures are available does the Minister think were unnecessary?

Mr. Clarke: I cannot answer that at the Dispatch Box, but I do not wish to demean the hon. Gentleman's point. There are serious issues relating to the operation of the system and the way in which it has moved forward. I have had a number of discussions with chief constables about the possibility of establishing more effective systems to control such important personnel decisions. I am not prepared, and would not be prepared in any circumstances, to speculate about how many retirements are reasonable; I do not think that that is the right way in which to proceed. The right way in which to proceed is to introduce a more rigorous method of examining the issues to which the hon. Gentleman refers.

Mr. Chope: Can the Minister explain why he is able to assert that some medical retirements are unnecessary?

Mr. Clarke: As I tried to explain earlier, I have discussed the issues with a range of forces and individuals, and have concluded that some of the arrangements—I only say "some"—may not be operated with the fullest rigour in certain areas of the public service. I simply say that; the hon. Gentleman probably understands what I mean.

I also received representations about the costs of security from a number of forces whose members were concerned about the costs of specific matters in their police authority areas. Representations were made to me by, for instance, the Gloucestershire and Norfolk forces. I considered them to be fair and well made, and we will examine the position.

Mr. David Drew (Stroud): My hon. Friend is being generous with his time. He will not be surprised by my intervening at this point. Does he accept that the problem is not just the overall sum—my chief constable in Gloucestershire says that the allocation there is down on that of the previous year—but the fact that it leads to perceptible difficulties when local communities allege that they are losing out because of the amount that must go into the security budget?

Mr. Clarke: I agree that this is a question of perception. When the delegation in which my hon. Friend participated discussed the matter with me, we talked about the various homes in Gloucestershire of members of the royal family, and I was reminded of similar issues relating to royal family homes in Norfolk. I find that people welcome the idea that members of the royal family are living in the community, but we must try to deal with questions of perception such as this.

The amending report laid before the House corrects the effect of an error that has come to light in the distribution of grant as set out in the 1998–99 report. The distribution of grant under the pensions component of the funding formula is based on projections of expenditure on police pensions by the Government Actuary's Department. Unfortunately, data relating to Derbyshire police was processed incorrectly. The Derbyshire police authority expressed concern about the data at the time, but, despite investigations by the Government Actuary's Department and the Home Office, it was only some time later that the processing error was identified.

The amending report rectifies the error by allocating a further £800,000 to Derbyshire and clawing that sum back from the other authorities. We consulted chief constables and police authorities on the amending report. No representations were received.

The Government are determined to do all they can to reduce crime and the fear of crime. We also want to see more police officers back on the beat. We have a series of measures to address those policy goals. Those measures

[Mr. Clarke]

and the additional resources that are being provided will help the police to play their key part in tackling crime and disorder, in conjunction with other authorities.

Our aim is to make people feel safer and to ensure that the chance of their becoming a victim of crime is reduced. We have started work on that aim. The funding settlement for the police that has been announced today, along with the other initiatives that are being put in place by the Home Secretary, are providing the police in England and Wales with extra resources to carry out their excellent work in tackling crime and disorder. We are providing a well resourced, well equipped police service, and I commend the reports to the House.

2.10 pm

Mr. Oliver Heald (North-East Hertfordshire): Again, I thank the Minister for his kind words of welcome and I echo his tribute to the professionalism and hard work of the men and women of the police service. Their dedication and commitment mean that they do an invaluable job for our communities throughout the land, in rural and urban areas alike.

I was amused when the Minister talked about the amending report following the error on Derbyshire police pensions. I wondered whether it was another example of problems with the Home Office fax machine. Was it another example of a document going AWOL between the Government Actuary and the Minister's office?

We should not just do what the Minister has just done—talk about serious issues, discussions and meeting people, making the points that Ministers always make—but should look at the background to the debate. A year ago, the position was different: with the Government's having come into office saying how tough they would be on crime, the Minister of State, Home Office, the right hon. Member for Brent, South (Mr. Boateng), said at the Dispatch Box that it was "sterile and simplistic" to talk about police numbers. He told us that there was no link between detection of crime and police numbers.

A year later, the job of the police has become even more difficult; the number of police officers in England and Wales has gone down yet again—it is 1,000 below the number at the general election—more experienced officers have been leaving the force; it is more and more difficult to attract high-calibre recruits; and the police feel that they have been misled over the 5,000 new officers.

The Home Secretary offered the police the enticing prospect of new officers and reinforcements to fight the battle against crime, but his speech was torn up before the ink was dry on it. The fact is that those are not new officers. Morale in the police service is crumbling, and one can understand why. For six years, crime was falling—and particularly violent crime, which is precisely the sort of crime about which people, and in particular elderly people, worry. Now, violent crime is up by 6.3 per cent., and robberies—one of the most worrying forms of crime—are up by 19 per cent. It was all so predictable: it is common sense.

Mr. Greenway: We predicted it.

Mr. Heald: We did indeed. My hon. Friend, who did such a noble job in the shadow Home Office team before moving to the world of sport, is assisting me today. My right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) said that it was nonsense to pretend that police numbers did not make a difference.

The hon. Member for Northampton, North (Ms Keeble) said that what was important was not just the size of the police force but efficiency in every area. No one would disagree that efficiency is important, but more efficient officers means more crimes detected.

Ms Keeble: On the overall crime figures, I understand that, although there have been substantial increases in places such as the Metropolitan police area and some other big cities, in other areas—for example, Northampton—the trends have been different. The graphs are there; the hon. Gentleman is welcome to examine them. Does he not agree that, if we are to beat crime, which is what the public want—they do not want semantics—we will have to understand what is happening and then address the situation? That is exactly what the Government's targeted approach is intended to do. It has shown results.

Mr. Heald: Does the hon. Lady not accept that it is obvious what will happen? If we increase the number of bobbies on the beat, crime will fall. More crime will be detected and the police service will be more effective. To give an example, over the Conservative years, 15,000 more police were employed. In the previous Parliament—1992 to 1997—which is often cited by Labour Members as a period when police numbers fell, the number of bobbies on the beat increased by 2,200. What happened to crime? It fell, year after year after year.

The present Government came into office talking about being tough on crime, but they have not delivered because the number of front-line beat officers has fallen by 900 since they came into office. What has happened? We have had a 19 per cent. increase in robberies, and violent crime is up. It is time for a common-sense revolution.

Ms Keeble: The hon. Gentleman would not expect me to agree with that, but I am grateful to him for giving way. Of course, if we had extra, more efficient people, extra work would be done. That goes without saying, but does he not accept that, if we did that, we would also have to put up taxes, which his party opposes? My constituents want a fine balance between the tax burden and effective, efficient public services. Does he not accept that the Government's proposed plans balance the two, look at effective ways in which to target the type of crime that hurts people most and address those needs?

Mr. Heald: Should not the hon. Lady—I ask her rhetorically—direct her question to Ministers? The Opposition are saying that they would find the resources to build the number of police officers back up to the level at which it stood when we left office. That is not something that the Government are saying. That is our guarantee of security to the public.

Ms Keeble: Will the hon. Member give way?

Mr. Heald: The hon. Lady has had two goes. I think I will move on.

Police morale is at an all-time low. A recent survey showed that 70 per cent. of officers would leave the service if they could find a job with the same pay. Why

is that? It is because crime is rising again, criminals are being let out early to reoffend and police numbers have been slashed. That is the background against which we debate the settlement for the coming year.

The Minister mentioned the crime fighting fund. It is right that, in year one, £35 million is available, but the hon. Gentleman has already had bids for £96 million for the first year from hard-pressed police authorities throughout the country. They are asking for double the number of officers that he is prepared to provide in the first year. For the three years as a whole, 8,200 officers have been requested, against a maximum of 5,000.

The Government have to ask themselves this: is it not time to move from the talk phase to the delivery phase? Although it is easy to make the odd joke in these debates—as we have—the fact is that policing is a very serious matter for the public; the fear of crime is one of the most important issues for people throughout the country. It is a tragedy that what was a falling crime rate has been reversed so soon after the general election.

Mr. Charles Clarke: On the hon. Gentleman's point about the delivery phase, does he accept that my right hon. Friend the Home Secretary announced the extra 5,000 officers in September? We then went to get bids. We have those bids and will announce a decision shortly, which will mean that more people will start to be recruited from 1 April. That will deliver the numbers to which we referred.

Mr. Heald: I shall simply quote what the Police Federation said—*[Interruption.]* The Minister laughs at the body that represents the interests of police constables across the country—

Mr. Clarke: It is a trade union.

Mr. Heald: The Minister may recall that a Conservative Government introduced the first laws to protect the rights of association. Although we have had our differences about unions over the years, I certainly would not be so disparaging about an important body representing police officers.

In November, the Police Federation said:

"We doubt the extra £35 million for additional recruiting will enable forces to do more than replace officers who are retiring or leaving the service prematurely. Indeed, we believe that by the end of 2000 there will be fewer police officers and a further reduction in front line services."

In January 2000, in *Police Review*, the Police Federation went further, stating that it believes that there will another 1,000 fewer officers. In all, that is 2,000 fewer officers. The Minister will not persuade me that that will not make a difference in the fight against crime or that it will help to reverse the trend of crime increasing. As I was saying when he intervened, that is a tragedy.

Police are being asked to accept a Government spending programme that is mean and that leads to cuts in police numbers, withdrawal of specialist services and the closure of police stations—and more of the same is predicted in the year ahead.

It is wrong to set funding levels that are inadequate to maintain authorities' budgets. Let me give an example relevant to someone close to where I am standing—my hon. Friend the Member for Ryedale (Mr. Greenway), who until last night had responsibility for police matters. In North Yorkshire, the increase will be £2.1 million. However, the force needs £3.9 million simply to pay for pensions. In 1999, North Yorkshire lost 50 officers. This year, there will be no recruitment. Next year, only 15 officers will be recruited. There will therefore be a net loss.

Mr. Drew: I am always intrigued by the pensions issue, which has been known about for a long time. I just wonder why Conservative Members, when in government, did not try to do something about it.

Mr. Heald: As the hon. Gentleman will know, we did do something about it, and the result under the Conservative Government was six years of crime reduction. If he compares that with his own Government's miserable record, he will see that—two years after those Conservative plans ended—we now have a tragic situation in which crime is rising again. The Conservative Government were addressing those issues, whereas the current Government are all talk and no delivery.

Last year, the Minister of State, Home Office, the right hon. Member for Brent, South predicted that future increases would be "modest". Indeed they are: this year, there is barely a real-terms increase at all. The Association of Police Authorities has said:

"funding from central government will increase by just 2.8 per cent. or £205 million",

whereas authorities need £300 million just to stand still.

The Minister mentioned the new radio system, with which huge costs will be associated. The Association of Police Authorities has said:

"Unless additional funding is made available to finance this new national service, a large part of the cost will inevitably have to be met from money which would otherwise go to pay police officers."

Today, all we have received from the Government is an indication that that new money may be considered in the June spending review. There is no promise of any new money. However, Councillor Neil Taggart, the Labour chairman of West Yorkshire police authority, has described the Government's current funding as a mere "drop in the ocean" compared with the costs of the project. Does the Minister agree with the chairman of the West Yorkshire Police Federation, Roger Benn, who said that the costs of the radio scheme would "decimate the force"? Would the costs decimate the force?

Mr. David Heath (Somerton and Frome): I should like to take the hon. Gentleman back to the pensions issue. In the latter years of the previous, Conservative Government, I was the chairman of a police authority and represented police authorities in their negotiations with the then Conservative Government. Year after year, Home Office Ministers assured us that they would address the pensions issue. I received a categorical assurance from the right

[Mr. David Heath]

hon. Member for Penrith and The Border (Mr. Maclean) that he would produce the answer to the pensions problem in January 1996. We are still waiting.

Mr. Heald: The hon. Gentleman has obviously forgotten that we changed the formula to address the issue—*[Laughter.]* It is easy to laugh, but the facts sometimes hurt.

Mr. Gareth R. Thomas (Harrow, West): Bring back Greenway.

Mr. Heald: I am grateful to the hon. Gentleman for showing such confidence in the new Conservative sports spokesman.

The Government could be excused if it was only the Opposition who were attacking the settlement, but it is not. The settlement has been attacked, as I said, by the Association of Police Authorities, which now describes the Government as "tough on police budgets". The chairman of the Police Federation has accused the Government of shortchanging the service. The chairman of the Metropolitan Police Federation recently called for the Home Secretary's resignation.

When I asked the Minister whether it is right to say that, by March 2000, the Metropolitan police will be 400 under strength, he was unable to reply. We should be concerned if it will be 400 under strength.

As the hon. Member for Somerton and Frome (Mr. Heath) said, it really is time that the Government dealt with the problem of police pensions. It is no good Ministers sitting on a report for two years, doing nothing about it. The problem needs to be sorted out, and the Government are the ones who are in power—or at least that is the rumour.

The Metropolitan police is at a crossroads. We all wish Sir John Stevens well, but he will need more than the good wishes of people in this place, including the Government. If he is to fight against crime in the capital, he will need our active support and help. I hope that the Government will give him all the support that they possibly can.

We should ask ourselves what will be the effect of the settlement on the Metropolitan police and recruitment. Is it right, as the chairman of the Metropolitan Police Federation said, that at current levels, the Metropolitan police stands no chance of recruiting to fill current vacancies, never mind to increase its strength?

What does the Minister think about Sir Paul Condon's comments last year:

"the officers in this hall and the many others in London feel angry, confused, anxious about their future"?

In 1996, the Home Secretary told the Labour party conference:

"The police deserve and receive our support and gratitude."

The Labour manifesto said that

"the police have our full support".

Is it not time for the talk to be turned into action? Is not this police grant settlement a sad event, and an opportunity missed to tackle rising crime and the problem of police numbers and morale? Should this not have been an opportunity to perform the first duty of Government—to safeguard citizens, to stop the fear of crime stalking our streets, and to stop the thin blue line from getting thinner?

The next Conservative Government will provide the resources to reverse cuts in police numbers. I look forward to sitting on the Treasury Bench listening to my right hon. Friend the Member for Kensington and Chelsea (Mr. Portillo)—who made such a glittering start today—make that announcement.

2.29 pm

Mr. John McDonnell (Hayes and Harlington): I welcome the hon. Member for North-East Hertfordshire (Mr. Heald) to the Front Bench. We shall miss the Ryedale wriggler.

My hon. Friend the Minister said that the introduction of the radio communications system was contentious. The problem is not just the funding, but the nature of the system, which needs careful attention. Several of us have received representations from companies in our constituencies about how the decisions on the commissioning of the system have been arrived at. I should welcome close ministerial attention on that issue.

This is a particularly relevant debate for some of us. I say that not only because I was burgled two days ago—I am sure that it was not one of my constituents; it must have been someone passing through—

Mr. Drew: From a rural area.

Mr. McDonnell: Yes, probably from a rural area. The debate is also pertinent because this morning a delegation from the London borough of Hillingdon—including the hon. Members for Uxbridge (Mr. Randall) and for Ruislip-Northwood (Mr. Wilkinson) and me—met my noble Friend the Under-Secretary to discuss the issues facing our area. The problems of some areas that are sometimes described as leafy suburbs are neglected, even though they contain pockets of considerable deprivation. Inner-city areas have had access to substantial resources allocated by successive Governments under special schemes and rural areas are getting significant attention from the Government. Areas such as mine fall between those two stools and our problems have not received enough attention.

Over the past few years we have also been penalised as a result of our success in policing. The London borough of Hillingdon, like other areas, has had a significant fall in crime of about 5 per cent. Worryingly, there has recently been a slight increase in violent crime, motor vehicle crime and burglary—as I have experienced to my cost. The fear of crime has been top of the agenda in the local residents' survey for five years. It has outstripped all other issues, largely as a result of perceptions, but also as a result of the reality of crime becoming personalised, particularly with social disorder in public areas. We have done everything possible locally to work together to combat crime and raise community safety issues. We have established community safety as a priority. We have an active police consultative group representing 50 local organisations. We were among the first to set up a crime and disorder audit under the Crime and Disorder Act 1998. That helped us to tackle our priorities of reducing crime involving young people, tackling drugs, dealing with disorder in public places and combating the high statistics for crimes such as burglary.

However, our ability to deal with those priorities depends heavily on the police being proactive and responsive on the ground. That brings me to the concerns that we expressed to my noble Friend Lord Bassam this morning. We are concerned about the reduction in the number of police officers. It would be wrong of me not to draw that to the attention of the House. The figures for recent years are startling. The briefing that was courageously provided by our local divisional commander shows that we have gone down from 440 police officers to 354, and from 107 civilians to 84. The overall reduction is from 547 to 438. That is a reduction of 20 per cent.—more than 100 people. At the same time our constituents have had a 34 per cent. increase in their precept.

Our worry is that unless suburban area receive attention on two levels we shall be faced with another dramatic round of cuts. The new Commissioner of Police of the Metropolis needs to recognise our problems and adjust his regional formulae for distributing policing resources and my right hon. Friend the Home Secretary needs to consider the bids for resources from police authorities. I shall outline what those cuts could mean for Hillingdon.

We are about to lose our entire permanent beat officer force. They will be withdrawn. There is also the prospect of an end to all school involvement, our junior citizenship scheme and the involvement of the police in youth activities. The first time that a young person in my constituency comes into contact with a police officer could be when they are arrested or given a caution. At the moment, police come into schools and are constructively involved in youth activities. We are concerned about the reduction in community policing and neighbourhood watch support. I have already lost opening times at two of my local police stations. I am now faced with the possible closure of Hayes police station and the sale of the site. Those are just some examples of what faces us unless the Metropolitan police's budgetary decisions and the overall settlement direction are reversed as a result of today's announcement.

I acknowledge that this is special pleading. We require a longer-term strategy that tackles the issues of suburban areas. We are being penalised for our success. We have reduced crime as a result of community partnership schemes in line with what the Government have asked of us. I pay tribute to my right hon. Friend the Home Secretary, who came to my constituency before the general election and explained what was required of us and then came again several times after the election to help us to set up the new schemes. We have done that and reduced crime as a result.

We have had some superb divisional commanders who have created an efficiency agenda in line with what the Government have asked for. We have reduced sickness levels dramatically. However, we are being penalised as a result of those successes in efficiency and reducing crime, because the formulaic approach used by the Commissioner and, at times, the Government in their regional distribution results in resources being withdrawn when crime is reduced. That is a short-sighted approach to crime and policing across all three Hillingdon constituencies. We need a longer-term programme that addresses the issues of suburban areas, recognising that investment, particularly in preventive work among young people, will reap rewards in future by stabilising crime levels and reducing them in the long term. I am grateful for the support that the borough has been given in developing the recent closed circuit television scheme in Hayes and St. Dunstan's close. Our problem is that, although the CCTV schemes will help us to identify crimes being perpetrated in the area, we shall not have the police resources to respond quickly enough if the reductions go through.

I am pleased that the additional resources that my right hon. Friend the Home Secretary announced have been translated into reality in today's settlement. That enables us to bid for those resources. Suburban areas such as mine must not be penalised for the successful work that we have undertaken. Our serious problems—immediate and long-term—need to be acknowledged through adequate Government support.

2.38 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): I welcome the Minister to this important annual debate. This is the first time that he has spoken in it on behalf of the Government. I apologise to him because he had to suffer me this morning upstairs in the Committee considering the Terrorism Bill and he now suffers me here discussing police matters. At least we are both involved in important business.

I wish the hon. Member for Ryedale (Mr. Greenway) well in his new responsibilities and I welcome his successor, the hon. Member for North-East Hertfordshire (Mr. Heald). I hope that he does not suffer the same fate as another previous Conservative candidate who stood against me in Bermondsey and then went on to slightly more profitable fields, representing Harrow, West and being promoted within his party before disappearing almost as suddenly. If the hon. Gentleman thinks that it is only a rumour that the Government are in power, no wonder his party is not doing very well.

The Liberal Democrats echo without qualification the tribute that the Minister paid at the start of his speech. Like him, I visit police forces and officers throughout the country. One of my most impressive duties since taking on this job in October was to attend the police constable of the year award ceremony last autumn at St. James's palace, also attended by the Prince of Wales. Each force selected one person and there was then a selection from around the country. Last year's award was won by an officer from Bedfordshire policing in Luton. He is a white police officer policing in a multiracial area and was commended by all sectors of the community, not least the minority ethnic communities, for his excellent community policing. In the previous year, the award was won by a police officer from Northern Ireland. It is obvious how widely valued the police service is.

This will be the last debate held during the time that the Metropolitan police force has been responsible for its larger area. When police authority responsibilities go from the Home Office, and the Home Secretary personally, to a Londonwide government—something many of us welcome—the boundaries will become the logical boundaries around Greater London. I thank the Met for the work that it has done in its extended area over the years. The force has done a good job, as has been recognised by local communities. The boundaries are being changed not because of complaints, but because it is logical.

We also wish the new Commissioner well, and we hope that he succeeds in his ambitions and objectives. He wrote to many Members to set out what he planned to do, and

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we hope to have the opportunity soon to talk to him. We thank his predecessor for much good work over many years.

Given the events of less than a week ago in Cheltenham, I would like to pay particular tribute to Gloucestershire police on behalf of my hon. Friend the Member for Cheltenham (Mr. Jones) and our councillors, some of whom are on the police authority for Gloucestershire. The hon. Member for Stroud (Mr. Drew) will also have heard that they did an excellent job, as would be expected. We are all conscious of the obligation that we owe to them.

I share the view that we need to strengthen the national forces—the National Criminal Intelligence Service and the national crime squad. I look forward to talking to the Minister before the election about ideas that we are formulating on how we can build up the profile of the national service to deal with national responsibilities. I share the Minister's implied views on that matter.

It is clear that a new communications system is needed to give the efficiency that we ask for. I have had informal and formal representations that some of the technology that the police work with is not 2000 technology—nor is it even 19-something technology. I have seen it work, and I have seen it not work. The amount of technology downtime that hampers the police is frustrating.

The hon. Member for Northampton, North (Ms Keeble) said that of course police numbers were not everything, and that crime figures are important. Here there is a difference of view between the Opposition and the Government. Although police numbers are not everything, the numbers of police officers have a direct implication on the ability of the police service to do its job. Nurses are not everything in the health service; however, the fewer nurses there are, the fewer beds we have, and the fewer beds we have, the fewer people we can treat. The fewer people we can treat, the less likely the health service is to do the work demanded of it.

The more good and competent officers we have, the more likely we are not just to reduce crime, but to increase clear-up rates—which, in some areas, are still low. In some areas of Northern Ireland, clear-up rates are very low, and in some areas covered by the Met the rates are far lower than our constituents want.

The Minister referred to the sparsity factor, and it is not just those of us who represent urban seats who understand that a conclusion is needed to this debate. I understand that it is better to have a comprehensive review across Government of the formula for allocating money to local authorities and police. However, there has long been dissatisfaction across the country with the formula.

One of the frustrations is that the recipients—in this case, the police authorities—are not able to agree what the formula should be. If they cannot agree, the matter comes to Ministers. If we had a sort of papal conclave to come up with a formula, there would have to be a compromise. I have a London caveat to add to that, but I hope that we will not have many more years of Ministers saying that they are doing the work but that they have not come up with a solution.

One element of the police grant—the 10 per cent. element—is based on the strength of the forces as they were in 1994. That has less logic with every year that passes, and it ought to go. If Ministers are clear that everything should not be determined by the numbers of people in police forces, we should not allocate a part of the formula on the number of people in forces in 1994. The police chief constables are now given the responsibility of deciding how to use their money—even more reason why we do not tie the amounts to forces. I should be grateful if the Minister could address whether that matter is on the agenda, and how soon that measure might be abolished.

Mr. Charles Clarke: I said earlier that it remains the Government's intention to get rid of that part of the formula in due course.

Mr. Hughes: Like many ministerial answers, that is helpful as far as it goes, but we would like something more specific than "in due course". However, I am grateful for the Minister's confirmation that that part of the formula is on the way out.

The police complain regularly that one of the implications of the funding formula is that they cannot have the money for capital spend that they would like. Money for capital equipment is often hugely spent. An article in *Public Finance*, headed "Police funding reaching crisis levels", stated:

> "As well as the boost to revenue funding, police authorities want a major increase in capital allocation. The allocation for 2000/01 . . . is £144 million. This compares with forces' investment plans of £349 million. These plans rely heavily on capital receipts and contributions from revenue."

There is a major problem and a deficit in that regard.

As police funding largely goes on pay and pensions, one of the complaints will always be when the funding allocation from the Government is not tied to pay increases. If the pay increase goes above inflation or above the percentage police grant increase from the Government, there is less money left. Given that these matters are not negotiated together, as in other public services such as the health service, the formula ought always to take into account—in my view, much more explicitly—the increase in pay. That ought to be effectively ring-fenced as, to a large extent, there can be very little choice. We cannot suddenly lay off a number of police staff, although we can project the number of people due for retirement in the near future.

The hon. Member for North-East Hertfordshire did not give my hon. Friend the Member for Somerton and Frome (Mr. Heath) the answer that he was hoping for—nor, indeed, the answer that the hon. Gentleman knew would have been expected. The Tory Government did not deliver a removal of or a fundamental change to the pension arrangements. I know that this is now on the new Government's agenda, and I have argued the case often.

Across the emergency services, if we are to make what is given by the Government relate to the service on the ground, we must find a way of taking the pension allocation and the pension spend out of the general spend. The pension bill keeps going up—it is something like 14 per cent. at the moment—and there is no direct account taken of that in the formula. For every £1 million spent on pension entitlements, there is £1 million less to spend on front-line policing. If the allocation does not

take into account the pension amount, it will be much more fictitious and will not reflect the needs on the ground.

Mr. Heald: I agree that the previous Government changed the formula to some extent, but this Government have been sitting on the report on the issue for almost three years. Is not it time for action?

Mr. Hughes: Absolutely. It is time for action—not only because politicians are calling for it, but because it is a grievance and a source of frustration that it has been on the agenda for so long. I have told Ministers before that I am comfortable with the idea of sitting down with representatives from the Conservative party and other parties and with the Government to try to reach agreement on how to sort out the pensions issue. The longer it passes from desk to desk, the further away a solution is and people become more and more frustrated.

Mr. David Heath: My hon. Friend is right in what he says about the grievance about pensions and the squeeze that funding them puts on police authority budgets. The problem is that each year the problem is not addressed, the difficulty of addressing it becomes greater. The only tenable long-term solution is a funded scheme. The longer that is delayed, the greater the costs become. I can understand Ministers' difficulty, but somebody must grasp the nettle.

Mr. Hughes: I could not have put it better. *[Interruption.]* I do not necessarily agree with everything my hon. Friend says, but on this occasion he was word perfect.

Police officers often point out to me that the more successful their police force is in bringing crime figures down, the more it is penalised in its financial allocation. We must avoid penalising successful forces which use their resources efficiently and deliver the outputs—to use the jargon—that everyone wants. Such forces can be in the suburbs, such as the local force of the hon. Member for Hayes and Harlington (Mr. McDonnell), in an inner-city constituency such as mine, where crime levels are high, or in a rural area, such as those which my hon. Friends the Members for Somerton and Frome and for Taunton (Jackie Ballard) represent. It should be a given that successful policing, producing fewer crimes and higher clear-up rates, is not penalised by fewer resources.

The Liberal Democrats will vote against the Government motions at 4 o'clock because, unfortunately, the Government are for the third time proposing a funding settlement that will mean less money will be spent on the police than in the year before Labour came to office. I have obtained the figures from the Library. In the first year the Government inherited a fall of 0.8 per cent. Funding went up 0.3 per cent. in the second year and up 0.2 per cent in the third year. Even my elementary maths is sufficient to work out that that means a net fall of 0.3 per cent. over the three years. It is true, as the Minister pointed out, that the figures show that the level will start to pick up after that, but the grant settlement for next year that we are being asked to approve this afternoon will provide less money in real terms for the police from central Government than was the case three years ago.

The comparison is simple and has been provided by the Association of Police Authorities. The education settlement for the coming year will increase by 8.7 per cent, the social services settlement by 5.6 per cent., and the fire service settlement by 3.5 per cent.—only the police settlement increase is below 3 per cent., with a pre-inflation level of 2.9 per cent and a post-inflation figure of 0.2 per cent. That is not acceptable, given the pressures the police are under.

Many authorities have had a decrease in real terms this year, if pensions are removed from the equation. They include Bedfordshire, City of London, Cleveland, Cumbria, Essex, Hertfordshire, Humberside, Lincolnshire, Merseyside, Sussex, Warwickshire, West Mercia, West Midlands and West Yorkshire. The Library's figures for the settlement proposed for the coming year show that some forces will be specifically penalised. The City of London force will have a real-terms cut for the third year in a row. The Gloucestershire police—sadly, in the light of the tribute we have paid to them—will have a real-terms decrease for the fourth year in a row, with a 0.6 decrease in the coming year, having had a 0.9 decrease in the year just finishing. The North Wales police—the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) has just left his place—will have a decrease after a couple of years of small increases, and the South Wales police will also have a decrease. As a whole, the police in Wales will have exactly the same amount, neither an increase nor a decrease. In those four specific force areas, the financial position will be worse than elsewhere.

What do the figures mean for police numbers? On that point, there is no dispute between the Conservatives and ourselves because the Library figures are clear. The police service numbers inherited across England and Wales were 127,158. The figures for March 1999 were 126,096. Pending the announcement of the latest figures, the reduction is 1,062. The argument about the 5,000 extra still hinges on the fact that that figure must also take account of the reduction so far and the number of officers retiring or leaving the force. In the same period, we have also seen a reduction of 3,390 in the number of special constables.

The experience of the hon. Member for Hayes and Harlington in west London is replicated throughout the Metropolitan area, just as it is in many other areas of the country. I know what has happened in my local authority better than in others, but in Islington—where the Liberal Democrats have just taken control of the council—the number of police in the Holloway area has fallen from 245 to 226, and has fallen from 284 in Islington. My local authority of Southwark, south of the river, has seen police numbers fall from 874 to 851 in the past year. In Bromley, an outer London borough, police numbers have fallen from 442 to 432, and in Kingston they have fallen from 329 to 325.

All over the place, police numbers have fallen and police stations have been closed. We can argue about whether every police station is justified, but the public need to have a police presence, and fewer police officers make it less easy to deal with crime and the fear of crime.

My final point concerns the famous crime fighting fund. In an answer I was given on Tuesday this week by the Minister—which the hon. Member for North-East Hertfordshire has obviously also seen—it was confirmed that 43 forces have bid for the £35 million available. The total number of officers bid for was 2,908, which would

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cost more than £96 million, so only about a third of every bid will be satisfied. For example, Avon and Somerset bid for 65 officers, but if its bid is successful it may get only 23. The Metropolitan police force bid for 600, but it may get only 216. The Sussex bid was for 45, but only 16 may be granted.

We have had an allocation of £35 million for next year. That will not be enough over three years to deliver 5,000 officers unless it is doubled in the following two years, and will be enough to keep those officers only if we have the additional money in subsequent years as well. Money at the beginning is sufficient only to bring them in, not to keep them there. I hope that the Government will realise that £35 million—interestingly, they said that that was the extra cost of policing the millennium—is hardly a large additional sum.

Police numbers will be down in the coming year; there will be fewer police stations; and the council tax police precept that our constituents have to pay will be higher. People will pay more and get less. To follow up something that the hon. Member for North-East Hertfordshire quoted, the police and many of the public feel that the Government are being too tough on the police and far too tough on police funding. We need more of both, and very soon.

3.1 pm

Mr. Mark Todd (South Derbyshire): I welcome the relatively generous settlement for Derbyshire, which did not appear on the list that the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) gave. One reason for that is the correction, not before time, of a pension error, but the settlement was fairly generous in any case.

We still have about 250 officers fewer than the average for a county force. The force is thinly stretched at any time, but last year, with three murder inquiries running concurrently and the call on specialist officers hitting some sections disproportionately—including the one that covers a substantial part of my constituency—there was an incredible burden.

For some time, an area of about 70 square miles, with a population of about 60,000, was policed on a shift basis by only three or four officers. It is scarcely surprising that things became very difficult from time to time. Thankfully, the area is generally extremely law-abiding, but some parts of it, including Linton and Newhall, have faced short-term increases in crime that have alarmed local people significantly.

The authority has applied for a share of the crime fighting fund, and I have already written to my hon. Friend the Minister expressing strong support for that bid. If it were granted in full over the full three-year period, the force would just about reach the average strength of a county force; but the likelihood of that is perhaps remote if the funding figure that my right hon. Friend the Home Secretary gave at the Labour party conference last year is adhered to. There is an opportunity to review that figure in the light of the bids that have been received.

With the full increase, the Swadlincote section, which serves the bulk of my constituency, could increase the team available to fight and prevent crime by seven or eight officers. That may not seem a great number, but it would make a vast difference to the number of times one saw a uniformed officer in one of my villages.

I have regular meetings with my police inspector, and I expect him to bring me up to date on a variety of local issues when we meet tomorrow, but I know already that the difficulty in responding to local pressures is acute. The increase would make a vast difference to his ability to direct officers to deal with crime, whether in Swadlincote town centre—where local shopkeepers and residents have expressed concerns—or in the outlying villages. The two other sections serving my constituency would have roughly equivalent increases. One of them covers a significant rural area as well as part of the city of Derby. Let us hope that the bid is viewed favourably.

The public safety radio communications service will be a welcome enhancement to the ability of the police to respond to crime and communicate about it. I fully endorse the project, but its cost is substantial: in Derbyshire, the additional revenue element of more than £2 million would cost the equivalent of about 80 officers a year.

I noted what the Minister said about forces' tendency to cite officer equivalents for every cost with which they are laden, but it is none the less a convenient shorthand way of looking at a cost. The capital cost, to which the county would have to contribute, is well beyond the capital resources that have thus far been given to the county to meet its obligations, so it will have to continue to make a contribution to capital from revenue funding, as it has done for some time.

In the year in which that contribution was made, there would be a further hit of about £2 million, which would once again take out about 70 or 80 officers. It has been said that forces will be decimated if the technology is introduced without further thought about the cost implications and on-going revenue commitments. I would not use the word "decimated" in the Latin sense, but it would certainly have a substantial impact on my force's ability to deliver the services that my constituents expect. The reductions cannot be accepted and we require additional resources to fund that valuable increase in service.

Derbyshire has sought to increase the local share of the cost of policing. I am probably unusual—I am happy to admit it publicly—in having written to my police authority last year urging it to use the opportunity of the removal of capping substantially to increase its precept to my constituents. It took my advice in spades and introduced a swingeing increase, but one that was at least understood and recognised as a step towards improving the quality of local policing by people whom I have met who read their council tax bills with some attention.

There are limits to the ability of local citizens to bear that extra burden and, presumably, to the Government's tolerance of the wholesale desire to ignore the spending guidelines and suggestions on what level of council tax increases might be acceptable. Last year, the authority did not receive a yellow card, and I hope that the same indulgence will be given this year, but one must recognise the limits of that source of funding.

The force has been historically underfunded. It seems that best value was invented here. It has committed itself repeatedly to finding ways of squeezing every ounce of fat out of the service. That is one of the difficulties of imposing savings targets on services in a blanket fashion. No doubt many police authorities have not had to go through the same exercises that Derbyshire had to

go through in the 1990s, yet the same broad savings targets that are sought from Derbyshire are sought from them. That is seen as unfair, bearing in mind what we have gone through.

The Derbyshire force has an excellent record in many respects. Incidentally, in the most recent year, crime overall in Derbyshire fell marginally and has certainly fallen since the election. The force is still held in high regard, although many people wish that they saw more of the police officers so that they could express that high regard more freely.

Derbyshire police authority has led the way in a variety of areas. It was one of the first in the country, if not the first, to commit itself to DNA tracing, for example, which led to a conviction. Civilianisation has proceeded apace and there have been strong new controls on sickness and medical retirement. The force also has a strong commitment, led by the chief constable, to increasing representation from our minority communities. The chief constable, who served in other ways last year, made strong and supportive comments on the Lawrence inquiry and the responsibilities of the police service in that regard. He leads from the front in Derbyshire as well, and has earned great respect on that count.

I look forward to a positive response from the Government to the force's bid regarding the crime fighting fund, and a review of the Government contribution to the public safety radio communications service. I welcome unreservedly, and wish to see through to completion, the Government's statement that the removal of the establishment element of the funding formula is imminent.

3.12 pm

Sir Sydney Chapman (Chipping Barnet): It will come as no surprise to you, Mr. Deputy Speaker, to hear that I shall concentrate my remarks on the Metropolitan police in general and the Barnet borough division in particular. The remarks of the hon. Member for Hayes and Harlington (Mr. McDonnell) mirror the problems that we, in a similar borough, face—although all boroughs have significant differences—in that, although Barnet is generally regarded as a leafy suburb, it has areas of great deprivation.

We can argue about figures until the cows come home. I have done my best to be independent on this. I know that the incidence of recorded crime fell for six consecutive years until recently. The last Metropolitan police service report stated that street crimes went down in the area by 2.3 per cent. and burglary by 8.3 per cent. to a 20-year low. That is good news. Assaults on police officers and incidents of police officers suffering injuries on duty went down significantly in 1998-99, and I hope that that trend continues. However, I remind the House that, in the year to September 1999, recorded crime was up by 8.7 per cent. in the Metropolitan police area. I hope that that is only a temporary trend, but it is nevertheless very worrying.

Twenty years ago, there were only about 22,000 Metropolitan police officers. By the early 1990s, the figure had reached its peak at 28,000. It has been fluctuating since, dropping slightly in general, but a recent fall brought the figure to 26,500. I am concerned that there is every prospect that the figure will tend to fall and not rise. Incidentally, I am also concerned that, in the last year, the number of special constables in the Metropolitan constabulary decreased by 5 per cent.

Another problem faced in the Metropolitan police area is the wastage in early retirements and transfers. In the past year, the figure increased by nearly 13 per cent. to 1,750. The Metropolitan police have recruiting problems in that so many who train and begin their career in London are seduced, as it were, to go to other police forces or, because of their experiences in London, they seek other jobs. We must think radically about how to deal with that problem because morale, sadly, is very low.

The income and expenditure of the Metropolitan police force is about £1.75 billion. That figure has increased by 100 per cent. over the past 20 years. The Minister's colleague in the other place confirmed in a letter to me that it is planned to increase the grant this next year by only 1.7 per cent. That, I understand, is also dependent on efficiency savings of 2 per cent.

I accept that the way in which the grants are calculated are necessarily complex, because they are comprehensive. The more I try to understand them—I have not broken through the knowledge barrier yet—the more they seem to be a byzantine labyrinth that would make the Ottomans drool with envy. Despite the previous Government's protestations that they were increasing the budget for the police year on year, resources seemed to be diminishing, on the ground and on the beat, at least partly—and not a little significantly—due to the escalating cost of pensions, which are unfunded. The present Government are also witnessing that problem. Although I want to see bigger and better pensions for everybody—something that I will say more frequently as the next election approaches—I am horrified that the figure for pensions in the Metropolitan police force is £335 million, including those for the civil staff. That represents 17 per cent. of total expenditure. We must find a better way of funding those pensions. My plea is popular and simple, but terribly difficult to realise. Can we devise a system in which the pension increase is taken out of the reckoning of the other vital parts of the service?

I have three brief points to make. First, I am deeply concerned about the number of emergency calls that are not genuine. The total annual figure in the Metropolitan police area is about 2 million—there were 200,000 emergency calls last November alone—80 per cent of which were not genuine. People may say that they accidentally touch the wrong numbers on their mobile phones, or whatever. I do not know much about this new-fangled technology, but surely it is not beyond the wit of these technologists to find some way of dealing with that problem.

Secondly, nearly 3,000 demonstrations and other public order events have to be policed in the Metropolitan area. I hope that some consideration is given to that in the budget.

Thirdly, Barnet borough is in a crisis with regard to policing. A very senior officer in my borough said to me that he finds the Metropolitan police service, in particular in the borough of Barnet, to be in a crisis situation.

Three weeks ago, my council—it is not, I regret, Conservative controlled, but I make that party political point only to show that the following criticism does not come only from Conservatives—wrote me a letter. I shall summarise and paraphrase it, but I assure the House

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that I am not misleading anyone or placing the wrong emphasis on what was said. The letter said:

"The Council notes with dismay that the number of police officers and civilian support personnel in Barnet continues to fall . . . there is a crisis in policing in our Borough."

It noted that

"the number of notifiable offences committed in the Borough has increased in the past twelve months."

It added:

"The Council expresses grave concern about the insufficient financial support given to the Metropolitan Police by HM Government in the form of this year's Local Government Settlement."

The council also recognises that that problem is Londonwide, and that it

"will result in the probability of Barnet Council Taxpayers being forced to pay above inflation increases in the form of the Police precept in order to finance the Metropolitan Police."

Those remarks are echoed by the chairman of Barnet borough watch—our network of neighbourhood watch schemes, to which I pay tribute. With 15 years of experience, she says that Barnet's manpower has been cut yet again and that there has been a near 50 per cent. reduction on the level of four years ago. The figure may reflect the fact that some officers are being taken out of the borough to serve in Hertsmere, but the minimum manpower per shift is 22 officers, while the recognised minimum shift strength should be 32. Those 22 officers must cover a population of 320,000.

We must address these real problems responsibly. We owe that both to our constituents and to those who serve us in the Metropolitan police, and who do a difficult, dangerous and sometimes dirty job. We must make sure that they have the resources to carry out that job and decent conditions in which to do it.

3.22 pm

Mr. David Drew (Stroud): It is a pleasure to follow the hon. Member for Chipping Barnet (Sir S. Chapman). Although my angle on the police is slightly different, I can agree with some of what he said.

I thank my hon. Friend the Minister for meeting a delegation from Gloucestershire early in the new year. It was a useful meeting. One member of the delegation was the hon. Member for Cheltenham (Mr. Jones), and I am sure that the whole House will wish him a speedy recovery. As the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) said, events in Cheltenham have brought home to us the unpleasurable role that the police carry out with ultimate efficiency and sensitivity. The police have already visited my constituency office to review security arrangements and to make some recommendations.

I do not wish to go over old ground, having spoken in the same debate last year, when the Minister of State, Home Office, my right hon. Friend the Member for Brent, South (Mr. Boateng) replied. I do not apologise for re-emphasising some themes. Policing is of acute interest in Gloucestershire, which has received the lowest increase. It would be easy for me to criticise the Government for that, but, as my hon. Friend the Member for South Derbyshire (Mr. Todd) said about his area, I feel that a slightly rum figure has been used to calculate the amount for Gloucestershire.

I hope that the Minister will keep his door ajar, because I am convinced that the figure is a rogue. That has nothing to do with the Home Office, but results from peculiarities in the way in which the Office for National Statistics has judged the population of Gloucestershire to be falling over the past year. I cannot repeat the phrases used by the hon. Member for Chipping Barnet, but I feel that the ONS must be the only people in the country who believe that. The statistics used make a huge amount of difference to our grant allocation, which is 1.8 per cent. below average. My hon. Friend the Minister may await some serious calculations from the county council and others before we make further representations.

The matters on which I wish to touch have already been covered, so I shall merely put a local spin on them. We welcome the sparsity report, and I hope that its recommendations will come into play. It would make a welcome difference of about 1.3 per cent. to Gloucestershire. The problem is that most counties are not dissimilar to Gloucestershire in being rural with an urban core. We must strike the proper balance between policing the urban core of Gloucester and Cheltenham and the more sparse surrounding areas. In Stroud, we would argue that people are sucked into urban areas, particularly at weekends, which makes a dramatic difference to the number available. Shift patterns also make a difference.

Mrs. Diana Organ (Forest of Dean): My hon. Friend mentioned the difficulties caused by the lack of government funding to recognise rural sparsity. Like him, I represent a rural constituency in Gloucestershire, and it faces a double whammy. The difficulty of providing a force in rural areas is not recognised, and the fact that our force is both small and efficient means that efficiency savings are difficult to find.

Mr. Drew: I thank my hon. Friend, who represents the area across the water from me. She has made her point clearly, and we shall continue to argue that case. We have several times made the point to the Minister about the impact of efficiency savings on a smaller force. Our force is efficient, and I pay tribute to its policing of Gloucestershire. We cannot keep cutting the service.

Like every other force, Gloucestershire has put in a bid for what are colloquially known as the "Jack Straw bobbies". Our bid is realistic. I cannot say that I think that it will simply be taken from the shelf and implemented, but it is as realistic as it can be. We would certainly like additional police in the rural areas, even if a training element would mean their helping Gloucester and Cheltenham. There is a need for policing in rural areas so that officers can be seen to be in action as well as actually being in action.

As I said last year, I understand the Government's difficulties over pension provision. Perhaps because he is new to his post, I felt that the hon. Member for North-East Hertfordshire (Mr. Heald) did not quite answer my point that the Tories had had plenty of opportunities to sort out that problem. We have those opportunities now, and we must deal with the report that has been produced.

From the point of view of the police, we cannot improve on their pension provision. The only way in which to do something about it would be to set up a funded scheme. I believe that we must do so. It would cost money, and the Treasury would have to find it.

Sooner rather than later, we must grapple with this almost impenetrable problem. As the hon. Member for Chipping Barnet said, pensions take up to 17 per cent. of the budget, and that figure will increase, as the hon. Member for Southwark, North and Bermondsey said. We cannot allow that. It would be neither sustainable nor practicable to continue as we are. It is already doing enormous damage, and the operational impact is clear.

The Minister generously said that security is still—let me put it no more strongly than this—open to investigation. We feel especially hard done by because, although the overall budget may have increased, so too has the number of forces bidding for it. The perception of the matter must be taken into account. We do not want conflict between local communities over the way in which we fund security arrangements. That would serve no one's purpose. Robbing Peter to pay Paul is not a good way to run a police force.

The overall budgetary problems are clear, and we shall continue to advocate our case in that regard. However, our greatest concern is about the damage that can occur to the partnerships by which the Government set such great store. It is good to see community policing arrangements working to promote safety initiatives.

However, as officers of all ranks have told me, not only does that have to be paid for in time and money, but it results in an administrative overload. That has to be dealt with. The resources will not come out of fresh air—changes in policing need to be funded. It is good to implement such initiatives, but we cannot do so indefinitely without some money coming in.

The same point applies to best value programmes. It also applies to the tri-service initiative in Gloucestershire—of which we are extremely proud—for unifying the emergency call services. People are starting to realise the benefits of some communality for all three emergency services—ambulance, fire and rescue and police. We can build on that, because the public want the services to work together and to know that they will receive the best possible reaction—in both time and professionalism.

Budgetary problems need to be solved. I am glad that my hon. Friend the Minister's door seems to be open, because we shall be pursuing those matters with him in due course. We want our slice of the £35 million, although we have made it clear that we do not want more than our pro rata share.

The proof of the Government's ability to master the problems of law and order will be seen not only in budgets but, as my hon. Friend the Member for Northampton, North (Ms Keeble) said, in the impact on the streets and in the perception of what is happening. I recently read a document commissioned by the Salvation Army, but produced by the Henley Centre for Forecasting—an interesting combination. I was rather depressed to note that the document showed that people stated that the fear of crime was the single most worrying aspect in their quality of life. That is a key factor in people's perceptions. We have to get that right in Gloucestershire and throughout the country.

3.33 pm

Mr. John Horam (Orpington): As the hon. Member for Hayes and Harlington (Mr. McDonnell) pointed out, the leafy suburbs have traditionally been neglected in debates on policing. I hope that my contribution and that of my hon. Friend the Member for Chipping Barnet (Sir S. Chapman) will go some way to redress the balance.

I illustrate the problem with an example. I have always been proud of the fact that my constituency includes the village of Biggin Hill with its famous fighter airfield, which was at the heart of the battle of Britain. Today, Biggin Hill is a pleasant place in which to live—full of character, as are its people.

However, the village has a problem—as the chairman of the residents association, many other residents and local councillors told me last Friday evening at my regular advice bureau. Until last year, it had a fully operating police station, right in the main road. As recently as the late 1960s, 14 police officers were working from that one station.

Last year, the police station was closed to the public and, more recently, the number of home beat officers was reduced from two to one. To have only one officer would seem to render the service almost non-operational, but that is the situation. The latest local rumour is that the police station is to be turned into a pizza parlour. If hon. Members think that that is bad enough, a police station in Chislehurst may be about to be converted into a theme pub. I do not know what that will do for the local crime problem.

The local police are still searching for somewhere suitable in Biggin Hill to locate the remaining home beat officer. The people of the village feel completely exposed. Orpington, which houses the main police station, is some distance away across winding country lanes; it can easily take 30 minutes to get from there to Biggin Hill. By that time, any incident would be over and all the miscreants would have gone.

As a result, a hard core of about 12 teenagers have taken to rampaging around local streets, causing mayhem. In a recent incident, they threw iron bars at overhead electricity cables, bringing them down and plunging the neighbourhood into darkness. Drink and, increasingly, drugs are part of the problem. That causes stress, anger and fear in the neighbourhood.

Biggin Hill is not alone. After six years of improving crime figures, which started under the Conservatives, there was a reversal of the trend last year; notified offences increased by 12 per cent.—a large increase—in the Orpington sector. As my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) said, that is a tragedy: much hard work went into reversing the previous rise in crime figures and produced that long six-year run of lower figures, but that has suddenly been dramatically reversed in areas such as Biggin Hill.

The Orpington police have worked hard to overcome those problems; I make no complaint about them. They have had successes, but there are now 20 fewer police officers in the Bromley district than there were two years ago. London itself has 400 fewer officers; during the past two years, the number is down by more than 1,000 over the whole country.

The Assistant Commissioner, Denis O'Connor spelt out the facts at a recent meeting of the Bromley police community consultative group. He said that he needed 6 per cent. extra resources each year even to keep the present strength. The Government have allocated an extra 2 per cent.; the force has to find 2 per cent. from extra efficiency and there is a 2 per cent. shortfall.

[Mr. John Horam]

The Minister's speech makes it obvious that the situation will not improve in the foreseeable future. According to his figures, with the Government's resources, police numbers will decline again over the coming year, but the police precept will rise—in my area, possibly by 16 per cent. People will be paying much more for a lot less.

The police are being starved of resources when our society demands more policing—especially a more visible police presence on the streets. I am delighted that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) committed the Conservative party to reversing Labour's cuts in police numbers. I am glad that my hon. Friend the Member for North–East Hertfordshire reiterated that firm guarantee today.

The Government are beginning the second phase of their comprehensive spending review, to be concluded in June. I ask them to reconsider this matter urgently. If they do not, crime will be a big issue at the next general election.

3.39 pm

Mr. James Paice (South-East Cambridgeshire): I welcome my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) to his new position, although given his splendid record as a Minister in the previous Government, we should hardly be surprised at his excellent debut today. He has clearly explained the national situation, but I add one point.

During the first 10 years that I served as a Member of Parliament—all of them under Conservative Governments—total expenditure on the police increased by a real-terms average of 3.8 per cent each year. Yet here we are under a Labour Government, who pledged to be tough on crime, being asked to approve a real-terms increase of just 0.3 per cent. Even that figure is highly questionable, given that for Cambridgeshire, at least, the Home Office has imposed extra costs that were not imposed before.

Not surprisingly, I wish to deal with the position in Cambridgeshire, Britain's fastest growing county. It has consistently been at, or close to, the bottom of the league for the ratio of police officers to population. Given the time lag in statistics for a growing county, the true figures are almost certainly even worse.

Cambridgeshire also figures close to the bottom of the list for the level of council tax among police authorities. Only three have lower figures. Total resources in Cambridgeshire are about £17 per head of population below the average for England. If we had just the English average, it would mean as much an extra £10 million a year for the Cambridgeshire police authority.

I suspect that the Minister and other Members may say that the Cambridgeshire force does not need resources as much as an inner-city force. That would be a superficial and mistaken judgment to make. Last year, crime in Cambridgeshire rose by 4.7 per cent.—one of the highest rises outside the Metropolitan police area. A large part of Cambridgeshire is rural—much of it I represent—and the crime levels are becoming intolerable for my constituents. Much of that crime may be at the lower end of the seriousness league—it tends to be burglaries and robberies—but it is no comfort to people whose homes have just been ransacked to tell them that at least they have not been murdered. For them, the crime is palpable and serious.

A problem that is not unique to Cambridgeshire, but is particularly bad in the county, is the impact of a large traveller population. I do not suggest that all travellers are criminals; they are not. Many are perfectly good, law-abiding citizens. However, there is no doubt whatever that a significant proportion of them are. As a senior police officer in Cambridge told me, they are no more than a mobile crime wave.

In the last few weeks in my constituency, I have been made aware of cases in which outdoor machinery and landscape and other equipment have been stolen. In one case, the equipment was replaced and was stolen again a week later. The police often know who is responsible. However, if the goods are disposed of or if a car is taken—car theft is also common—and left burnt out in a gateway only 50 yards from a caravan, they cannot prove who did it. In addition, the fear of reprisals is commonplace in the countryside. If people act as witnesses against some of the traveller population, there is a serious risk that they will be at the receiving end of further crime.

The police in Cambridgeshire are extremely thinly stretched. Travel times in rural areas are very long. The Government study mentioned by my hon. Friend the Member for North-East Hertfordshire and other Members found that additional costs are involved in sparsely populated rural areas. However, the Government have chosen not to implement the study that they commissioned, which would have given Cambridgeshire another £1.2 million.

The Minister said that the study was not implemented because of the moratorium on changes to the formula. Frankly, that is a poor excuse. I do not criticise him for that; I know that the decision was taken by more senior Ministers. However, given how he handled himself today, he may become one of them before too long, and I wish him well. I say that in all honesty. He addressed the issues seriously and with candour, and I appreciate that. It made a great change from his predecessor's approach.

If the sparsity factor is introduced into the formula, it will have a significant effect on Cambridgeshire. If it is not, at some times of the day and night there may be only one police car in literally hundreds of square miles in some parts of the county. It can take 20, 25 or 30 minutes from the time of a call for a police car to arrive at the scene. That is not the fault of the police; it is the result of the low level of policing in the county.

I wish to consider the figures. The proposal for Cambridgeshire is an increase in total resources of 3.2 per cent., and I accept that that is marginally above the national average. However, the pension increase charge is more than £1 million. In addition, the Home Office's priorities include increased use of DNA and there will be a first-time charge of almost £200,000 for the police national computer and a first-time charge for a radio licence. When put together, all the Home Office's priorities will cost the policy authority more than £1.1 million, which will leave only £200,000 out of the total to cover inflation and everything else. Therefore, it is not surprising that our police authority is considering how much can it spend over and above the standard spending assessment and the police grant.

A budget increase of 3.2 per cent. will equal a 3 per cent. council tax increase, and will mean a cut of 72 officers and 86 civilians. The county would need a 16 per cent. increase in council tax just to eliminate the need for officer and civilian reductions in the coming year. Even that would ignore the fact that the number of officers will be reduced by 40 by the end of this year. That is why the so-called "crime fighting fund" would be a joke if the matter were not so serious.

The fund will take away local discretion, and, as my hon. Friend the Member for North-East Hertfordshire said, it will do nothing to increase officer numbers in real terms. Cambridgeshire has bid for 43 extra officers and I have written to the Home Secretary to support that bid. Even if it gets that number—from what we have heard today, it is unlikely that all the bids will be met—it will merely balance out the reductions that have had to be made this year. Depending on the authority's decisions, the number of officers could be reduced by another 60 this year. The Government have let Cambridgeshire down not only on the sparsity and establishment factors, but on the promise that the Prime Minister made in Cambridge in the election campaign to rid us of the area cost-adjustment problem.

I wonder how long my constituents will have to wait before they have the number of police officers they need. What can I say to the residents of Soham and Ely, who face youths on the street causing disturbances and engaging in vandalism and threatening behaviour, when nothing can be done? What about the farmer whose machinery is stolen or whose buildings are set on fire but who is afraid to doing anything about that for fear of further reprisals?

Cambridgeshire police do their very best, but they cannot be everywhere. In parts of the county, the thin-blue line is about as visible as the river of fire on millennium night. Rural areas deserve law and order just as much as inner cities. Under the proposals before us, they will not get it.

3.48 pm

Mr. David Heath (Somerton and Frome): It is a pleasure to follow the hon. Member for South-East Cambridgeshire (Mr. Paice), and I shall pick up on some of the points that he raised. His constituency is not that dissimilar to mine.

I wish to make a few general points, but I do not want to concentrate on the general case because we have already covered that in the debate. We have discussed the problems of pay, pensions and the public safety radio communications project, although I very much welcome what the Minister said about the potential for its funding. We have discussed the National Criminal Intelligence Service and the national crime squad top cut. I believe strongly in such national squads—I had something to do with NCIS in the past—but we must strike a balance between what individual constabularies pay and the perceived benefit that they receive from the national squads.

The one area that we have not debated sufficiently is capital budgets. I am extremely concerned that we shall apparently have a freeze on the overall capital budget to the 1999–2000 figures, which in themselves were 50 per cent. lower than those for 1995–96. Given the increased demand for capital, one might expect the Government to be more responsive to need.

Most of what I have to say is unashamedly parochial and will relate to the Avon and Somerset police authority, which I had the great pleasure to chair for three years and for which I have great affection and respect. Avon and Somerset police do an excellent job, and in the main I like not only what they do but how they do it.

I worry, however, about the consequences for the force of this year's settlement. I know that the police authority will meet in the next couple of weeks to consider a budget that will give it stark choices. It faces a £7 million shortfall. Those of us who have been in local government know that such shortfalls are a regular occurrence, but the force has been recognised as particularly efficient and it has for some time been innovative in its management practices, so there is not a great deal of scope for efficiency savings.

Mr. Heald: Will the hon. Gentleman give way?

Mr. Heath: No, I am sorry, I do not have time to give way.

The settlement for Avon and Somerset is not the worst in the country. It is about two thirds of the way down the list; 27 authorities have done better and 11 have done worse. However, the settlement does not meet the inflation cost of the pay awards, which is £6.1 million, or the additional pension deficit of £2 million. It does not allow for a capital programme that goes beyond the basic investment in information technology needed to meet Government programmes, plus some maintenance of buildings, for which there is a £7 million backlog. The tragedy is that £9 million of capital receipts is locked in a cupboard and cannot be used. If that could be utilised, it would benefit the police authority.

The council tax benefit limitation scheme also penalises Avon and Somerset by £500,000, which in itself is the cost of 20 police officers. The Minister said earlier that he is faced with a currency of police officers, whereas in his previous job he was faced with a currency of teachers, but that is how we must look at these issues. What will happen if funds are limited in a manpower-intensive service such as the police? We will lose police officers. That, I fear, will be the effect in the Avon and Somerset force this year.

In the next couple of weeks, the police authority will be asked to approve a budget that next year will provide for 30 fewer police officers, less civilian support and fewer of the services that the constabulary would like to provide, such as financial investigation. That is not matched by a reduction in council tax. Far from it—there will be an 11.5 per cent. increase. The hon. Member for Northampton, North (Ms Keeble) said that people do not mind if taxes go up and they see the benefit in the service. People in Somerset will experience an 11.5 per cent. increase in the council tax for the police, on top of a 10.5 per cent. increase last year, but there will be 30 fewer officers on their streets. They will ask why that is happening and why they are being so badly served.

We may well come up trumps in the crime fighting fund application. Who knows? Maybe we will be given everything that we ask for, but I suspect not. If my hon. Friend the Member for Southwark, North and Bermondsey (Mr. Hughes) is right and we receive 27 officers from that fund, but lose 30 officers because of the general budget, it does not take a mathematical

[Mr. Heath]

genius to realise that we will be worse off in terms of the number of officers fighting crime in Avon and Somerset. That is a labour of Sisyphus for the constabulary, because every time we think that we can make improvements, the stone rolls back and we are worse off.

What can the Minister do? First, of course, he can argue—I am sure that he is doing so—for a greater total sum for the police, which is not keeping up with other services. For Avon and Somerset, he can argue also for the removal of the area cost adjustment, because there can be no justification for such an adjustment for a police service in which pay and conditions are determined nationally, yet that is maintained year after year.

There is also sparsity, which the Minister said he is addressing. Avon and Somerset is a strange police authority because we have urban Bristol, including St. Paul's, and Exmoor, and the two have rather different policing needs. We have to police a large rural area, and that must be recognised. Having sympathy for the concerns of hon. Members who represent rural areas is not equivalent to doing something about the formula.

We have a complicated formula for the police grant that awards authorities that have terraced housing. That is wonderful for us because we have Bath, with the Royal crescent, and Clifton with its Georgian crescents, and we get rewarded for that.

Mr. Geoffrey Clifton-Brown (Cotswold): Will the hon. Gentleman give way?

Mr. Heath: No, I am sorry, I do not have time.

Let us have some sense about the costs of policing, and a needs-based budget. There is also the establishment factor, which the hon. Member for South Derbyshire (Mr. Todd) mentioned. It does not fit with a needs-based formula to base 10 per cent. of a force's budget on historical accident, favouring those forces who happen to have been favoured many years ago.

I could say much more, but I want to give the Minister the opportunity to give a brief reply. Before I do so, I shall make one point. The effect of squeezing police expenditure is not that the police will investigate murders or other serious crimes any less effectively. It is the marginal activities that get squeezed, such as patrols and the provision of cover in rural areas, which affect the visibility of the police. Local commanders have difficulty in carrying absences and abstractions for major crimes, which means that the public have less confidence in their local police, and the police are less visible. I hope that no Member of the House wants that.

3.56 pm

The Minister of State, Home Office (Mr. Charles Clarke): I shall respond briefly to this useful debate. Pensions were mentioned by many hon. Members, who made legitimate points. That issue is difficult to deal with across government, not only in the police. As has been suggested, we need to sort it out. I make no party political criticism in saying that the matter was not addressed fully under the previous Government; it has not yet been fully addressed, and it needs to be dealt with.

I am glad that the National Criminal Intelligence Service and the national crime squad have been complimented. They are in a different position from other forces, but I am glad that many hon. Members have referred to the quality of their work and the importance of supporting them. I am strongly committed to doing so.

My hon. Friend the Member for Hayes and Harlington (Mr. McDonnell) and the hon. Members for Orpington (Mr. Horam) and for Chipping Barnet (Sir S. Chapman) powerfully made the suburban metropolitan case. I have not heard the suburban argument made that clearly before, and I shall consider those important issues, which fall between those of inner-city crime and those of rural deprivation.

The area cost-adjustment point is well made, but as I said earlier, the overall review conducted by the Deputy Prime Minister is dealing with that, among other matters. Many hon. Members criticised the formula and made interesting points. My hon. Friend the Member for Stroud (Mr. Drew) talked about how population movements are measured, which will be part of the process.

The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) mentioned the difficult issue of success being penalised, which runs through much of public policy. Obviously, the worse the problems in an area, the greater the inclination to give it more resources, but those areas that have done better then feel, reasonably, that their success is not being properly recognised. I take that problem very seriously.

I did not deal with capital in my opening remarks because of the limited time available. We are now in a period of stability for capital after successive years of cash cuts in police capital provision. Police capital funding next year will remain at this year's figure of £144 million, and our plans will allow police authorities to plan ahead with confidence. In addition, there are private finance initiative schemes.

I am sure that the numbers debate will run on. I merely want to emphasise that police presence on the streets is not simply related to police numbers. We had a meeting near Emneth, close to Norfolk, where there was a terrible murder last Thursday, and people raised the issue of the burden that the criminal justice system places on the police by requiring them to spend more time in police stations and not enough on the beat. There are issues of that kind that are at least as important.

I welcome the debate. I have tried briefly to respond to the points that have been made. I shall be happy to discuss these issues further outside the Chamber.

It being Four o'clock, MR. DEPUTY SPEAKER *put the Question, pursuant to Order [28 January].*

The House divided: Ayes 271, Noes 156.

Division No. 62] **[4 pm**

AYES

Abbott, Ms Diane	Beard, Nigel
Ainger, Nick	Beckett, Rt Hon Mrs Margaret
Ainsworth, Robert *(Cov'try NE)*	Bell, Martin *(Tatton)*
Alexander, Douglas	Bell, Stuart *(Middlesbrough)*
Allen, Graham	Benn, Hilary *(Leeds C)*
Anderson, Donald *(Swansea E)*	Benn, Rt Hon Tony *(Chesterfield)*
Armstrong, Rt Hon Ms Hilary	Benton, Joe
Atkins, Charlotte	Berry, Roger
Austin, John	Best, Harold
Banks, Tony	Betts, Clive
Barnes, Harry	Blackman, Liz
Barron, Kevin	Blears, Ms Hazel
Bayley, Hugh	Blizzard, Bob

Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Etherington, Bill
Fitzsimons, Lorna
Flint, Caroline
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hood, Jimmy
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Maxton, John
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moran, Ms Margaret
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Stewart, David *(Inverness E)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Vis, Dr Rudi
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wise, Audrey
Wood, Mike
Woolas, Phil
Worthington, Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Mike Hall and
Mr. Greg Pope.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brazier, Julian
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burns, Simon
Burstow, Paul
Butterfill, John
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Duncan, Alan
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael

Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
George, Andrew *(St Ives)*
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Kirkbride, Miss Julie
Kirkwood, Archy
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Livsey, Richard
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wilkinson, John
Willis, Phil
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and
Mr. John Randall.

Question accordingly agreed to.

Resolved,

That the Police Grant Report (England and Wales) 2000-01: (HC 169), which was laid before this House on 27th January, be approved.

MR. DEPUTY SPEAKER *then put the remaining Question required to be put at that hour.*

Resolved,

That the Police Grant Report (England and Wales) 1998-99: Amending Report 2000-01 (HC 170), which was laid before this House on 27th January, be approved.—*[Ms Armstrong.]*

Mr. Crispin Blunt (Reigate): On a point of order, Mr. Deputy Speaker. An announcement is running on teletext that the Secretary of State for Northern Ireland is to make a statement to the House later tonight. Have you had notice that we can expect such a statement, or is that simply speculation by the BBC?

Mr. Deputy Speaker (Sir Alan Haselhurst): Had the hon. Gentleman been present for business questions, he would have heard the Leader of the House foreshadow the possibility that there would be a statement later today. I cannot add to that, but notice has certainly been given to the House.

Local Government Finance

4.13 pm

The Minister for Local Government and the Regions (Ms Hilary Armstrong): I beg to move,

That the Local Government Finance Report (England) 2000–01 (HC 160), which was laid before this House on 27th January, be approved.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this, it will be convenient to discuss the following motions:

That the Local Government Finance (England) Special Grant Report (No. 52) (HC 161), which was laid before this House on 27th January, be approved.

That the Local Government Finance Report (England) 1998–99: Amending Report 2000 (HC 162), which was laid before this House on 27th January, be approved.

Ms Armstrong: I shall set the financial settlement in the context of the Government's radical reform for local government. Modernising and improving public services is central to the Government's approach, to enable people throughout the country to have a higher quality of life. High-quality, accessible and affordable local public services are an essential part of community life.

Promoting the economic and social regeneration of our villages, towns and cities, tackling crime, ensuring that our schools deliver excellence, maintaining decent health and social care, enhancing the local environment, and protecting our most vulnerable citizens—all these are responsibilities which local government at its best fulfils best in partnership with others.

Our ambitious and long-term reform agenda for local government requires a long-term approach to the funding of public services. As my right hon. Friend the Prime Minister has made clear, dealing with the Tory inheritance has taken and will take time. We are determined not to make the mistake of boom and bust, and instead have sought to create a stable economic climate within which our public services can develop and improve over time.

Mr. A. J. Beith (Berwick-upon-Tweed): I am grateful to the right hon. Lady for giving way. I must point out to her that the only thing stable about education funding in Northumberland is the fact that we are still working on the plans of the previous Government, and that even this year the education standard spending assessment for Northumberland is one of the lowest of any shire county. When can we hope for some improvement in the situation in which children in Northumberland have so much less spent on them per head than in so many other parts of the country?

Ms Armstrong: As the right hon. Gentleman knows, there has always been a system of redistribution, taking account of need. We have paid greater attention to the sparsity factor, which has benefited Northumberland. I know the problems of Northumberland because, as the right hon. Gentleman knows, my constituency is separated from it only by the river.

The problems are being tackled. There has been a 4.4 per cent. increase in education funding this year. Everything possible is being done to ensure that all children in Northumberland get the opportunity that they deserve.

A distribution formula inevitably means that not every place gets exactly the same amount of money per child, but we are conducting a review and looking at how we can ensure that people throughout the country know that they are getting a better deal. They know that this year because, however low education spending in Northumberland is, it is a lot more than it was in the last three years of the previous regime.

Mr. Peter Atkinson (Hexham): Will the Minister give way?

Ms Armstrong: I am sure that the hon. Gentleman, who is my neighbour, will speak later in the debate. I must make progress.

We were acutely aware that local government inherited a short-term challenge, exacerbated by a 4.3 per cent. cut in real terms in the three years preceding 1997. There has been no such cut since this Government were elected. I am pleased to confirm today that this year's settlement will mean that over the first three years of this Government, grant to local councils will have increased by £6 billion. That is a real-terms increase of 7.8 per cent., compared with a 4.3 per cent. cut in the three years preceding the election of a Labour Government.

Mr. Andrew Robathan (Blaby): I am grateful to the right hon. Lady for giving way. May I move the debate from Northumberland down to Leicestershire? The right hon. Lady may not know that Leicestershire has the lowest standard spending assessment for education of any shire county. The Government's recommended spending on education in Leicestershire would involve a 3.3 per cent. cut per pupil. However, that is not going to happen, because Leicestershire county council is to spend more than the recommended amount.

Will the Minister speak to her right hon. Friend the Secretary of State for Education and Employment and explain, first, that Leicestershire is concerned about the small amount of money that it is getting from the Government through the education SSA and, secondly, that the leader of the council is not the chief executive? Although the Secretary of State has been told that on more than one occasion, he keeps writing to the chief executive, Mr. Sinnott, as the leader.

Ms Armstrong: The average increase in education standard spending assessments is higher in shire counties than in metropolitan counties. That means that Leicestershire received a higher increase than many other authorities. Not everybody can be average or at the top in a system that uses a distribution formula.

Mr. Peter Atkinson: Will the right hon. Lady give way?

Ms Armstrong: I shall be neighbourly to the hon. Gentleman.

Mr. Atkinson: The Labour leader of Northumberland county council has written to the Secretary of State for Education and Employment to plead for extra help. Northumberland county council has had to cut its education budget and, consequently, it cannot take

[Mr. Atkinson]

up £2.8 million of standards fund money because it does not have the match funding. Schools in Northumberland currently face that problem.

Ms Armstrong: Despite the substantial increases, some authorities and schools have historically received low funding. The hon. Gentleman knows that, under the previous Government, his local authority suffered substantial cuts. The Government have ensured increased funding. We have not been able to put everything right, because righting all the previous Government's wrongs will take time. We are considering the third settlement. I remind the hon. Gentleman of the real-terms increase of 7.8 per cent. for local councils since the general election, in contrast with what was happening before the election.

The Government are mindful of the long-term challenges that local councillors face, and appreciate that they are eager to modernise the fabric of the community through capital investment, of which the Tories starved them. We have therefore made available more than £6 billion of additional capital to invest in schools, homes and other much-needed community facilities.

Additional resources must be invested wisely. That is why we are committed to modernising the local government finance system, which at present makes up in complexity for what it lacks in transparency. If local councils are to plan ahead and work effectively in partnerships, they need assurances about the stability of future funding. That is why we announced totals for SSAs and grant for three years, during which we do not expect to change the SSA formulae. The Local Government Association welcomes that move.

Sir Paul Beresford (Mole Valley): Will the right hon. Lady explain the enormous variations between last year and this year, and the rumours that they are caused by a glitch in a computer, which affected the previous year's data?

Ms Armstrong: I do not deal in rumours. Changes have been made this year because of the additional investment that we are providing, and because of changes in data. As the hon. Gentleman knows, we have consistently said that we would change not the formulae, but the data. Of course changes have occurred, but the good treasurers were able to predict what would happen.

We continue to work with the LGA to review the revenue grant and capital control systems to ascertain whether, together, we can achieve a simpler, fairer system that puts the grant where it will do most good. That is why we are implementing radical proposals for a more efficient, transparent and accountable local democracy.

We have abolished crude and universal capping and we no longer set authorities' spending limits in advance. Those changes make councils more accountable to local people for their tax decisions. In general, councils responded well to that approach in 1999–2000. Unlike Conservative Members, the Government are not in the business of forecasting council tax increases. Indeed, it is becoming a tired old ritual for Opposition Members to forecast high council tax increases and make alarmist predictions that rarely materialise.

Mr. Nigel Waterson (Eastbourne): The Minister cannot divorce herself entirely from the impact of the settlement on council tax, because real people pay that tax through real councils. Many of those people face hardship in paying increased council tax.

Ms Armstrong: That was an interesting intervention. Given the hon. Gentleman's predictions, I wonder about his intentions. Today, he predicted increases of more than 10 per cent. Is he trying to encourage authorities to do that? Last year, Labour councils increased council tax by 6.1 per cent., whereas Tory councils raised it by 7.6 per cent. Perhaps the hon. Gentleman is trying to encourage profligate spending by Tory authorities. Thank goodness there are not many of them.

It is important that councils consult local people and consider fully the scope for increased cost-effectiveness before setting their budgets. I am delighted to say that, since I announced the provisional figures in November, efficient management of the transitional costs of local government reorganisation has produced a saving of £35 million. As part of the Government's continual drive to ensure that investment is focused on front-line services, I decided to return the £35 million through an increase in grant support to local authorities to help them fund service improvements and keep council tax increases down.

In addition, my right hon. Friend the Secretary of State for Education and Employment recently confirmed that an extra £50 million for schools will be paid through a special grant to all education authorities.

Mr. Adrian Sanders (Torbay): But to qualify for that £50 million, local education authorities must maintain last year's education budget as well as finding extra cash to match the Government's increase on the education SSA this year.

Ms Armstrong: My right hon. Friend has written to local authorities to say that he is interested in the way in which they will pass the education money to schools. He will examine that before he makes a decision. I am happy to support my right hon. Friend.

Overall Government grant to local authorities will be £41.9 billion in 2000–01. That is nearly £2.3 billion or 5.8 per cent. more than in 1999–2000.

Mr. David Watts (St. Helens, North): Depopulation in many poor areas causes severe problems in maintaining standards and services, and for the council tax. Will my right hon. Friend specifically consider the poorest areas, such as St. Helens and Barnsley, which are suffering while we wait for the review of the SSA system? We all want that to happen as soon as possible.

Ms Armstrong: I shall tackle that later in my speech.

As I said, the overall effect of our policy is an increase this year. Total standard spending will be £53.6 billion, which is £2.9 billion or 5.8 per cent. more than in 1999-2000. Individual authorities' SSAs will have moved slightly since the provisional figures were announced in November to reflect updating or corrections to data. I do not propose a change in the method of calculating SSAs, except when that is needed to take account of the changes that are connected with establishing the Greater London Authority. However, in a formula-based system such as the standard spending assessment, changed circumstances change the amount of grant that individual councils

receive. Specifically, when the data that feed into the formula change, the SSAs for individual authorities change. Those changes led to representations on three issues in particular.

Lower interest rates affected the distribution of the element of the SSA that relates to capital financing. The authorities that lost by that change—principally metropolitan authorities with debt, but low interest receipts—suggested to me an alternative means of calculation. I understand their argument that using an interest rate at a particular point in time may not be representative of a whole year. However, we have said that we intend to stick to the existing method of calculating SSAs and we have to be consistent in that. I must also make the obvious point that reducing interest rates results in a reduced cost to authorities of servicing debt. That is reflected in the particular SSA.

A number of representations suggested that more grant be given to those authorities with the lowest grant increases and that the threshold of 1.5 per cent. that we had proposed for central support protection grant be increased. The Government, though, have to strike a balance between protecting authorities with low increases and allowing the new data to work through the grant formula to give larger increases to others. I consider that we have that balance right.

Authorities such as those to which my hon. Friend the Member for St. Helens, North (Mr. Watts) referred—which lost grant because of data changes and, in particular, declining population—suggested that we should introduce a mechanism to phase in those losses. I am not persuaded that that would be sensible. It must be true that, other things being equal, a decline in local population will feed through to lower spending. However, that is one of the issues that we shall continue to examine as we consider the review.

I have considered those and other points carefully. However, I remind the House that our July 1998 White Paper, "Modern Local Government—In Touch with the People", set out our plans for the period of the review of revenue grant distribution. We stated that although we did not expect to change the method of distribution, we would update the SSAs of individual authorities to reflect changes in the demands for their services, as reflected in the data used to calculate SSAs. We see no reason to change that view. Therefore, I do not intend to make any changes to the basis of grant distribution that I proposed on 25 November.

The Local Government Association sought information about the arrangements for phasing in the effect of grant changes. I accept its argument, which chimes with the Government's emphasis on providing a stable financial environment in which authorities can plan and deliver better services. I therefore announce today that we intend, for 2001-02, to use the same arrangements for phasing in grant changes as for 2000-01. That means that no authority will lose grant, and local authorities with education and social service responsibilities will receive a grant increase of at least 1.5 per cent.

I also intend to maintain stability in another area that relates to council tax benefit subsidy. We received and considered representations on our proposals for subsidy limitation. Some were opposed to the scheme itself and some sought modifications. However, none convinced me that the basic principle behind subsidy limitation is wrong. Local authorities will therefore continue to contribute to the benefit costs of council tax rises, if those are above a guideline. The guideline will operate cumulatively, as we said last year. In other respects, the scheme remains as last year.

Mr. Christopher Chope (Christchurch): I understand that the guideline is about 4.8 per cent. Why is that so much above the rate of inflation? Does it not demonstrate that the Minister knows that the consequence of the grant settlement is that council tax rises will be significantly above the rate of inflation next year, as they have been in the last two years under this Government?

Ms Armstrong: The hon. Gentleman has a short memory. He knows that when he was in charge of these things—or at least when he was one of the Ministers in the Department—he supported changes that drastically changed the amounts raised through central Government grant and locally. The balance was redressed slightly by changing the basis of that, but his Government changed those amounts. That has been maintained, but we are considering it in the review. It is not true that the guideline is 4.8 per cent. and it is not true that councils have to spend up to it. Councils have already planned to spend well below the guideline, which is not a suggested council tax increase but the guideline at which council tax benefit subsidy limitation kicks in. That is a very different matter.

Mr. Harry Barnes (North-East Derbyshire): An aspect of the council tax benefit subsidy limitation scheme presents a problem. Parish council precepts are included in the amounts to be considered, but parish councils are in control of their own expenditure. Some authorities have a great number of parish councils in their area, so should not that matter be removed from these considerations?

Ms Armstrong: I have considered that. It would be difficult to administer my hon. Friend's proposal and the cost of administration might far outweigh the amount that would be taken. Following discussions with the National Association of Local Councils, we decided not to go down that road. However, I understand his point.

Mr. Sanders: I am grateful to the Minister for giving way a second time. Combined fire authorities, which have no control over the local authorities that set their budgets, are affected by the council tax benefit subsidy limitation scheme. Will she consider making reforms, as the scheme is very unfair to them?

Ms Armstrong: I do not accept that argument. Combined fire authorities comprise representatives from member authorities, and it is their responsibility to ensure that decisions taken by the combined fire authorities do not inflict exacting tolls on the council tax payer. It would not be fair to put that liability on to the other authority, which does not set the tax.

Mr. Sanders: The Minister has that the wrong way round.

Ms Armstrong: I do not; maybe you have.

Mr. Deputy Speaker: Order. I am sure that the Minister did not mean to refer to me.

Ms Armstrong: Absolutely not—I apologise, Mr. Deputy Speaker. The liability rests with the authority

[Ms Armstrong]

that sets the budget. If the fire authority sets the budget, council tax benefit subsidy limitation impacts on that budget. The authority must take responsibility for the decisions that it takes.

This is the third local government settlement under the Government and the second within the comprehensive spending review. We are providing unprecedented financial stability for local government, together with proper funding. I acknowledge that some authorities face difficulties. That is why we are continuing to seek long-term reform of the local government finance system. Our proposals for 2000-01 have been widely welcomed by local government. They represent the best deal for local government since the introduction of the council tax. They lay the foundation for reform and modernisation, and enable councils to plan effectively for the provision of decent public services that underpin strong communities. I commend them to the House.

4.40 pm

Mr. Nigel Waterson (Eastbourne): Here we are again, Mr. Deputy Speaker.

This is a Government who like to pretend that they are the friends of local government. They talk a great deal about enhancing local democracy and use that famous word in the new Labour dictionary, "modernisation". When this Government start talking about modernisation, it is time to start counting the spoons. The last thing that they want is vigorous, independent, representative local councils standing up for local people and opposing harmful policies imposed by central Government. As we see from their attitude to the London mayoral race, there are clear limits to devolution under this Government. They are not prepared to tolerate a mayoral candidate who will not wear a pager and take his lead from Millbank or No. 10.

In the rest of the country, the Government wish to impose their own blueprint for local government structures. The Secretary of State is now leaving the Chamber; I am sorry about that. The Government also refuse point blank to allow the so-called fourth option—to let councils and local people choose the status quo if it suits their needs. Yet so unsuccessful have the Government been in attracting genuine support, rather than sullen acquiescence, from councillors for their plans that not one solitary councillor in Labour-controlled Camden could bring himself or herself to support their plans for reorganisation.

Ms Armstrong: That is not true.

Mr. Waterson: I understand that the council voted 40-something to zero, with three abstentions, against the Government's plans for reorganisation and that one of those who abstained was the Labour leader of the council. If the Minister thinks that I am wrong, however, I shall be happy to give way to her.

Ms Armstrong: Council members properly abided by the group whip, which demonstrates, to an extent, that the current committee system does not provide full, free and open access to discussions relating to decisions.

Mr. Waterson: This is unreal. The Minister is saying that the Labour group debated her proposals for local government modernisation and decided against them, and that there was then a Labour whip against those proposals. She really should take stock. Is it the case that everyone else is wrong, and she is right?

The Minister may not agree with me about Camden, although I believe that that is a matter of record. She may know, however, that there is a campaign in the Labour party for open local government, which claims to have more than 1,000 Labour councillors as members. *[Interruption.]* I am sorry if hearing this is painful for Labour Members, but it is what happens when the Government's policies part company with the aspirations of grass-roots Labour party members. Sometimes, that also brings about ministerial resignations.

Ms Armstrong: I will not resign.

Mr. Waterson: The last thing that Conservative Members want is for the Minister to resign, but I was referring to the hon. Member for Liverpool, Walton (Mr. Kilfoyle).

Nowhere is the Government's control freakery more apparent than in local government finance. Their approach reeks of it. Yet again, we have heard much from the Minister about stability; but, as I said at the time of the original statement, it is no consolation for a council that is treated unfairly in year 1 to be told that it can make plans on the basis that it will be treated just as unfairly in years 2 and 3.

Let me take this opportunity to ask the Minister in more detail how she and her colleagues are progressing with the review of the working of standard spending assessments. I am sure that that is of interest to hon. Members on both sides of the House. According to what I last heard, 19 countries' systems were to be considered. I believe that that has now been narrowed down to four: four countries are to benefit from a ministerial visit, or junket. It would be interesting to know what time scale Ministers have in mind for the reaching of conclusions.

The Government are trying to downplay the significance of the settlement. That is hardly surprising; I do not blame them. Let us look at the facts. The settlement confirms that, over the past three years, the Government have channelled £425 million out of county councils, and £180 million out of London boroughs, in order to subsidise largely Labour-controlled metropolitan councils. In this year alone, shire counties' standard spending assessments will be £160 million below the level that they would have reached without the Government's changes to the funding formula.

Mr. Tim Loughton (East Worthing and Shoreham): Does my hon. Friend agree that the migration of funds from the shires to spendthrift northern metropolitan boroughs under Labour control is all the more absurd when the population figures are rising in the south-east—and, because of that, the Deputy Prime Minister wants to impose 1.1 million new houses on us—while the population figures in northern boroughs are falling? Is not the per head settlement weakening all the time in the south-east?

Mr. Waterson: I am grateful to my hon. Friend for making a point that neatly links this debate with the debate that we had only yesterday.

This year's settlement was particularly hard on shire district councils. Funding for environmental protection and cultural services was cut in real terms, and that makes up a substantial proportion of district council spending. District councils are set to lose 6.1 per cent. of their cash revenue support grant; if we take inflation into account, that means a cash shortfall of more than 8 per cent.

The Government say that they are increasing the grant to every authority. That, however, has been achieved because of a large surplus on the business rate pool from last year, which the Government are obliged to transfer to local authorities. I think it fair to say that, without that money, many councils would face steep cuts—actual cuts—in their overall grant.

Mr. Peter Atkinson: May I return my hon. Friend to the subject of shire counties? The Government do not necessarily discriminate: Labour-controlled Northumberland county council has suffered badly in terms of cuts. I have been sent the records of a meeting between staff and council officers who are worried about the situation. They are quite revealing. The staff said:

"The commitment to spending at SSA in relation to education will mean a cut in school budgets—perhaps a commitment should be made to school budgets rather than SSA."

The answer was:

"The council is going through a process of closing old people's homes and cannot spend above SSA for education because of the implications for other services."

Further on in the minutes, a 6.5 per cent. increase in council tax is predicted.

Mr. Waterson: That paints a bleak picture of how Northumberland will fare as a result of the settlement. I intend to return to the Northumberland example when I deal specifically with education.

The Minister adopted an extraordinarily detached attitude to council tax levels, as if they were an act of God and wholly unrelated to the settlement that we are debating. However, last year's increase of 6.8 per cent.—a sharp rise under this Government—came on top of a record increase of 8.6 per cent. the previous year. The average band D household is already paying £100 more in council tax this year than when Labour took power.

That would be bad enough were it not for the fact that, if council spending increases at the same rate as last year, council taxes could go up by more than 10 per cent., with an average band D household facing a further rise of £85. By the end of the process, many homes throughout the country could pay getting on for £200 more in council tax than at the general election. We are not necessarily talking about wealthy people. Ordinary families on tight budgets and elderly people who have trouble meeting such bills may face those costs. Those are serious matters.

If one goes into the figures in even more detail, it will produce some interesting results. If one looks at the real-terms changes in SSA and TES—total external support—one will reach the following conclusions. Last year's settlement was notably biased against councils in the south of England, a point that was made by my hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton). Councils in the south of England and the west midlands will have a smaller percentage of their SSA real-terms increase matched by a TES real-terms increase. The Minister is right to say that council taxes are fixed by councils, but within constraints. That produces the potential for higher-than-average council tax increases in those very councils.

Dr. Alan Whitehead (Southampton, Test): I am somewhat puzzled. Is the hon. Gentleman saying that, somehow by magic, the formula on which the settlement is based has surreptitiously been changed without anyone noticing, or that the method by which the SSA is formulated is the same as it was under his Government? Therefore, provided the rules have been kept to, the Government are simply carrying out the formula. While he is at it, is he not saying that, if it were not for the fact that there is more money from the business rate, there would be less money? That seems a strange method of opposing a settlement.

Mr. Waterson: Yes, I am saying that in the first year of the three-year process, the goalposts were moved. The point about the business rate is that, were it not for the surplus from last year, the Government would be looking at real cuts in grants for certain councils.

Let us do a political analysis of the real-terms increases in both SSA and TES for councils and look at the party political control of the councils. The TES increase as a percentage of the SSA increase—a crucial part of the formula—for Conservative-controlled councils is 55.3 per cent., compared with 62.6 per cent for Labour-controlled councils. If it is any assistance to the Government's friends on the Liberal Democrat Benches, the equivalent figure for Liberal Democrat-controlled councils is 53.5 per cent., so they might have something to say about the way in which the councils that they temporarily control are treated by the Government in one or two of those Cabinet Committees.

Therefore, a smaller percentage of the SSA real-terms increase of Conservative and, incidentally, Liberal Democrat-controlled councils will be matched by a TES real-terms increase. As I have said, that lays the groundwork for higher-than-average council tax increases in those councils, even though the Minister went out of her way to suggest that it was nothing to do with her.

As we have heard, the methodology was not altered this year. We are part of a three-year cycle. There are 21 authorities whose total SSA in 2000–01 will be lower in real terms than in 1999–2000, assuming inflation of 2.5 per cent. One of the them, Tewkesbury, will suffer a fall in SSA. The reason why most—in fact all, except the London borough of Merton—of the councils on that list are shire district councils is because the increase in funding to local government was directed primarily at education and social services. That is a major reason why those councils have been treated unfairly.

The other point, which I think is accepted by the Minister, if I understood her properly, is that the year-on-year changes are data driven. They are based on size, composition of population and so on. They have nothing to do with decisions by Ministers. That is one of the pitfalls of having a three-year period in which no changes are made to SSAs, and in which Ministers have said that they are unwilling to receive representations other than in writing from local councils.

Additionally—this point was made earlier in the debate—some police and fire authorities are receiving a below-inflation increase: Merseyside and West Yorkshire are two examples. That also will have a serious knock-on effect in the areas affected.

[Mr. Waterson]

A moment ago, I touched on the question of representations. The other day, in answer to a question of mine, the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Stretford and Urmston (Ms Hughes), listed eight authorities that had made requests in writing for meetings to discuss the financial settlement for the coming year. She makes it clear—because this is the basis on which they entered the process—that

"No Minister from this Department met those authorities to discuss their representation",—[*Official Report*, 1 February 2000; Vol. 343, c. 518W.]

although Ministers did receive representations in writing and from the Local Government Association and other bodies.

Again, however—I have made the point before, but I happily make it again—it really cannot be right to have a system that allows Ministers to avoid the necessity of meeting delegations from local authority areas to discuss whether they have been fairly treated. When the previous Government were in power, Ministers regularly met such delegations—I led delegations myself, from Eastbourne—and they listened patiently and courteously to those representations. That is, in part, what Ministers are for.

It is really quite a difficult concept in a parliamentary democracy to have Ministers who refuse to have that type of consultation.

Mr. Watts: I took part in delegations to see the previous Administration about various problems, but we were shoved through one door and out the next. Very rarely did anything come from those meetings; they were pointless. Often, the Ministers did not understand the issues that we were raising and showed very little interest in the problems facing local authorities.

Mr. Waterson: Perhaps it had something to do with the leadership of the delegation. My experience is that Ministers were unfailingly courteous, and—in the shape of my hon. Friend the Member for Mole Valley (Sir P. Beresford), who is in the Chamber—extremely knowledgeable indeed, having been leader of an extremely well-run local authority.

Sir Paul Beresford: There is a contrasting view, as Ministers sometimes had to recognise that those who were in a delegation did not understand the points that they were trying to make. Occasionally, graphs we were given were filled in upside down. When it was pointed out to them that the axes had slightly changed, their whole argument would collapse. However, that said, there was much positive gain from receiving those deputations. In the final year of the previous Government, my fellow Ministers and I saw about 92 delegations, which was beneficial.

Mr. Waterson: Perhaps I can draw a line under this particular part of the debate by admitting that there were occasions when I was present when I had the eerie feeling that no one in the room understood the point that was being discussed—but perhaps that is the nature of SSAs. We are hoping that the Minister will come up with a whizz-o, easy-to-understand new system; we shall see.

There are other ways in which the Government, through the local government finance system, are trying to impose their own agenda on local government. One of them is the growing use of specific grants. Conservative Members are friends of the block grant. We think that, in the past, our Government, too, were guilty of having too many specific grants, in which the Government think that a particular priority is important and impose that sense of priorities on local government.

The figures on specific grant are quite significant. *[Interruption.]* For education—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman. Could I persuade the right hon. Lady the Minister that a running commentary is not helpful?

Mr. Waterson: I have learned not to listen, Mr. Deputy Speaker.

The figure for education specific grant, in 1997–98, was £302 million. In 2000–01, the outturn is £1,475 million. For personal social services, it goes from £193 million to £611 million. Those are very significant changes.

Mr. Loughton: The issue is not just specific grants the purpose of which is controlled by central Government. Grants are being phased out and the majority of the additional money available to local authorities is through loans. That gives the Government even greater central control over the use of the money, regardless of local needs and the democratic wishes of the people who elected the councillors.

Mr. Waterson: My hon. Friend gives another good example of how local decision making is being constrained.

If the Minister does not want to accept what I am saying, she should listen to the Labour-dominated Local Government Association, which has said that non-police specific grants have doubled as a proportion of aggregate external finance since 1997–98. Combined with more indirect forms of hypothecation such as passporting and ministerial exhortation, that has led to a significant erosion of local financial accountability. Given the usually restrained language of the LGA, that is a serious allegation.

Then we come to teachers' pay. The LGA has expressed concern that the 3.3 per cent. pay settlement announced only a couple of days ago could mean fewer staff and larger classes if the Government fail to give local education authorities extra resources, because most LEAs have put aside 3 per cent. or less for pay rises. There is a shortfall across the board of £110 million. I do not necessarily expect the Minister to accept that from me, but she must listen to Councillor Graham Lane, the Labour chairman of the LGA's education executive, who has said:

"This pay rise is £110 million more than LEAs put aside in their budgets. Unless the Government meets the shortfall there will be less money to employ teachers and class sizes will rise while standards drop."

That is the voice of Labour local government. My hon. Friend the Member for Hexham (Mr. Atkinson) told us in stark detail of the repercussions of the settlement for Northumberland, in particular the fact that the county is going to have to cut its education budget.

Another disturbing development has just come to light.

Mr. Eric Illsley (Barnsley, Central): How does the hon. Gentleman reconcile what he has just said about the restraints on local government caused by specific grants and the fact that authorities are not able to choose how they spend some of their money with the statement that he accepted from his hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton) that northern authorities are spendthrift? How can they be spendthrift if they are being constrained in spending the money that they have?

Mr. Waterson: My hon. Friend said that northern authorities were doing better than non-Labour-controlled authorities further south under the three years of the settlement. I agreed with him.

I should like to mention a specific and technical education issue that the hon. Member for Torbay (Mr. Sanders) has already referred to—I think that this is the same point that he raised. The Government's decision to ease pressure on education budgets following the removal of £150 million from the education SSA has attracted support from the LGA and elsewhere. The Government consulted on how the extra £50 million would be distributed. It has recently emerged that the Secretary of State for Education and Employment has decided—not suggested, as the Minister said—to allocate all the additional £50 million through specific grant, with the additional caveat that, before deciding whether to release an LEA's share of the money, he will need confirmation that the whole of the increase in the education SSA has been passported through to education. That is unprecedented and is causing great concern in the LGA and elsewhere. It runs counter to the traditional notion of a block grant, under which authorities were allowed to distribute money between services as they saw fit. For the first time, there will be a financial penalty for failing to comply with the Government's view of how the money should be spent. One of the documents sent to me describes that as "a very disturbing precedent".

Mr. Chope: Will my hon. Friend confirm that it is particularly disturbing for local authorities that are spending above the level of their education SSA, as they will be penalised by this extraordinary action by the Government?

Mr. Waterson: My hon. Friend is absolutely right to say that there will be an extra penalty for those education authorities. That entirely sums up the Government's approach—they do not trust local government to make decisions.

Another issue is the cost of Government initiatives. We are always hearing about the Government rolling out new initiatives on this, that or the other, but they all have to be paid for locally. That means that councils are often running up a lot of expenditure—on officers' time and so on—on the initiatives. Some councils have begun to strip out from their figures the cost of these initiatives, which shows that the costs are mounting at the moment.

I ask the Minister again not to claim that she has abolished capping, because that is just not true.

Ms Armstrong: Cruel and universal capping.

Mr. Waterson: The Minister says more from a sedentary position than she ever says at the Dispatch Box during these debates. She has replaced cruel and universal capping with two versions of capping. First, there are the so-called reserve powers. I have described these before—councils worry about a knock on the door in the middle of the night after the event, when they are told that they have spent too much. They never know from one year to another whether they will be invited in for a ministerial ticking-off.

Secondly, there is so-called refined capping—the council tax benefit subsidy limitation scheme. The scheme is a precise and targeted way, as the LGA has said, of making the nearly poor pay for the really poor. The nub of what the Minister said was that she had had representations from local government and that she was not going to take a blind bit of notice of any of them. The scheme will continue, and on a cumulative basis. Our policy in the next Parliament is not to have capping at all. *[Laughter.]* I thought that that would go down well.

The best value regime is in danger of turning into an expensive farce, with some councils having to cope with no fewer than 179 performance indicators. A good idea—which, in many respects, grew from the success of compulsory competitive tendering under the Conservative Government—has been strangled by this Government's over-prescriptive and nannying approach to local government. The LGA says that the costs of implementing best value are causing problems for smaller authorities in particular. We should not forget the draconian powers that the Government took in the Local Government Act 1999 to intervene in the running of councils which they did not think were up to scratch.

Last year, some social services SSAs declined in Labour heartlands such as Hackney, Lambeth and Newham. It is no wonder that hon. Members such as the hon. Member for Walton are beginning to lose faith in the Government's attitude to old Labour heartlands around the country. We all know the pressures on local social services departments, and there will be hardship as a result of this settlement—let us be in no doubt about that. In addition, many local businesses will be picking up the bill in business rates for the Government's unfair treatment of some parts of the country.

On a brighter note, we welcome the Government's announcement yesterday about the appeals system for business rates. A new programme has been set out, so that ratepayers will have an idea when their appeals are to be considered by the valuation officer or the valuation tribunal. The Government say that they are encouraging the early submission of appeals. We can all envisage that there will be many appeals under the new revaluation, and it is to be welcomed that the system will be streamlined to some extent.

The problem of asylum seekers and refugees is causing much concern to some councils. The LGA has spoken of the uncertainty of funding

"having a damaging effect on the voluntary dispersal scheme for adults and families with children".

It continued:

"Local authorities are concerned about the perceived lack of an overall strategy for funding the particular additional service needs of asylum seekers and refugees."

I hope that the Minister will let us know when she winds up the debate whether more flexibility can be introduced into the system to deal with that specific issue.

Mr. Loughton: My hon. Friend will know that Gatwick airport is in the neighbouring county to mine.

[Mr. Loughton]

Because of the number of asylum seekers, especially children, coming through the airport, social services in West Sussex have faced a 50 per cent. increase in the number of children requiring care in the past year alone. The social services SSA for the past five years has decreased by 16 per cent. Does he agree with the Minister when she described as "profligate" attempts by counties such as mine to keep up social services spending, which will involve an extra £4 million on the budget, despite the decline in the SSA and the additional factors such as asylum seekers?

Mr. Waterson: My hon. Friend makes a good and serious point. The Home Secretary was unable to tell me the other day how many asylum seekers and refugees are living in my constituency. We do know that more than 200 were assigned to local GPs in Eastbourne in November and December last year. It is only when people present themselves to some branch of health or social services that one knows they are there. *[Interruption.]* I now have a running commentary from two lady Members on the Labour Benches. I am very grateful, but they are drowning each other out.

Ms Armstrong: The hon. Gentleman may not realise it, but one must register with the local social services department in order to qualify as a refugee or asylum seeker.

Mr. Waterson: Does the Minister really believe that 100 per cent. of them ever do register? As we all know, many places such as Eastbourne have large numbers of asylum seekers and refugees sent there by London boroughs that will not perform the simple courtesy of informing the local council that they are coming. Local communities deserve more support from central Government to meet the costs entailed, and the asylum seekers themselves need support more than most, in language, health and social services.

Mr. Edward Davey (Kingston and Surbiton): The hon. Gentleman's point about asylum seekers and refugees is pertinent to my local council, the royal borough of Kingston. We have several demand-led pressures, including asylum seekers and homelessness, of which the SSA does not take account. The council faces £4 million of cuts because of the allocation it has received from the Government. However, under the Tories, Kingston council's grant was cut year on year. The problems we now face are exacerbated because of the council's inheritance from the Tory years of misrule.

Mr. Waterson: One can never accuse the Liberal Democrats of not being even-handed in their abuse. When it comes to local government, Labour is all talk and no delivery. Despite all the rhetoric about this year's settlement for local government, the reality is that the council tax has already risen sharply under Labour and could go up next year by more than 10 per cent. All together, band D households could be nearly £200 worse off under Tony Blair's Government. It is another example of the great Labour lie.

Labour's figures are biased against the south of England. County councils, London boroughs and shire district councils are all losing out. Education authorities, as we have heard, will be short of a total of £110 million to meet the teachers' pay settlement. Even Labour leaders in local government admit that that will mean fewer teachers or larger class sizes—or both. The Government are threatening education standards as well as law enforcement.

The Government's attitude to finance for local government is symptomatic of their control freak tendency. They have a centralising agenda and are taking more and more control over what local councils spend. They are undermining local government and local choices. The Labour Government are ripping off local government.

5.15 pm

Mr. Jim Marshall (Leicester, South): The hypocrisy and bare-faced cheek of Opposition spokesmen and women, on not only this subject but every aspect of Government policy, are incredible, but their attitude is especially inappropriate when we are discussing local government finance.

The hon. Member for Eastbourne (Mr. Waterson) criticised the Government for not doing enough to encourage what he called the vigour and independence of local government. I happen to believe that that accusation is unjust: I think that the Government's attitude to local government is in tune with their devolution policy generally, devolving power away from the centre and enabling more and more individuals, at national, regional or local level, to take the decisions that affect themselves.

Let us compare the hon. Gentleman's accusation with the practice of the previous Tory Government from 1979 to 1997, when year by year they took power and responsibility away from local government and put constrictions and constraints and a straitjacket on local authorities such as had never been seen before. It is bare-faced cheek for him to accuse my right hon. Friend the Minister of seeking to undermine the independence and power of local authorities.

Sir Paul Beresford: Does the hon. Gentleman agree that the movement of funds into specific grants, with the ties and straitjackets involved, is a form of centralisation? If not, he disagrees with the Secretary of State for Education and Employment.

Mr. Marshall: There is clearly some justification for that point. I have some fears about the direction that the Government are taking on that matter, but I think that central Government have a right, when trying to improve standards and to experiment at local level, to ensure that the necessary funds are spent on the services to which improvements are sought rather than on the generality of services.

The hon. Member for Eastbourne also accused my right hon. Friend the Minister of fiddling the formulae to benefit Labour authorities. If the Government are doing that, they are signally failing in my local authority in Leicester. The accusation is totally inappropriate from the spokesman of a party that, in government, fiddled the figures to such an extent that Westminster, one of the country's wealthiest local authorities, with some of the wealthiest people, received an exorbitant amount of help compared with that provided for Leicester. We should not have to listen to such humbug.

The threat to do away with capping after the next general election is an empty one, because the probability of the Tories winning that election is so remote as not to place it on the political agenda.

Mr. Peter Brooke (Cities of London and Westminster): The hon. Gentleman referred to Westminster. Will he take it from me that the number of households living below the poverty criteria in my constituency makes it the poorest Conservative constituency in the country, and that the situation would be even worse in the constituency of the hon. Member for Regent's Park and Kensington, North (Ms Buck)?

Mr. Marshall: I concede that there are poor people living in Westminster. I am one of the right hon. Gentleman's constituents, so I am as aware as he is of the population distribution in Westminster. That does not deny the reality that, in terms of global wealth, it must be one of the wealthiest, if not the wealthiest, constituency in the United Kingdom.

Mr. Watts: Is my hon. Friend aware that Westminster is about the same size as St. Helens? If St. Helens received the same grant as Westminster, it would not need to charge any council tax whatever and could, at the same time, afford to send all its constituents on holiday to Spain. That shows how the previous Government fiddled the council tax system.

Mr. Marshall: My hon. Friend's comments speak for themselves.

I should like to make a final comment on the speech of the hon. Member for Eastbourne. He made a cheap political jibe about the Government neglecting their heartlands. I think that he referred to Newham and, in the same context, to my hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle). However, the hon. Gentleman chose the wrong example, because he referred to the reduction in social service expenditure last year. I know about that, because my city suffered severely. It was as a consequence of the decision no longer to recognise ethnicity as producing an extra burden on social services. I remind the hon. Gentleman that the ethnic population in Walton is virtually zero, whereas in Newham it is fairly high. If he makes a cheap political point, he should at least ensure that the facts that he uses support rather than undermine it.

I should like to make a few points about the settlement's impact on the city of Leicester. My view is that the overall settlement nationally is good and to be welcomed. Perversely, Leicester has done badly, which is what I wish to highlight.

The Minister said last year that she did not wish this year to see deputations or delegations from specific local authorities about their position, but she kindly met me and my hon. Friend the Member for Leicester, West (Ms Hewitt) yesterday evening to discuss the longer-term financial plight and situation in Leicester, not the specific difficulties that we face at present, of which she is aware. I thank my right hon. Friend for that meeting, and just hope that, when the Department brings forward the longer-term solutions concerning the future funding formula, she will take account of the particular difficulties that Leicester faces, and has faced for at least four or five years.

Mr. Waterson: It is typically courteous of the hon. Gentleman to give way. He chose his words carefully, and I hope that he was not suggesting that he had had a meeting with the Minister to discuss this finance settlement for Leicester. Ministers have made it clear that they are not meeting any local authorities; I would not wish to think that they were meeting Labour authorities and not non-Labour authorities.

Mr. Marshall: I thought that I chose my words carefully and had made the position clear. I said that my hon. Friend the Member for Leicester, West and I had a discussion yesterday with my right hon. Friend about the long-term financial position in Leicester. It became clear during the course of the meeting that my right hon. Friend was fully aware not only of the long-term implications, but of the short-term implications of both last year's and this year's settlement. My point is that, as my right hon. Friend is fully aware of those factors, they will be taken into account when the formula for future distribution eventually emerges from the Department.

Leicester has experienced well-documented deprivation and social exclusion. It is both unfair and unfortunate that year-on-year disappointments in financial settlements should have two effects. First, standards in some services are reduced. Secondly, the range of services that the local authority is able to provide is also reduced. For example, several neighbourhood centres in Leicester, which play a real part in the vitality of local communities, will close over the next financial year because of the cuts that the local authority must make as a consequence of this year's settlement. I regret to say that one of those centres—Lansdowne neighbourhood centre—is in my constituency, but I assure its users that I shall use all my influence and do everything in my power to try to save it.

The Minister is well aware that Leicester has faced a difficult financial situation for at least a decade. Successive settlements since local government reorganisation have put the council in an invidious position. Only extra financial resources will resolve the problems. I shall briefly put the problems into an historical context. In 1997–98—the first year of unitary status for Leicester—the capping regime resulted in cuts amounting to £17 million. The following year saw further cuts in services, and the overall grant settlement led to a council tax increase of 26 per cent. In 1999–2000, we had the lowest SSA increase of any local education authority outside London and a further round of cuts.

I can reinforce the point made by the hon. Member for Eastbourne by making it slightly differently. In part, this year's round of cuts was brought about by a change in formula for social services expenditure, which ceased to recognise ethnicity as a factor that gave rise to additional costs. That was particularly damaging in Leicester, where 30 per cent. of the population is of ethnic minority background.

We have not done as badly in this financial year as in previous years. However, we have still done worse than most. Leicester has received an SSA increase of only 3.9 per cent., which is below the national average. The general situation has been compounded by the loss of

[Mr. Marshall]

central Government protection grant of £1.3 million. To make matters even worse, the increase in education SSA—3.3 per cent.—is again among the lowest in the country. Overall, Leicester believes that, since unitary status began, it has received the lowest cumulative increase in SSA of all similar authorities. It has also had the lowest increase in education SSA of all local education authorities.

I admit, of course, that the Government are making additional resources available nationally to raise standards. However, Leicester is not receiving its fair share of the additional resources, and that is being felt at the sharp end by school pupils across the city. Clearly, parents do not thank the Government or the council for that. The Minister could help in numerous ways, but I shall not delay the House by enumerating them.

I ask the Minister to ensure that there will be an end to the uncertainty over future settlements, and to acknowledge the fact that the settlements for Leicestershire in recent years have made it extremely difficult for the council to meet the needs of our citizens—let alone their aspirations. I know that the Minister is listening—I hope that the whole Government are listening and that they will take action so that, for the next three years, I do not have to make the same speech that I have made for the past three years.

5.30 pm

Mr. Adrian Sanders (Torbay): The Minister proposes yet another settlement that will prevent many local authorities from meeting local community needs. Increases in grant will be wiped out by inflation, pay settlements and increased responsibilities—just as they were under the Conservatives. As in the past, local government will gain duties but lose power.

Since Labour came to power, the trend has been to increase the cost burden for local government while dictating where money should be spent. Taxation has been shifted from the centre to the council tax payer; and the statistical anomalies, which disadvantage many councils and inhibit their ability to respond to local needs, have been ignored.

I have some points to make about the cost burden imposed on local authorities. In the Government's first Budget, they put a tax on pensions. In year 1, that cost local authorities £300 million. However, that cost also applies in years 2 and 3 and will recur thereafter. Local authorities have never been compensated for that loss.

In year 1, there were eight changes to the SSA; each one tended to take money away from shire councils. In 1998 and 1999, the inflation assumptions were inaccurate; that resulted in a loss of money to local authorities. There was also the council tax benefit subsidy, which resulted in the poor having to subsidise the nearly poor—mainly in poorer local authorities. In the first two years of the Labour Government, rural areas lost about £250 million and London lost £140 million.

The Government examined council tax bands, but failed to reform them. There is a disproportionate council tax burden on people in the A band; those who live in mobile or park homes, which are worth half the amount at the top of that band, have to pay the same rate of tax as people whose property is worth twice as much.

The Government dictate how the money that they give local authorities should be spent. It is one thing for the Secretary of State for Education and Employment to apply pressure on councils to spend up to the amount of the SSA, but to make grants dependent on confirmation that the money will be passed on to schools is quite different.

The Secretary of State wrote to education directors and chairs of education committees in relation to the £50 million special grant. The letter stated:

"The grant will not be paid automatically to authorities. I shall look for prior confirmation that the whole of the increase in your authority's education SSA has been passed on to education before deciding whether to release your share of the grant.

The problem with that—as it is for those authorities which already spend up to or above SSA—is that, if authorities pass on the maximum amount to schools, any increase in the education budget from the Government goes straight to the school. If the other services that have to be met from that budget have not been given an increase, they will suffer a cut. That is why many education authorities have great difficulty in maintaining school transport, special needs provision, school music services, educational psychology, discretionary grants and central support services.

That is all based on the presumption that the SSA is accurate, which brings me to the inaccurate statistics on which the settlement is based. For example, local education authorities must pay for the pupils who attend school today, so they have to pass the money down to the schools for each pupil. However, the figures upon which the grant that they receive from central Government is based are up to 18 months out of date. Therefore, a local authority with rising pupil numbers has to find funds from other parts of its budget, outside of education, to meet the Secretary of State's requirement that it spends up to SSA and that all the money is passported to schools. That means that other services suffer.

The same is true of the budgets for people in residential care and social services. The number of people going into care in one area may be rising, but the figures on them may be behind the SSA figures and the money for them will not arrive until a later year. Therefore, an authority may have to suffer a cut to other services even though it knows that it may make the sums up later. That is a reverse of the depopulation argument advanced by the hon. Member for St. Helens, North (Mr. Watts).

The number of people on the electoral register has a major impact on the SSA figure and on the amount received by a local authority. That is a particular problem for areas that have a high turnover of residents. That point may be of interest to the hon. Member for Eastbourne (Mr. Waterson), because it relates to seaside resorts, where people often live in short-term let accommodation. They may live in the area for many years, but may change their address twice a year and never get on to the electoral register.

My local authority is probably an extreme example, but its officers estimate that nearly 5,000 people receive services from the local authority for whom they do not receive a penny from central Government. That equated into grant would make the difference between a council tax rise of the rate of inflation and the 16.9 per cent. rise that the council had to levy. The impact is greater the smaller the authority happens to be.

Mr. Waterson: The hon. Gentleman is making points that apply to my constituency, which is also a seaside resort.

Does he agree that councils would like to have the option of putting such arguments to Ministers annually when they feel that they are being treated unfairly by the formula and do not want to be locked into a three-year cycle?

Mr. Sanders: That is very true. Councils should be able to talk directly to Ministers because they cannot rely on the large Local Government Association, which is dominated by the metropolitan councils. The councils representing seaside resorts do not constitute a majority on the association, so perhaps there is an argument for a "seaside resort councils association". If the Government want to encourage one body to represent all local government, it is difficult for authorities that are not like the norm to make their voices heard. Ministers should have an open-door policy to meet the members of such authorities.

Mr. Barnes: I presume that the hon. Gentleman will welcome the introduction of the Representation of the People Bill. It will mean that people can be registered as they move. Although the problem that he mentioned will remain for a while, I hope that it will eventually disappear.

Mr. Sanders: The hon. Gentleman is right. The problem will reduce, but it will not be done away with completely. Because of it, we have suffered under the SSA regime for years, but I do not suppose that we will be compensated once the Bill is on the statute book.

The fact that most authorities spend more than the SSA on social services and education could suggest that the SSA is flawed. A mathematically constant formula that is designed to give average outcomes will always be unfair to those local authorities whose demographic, economic and/or geographical factors are furthest from the average. Seaside resorts, rural areas and peripheral areas, in particular, lose out every year. Sticking to the formula compounds the problem year after year.

We want a transparent system with clear accountability. The Minister said in her opening statement said that she believed the system to be clear and accountable. Yet, if one reads the Red Books, one sees that the receipts expected from council tax have increased each year, so the Chancellor is clearly shifting the burden of taxation from the centre to the council tax payer. We want a system that takes account of an area's ability to pay and gives local people choices about how community needs can be met.

Liberal Democrats want to shift tax raising from national to local government, with more of what councils spend raised through local income tax and local business tax. A buoyant, independent revenue source would do much to rejuvenate local government and strengthen local accountability.

This Government do not trust local government any more than the previous Government did. In fact, as I have said, the Chancellor has gone even further down the road of shifting taxes from the centre to the local council tax payer or the user of local services, which have either gone up in price or been cut. While the Chancellor gets a pat on the back, local councillors get it in the neck.

Mr. Edward Davey: My hon. Friend has undersold the policy of a local income tax. Does he agree that large council tax increases particularly hit pensioners on low incomes? The Tory-run Royal borough of Kingston upon Thames increased council tax by £90 last year, and we face a possible 7.5 per cent. increase this year. Those increases affect pensioners who would be protected under the Liberal Democrat policy of a local income tax.

Mr. Sanders: My hon. Friend is spot on. Pensioners and people on fixed incomes have problems with council tax levels and increases, as do those who live in areas where council tax rates are high because of property values.

My hon. Friend forgot to say that allowing local councils to raise some of their money from income tax would mean a corresponding reduction in central income tax. Fear of allowing local areas to have that power and freedom may be the reason why central Governments of both parties have tended to resist that measure.

The Minister claims that she has increased the grant so that councils can spend more, but increasing the grant does not mean that councils will not have to make cuts, increase charges or put up council tax. If the increase in total standard spending is greater than the increase in the Government's contribution towards it, councils face a gap. The Government claim that they have increased the amount that councils can spend, the amount that they can borrow and the amount that they receive from central Government, but many councils still find themselves worse off.

Likewise, every year the Government claim that the settlement is most generous. Last year, they claimed that it was the most generous settlement ever. Of course, this year's settlement is the most generous ever—inflation sees to that—but it still represents a cut for many local authorities.

This is a patronising settlement; it is a pocket-money settlement with no room for sweeties. It will result in cuts, increased charges and above-inflation rises in council tax for many local authorities, and we shall vote against it.

5.44 pm

Mr. Eric Illsley (Barnsley, Central): I am grateful for the opportunity to speak in the debate, not least because it has been curtailed to two and three quarter hours, of which the two Front-Bench speakers took an hour, the Liberal Democrat spokesman took 15 minutes and I understand that 20 minutes will be taken up by winding-up speeches. Given that the Government no longer seek representations from Members of Parliament, someone should rethink the length of the debate. We should either reinstate representations from Members of Parliament or have a full-day's debate on local government finance.

I shall speak briefly about Barnsley's position under the local government settlement and then about the South Yorkshire fire and civil defence budget, which has particularly acute problems.

As the Government know, Barnsley is one of the authorities that consistently loses out under standard spending assessment methodology. I have complained about that methodology ever since its inception in 1990. We are impatiently waiting for a review of the system.

Mr. David Heath (Somerton and Frome): Will the hon. Gentleman give way?

Mr. Illsley: I am sorry, no. Time does not permit me to give way.

[Mr. Illsley]

Despite the fact that we are using out-dated SSA methodology, Barnsley is one of the first councils to employ the new modernised council system. We have a cabinet system and commissioning. It has become a model for other authorities and Barnsley has been visited by the representatives of more than 100 other local authorities to examine the set up with a view to introducing it in their areas. It is a pity that SSA methodology is not as modern as Barnsley's cabinet system. It has been flawed since its inception in 1990, when Barnsley was one of 21 authorities to be capped, a third of which were coal-mining areas.

One of the keys to SSA methodology is that it is biased against coal-mining areas, especially in the north of England. Contrary to what the hon. Member for East Worthing and Shoreham (Mr. Loughton) said, northern authorities are not spendthrifts. If he examined the performance indicators of any northern local authority, he would be pleasantly surprised.

I make a plea on behalf of former coalfield areas. Instead of giving us coalfield regeneration task forces, which are all very well in themselves, as is the money that goes with them, why not give the money to local authorities to enable them to pull themselves up and out of the problems that now beset them?

Barnsley metropolitan borough council is again facing a round of cuts. There will be a £5 million shortfall this time. That is to be added to the year-on-year cuts that we have suffered over the past 10 years.

Barnsley and other local authorities welcome the consistency of the settlement and the real increase in total standard spend of about 5.8 per cent. Welcome also is the predictability and stability of the comprehensive spending review, provided that there is predictability and provided that that works.

Barnsley does not welcome the fact that it takes 31st place among metropolitan authorities in terms of SSA per head. Why is it—I have been asking the question for the past 10 years—that schools in Barnsley at all levels receive hundreds of pounds less in SSA than schools in similar authorities, such as St. Helens? I can think of no reason other than political bias against Barnsley and South Yorkshire on the part of Governments of both parties.

We do not welcome data losses in Barnsley, but we have to use the present formula because the Government will not change it. As a consequence, we must cope with the losses. These are affected by the flow of SSA. Local authorities throughout the country are still using the 1991 census returns for general data. I appreciate that some data are updated. During 2000-01, Barnsley's data losses will amount to £180,000. That is a substantial sum for the authority and one that we cannot afford to lose. The loss will be about £58 million for all the metropolitan authorities.

We do not welcome capital finance control totals, which mean a loss for Barnsley of £700,000 this year. Similarly, we do not agree with capping. This year, the percentage rate of annual increase, before the loss of subsidy under the council tax limitation subsidy, has been reduced to 6.2 per cent. Again, local authorities are being capped. The cap squeezes year on year; as in previous years, this year's capping regime is worse than that which prevailed last year.

I shall make one or two pleas for the future. Let us get on with changes to the SSA methodology. Progress is desperately needed in areas such as Barnsley. I make a plea for the Government to consider extra damping to counter the data losses in education and to ensure the minimum SSA.

The Government must maintain the tax base. For example, since 1991, house prices in greater London have increased by 50 per cent. and in the south-east of England by 28 per cent. SSAs in the shire counties have increased by 4.7 per cent., in outer London by 4.5 per cent.; and in the metropolitan authorities by 3.8 per cent. Our house prices have increased by only 5.6 per cent., so we have lost grant and we have a lower capacity to fund our services. I am told that the effect is equivalent to a £50 reduction in band D council tax.

South Yorkshire's fire and civil defence service will get an increase in grant this year of 2.1 per cent. Previously, the figure was 1.7 per cent.—exactly half the average for other fire authorities. Why is South Yorkshire's settlement lower than that of most other fire authorities? There is no answer other than political bias against the north of England and South Yorkshire. Each year from 1990, the previous Government imposed cut after cut on South Yorkshire, until in 1995 the Home Office accepted that the South Yorkshire fire service was operating below the minimum standards drawn up by the chief fire officer. A delegation that met Home Office Ministers was told to break the capping regulations in force at the time, whereas the Department of the Environment would not permit the capping regulations to be breached. In the event, with the support of the chief fire officer, we breached the capping regulations and the Government recognised that we needed more money. We seem to be in the same situation as in 1995, because we are operating at minimum standards and face the prospect of falling below them if we accept the financial settlement that is to be imposed on us.

Conservative Members speak of spendthrift authorities. To illustrate what South Yorkshire fire service has gone through during the past 10 years, I draw their attention to the closure of Goldthorpe, Hoyland, High Green, Oaks Lane and Kiveton Park fire stations—five stations closed, and new ones opened at Tankersley and Aston Park.

There has been a reduction in the uniformed establishment from more than 1,200 to fewer than 1,000—a 25 per cent. reduction in manpower over the past 10 years. The number of pumping appliances on the run has been reduced from 43 to 33. The service has to contend with indifferent building stock, a decreasing fleet of appliances and equipment, an unfair SSA and low morale.

However, there have also been achievements in South Yorkshire. We have improved the image and the profile of the force. We have been praised by the district audit management. The service has achieved the Investors in People award and is awaiting the charter mark award. It has received the Royal Society for the Prevention of Accidents gold health and safety award. Those are the achievements of an authority running at minimum standards and on a very low budget.

South Yorkshire fire service is proud of having brought about a culture change towards the prevention of fires. An article that appeared in the local press last year stated:

"The proposed new structure would free up resources and encourage a culture change from firemen fighting fires to educating the public how to prevent them."

The South Yorkshire force is penalised by the fact that it attends fewer fire calls than forces in other authorities, despite the fact that the authority has been trying to educate the public to call the service out less.

South Yorkshire fire authority faces a shortfall of £1.5 million, which will force it below minimum standards. Our fire brigade is one of the most cost-effective in the country. As a South Yorkshire ratepayer, I pay 53p a week for the fire service.

The district auditor, Colin Earl, attended a meeting to present his annual management letter to the authority. He said that the authority had adopted a prudent financial approach in previous years, and that the announcement of the local government settlement was disappointing for the authority. He also stated that the settlement would present the authority,

"which is already in a tight financial position"—

that is an understatement—

"with some difficult decisions to make."

Why is our settlement so low? When the Minister refused to meet a delegation of Members of Parliament to discuss the matter, she wrote me a letter in which she said that our calls had decreased compared with those of other authorities. Thus all the hard work that the authority has undertaken to increase fire prevention and reduce calls penalises it. Capital financing and the drop in interest rates have also penalised the authority.

The problem of declining populations has already been mentioned. Fire risk comprises categories A, B and C; it is not entirely down to population areas or residential matters. Fire risk is assessed on the type of building. Thousands of people visit the Meadowhall shopping centre in Sheffield every day, although no one lives there. The nearby airport also constitutes a high risk, but the population has no effect on it. The M1 and M18 motorways run through South Yorkshire, and the fire authority has to service them. It is required to attend if there is an accident on those roads.

South Yorkshire Members of Parliament requested a meeting with the Minister to discuss those matters, but our request was refused. Under the previous Government, we could at least put issues to Ministers face to face. In 1995, that yielded results, contrary to the claims of one or two other hon. Members. We were able to show that we were below minimum standards and needed more money. We shall have to approach the chief fire officer again, and tell him that that applies now. It is disappointing that we have been unable to put our case.

The £1.5 million shortfall means that we shall lose five fire pumps and are likely to lose 100 firefighter posts; we shall also fall below minimum standards. I did not believe that a Labour Government would allow us to fall into the same predicament as the previous Government allowed. The Government should reconsider, because the people of South Yorkshire deserve a better funded fire service. If we do not receive the funding, how can the Government claim that there is no north-south divide? Our predicament proves that it exists.

Mr. Deputy Speaker: Before I call the next speaker, I stress that many hon. Members seek to catch my eye and that, unless contributions are much briefer, many will be disappointed.

5.58 pm

Sir Paul Beresford (Mole Valley): I was stunned to realise that I agreed with the opening remarks of the hon. Member for Barnsley, Central (Mr. Illsley)—the debate is important, but it has been shortened. I believed that the Secretary of State would follow tradition and present it. That would have been entertaining, if nothing else. However, he ducked out. That is an insult to local government. The debate is perhaps even more important than usual because this year's report, taken with last year's and Government decisions and actions, has taken real government out of local government.

The revenue support grant is a major source of revenue for local authorities. It is distributed by a standard spending assessment system, which, although it was complicated previously, was accepted by independent experts as a fair system based on need. That has changed. The proportion of local government funding that is paid directly by council taxpayers and business ratepayers has increased. That applies especially to some of the key geographical areas of the country.

Last year's RSG funding was blatantly moved out of the home counties and London to the north. The report builds on that action and two points make it particularly galling. First, most of the local authorities that received funding boosts last year—generally, they will be correspondingly better off this year—were among the most incompetent. Secondly, I find the spin that has been put to hard-hit councils particularly unpleasant.

Three authorities operate in my constituency: Surrey county council, Guildford borough council and Mole Valley district council. All have been hit, and hit hard, but I shall use Mole Valley as an example. The real-terms reduction in its grant under this and the two previous reports means that it faces the prospect of effectively all its revenue expenditure being raised locally in the near future. In other words, it faces the possibility of not only a zero increase, but zero Government RSG funding. The local council tax and business rate payers will pay for that as they will be loaded with an additional and increasing local tax burden. If there is a stealth tax, that has to be it.

The Minister said yet again that this is the best settlement since sliced bread. Although she is not present, it is worth quoting a key passage from her Department's letter to the chief executive of Mole Valley district council—which she can read in *Hansard*—on this year's grant. The last paragraph says:

"Your grant support from central government will be £0.0 million higher than this year . . . This is less than the national average increase of 3.7 per cent."

What a brilliant deduction. It continues:

"And, provided that there are no significant changes in the key data for your area, you can expect to receive a further real increase in funding next year."

For goodness' sake, that is ludicrous.

The Minister's actions will clearly result in dancing in the streets in Mole Valley. There are not only stealth taxes, but year-on-year rising stealth taxes for my semi-rural area. There will be higher council taxes and higher business rates; care for the elderly, education and police budgets will be squeezed; and police numbers will drop. On it goes. As it is topical, I must add that farmers in my area, many of whom are going out of business, may be helped because the Secretary of State is showing great concern: he is seriously considering flooding Surrey with 90,000 new homes on their land.

[Sir Paul Beresford]

It is worth looking beyond that to what else comes or flows from the report. First, we heard again that Labour promised to remove universal capping. It did that with one hand, but put two forms of capping back with the other. One is arbitrary and decided by ministerial whim; the other is crude and universal, and nothing less than that. Secondly, we were promised in last year's report three years' stability in funding. Tonight's report shows that that expectation was nonsense. This year, there were huge variations in grant distribution, which were generated by deficiencies in last year's income support data. I understand that that is down to another Government computer fiasco. Thirdly, we have all been fed the story that the Government have been converted from high taxation, but in my area in particular the report means that the council tax—a stealth tax—may rise by three times the rate of inflation. If it does not, that will be because of cuts in expenditure by beleaguered local authorities.

Even more deceitfully, there has been a stealthy movement of grants from a fair distribution system based on an assessment of need through the general grant. More and more funding, particularly from the Department for Education and Employment, is being moved to a specific grant system. Those grants are administered by ministerial whim if need be—we have seen examples of that—and linked to ministerial desires. Frequently, absolutely no regard is paid to local decisions. Furthermore, Ministers frequently require matched funding, which can put a squeeze on local authorities as they have to remove money from other budgets that they feel are more important locally.

I understand that funding by specific grant—I think the phrase is "funding by plans"—is in prospect for local government. That is appalling: it presents the prospect of the removal of local democracy, and the introduction of Big Brother patronage. While that may be all right for the Labour party as an organisation, it is not suitable for local government as a whole.

Fourthly, we have increased costs to local authorities purely through Government-imposed statutory obligations involving more bureaucrats and more bureaucracy. Perhaps this is where the Prime Minister is finding his new jobs. For example, the Audit Commission has just announced that the cost of implementing its part of best value for the first part year—hon. Members should note that I said "part year"—for Wandsworth council will be £300,000. The cost to my little Mole Valley will be £40,000. The internal cost to those authorities is likely to be four times as much. That means that Wandsworth will incur a new cost of £1.2 million, as well as £300,000 for the auditors.

Wandsworth is an efficient council, but under so-called "best value", it will have to find £1.5 million in savings just to stand still. The Mole Valley equivalent would be about £200,000. The authority's revenue support grant is only £3.2 million, and it must still take into account inflation on its £0.0 million increase.

This gerrymandering Government should be ashamed, but I imagine that they will continue to believe their spin doctors. Meanwhile, the public will receive fewer services at greater cost.

6.6 pm

Mr. Barry Gardiner (Brent, North): I think it was the Duke of Wellington who said of Field Marshal Blucher, the Prussian who arrived too late at Waterloo, "Better late than never." I now know how he felt. I have waited two hours to speak today, but in truth I have been waiting since 4 pm on 4 February last year, the occasion of the debate on the three-year funding settlement. I did not manage to speak then, so I am pleased to be doing so today.

This year's local authority financial settlement was set within the parameters laid down in the three-year framework for stability in local government outlined by my right hon. Friend the Secretary of State last year. Stability is to be welcomed when the status quo is benign; unfortunately the situation in Brent, my own borough, was malign, and that malignancy has been locked in by the three-year approach.

Last year, Brent received the worst settlement of all 150 upper-tier authorities as a result of the change in the calculation of children's personal social services SSA. The decision to abolish the ethnicity criteria wiped out at a stroke a staggering 25.66 per cent. of Brent's children's social services SSA. Brent's children lost £7.5 million. The criteria were changed following research by the university of York, an institution of learning for which I have the highest regard.

When I help my children with their homework—particularly maths—I always say to them, "Look, darling, apply the formula, work out the answer, but always check it against common sense." That is a rubric that the professors at York would have done well to observe. The common-sense check cannot have been applied to a formula intended to reflect need in social services that has resulted in a 25.7 per cent. increase for Bromley, a 49 per cent. increase for Bexley and a 164 per cent. increase for the City of London, while cutting the social services grant for Camden, Lambeth, Newham, Hackney, Haringey and Brent. Those six of the 33 London boroughs contained more than 50 per cent. of London's ethnic population, and had to bear more than 75 per cent. of the £47 million that London boroughs lost in children's personal social services SSA.

On 25 November, when the provisional settlement was announced, I reminded my right hon. Friend the Minister for Local Government and the Regions that my borough of Brent was one of the most ethnically diverse in the country. A total of 106 different mother tongue languages are spoken in our schools and 61 per cent. of our children speak English only as a second language. In one school reception class that has a total of 29 pupils, 21 different first languages are spoken as the mother tongue. For those children, the settlement has not been fair.

Last year, Brent received £4.2 million in damping grant to afford some protection from the effect of the settlement on children and other vulnerable people in the borough. This year, that £4.2 million cushion has been reduced to just £197,000. The loss of more than £4 million from the aggregate external finance means that the grant that Brent will receive in the 2000–01 financial year is just 1.5 per cent. more than in the 1999–2000 financial year. For the average London borough, the increase is 3.52 per cent. Brent has just three sevenths, or 42 per cent., of not the best, but the average increase. Brent has the 25th lowest grant out of 33 London boroughs, yet it is the 20th poorest authority not in London, but in the entire country.

I understand that these two years have seen the best settlement for local government throughout the country for more than a decade. I recognise that the stability of the three years of the comprehensive spending review has been welcomed by councils, which have been able to plan on the basis of that basic formula. Even my council has welcomed that stability of planning. In her opening speech, the Minister said that the Government had promised that they "would not change formula, but we would change data." One of the issues that I would like to raise with Ministers is their failure to change data with regard to Brent.

On 1 April, Torah Temimah school will transfer to Brent—a school is transferring from the private to the public sector, and I am sure that the Government will welcome that—but the transfer has not resulted in any increase in our overall funding for 2000-01. Brent will receive the damping grant in line with central Government policy, which ensures that all local education authorities receive at least a 1.5 per cent. increase in overall funding; we do, just. However, we would have received that amount if the school had not transferred and therefore must now fund the additional £480,000 that is needed for the school from our already diminished and depleted resources. I ask Ministers to look carefully at that situation and ensure that, as the commitment was given, data will be changed, even though the formula will not.

I shall try to observe your stricture to be brief, Mr. Deputy Speaker, because I appreciate that many Back Benchers want to speak in what is an important debate. On the council tax benefit subsidy limitation scheme, the model that the Department of the Environment, Transport and the Regions has provided suggests that, if Brent sets a budget at SSA for 2000–01, our local residents will incur £817,000 in clawback. In Brent, that is the equivalent of £9.01p at band D level council tax.

It seems unjust that councils, such as my own in Brent, that have traditionally spent below the SSA—the standard spending assessment; the level at which the Government say that councils should be spending to provide a standard level of services—should be penalised if they spend below the level that the Government recommend for the current year. With some other Labour Members, I urge Ministers to look once again at the penal way in which the clawback scheme operates.

6.15 pm

Mr. Christopher Chope (Christchurch): It is a pleasure to follow the hon. Member for Brent, North (Mr. Gardiner). His last point was very powerful and I hope that it will persuade him to join us in the No Lobby when we vote on the motions.

Today's debate could easily be entitled, "council tax debate limitation". It is clear that the Government are really about trying to restrict hon. Members—particularly Labour Back Benchers, but also Opposition Members—in the debate.

I was struck by the fact that the Minister avoided telling the House the most important figure in the settlement—the national average council tax at standard spending. We know that that figure is £695, and that, last year—which is the current year—it was £664.88. We also know that the difference between the two figures is just over 4.5 per cent. It is not surprising that the Minister did not want to admit those facts. If she had done so, she would have been admitting that the Government themselves realise that there will have to be a 4.5 per cent. increase in council tax bills even if local authorities spend in line with their standing spending assessment.

The 4.5 per cent. increase is no less than four times the amount of the pension increase—which brings me to the petition that I had the privilege of presenting to the House, on 8 July 1999, from Daniel Charles Tissington, of Christchurch, which was supported by 8,500 other people from the borough of Christchurch.

Mr. Tissington is a pensioner, as are most of the other people who signed his petition. He pointed out that, living in his band D bungalow situated in the borough of Christchurch, since 1993, his council tax has increased from £491 to £815. That is a 66 per cent. increase, whereas the retail price index has increased by 17.5 per cent. His petition, which was signed by those thousands of people, called on the Government to reduce increases in council tax to below the level of inflation.

The Government—rather than giving a direct response to the petition, saying that there was no way in which they would support such a policy—ducked the issue. However, now that the figures have been revealed to us, we can see that the Government's policy is that, in the coming year, council taxes should increase by at least 4.5 per cent., as that is the percentage by which council tax at standard spending will increase.

I therefore urge the Government to face up to the problems that are being caused to pensioners across the country. If Mr. Tissington and other people living in band D properties in Christchurch have to pay 4.5 per cent. extra in council tax, almost all the extra pension that they receive next year will have to be used to pay it.

The Minister started her speech by saying that she believes in establishing a higher quality of life, but there is no way in which pensioners will be able to have a higher quality of life if almost all their pension increase has to be spent on higher council tax. We hear today that there will be a £15 increase in the television licence fee for pensioners under 75. That will only be salt in the wound.

My hon. Friend the Member for Mole Valley (Sir P. Beresford) spoke eloquently about the Government's imposition of extra burdens on councils at the same time as they are telling councils to act reasonably and keep council tax at a reasonable level. The Department of the Environment, Transport and the Regions sets itself a target of dealing with all call-ins within seven weeks. Why did it take 22 weeks to decide to call in the planning application made by Bournemouth international airport for a new passenger terminal? That delay had enormous consequences. It will be an expensive exercise for the borough of Christchurch and everybody involved. The application was first submitted on 28 November 1997 and was the subject of extensive and exhaustive consultation. After sitting on it for 22 weeks, the Government decided to call it in, ensuring that it would be delayed for at least another year. That is typical of their cavalier attitude to my constituents.

In the previous debate, the Minister of State, Home Office, the hon. Member for Norwich, South (Mr. Clarke) made disparaging remarks about Christchurch people, saying that they were so well heeled that they could afford the penalty of having to make the largest percentage

[Mr. Christopher Chope]

contribution towards police expenditure from council tax of any local authority in the country. I assure the House that they are not as well off as the Minister supposes. Many of them are on fixed pensions or fixed incomes. They are in despair at the way in which the Government have let them down.

6.21 pm

Mr. Harry Barnes (North-East Derbyshire): The problems in local government finance were created by the previous Government. The hon. Member for Christchurch (Mr. Chope) was part of that, having been a Minister at some stage. He helped to create that situation and, when he replies to his constituents, I hope that he tells them about his role in the whole sorry business.

On the surface, Derbyshire seems to have done well out of the settlement. It has the top percentage SSA increase of any shire county—up by 5.8 per cent. whereas the average increase is 5 per cent. Neighbouring Staffordshire, which is in 34th and bottom position, has only a 4.3 per cent. increase. The situation looks superficially good for Derbyshire. When the money that has come from the Department for Education and Employment for schools, often in specific grants, is added to that, Derbyshire is again in a high position in the league and is often top. The only problem with the grants is that they make it difficult for us to work out who stands where, because some money comes from one Department and some comes from another, some comes in bits and pieces and some comes in the general settlement.

However, when considering Derbyshire's apparently good settlement, we need to look at what that 5.8 per cent. comes on top of. Between 1989–90 and 1998–99, East Sussex had a 30 per cent. cumulative increase above the average in the then capping levels. Derbyshire was bottom of the shire counties league table, with a 37 per cent. fall below the average increase. That was the result of the previous Government fiddling the arrangements for standard spending assessments and of the Local Government Finance Act 1988, which also introduced the poll tax. The poll tax may have been replaced by the council tax, but the rest of that Act is still in place.

Band D council tax levels for North East Derbyshire district council show part of the problem. The figures include the district council precepts, the county council and the police. I shall contrast them with the English average and the figures for Westminster. In 1996–97, the last year of Conservative rule, the figure for North East Derbyshire was £758, and the English average was £688—a difference of £70. For Westminster, the figure was £304—£454 less than in North East Derbyshire. In 1999–2000, the figure for North East Derbyshire is £905, and for England, £747—a difference of £148. The figure for Westminster is £350—£555 less than North East Derbyshire. Although slight differences have occurred in this period between North East Derbyshire and Westminster, there is a ghastly distinction between the figures. I will try to explain some of the details later.

The House of Commons document No. 160 on the subject shows what is wrong with the methodology. Page 9 deals with the formula for primary education, and the principles are the same for secondary and post-16 education. Money is given per pupil in various areas, which is a fair formula. Money is then given for additional needs and free meals, which is perfectly reasonable. However, if an area is mixed—Derbyshire, like all shire counties, is certainly mixed—money given for particular provisions is diluted by what happens in other areas. It is almost as if money is given with one hand and taken away with another. We need to devise a formula in which the extras stick and do not dilute the other arrangements.

There has been an improvement in terms of the money given for sparsity, but there is a claim that that is necessary for village schools and other matters. One of the big problems is the area cost adjustment, which is listed in detail within the document. This must be tackled, although it need not necessarily be done away with. However, if there were less weighting, and money were available for distribution—and not pinched by the Treasury—that would be important.

In Derbyshire, the area cost adjustment goes across the board—to police, fire services and highway maintenance. The problem is thereby extended. Derbyshire's funding plight cannot be corrected by tiny creeping percentage increments, welcome though they are. There has to be a change which takes into account the cumulative problems that Derbyshire has suffered year by year. We cannot wait another two years for a change in the hideous legislation—I served on the Committee—that is the Local Government Finance Act 1988.

I turn once more to the situation in North East Derbyshire district council. I hope that, if I keep saying these things, Ministers—it used to be Conservative Ministers, but it is now Labour Ministers—will respond and take some of it on board. One problem from which we suffer is the enhanced population figures. If people move out of the area in which they are resident to work or to travel for other purposes, a quarter of their SSA money is transferred elsewhere. Some areas will benefit considerably from those arrangements because they have people coming in. I am not saying that Westminster, the seaside resorts and other places benefiting from the arrangements should not have any of the money. However, the weighting is excessive and was one of the Conservative Government's major fiddles. Let us correct it. A myth is perpetuated—for instances, by a journalist on the *Sheffield Star*—that the people of North East Derbyshire who work and use leisure facilities in Sheffield are freeloaders, making use of the facilities without paying from them. That is far from the truth, because we pay through the nose for provisions in the Sheffield area.

The outdated 1991 census figures are used to help to work out the allocation, and some of our money is transferred to the Bolsover and Chesterfield areas because they used to have people going there to work in the pits. The pits were closed by the previous Government, but North East Derbyshire is still getting hammered by the transfer of money. We lose £3 a head to neighbouring authorities because of the weight given to the enhanced population figures.

We also suffer from the provision designed to accommodate social mix. We suffer even more seriously from that, because we lose £14 a head. In any case, the population in the east of the constituency has an almost identical social structure to Bolsover, but that area does

much better from the arrangements. The money allocated to North East Derbyshire should not be dissipated by other considerations.

I asked the Minister earlier about parish council expenditure. Some 24 parish councils cover the whole of North East Derbyshire. The council tax benefit subsidy limitation scheme—incredibly—takes into account parish precepts. If parish councils in North East Derbyshire decide to spend large sums of money to try to make up for the money that the district and county councils cannot afford to spend on social problems, the district council—which has no control over the parish councils—is hit under the subsidy limitation scheme. That is a serious problem in Derbyshire, which, last year, was capped.

I hope that the Minister has in mind some dramatic improvements that will overcome the county-district-parish financial problems in Derbyshire and similar areas beyond the welcome bits and pieces that the Government have already introduced, especially since the comprehensive spending review changed the direction of the process. Derbyshire did not benefit from the shifts and changes of the first two years of the Labour Government, when money was redirected from areas of lesser need to areas of greater need, because we have a mixed social structure. Money was given with one hand and taken away with the other. We now have a bit more money—and we are grateful—but we have so many serious problems to overcome from the previous Government's mishandling that we need a considerable improvement in our ability to provide a better standard of education, social services and the other services provided by local government.

6.34 pm

Mr. Peter Brooke (Cities of London and Westminster): The hon. Member for North-East Derbyshire (Mr. Barnes) and I share an interest in Northern Ireland and we shall both be here at 7 o'clock. I do not propose to take him up on his remarks about Westminster, save to say that if he re-examines his speech he will see that he made a further initial mathematical error before he made the one that he spotted and corrected.

I shall be brief and unashamedly make a constituency point. The Government are well aware of the effect on Westminster of the settlement in 1998–99, which reduced its SSA by £26 million. I shall not revisit that issue but it is a backdrop to the problems I shall set out.

I want to allude to the special grant of £50 million from the Department for Education and Employment, the balance of its extra £64 million after £14 million had been bestowed on "Excellence in Cities" local education authorities. The Secretary of State for Education and Employment mentioned the distribution mechanism for that grant in his letter of 25 November to councils, which was copied to Members of Parliament. It said that officials would follow up in January to seek confirmation that the Government's additional funding had been carried through into relevant local authorities' education budgets.

In Westminster, I have seen the whole of the subsequent correspondence, culminating in the Secretary of State's letter of 31 January, summarising his conclusions, which was quoted by the hon. Member for Torbay (Mr. Sanders). To distil the correspondence, the Government are asking Westminster to spend 6 per cent. more on education because its proposed education standard spending assessment has risen by that amount.

Westminster's overall grant increase is only 1.1 per cent., which already puts it behind the game, but in addition it was already spending 11 per cent. above its education SSA last year. It has conspicuously been supporting education, which is of course a Government priority, and is suffering from the squeeze to which my hon. Friend the Member for Christchurch (Mr. Chope) referred.

I infer from the correspondence that Westminster will receive no grant from the Department for Education and Employment and its £50 million because, confronted with the massive gap between a 1.1 per cent. increase in grant and a notional 6 per cent. rise, when it is already spending 11 per cent. above its SSA, it cannot guarantee that it will raise its education budget by a further 6 per cent. this year. I am a bear of very little brain, but it seems to me that the Government's proposal within such an equation could be a recipe for cutting rather than increasing the budget, as, if one concentrates on sticks rather than carrots, one offers no incentive to an authority whose heart is patently in the right place.

At this hour, I cannot bring in the other variables alluded to by the Association of London Government, not a Conservative-controlled body, in its briefing on the cost to some inner London boroughs, plus Brent—the hon. Member for Brent, North (Mr. Gardiner) made that case—of not raising the central support protection grant threshold from 1.5 per cent. to 2 per cent. Nor will I allude to the ALG briefing on the costs of homelessness, asylum seekers and unaccompanied children in London, although those children and the families of asylum seekers—because of the diverse languages—add to the educational challenge that Westminster has to face.

I am genuinely left wondering whether the Government really have an education priority. The ALG says that what are technically known as the passporting criteria for distributing the extra £50 million do not take account of local circumstances; but perhaps to a centralising Government, local circumstances are of no account.

6.37 pm

Mr. Neil Turner (Wigan): Coming so late into the debate, it is difficult to say the good things that one wants to say, because one has to concentrate on some of the critical points, so I hope that Ministers will accept that I broadly welcome the settlement that we have had and especially the fact that, for the third year, my local authority is able to increase both the quality and quantum of services in Wigan.

There is a problem with the £50 million for teachers' pay. I have no difficulty with the fact that the Government want to ensure that the full amount given for education is passported through to schools—that is perfectly reasonable—but unfortunately the formula takes into account the number of failing schools. A local authority with failing schools gets more than an authority such as mine, where the schools are very good. Failing schools should be dealt with by different methods. The additional money for the teachers' pay rise should be passported through to schools in proportion to the number of teachers.

I support what my hon. Friend the Member for North-East Derbyshire (Mr. Barnes) said about the area cost adjustment. I accept that some authorities have cost differentials, but the fact that some get twice as much as others for providing the same services cannot be right.

[Mr. Neil Turner]

The council tax benefit subsidy—the clawback—cannot be right. It is inequitable and unfair. It is inequitable because two authorities, with the same increase, will not have the same amount of money taken away from them, and it is unfair because the authority that has the most money taken away from it is the one with the greatest problems. That issue has to be addressed, and I hope that the Minister will do so.

6.40 pm

Mr. Robert Syms (Poole): Let me say to the hon. Member for Wigan (Mr. Turner) that some of my best speeches have been two or three minutes long as well, and I am glad that he managed to make his points before the end of the debate.

In the previous Parliament, debates on local government took on average five and a half hours, allowing Members on both sides of the House to express their real concerns about the grant settlement and what was happening in their locality. Not only do we, in this Parliament, have much shorter debates, Ministers no longer see delegations from local councils and Members of Parliament. My hon. Friend the Member for Mole Valley (Sir P. Beresford) said that when he was a Minister, he saw more than 90 delegations last time.

There are some very important issues to do with local government. Members of Parliament spend most of their weekends visiting local authority institutions and schools. They also spend a great deal of time in surgeries, seeing constituents with problems to do with local government. I think it a great pity that the Government have adopted an extremely arrogant view when it comes to seeing delegations from local authorities and Members of Parliament. Many Labour Members have said in this debate that they would have wished to go to the Department to make points on behalf of their authorities. It is a pity that they have not had the opportunity to do so.

In November, the Minister for Local Government and the Regions forecast that council tax bills would go up by 4.8 per cent if Whitehall kept to spending guidelines. *The Times* has already said that local government experts believe that the rise could be as high as 6 per cent., and many other people predict rises of 10 per cent. or more. Local authorities and town halls have many burdens on them—next year there will be an additional 24,000 school children, high public sector pay settlements and a rise in demand for long-term care for the elderly. Labour is proving to be no friend of local government. It promised to give councils more autonomy, but it is centralising power while cutting funding and increasing taxes for many councils.

Labour is trying to play down the significance of the settlement, as based on its three-year comprehensive spending review announced last year. But central Government funding is set to rise by less than the average spending commitments of local authorities. The result will be three years of higher council taxes, cuts in services and a continuation of the bias against shire counties.

Labour talks about spending more money on education, but it says one thing and does another. To fund the £1 billion that it costs to introduce performance-related pay for teachers, Labour is reducing the increase in education standard spending assessment by £150 million in 2000–01 and £280 million in 2001–02. Rather than giving more resources to teachers, Labour is simply recycling existing money—top slicing.

The Local Government Association has said that the 3.3 per cent. teachers' pay settlement announced on 1 February will mean fewer staff if the Government fail to give the local education authorities extra resources. There are warnings that while most LEAs have put aside up to 3 per cent. for pay rises, many will have to find the extra £110 million through council tax rises. As that well known Labour chairman of LGA's education executive, councillor Graham Lane, put it:

"This pay rise is £110 million more than LEAs have put aside for their budgets."

The key issue is that the Government are switching resources away from local authorities, particularly those in rural areas, their political allies in Labour-controlled metropolitan areas. Barnsley seems to be the exception. We had an eloquent plea for south Yorkshire and Barnsley from the hon. Member for Barnsley, Central (Mr. Illsley), who set out the problems that he faces with his local authority and the fact that the three-year settlement has set in stone some of the difficulties in funding his area.

Rural areas have already lost more than £500 million. That is in spite of the fact that they face specific problems, particularly over lack of transport. Labour has little interest in improving living standards for those in the countryside.

Before the election, Labour promised that it would end crude and universal capping. But this is just another example of the great Labour lie. Labour has replaced it with reserve powers to cap budgets. The Government now practice arbitrary and retrospective capping—they decide, after councils have set their budgets, whether to cap them. That is blurring accountability and transparency. It does local authority planning no good. By contrast, we have made it clear that the next Conservative Government will not cap councils. We are now the friends of local government.

Labour is centralising power, shifting resources from the block grant towards specific grants. Specific grants for education and personal social services have increased by more than 50 per cent., even before we take into account the effects of performance-related changes. Councils consequently have less discretion over how to spend resources, and that is weakening local democracy. Labour is cutting councils' environmental protection and cultural budgets. This year's increase of 1.9 per cent. represents a real cut of 0.6 per cent. That will hit district councils in particular, as that area represents a significant part of their overall budgets, and it will result in higher council taxes and service cuts.

The Labour party manifesto committed the Government to a fair distribution of grant. The settlement confirms that over the past three years, they have funnelled £425 million away from county councils and £180 million away from London boroughs to subsidise the wasteful antics of mostly Labour-controlled metropolitan authorities. This year, the SSAs for shire counties will be £160 million lower than they would have been if the Government had not changed the funding formula.

The Government are presenting the settlement as a great triumph. In reality, as we have heard in speech after speech, most hon. Members have real concerns about their local authorities. The Government claim to be increasing

grant to every local authority, but that has been achieved only because of a large surplus in the business rate pool from last year, which the Government are obliged to transfer to local authorities. Without that money, many councils would face cuts in overall grant.

Council tax has already risen sharply under Labour. Last year's increase was 6.8 per cent., which came on top of a record 8.6 per cent. increase in 1998–99. Band D households are paying considerably more than they did when the Government came into office.

Mr. Loughton: Is my hon. Friend aware of the damage being done to local authority pension funds by the abolition of advance corporation tax? In the case of my local authority, West Sussex, that has resulted in a shortfall of £3 million, or 2 per cent. on the council tax, as the money must be found somewhere to keep up the income flow.

Mr. Syms: My hon. Friend makes a good point. That change was not compensated for by the Government. The same point was central to the speech of the hon. Member for Torbay (Mr. Sanders).

If council spending increases at the same rate as last year, council taxes could rise by more than 10 per cent., which could leave a band D household facing a tax rise of £85. As my hon. Friend the Member for Christchurch (Mr. Chope) said, pensioners receiving a 75p increase will find it hard to cover that.

Council tax increases will be compounded by the Government's unfair scheme to limit the amount of council tax benefit subsidy payable to local authorities. Local taxpayers will have to pick up the tab for others who have their council tax paid for them. Again, we will see the nearly poor paying for the really poor, as the LGA has put it. From the Government Benches, the hon. Members for North-East Derbyshire (Mr. Barnes) and for Brent, North (Mr. Gardiner) made eloquent pleas against that aspect of Government policy.

Last year, £30 million was added to council tax bills across the country by the scheme, which does nothing to increase accountability. No one in the affected areas has the faintest idea of how much extra they are paying because their council is exceeding the Government's limits. There is no justification for the scheme—it is just another stealth tax.

Specific grants are increasing. Hypothecation is in vogue. As a proportion of aggregated external finance, it has increased from 13 per cent. in 1997–98 to 17 per cent. in 2000–01. That is restricting authorities' ability to make their own decisions. Many hon. Members have expressed concerns about passporting.

The settlement is bad news for local authorities and the people who depend on their services. It is bad news for hard-pressed council tax payers. The Government are not only wrong, but they arrogantly refused to meet delegations from councils and Members of Parliament of all political persuasions. They have stopped listening to people because they cannot stand to hear the truth about their proposals.

Today's debate has been a traditional one on local government finance. We have heard as much criticism from those on the Government Benches as from those on the Opposition Benches. When people see what is happening in their localities, they realise that problems lie ahead.

6.50 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): We have held an interesting debate about a settlement, which—despite the carping from the Opposition—represents £2.3 billion of extra investment in local services. That is a 5.8 per cent. increase on top of the 5.5 per cent. rise last year.

I understand that hon. Members always want to press points that affect their areas—so they should. However, I want to stress some facts about the overall settlements that we are making with local government.

Several hon. Members *rose—*

Ms Hughes: I will give way in a moment; I want to make some progress.

Just as we are doing in the whole economy, we are replacing cuts and uncertainty with the funding and stability that councils need to plan ahead and deliver better services, at a reasonable cost to the council tax payer. That is in stark contrast to the record of the Opposition, who, when in government—after the disaster of the poll tax, devised by the right hon. Member for Wokingham (Mr. Redwood) and imposed by the right hon. Gentleman who is now the Member for Kensington and Chelsea (Mr. Portillo)—deliberately cut grant to local authorities by 4.3 per cent. in real terms in their last three years in office.

Mr. Christopher Gill (Ludlow): Will the hon. Lady give way?

Ms Hughes: In a moment.

By contrast, the Labour Government have worked with local government to provide a more stable and generous framework. Any hon. Members with experience of local government—although there are not many of them sitting on the Opposition Benches—will acknowledge that that framework has been welcomed by councils across the political spectrum.

That is why we received representations from only a handful of authorities. Indeed, our survey of local authorities informed us that their top priorities were stability and predictability.

Mr. Gill: I am most grateful to the hon. Lady for giving way. It is no good for her to bandy figures with the House. There is much anger in my county; the real-terms increase in Shropshire is less than 1.5 per cent. We are bottom of the league in police funding, and almost at the bottom for health and local authority funding. Does she not realise that there is great anger in Shropshire about the Government's unwillingness to tackle the real problems?

Ms Hughes: I realise that all parts of the country—including the hon. Gentleman's area—have done much better under the Labour Government than they ever did under the Conservative Government. He needs to realise that.

Much has been made by Opposition Members of our alleged refusal to meet local authorities to discuss their settlement and of the timing of this debate. We made it clear that, given the stability that we were introducing,

[Ms Hughes]

we would not invite local authorities to meet Ministers. However, we held formal and extensive meetings with all the associations.

As for the timing of the debate, Opposition Members will know that that is a matter for the business managers on both sides of the House. Opposition managers agreed to the timing.

Let me put the record straight on local areas. For the second year running, rural areas have received above-average increases—as have sparsely populated areas and shire counties. Contrary to Opposition allegations, the southern regions also received above-average increases at 4.6 per cent.

The hon. Member for Mole Valley (Sir P. Beresford) lamented what he saw as a poor settlement for his district council, but he failed to say that Surrey county council, which provides most of the services, had an SSA increase of 4.9 per cent. I point out to him and to my hon. Friend the Member for North–East Derbyshire (Mr. Barnes) that I met the district councils; they are happy that, with our previous two settlements, the Government are improving their relative position.

Sir Paul Beresford: Will the hon. Lady give way?

Ms Hughes: I am sorry; I shall not give way at the moment, I need to make some progress.

Several hon. Members made general points about their areas. However, it is testimony to the overall satisfaction with the settlement that so few Members made points about the improvements that they wanted in their area.

In response to the point made by my hon. Friend the Member for Brent, North (Mr. Gardiner), I understand that the data for the school to which he referred have been included in the data changes for Brent. Even with these data, Brent would have received a grant increase of less than 1.5 per cent. without the guaranteed uplift that we have introduced.

My hon. Friend the Member for Leicester, South (Mr. Marshall) spoke with great knowledge about his authority. He knows that we recognise that it has a particular problem. The authority and my hon. Friend are to be congratulated on the way that they have responded to the situation. Certainly, the changes that we want to consider in the overall review will include some of the issues that he has raised.

As we have heard, some northern areas have complained about the impact of the current system on them. My hon. Friends the Members for Barnsley, Central (Mr. Illsley) and for North-East Derbyshire referred to the area cost adjustment. However, I remind them that those areas have also received substantial increases, although they may wish that they had been greater. Certainly, they will know that, in the review that we are undertaking, the area cost adjustment is an issue that we are particularly considering.

We heard much from the Opposition parties about control freakery. The Tories complain that we are too controlling and that they are now the champions of local choice and local decision-making. Now they do not like block grants, having cut grants in real terms year on year. Now they do not like capping, having capped with a vengeance. Now they do not like best value; it is too prescriptive, unlike compulsory competitive tendering, of course. That is a big U-turn. It is beginning to sound like the warm words of a party that knows that it will be in opposition for a very long time and not have to administer any local government settlements.

We are striking the right balance. I make no apologies for central Government's responsibility and legitimate role in having an interest in the way that public money is spent and the way that taxes are raised locally. If Conservative Members are now saying that they will abdicate that responsibility, we will not.

In that context, Conservative Members raised the issue of specific and special grants. In the forthcoming financial year, specific grants will constitute 17 per cent. of the total settlement, which leaves 83 per cent. for local discretion. Again, we make no apology for ensuring that Government priorities in education and other important services—which we back with funding, unlike the Conservatives when they had the opportunity—have to be part of the priorities for local councils. That is the difference between this Government and the previous one: we are working with local authorities to help them improve education and other services. The Conservative Government simply put the screws on across the board.

Conservative Members also claimed that the teachers pay award will be a problem. The award is 3.3 per cent. and the national increase in education funding is 8.7 per cent. within which SSAs are up by 5.6 per cent. That gives ample headroom to cover pay and prices' effects on local education authorities.

The right hon. Member for Cities of London and Westminster (Mr. Brooke) and my hon. Friend the Member for Wigan (Mr. Turner) talked about the extra £50 million that will be paid to local authorities as a special grant for the teachers pay award. I remind them that the letter of my right hon. Friend the Secretary of State for Education and Employment said that he would take into consideration whether local authorities had passported fully their education grant into schools and the education budgets. My right hon. Friend has not made it clear how he will take that into consideration, but he said that he would. That is his right. Education is a top priority for the Government and if we are giving more money for education, that is where it should be spent.

In conclusion, we are continuing to deliver the most generous local government settlement since the introduction of council tax. It means more money for local services, a better deal for council tax payers and stability so that councils can plan ahead sensibly and creatively, as many are doing. Annual above-inflation increases are a far cry from the year-on-year cuts that we had under the previous Government. Advance announcement of grant totals and distribution formulae has established a climate of stability that local authorities have wanted for a long time. We recognise that local authorities—

It being Seven o'clock, MR. DEPUTY SPEAKER *put the Question, pursuant to Order [28 January].*

Question put:—

The House divided: Ayes 266, Noes 146.

Division No. 63] **[7 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Benton, Joe
Bermingham, Gerald
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Burden, Richard
Burgon, Colin
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Etherington, Bill
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Lorna
Flint, Caroline
Foster, Michael J *(Worcester)*
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hepburn, Stephen
Heppell, John
Hesford, Stephen
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hood, Jimmy
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kelly, Ms Ruth
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Meacher, Rt Hon Michael
Meale, Alan
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moran, Ms Margaret
Mountford, Kali
Mullin, Chris
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Powell, Sir Raymond
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rapson, Syd
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Southworth, Ms Helen
Squire, Ms Rachel
Starkey, Dr Phyllis
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Vis, Dr Rudi
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woolas, Phil
Worthington, Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Don Touhig and
Mr. Clive Betts.

NOES

Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Jackie
Beggs, Roy
Beith, Rt Hon A J
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard

Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Burstow, Paul
Butterfill, John
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chope, Christopher
Clappison, James
Collins, Tim
Colvin, Michael
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Emery, Rt Hon Sir Peter
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Gibb, Nick
Gill, Christopher
Gorman, Mrs Teresa
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jenkin, Bernard
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
McCartney, Robert *(N Down)*
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
McLoughlin, Patrick
Major, Rt Hon John
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Page, Richard
Paice, James
Paisley, Rev Ian
Paterson, Owen
Pickles, Eric
Prior, David
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thompson, William
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Wardle, Charles
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wilkinson, John
Willis, Phil
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. John Randall and
Mr. Geoffrey Clifton-Brown.

Question accordingly agreed to.

Resolved,

That the Local Government Finance Report (England) 2000-01 (HC 160), which was laid before this House on 27th January, be approved.

MADAM SPEAKER *then put the remaining Questions required to be put at that hour.*

Resolved,

That the Local Government Finance (England) Special Grant Report (No. 52) (HC 161), which was laid before this House on 27th January, be approved.—*[Mr. Sutcliffe.]*

Resolved,

That the Local Government Finance Report (England) 1998-99: Amending Report 2000 (HC 162), which was laid before this House on 27th January, be approved.—*[Mr. Sutcliffe.]*

COMMITTEES

Resolved,

That Mr. Michael Colvin be discharged from the Defence Committee and Dr. Julian Lewis be added to the Committee.—*[Mr. McLoughlin, on behalf of the Committee of Selection.]*

Northern Ireland

7.13 pm

The Secretary of State for Northern Ireland (Mr. Peter Mandelson): With permission, Madam Speaker, I shall make a statement on the current situation in Northern Ireland.

I first pay tribute to the way in which the new institutions have got on with their challenging tasks in the past two months. The Assembly, the Executive, the north-south bodies and the British-Irish Council are all now up and running, as intended under the Good Friday agreement.

I pay particular tribute to each of the Ministers in the new devolved Executive, and their parties, who have taken up their new responsibilities in good faith, with good will towards each other and a genuine determination to serve all the people of Northern Ireland. I believe that that augurs well for the long-term success of devolved government in Northern Ireland.

Late on Monday, the latest report of the Independent International Commission on Decommissioning was delivered to the British and Irish Governments.

I pay tribute to the patient efforts of the Commission members, General John de Chastelain, Ambassador Andrew Sens and Brigadier Tauno Nieminen, over recent months—indeed years—and their readiness to continue those efforts to secure decommissioning as intended under the Good Friday agreement.

With the appointment of contact persons by the IRA and the UFF in December 1999, all the main paramilitary groups on ceasefire are now engaged with the commission. That is a significant advance. The commission's report points to a number of other positive factors. The ceasefires remain in place. The silence of the guns and the unequivocal support of the IRA and the other paramilitary groups for the political process have played a vital part in recent political advances. The assurance, repeated this week, that there is no threat to the peace process from the IRA is important and will be welcomed.

However, the report also stated that there has not yet been any decommissioning of arms by a major paramilitary group. If this continues, it is totally unacceptable. Notably in the case of the IRA, it has to be clear that decommissioning is going to happen. The commission believes that its conclusion in its report of 10 December—that recent events gave the basis for an assessment that decommissioning will happen—remains well founded. But it needs further evidence to substantiate that conclusion. In particular, it needs definite information about when decommissioning will actually start.

Over the past few days, my right hon. Friend the Prime Minister and I have had intensive discussions with the Irish Government and the main parties. Even as I speak, those discussions are continuing. The decommissioning body has been kept closely in touch with those discussions and it has informed me that it is ready at any time to report further in the event of concrete results emerging from those discussions. If the commission provides a further report, which renders out of date the information that I am giving the House now, I will, of course, make a further statement.

Even at this very late stage, it is right that we and all the parties continue to see whether there is a basis on which the institutions can continue to operate and decommissioning start. The institutions, though, can work only on the basis of cross-community confidence. Without clarity over decommissioning, I have no doubt that this confidence will ebb quickly. All the parties must have certainty that all aspects of the Good Friday agreement are being implemented, without some being forgotten and others overlooked.

If it becomes clear that, because of a loss of confidence, the institutions cannot be sustained, the Government have to be ready to put on hold the operation of those institutions. Nobody who is genuinely committed to the peace process will relish this prospect. However, our purpose if it comes to this will be to preserve them from collapse and to create the time and space in which to rebuild the confidence required to sustain them.

I shall therefore publish a Bill tomorrow to enable us to institute such a pause should one prove necessary despite our best efforts.

This will only be the case if the current unsatisfactory state of affairs is not changed clearly for the better.

We shall invite the House to consider the Bill early next week, with a view to royal assent later in the week unless events between now and then clearly make that unnecessary. In the meantime, we shall redouble our efforts, with the Irish Government and the main parties, to resolve the present difficulties.

Even at this late stage, I believe it remains possible to rebuild confidence in the institutions, to enable devolution and the other institutions to continue, and to ensure that decommissioning starts. But, I stress, those three things are interdependent. We cannot partially implement the Good Friday agreement. It is all or it is nothing.

Mr. Andrew MacKay (Bracknell): This is a sad day for the people of Northern Ireland. For weeks, they have prayed and hoped that there would be a proper start to the decommissioning of illegally held arms and explosives. They have been badly let down by the paramilitaries, both republican and so-called loyalist.

May I put it to the Secretary of State that the right hon. Member for Upper Bann (Mr. Trimble), and his Unionist colleagues, made a courageous decision to take ministerial posts in an Executive last December, even though there was no decommissioning by the paramilitaries? It was a courageous decision that we on the Opposition Benches strongly supported. Will he also confirm that there was an understanding that the Provisional IRA would properly start decommissioning its illegally held arms and explosives within a matter of weeks? As General de Chastelain has now reported, this has not happened.

Will the Secretary of State also confirm that all the other signatories to the Belfast agreement have fulfilled all their obligations in full? The only people who have not are the parties inextricably linked to the paramilitaries, whether so-called loyalist or republican. Will the right hon. Gentleman give us an undertaking that General de Chastelain's report will be published so we can learn from it and perhaps gain guidance from it? Will he agree with me that it would be unwise at this juncture to continue with the Disqualifications Bill, which has now gone to another place? That should be put on hold.

Will the Secretary of State accept that we believe that he had no alternative and that he is absolutely right—if we do not, at this late hour, have positive moves

[Mr. Andrew MacKay]

on decommissioning—to suspend the Executive, the Assembly and related bodies? When he brings legislation before the House next week, will he accept my assurance that, as far as we are concerned, it will receive a speedy passage?

Will the Secretary of State also accept that many people—myself included—will regret the return to direct rule? The great majority of people in Northern Ireland, in both communities, have appreciated and enjoyed the end of the democratic deficit. They have welcomed the fact that their democratically elected politicians are taking important decisions and running much of the Province, and there will be regret that those within the Unionist community and the nationalist community who have done so much and have fulfilled their obligations are now being penalised in the same way as those who have failed to fulfil those obligations. We must bear it in mind that, particularly, the right hon. Member for Upper Bann and the Deputy First Minister—the hon. Member for Newry and Armagh (Mr. Mallon)—have done an outstanding job and they also deserve better than that an Executive should be suspended through no fault of their own.

Mr. Mandelson: I thank the right hon. Gentleman for his support for what I have announced today. I entirely share his analysis of the courage and the initiative shown by the right hon. Member for Upper Bann (Mr. Trimble) and his colleagues as well as other Members of the House who are present tonight. Both the First Minister of Northern Ireland and the Deputy First Minister of Northern Ireland—both of whom are here tonight—have shown tremendous strength of leadership to both traditions throughout Northern Ireland. I know the House will wish strongly to commend them for the leadership that they have shown.

I accept that it was clearly understood during the course of the Mitchell review that, while no commitment or guarantee was given that decommissioning should happen in January, none the less it was equally clear throughout, among all those who were involved in the Mitchell review, that if there was no decommissioning by the end of January, the Ulster Unionists would be unable to sustain their involvement in the Executive in Northern Ireland. There was no ambiguity about that—no guarantee, but no ambiguity either. It is, therefore, a disappointment that progress has not yet begun on decommissioning.

The right hon. Member for Bracknell (Mr. MacKay) was right in what he said about everyone else's obligations under the Good Friday agreement. I believe that the criminal justice review has yet to be published. That will happen in a matter of weeks. I cannot think of anything else that has not been done, is not being done, or is not about to be done.

I am not going to engage in some sort of blame game tonight, but everyone in Northern Ireland will be disappointed that progress has not been made in decommissioning, for precisely the reason given by the right hon. Member for Bracknell. People in Northern Ireland are rightly proud of the Executive. They like seeing local people—locally elected politicians with local accents—taking charge of local affairs, and they want that to continue. It will only continue if all aspects of the Good Friday agreement are properly implemented.

I can tell the right hon. Gentleman that, in the event of a further report from the de Chastelain commission, the report that the commission gave the Governments on Monday will also be published, at the same time, so that any difference between the two can be carefully noted.

As for the Disqualifications Bill, it is not linked to what I am talking about now, and I think that its passage can be safely left to the other place.

Mr. David Trimble (Upper Bann): As the Secretary of State has said, it is clear that no decommissioning has occurred. Can he confirm that there has also been no serious discussion, let alone agreement, on the modalities of decommissioning of any specific terrorist weapons, and that the progress made over the past six weeks has been minuscule and deeply disappointing? Does he understand the disappointment we feel—after taking the risk to proceed, in advance of decommissioning, with the formation of the Administration—about the fact that now, months later, there has been such a contemptuous response from the paramilitaries concerned? Does he understand our astonishment at the fact that, after all the discussions and the review, so little has happened? I think the House will appreciate that, now that the basis on which we proceeded to devolution has been falsified, we have no alternative, and cannot continue in an Administration with those who have disappointed the hopes that were created.

I must ask the Secretary of State whether he intends, unless there is clear, significant and verifiable decommissioning in the next few days, to suspend the institutions. He referred to the presentation of a Bill that would receive royal assent next week; can he say precisely when it will be brought into operation?

Mr. Mandelson: Let me say straight away that no one doubts—indeed, I think every Member will applaud—the commitment of the right hon. Member for Upper Bann (Mr. Trimble) to the Good Friday agreement. That is beyond doubt. Equally, let me say that we shall need his strength and determination again to keep the process moving ahead.

Both traditions throughout the community in Northern Ireland want to see the agreement work. They want to see the political parties—they want to see their political leaders—working together as well in the future as they have during the last two months. I hope that the right hon. Gentleman and his colleagues will not take precipitate action in relation to the Executive, and that they will allow the events of the next few days to unfold before making a final judgment.

I have to confirm, however, that, as the right hon. Gentleman said, there has not been an adequate engagement on the part of any of the paramilitary organisations with General de Chastelain's body. That is simply unacceptable. It is a betrayal of the entire community in Northern Ireland, of whatever hue, whatever background or whatever tradition—especially when it is abundantly clear from every expression of public opinion and every opinion poll published on the subject, both in Northern Ireland and in the south, that Unionists, nationalists and, I suspect, most republicans, overwhelmingly want decommissioning to happen, and want it to start now. I appeal to the paramilitary

organisations to heed the call of the people to get cracking and to enable local self-government in Northern Ireland to flourish once and for all.

Mr. Seamus Mallon (Newry and Armagh): May I commend the Prime Minister, the Taoiseach, the Secretary of State and the Minister for Foreign Affairs for the remarkable efforts that they have been making recently to solve the problem, and are making now, as we speak, on the issue?

The Secretary of State knows that I believe that suspension of any kind of the institutions in the north of Ireland at this time and in this context would be unwise for three reasons. One: it could do serious and perhaps lasting damage to the new political dispensation, which is beginning to work and is beginning to work well, if I may say so. Two: it would make obtaining decommissioning immeasurably more difficult, if not ultimately impossible. Three: it would play straight into the hands of those who are opposed to the agreement, its institutions and the working of those institutions.

May I ask the Secretary of State if he agrees that the priority as of now must be to allow and ask General de Chastelain to obtain answers from all the paramilitary groups to two questions? One: "Will you decommission?" Two: "If yes, when will you decommission?" Will the Secretary of State then inform the House of those answers; inform all the political parties in Northern Ireland; consult with the Irish Government; and, in light of those answers, decide how to proceed—but not until answers are got to those questions, which should have been answered many, many months ago?

Mr. Mandelson: I think that all those questions are extremely relevant and I can assure my hon. Friend that those are precisely the detailed questions that I have already put to General de Chastelain. I regret to say that, in answer to most of them, the answers have been extremely lacking. Let me make it absolutely clear to him: no one is seeking suspension of the Executive. It is the very last thing that I would want to see happen, save to have those institutions collapse and fall apart. If that is the choice, suspension is the better of those two options and that is what is motivating us.

No one wants to do anything that will make decommissioning any harder to achieve, but there comes a moment when we have to express our impatience and, indeed, our intolerance, that decommissioning is failing to happen. I know that the hon. Gentleman has expressed his own impatience and his own very strong feelings on behalf of the people whom he represents, and that is welcome.

May I say this, too? I know that there will be many nationalists whom the hon. Gentleman represents who will be bitterly disappointed that, having gained their places in government after being treated as outsiders for so long in Northern Ireland, they might be suddenly snatched away from them. To them, I say, "Have faith and have confidence." There are no longer any second-class citizens in Northern Ireland. Their place in government is absolutely assured. That is precisely why we are trying to build up the confidence of everyone in Northern Ireland in the Executive and in the institutions that have been created—just so that their place and the place of every section of political opinion can be properly secured in that Government in Northern Ireland.

Mr. John Major (Huntingdon): Many hopes—hopes across the divisions in Northern Ireland—will have been fractured by the failure of the paramilitaries to decommission. One of the great conundrums of the process from the very outset has been whether the leadership of the paramilitary groups—and most important of all of Sinn Fein-IRA—wished to disarm, but were inhibited from doing so by the views of the membership, or whether there was in reality never any real intention to disarm at all. That, sadly, is still unclear to me, and I suspect that it is still unclear to the House.

What is clear is that the leaders left the impression that there would be disarmament; but there has been none. In the circumstances, sadly, and I hope, temporarily, the Government have no alternative left to them but to return to direct rule, and there should be no doubt where the blame for that backward step now clearly lies.

May I follow up the important point made by the hon. Member for Newry and Armagh (Mr. Mallon) by making a slightly different point? Can the Secretary of State tell me whether Sinn Fein and the IRA have ever been directly asked by the Government if they would place a proposal for disarmament before the general council of the IRA and a general meeting of volunteers? Can he tell me whether that point has ever been put? If not, can the Secretary of State undertake to put that point now, so that this House may know the clear intentions of those people with whom the Government have been negotiating on behalf of this House for some time?

Mr. Mandelson: I can say to the right hon. Gentleman without any equivocation at all that we would not have got this far, and that the Government would not have treated with Sinn Fein in the way that we have, had it not been made absolutely clear by that organisation that they regard decommissioning as an essential part of the peace process. That having been said, the IRA, in their statement at the conclusion of the Mitchell review, said among other things that they accepted the leadership shown by Sinn Fein. I think most people would infer from that that they were accepting and endorsing the political strategy as expressed by the leadership of that organisation.

If that is the case, they must accept, as Sinn Fein has said, that decommissioning is an essential part of the peace process. That is what they are being tested on and that is what they will be judged by. I hope very much indeed that, in the time that is available to them, the IRA will make that clear—just as Sinn Fein has made that clear—so that the powers that I am proposing to take in the legislation next week do not have to be used and so that we do not have to suspend the Executive and the institutions. There is time yet.

We have not reverted to direct rule yet. I hope that everyone will come to their senses, see the value in what has been created and not put it in jeopardy any more.

Mr. Simon Hughes (Southwark, North and Bermondsey): Does the Secretary of State accept that Liberal Democrat Members will offer complete, but sad, support for the proposition that we shall have to have reserve powers to suspend the working of the Northern Ireland Assembly, if that is what is required at the end of next week?

HOUSE OF COMMONS PARLIAMENTARY DEBATES (HANSARD) ● 1999-2000

CHADWYCK-HEALEY Vol. 343 cols. 1317 - 1406, WH1 - 100 24 January - 4 February 2000

[Mr. Simon Hughes]

Will the Secretary of State join me in appreciating the enormous efforts made by Members—both Unionists and nationalists—of this House who have brought us to the brink of peace, and whose efforts we must all try not to frustrate at this stage?

Will the Secretary of State explicitly share with me the view that, given how far so many people have come already down the Good Friday road, it is now absolutely clear that it is, above all, the IRA who must take the next step; and that General de Chastelain's report made it clear that, unless the next step is taken very soon, it will not be possible for the May deadline for decommissioning to be met? Does he also agree that the Unionists who have stayed on the road very firmly, despite pressures and temptations, must be encouraged by all of us to stand firm and not to be pushed off course, and that their leadership is the prerequisite to our continuing to make progress together towards continued devolution of power to Northern Ireland?

I have two specific questions on the factual timetable. Will the Secretary of State confirm that, if there is progress over the next few days, there need not even be legislation to produce reserve powers? More importantly, will he confirm that, if there has to be legislation, he will not take a decision to suspend until the last moment, always seeing that as the worst option, and that suspension can be lifted almost immediately if the people who now have a responsibility take the steps that are clearly required to start making progress towards the decommissioning that the whole of the United Kingdom and Ireland need them to take?

Mr. Mandelson: I can confirm what the hon. Gentleman says. Of course, as I have said already, nobody wants to take this step. If we can possibly avoid it, we will, but only if an objective change in the circumstances allows us to make that change. For that to happen, we must see a different approach and a different stance on the part of the IRA. The hon. Gentleman is right in referring to the fact that there is only one deadline for decommissioning in the Good Friday agreement. It is not January, it is not February, it is not March; it is May—to be precise, 22 May of this year. Nobody is trying to impose new deadlines for people to meet. Nobody—not the Unionists, not the Government—is trying to rewrite the Good Friday agreement. All that we are seeking is the full implementation of the agreement that we had. That should be clearly understood by those in the republican movement who have expressed some anger at the turn of events this week. It is very important that they realise that. Nobody is trying, as some have accused me this week of doing, to abandon faith in the political process or the institutions that have been created—far from it: I am motivated solely by a desire to save and preserve the process and the institutions that have been created. That will certainly determine all the Government's actions in the coming week and in the months ahead.

Mr. David Winnick (Walsall, North): At this very disappointing time for Northern Ireland, should we not bear in mind that there remains overwhelming public support in the United Kingdom, as in the Irish republic, for the Good Friday agreement, and that the vast majority of people in both countries want that agreement to remain in force? As far as the IRA is concerned, is it not "make up your mind" time? If the IRA want the agreement to remain in force and the Executive and the north-south bodies to continue, they know what they should do. The vast majority of people in Ireland—the Republic and the north—want them to do what we in Parliament want them to do: decommission.

Mr. Mandelson: My hon. Friend is absolutely right. If we did not have the Good Friday agreement and we were starting all over again with all the negotiations from scratch, I have absolutely no doubt that the agreement that suits everyone's needs and aspirations most clearly and the one with which we would end up all over again is the Good Friday agreement. That is why it is so important that we move ahead and implement it in its entirety, but it has to be clear that decommissioning is going to happen. "No more ifs and buts"—that is what people want to hear and that is what they are entitled to hear. The method of decommissioning is for the de Chastelain commission. The commission must act in accordance with decommissioning schemes made by the two Governments. They provide for a variety of methods, but all require arms to be destroyed or made permanently unusable or inaccessible. That must be the basis for the action that is undertaken by all the paramilitary organisations.

Mr. Peter Brooke (Cities of London and Westminster): Can the Secretary of State and General de Chastelain confirm that there is not a scintilla of a possibility of a misunderstanding on the part of the paramilitaries and of those associated with them of what the consequences would be of a continuance of their present stance?

Mr. Mandelson: I hope that, in everything that I have said—which, I am sure, is echoed in every part of this House—there is no ambiguity, but if there is, let me make it absolutely clear. If there is no decommissioning, there will be no full implementation of the Good Friday Agreement. If there is no full implementation, there will be no devolution in Northern Ireland. That is a matter of colossal regret, but it is a fact.

Mr. Tony Benn (Chesterfield): May I thank the Secretary of State for making his statement to the House, and for giving an assurance on any proposed legislation or any further statements to this House next week, because we have as great an interest in this matter as the people of Northern Ireland? May I thank him also for the cautious, confident and moderate statement that he made, because he knows that the people of Northern Ireland want this to succeed? May I put it to him that those in either community who are opposed to the Belfast agreement have an interest either in not decommissioning or in suspending the Executive? They feed upon each other.

In considering what might have to happen if no progress is made, will the Secretary of State consider that we do not really want to go back to the old direct rule, because it was under that that so many of the tragedies occurred? May I ask him to give an assurance to the House that the one element that will remain firmly in place is the close co-operation between the British and Irish Governments, because neither is involved in any

suspension, and that this direct rule should be direct rule by London and Dublin together, as a way of carrying the process forward?

Mr. Mandelson: I am grateful to my right hon. Friend for his support. He is absolutely right that there are rejectionists on both sides of this argument who are prepared, in some cases, I am afraid, to fill the atmosphere with hatred and poison, which simply serves to deepen the divide in Northern Ireland's community, to polarise opinion and to frustrate the whole cause of making peace.

I can assure my right hon. Friend that the co-operation between our own and the Irish Government remains very close indeed. As the Taoiseach said in the Dail last November:

"The whole Agreement is based on mutual confidence, partnership and the sense that everybody is acting in good faith in implementing all its terms. If there is difficulty, either in relation to devolution or decommissioning, we are, by definition, in a very serious situation. In those circumstances, where the Agreement was not being implemented in significant respects, the Governments would have to step in and assume their responsibilities, including through appropriate suspension arrangements."

Nobody wants it, but both Governments know that if it has to be, it will be.

Rev. Ian Paisley (North Antrim): Does the Secretary of State agree that the statement made by the previous speaker, the right hon. Member for Chesterfield (Mr. Benn) that we should have a new form of joint rule from Dublin and this House is the sort of statement that would bring about a disastrous situation? Should not the Secretary of State tell the House today that no such joint rule will take place in Northern Ireland?

Secondly, does not the Secretary of State understand that his statements tonight are not at all helpful to the people of Northern Ireland? He says that the

"unequivocal support of the IRA and the other paramilitary groups for the political process has played a vital part in recent political advances".

Surely we are here tonight because the IRA has not played its part, and has not lived up to the promises that it made. The other amazing statement was that

"the assurance repeated this week that there is no threat to the peace process from the IRA is important and will be welcomed".

Surely the threat from the IRA is that it has the means to destroy life in Northern Ireland, and that it has an arsenal bigger than any other terrorist arsenal in western Europe, which it refuses to decommission. When he comes next week to present his Bill, can he give us an assurance that we will possess de Chastelain's report? It is unfair to ask Members from Northern Ireland to discuss this matter next week if we do not have in our hands the report of de Chastelain. The Secretary of State said something about another report, but if there is no other report, will we have the report of which we have not as yet seen the contents? If there is going to be a pause, may I ask him, "Will he pause the release of prisoners?" Will he stop the implementation of the Patten report? These are matters that need to be handled, and handled urgently.

Mr. Mandelson: I must say that I did not share the hon. Gentleman's precise interpretation of the remarks by my right hon. Friend the Member for Chesterfield (Mr. Benn). I do not think that he was calling for joint rule as such, but in case there is any ambiguity about the Government's policy, I may say that we do not support joint rule—however advantageous and beneficial it is to the people of Northern Ireland to have the ready support and contribution of the Irish Government for the political progress that has been made in Northern Ireland.

If the hon. Gentleman does not mind my saying so, I think that he is slightly splitting hairs over the statement that I have made. Of course I readily acknowledge—indeed, I said—that the arsenal of weapons held by the IRA makes their continuing, indefinite involvement in democratic politics impossible. We know that, and they themselves have accepted that, which is why they say that decommissioning is an essential part of the peace process. I do not know whether the hon. Gentleman disagrees with me, but I happen to believe that the ceasefires are not unimportant as an essential condition for political progress.

I think that anyone who is in any doubt about the difference that has been made to life in Northern Ireland by the ceasefires could just go over there and live there for a few days, and talk to the people who live there. They would soon find out that it has made an enormous difference to the quality of life of everyone there.

I hope that the hon. Gentleman will reflect and provide not rancour and not recrimination in these circumstances, but his support for those who have made such a success of Northern Ireland's government. Among those, I include the representatives of his own party, who have been excellent Ministers on the Executive.

Mr. Harry Barnes (North-East Derbyshire): Would it be correct to say that my right hon. Friend's statement is a holding operation? It is an essential holding operation and has a dynamic contained in it, in that the Bill will provide the arrangements by which the suspension of the Executive is imminent unless the paramilitaries deliver. Therefore, there is a duty on right hon. and hon. Members who have any influence with our friends from Northern Ireland to point out to Unionists the significance of the Bill that will be put forward. Those who have links with Sinn Fein should press them to see that decommissioning takes place.

Mr. Mandelson: All of us will be pressing all the paramilitary organisations to ensure that decommissioning takes place. My hon. Friend is right, in a sense, that I am describing a holding operation, but it is an operation that will not permanently be on hold. I will take the necessary powers in case the discussions that are going on now are unsuccessful. That is a prudent preparation to enable me to move as quickly as the situation demands, and nobody should be in any doubt that I will.

Mr. Robert McCartney (North Down): Will the Secretary of State confirm that the House will not have to wait until there is a second report from General de Chastelain before we get the first report that he received on Monday of this week?

Is the Secretary of State aware that General de Chastelain and his fellow commissioners, in a report on 7 July 1999, set out the clear criteria for the commencement of the process of decommissioning—not decommissioning itself, but the process—which contained two requirements: that the paramilitaries had given an unambiguous commitment to the completion of

[Mr. Robert McCartney]

decommissioning by 22 May; and that the interlocutor had agreed all the modalities, including timing and verification? Will the Secretary of State confirm that neither of those criteria has been met?

Mr. Mandelson: I think that I made it absolutely clear in my opening remarks that that is precisely the situation and that we find it disappointing and unacceptable. That is why we hope and assume that the paramilitary organisations will rectify the situation without delay.

Dr. Norman A. Godman (Greenock and Inverclyde): I warmly endorse my right hon. Friend's positive remarks concerning the democratic functioning of the institutions in Northern Ireland. I spent the whole of Tuesday at Stormont and I saw Members of the Legislative Assembly going about their work in a way that would be immediately familiar to Members of Parliament and, dare I say it, Members of the Scottish Parliament. Assembly Members and many members of the local public said to me that they were deeply alarmed at the prospect of the enormous loss of what has already been achieved in terms of stable partnership government and the working of the Assembly.

If my right hon. Friend has to introduce a period of suspension, I urge him and members of the Irish Government to do their utmost to ensure that it is as short as is humanly possible, so that democracy can take healthy root in Northern Ireland.

Mr. Mandelson: I strongly welcome and echo my hon. Friend's comments. I can give him this reassurance: the only point of creating a pause in the operation of the Executive of the institutions in Northern Ireland would be to avert their collapse and to allow them to get back on track as rapidly as possible. I am proposing to take this power in the legislation next week precisely because I fear that, if we did not put them on hold, should the circumstances arise and so demand, confidence in the institutions would continue to ebb and we would place in jeopardy their continued operation, through the actions of other people. The aim is precisely to save the institutions, to preserve what has been created for the benefit of the people in Northern Ireland.

My hon. Friend is right to say that the Members of the Assembly and those in the Executive are thoroughly conscientious and diligent. Above all, whatever political background they come from and whatever tradition has elected them, it is most noteworthy that all the Ministers speak and act for the interests of both traditions and all people in Northern Ireland. That is a huge step forward and something that we will want to preserve at all costs.

Mr. Peter Bottomley (Worthing, West): I have been cautiously pessimistic about the process in Northern Ireland for well over 10 years, but there are grounds for hope. I spent the day in Mid-Ulster today, and there was no sense of crisis, although clearly there is a political problem that could develop into a crisis. People right across the political spectrum, from Sinn Fein to the Unionists, had far more sense of partnership on practical matters. We have a week, possibly, before the Executive would have to be suspended; does the Secretary of State think that Sinn Fein-IRA will be able or will choose to make possible a continuation of the Executive without suspension?

Mr. Mandelson: I hope very much that that is the case. I do not think that any of us in the House can begin to imagine what the inner workings and political dynamic of Sinn Fein and the IRA are. I certainly do not know. I suspect from what I glean that there is a strong debate, a strong argument—a bit of a struggle—going on among different people who probably come from different backgrounds and have different leanings within the republican movement as a whole.

I suspect that Sinn Fein's leaders have tried hard. I believe that they have been personally sincere in their commitment to fulfilling that statement originally made by Sinn Fein at the close of the Mitchell review. But words, in these matters, while welcome and valuable, are not enough to sustain the confidence of both traditions in Northern Ireland for the political process. It is in order to rebuild and replenish that confidence in both traditions that we ask and plead that all the paramilitary organisations now do what the people of Northern Ireland want—that is, make a proper start to decommissioning.

Mr. Stuart Bell (Middlesbrough): As I understand my right hon. Friend, what we are doing next week is passing legislation that will be a sword of Damocles over all the work and institutions that have been created in Northern Ireland and throughout the island of Ireland. Will my right hon. Friend confirm that there can be no veto over these democratic institutions by terrorist organisations, and that the Government of the Republic of Ireland and the Government of the United Kingdom are absolutely as one that there can be no veto.

Can my right hon. Friend also confirm, building on the point made by my right hon. Friend the Member for Chesterfield (Mr. Benn), that it would be unwise to rush back to direct rule? We need time and patience. We need closeness with the Government of the Republic of Ireland. Is it not a fact that such closeness and co-operation are as much in the interest of Unionism as they are of nationalism?

Mr. Mandelson: I think that my hon. Friend's words are extremely wise and to the point. It is so frustrating and vexatious for people in Northern Ireland, who are so committed to devolution and to democracy in Northern Ireland, to find themselves cheated of those things by the actions of those who had hitherto placed themselves outside the democratic process. What we have seen over recent years is not only the all-important ceasefires, but, inching ahead, month by month, year by year, a growing distance being put by the paramilitary organisations between themselves and the violence that they engaged in in the past. The problem is that while they are now a long way from the sort of violence and military strategy, the bombings and the barricades, that were such an appalling feature of Northern Ireland in the past, they none the less seem no nearer to the decommissioning that is essential if the peace process is to be sustained in the future. It is that change that we need to see now.

Mr. John D. Taylor (Strangford): The Secretary of State has confirmed from the de Chastelain report that, even though decommissioning of illegal arms was a

requirement of the Belfast agreement almost two years ago, and our Prime Minister confirmed that he expected it to begin in June 1998, there is still no decommissioning of IRA arms. Could the right hon. Gentleman refer to another part of this absent de Chastelain report—which I hope some day we will see—and confirm that it states that such is the magnitude of the IRA arsenal, decommissioning would need to begin now for the completion date of 22 May 2000 to be achieved?

When the Secretary of State talks about suspension of the institutions, is he also intending to suspend the north-south bodies and the British-Irish Council? Finally, does he fully understand the seriousness of the situation in Northern Ireland tonight, irrespective of some comments from other parliamentary colleagues, and that spin and words will not rescue the situation? The only way to save devolution in Northern Ireland is to move swiftly to suspension and not play for time, because if we play for time, we will lose everything.

Mr. Mandelson: Nobody is playing for time. We are playing for product and playing for progress. If that progress and product require a little more time, I am sure that the right hon. Gentleman will be the last to deny anyone an opportunity to make it work, even at the 11th hour. If, in the event, that does not happen and fortuitous circumstances do not arise, I have already said that we shall take the powers necessary to place on hold the working of the institutions. I do not think that I can do more than that.

As for the right hon. Gentleman's remark about the magnitude of the weaponry that is held, he is right that it is great. It is not the case that General de Chastelain and his colleagues have said that for the deadline of complete decommissioning to be reached in May, a start has to be made now. It is desirable and necessary that a start should be made now, but the practical time frame to which the right hon. Gentleman referred is a little shorter than that.

Dr. Nick Palmer (Broxtowe): Does the Secretary of State agree that the already difficult process of ensuring that deadlines in the Good Friday agreement are met is not necessarily made easier by the tendency of some parties to impose additional deadlines on other parties? Does he agree that we are discussing the need for a credible plan from the IRA for meeting the May deadline, and no other deadline? If it is necessary to suspend the institutions for a period, and in order to avoid demoralisation and discontinuity during that period, will my right hon. Friend consider asking some of the bodies that are working at the moment to continue on a shadow basis to advise the institutions of direct rule so that they will be able to resume their work officially, should the opportunity arise?

Mr. Mandelson: I can confirm that the legislation that we shall introduce next week will make it clearly understood that existing Ministers will continue to hold their posts, but will not exercise any of their functions. When—I hope it will be in a short time—devolution and the Executive resume, the status quo ante will simply apply. All existing Ministers—including the First Minister and the Deputy First Minister, assuming they are willing—will revert to their previous ministerial roles.

It is true to say that the only deadline in the Good Friday agreement is for decommissioning in May, and I certainly agree that we need a credible plan to achieve that from the IRA. However, I must add that a deadline is one thing, and a credible plan another. For one to be reached and the other implemented, we require the maintenance of confidence right across the community in Northern Ireland. If that confidence subsides, people's ability to sustain the Executive and the institutions will inevitable wane. It is in order to replenish confidence among everyone in all the parties in Northern Ireland that we need not just credible plans, but early moves to achieve decommissioning.

Mr. John Maples (Stratford-on-Avon): Can the Secretary of State tell us whether the Irish Government fully support the statement that he has made and the actions that he proposes to take? Will they make their support absolutely clear, so that an unequivocal message goes from both Governments to the terrorists?

Mr. Mandelson: I do not think that there is any doubt at all—I must say this—about the position of the Irish Government in relation to this issue. The Taoiseach and his deputy and other Ministers have made it clear, again and again. As recently as January—on 13 January—the Taoiseach said:

> "It is my view with certainty that the entire thing will fall apart if decommissioning does not take place. Whatever happens after that, that is another thing."

I do not think that he could have been clearer. I think that his support and his commitment to the implementation of the Good Friday agreement as a whole are necessary and welcome. He should be applauded for the strength of that commitment.

Mr. Mike Gapes (Ilford, South): Those of us who had the privilege of participating in the negotiations in Castle Buildings in April 1998 always knew that the agreement was reached without trust. Does the Secretary of State agree that trust has begun to creep in, and that one of its bases is the excellent relationship between the British and Irish Governments? Will he assure the House that, whatever happens during the next week, we will not go back to bad relations between our two Governments, and that the excellent relationship that has been established will be built on in the future? Will he also assure the House that the agreement is the property not of the eight parties that signed it, or of the two Governments, but of the people of Ireland—in the north and the Irish Republic—who voted for it overwhelmingly? Will he confirm that the agreement will not be torn up, as some rejectionists want, but will continue in some form in the future?

Mr. Mandelson: There is absolutely no question of the Good Friday agreement being torn up. It will encounter many vicissitudes; it will encounter difficult times and, no doubt, strong opposition from familiar quarters. However, in my view, it is strong enough—robust enough—to withstand all that, because it is the right agreement for the people of Northern Ireland, as well as for those in the Republic. The agreement simply could not have been achieved without the efforts, put in over so long a time, by people in political parties in north and south and by the Governments both here and in the south. It is absolutely important that those relations are built upon, and they will be, so that that trust, which my hon. Friend rightly says has crept in, is kept in and built on in the future.

Mr. Jeffrey Donaldson (Lagan Valley): Will the Secretary of State now confirm exactly when we can

[Mr. Jeffrey Donaldson]

expect to receive the de Chastelain report? Secondly, if decommissioning has not been completed by 22 May 2000, will the Secretary of State confirm that, under the terms of the Northern Ireland (Sentences) Act 1998, he is under a statutory obligation to halt the early release of terrorist prisoners, which is not due to be completed until July 2000; that between 22 May and the end of July, there is a considerable number—perhaps somewhere in the region of 150—of terrorist prisoners remaining to be released; and that it would be most unfair if those releases were to continue in the absence of the decommissioning of terrorist weapons?

Mr. Mandelson: On the specific point of the prisoner releases, the provisions relating to those flow from legislation that was foreshadowed in the Good Friday agreement. Prisoner releases had always depended not on the state of decommissioning, but on the state of the ceasefires. That remains the case. The maintenance of the ceasefires obviously remains under permanent scrutiny by the Government. We will not be suspending the Good Friday agreement; therefore, we are not going to put into reverse all those gains and all those changes that have flowed from its implementation. We will be suspending, if we need to—and only if we need to as a last resort—the operation of the political institutions, for what I hope will be a very short period of time.

As for the report issued by General de Chastelain, I have described fully and accurately—and certainly somewhat disappointingly—the contents. I can give the hon. Gentleman this assurance: it will not be changed prior to publication and it will be published alongside any further report, should one be issued.

Mr. Tony McWalter (Hemel Hempstead): In agreeing wholeheartedly with the tone and the content of my right hon. Friend's statement, may I ask him whether he thinks that the key to progress is to try to get some clarification of the relationship between Sinn Fein and the IRA? There seems to be a variable distance between them. When there is a ceasefire, Sinn Fein claims that it is close to the IRA and, hence, that it deserves the credit for the ceasefire. When there is a failure to decommission, there is a huge gap between them and Sinn Fein claims, as it did to us yesterday in Belfast, that it is nothing, or very little, to do with it. Does my right hon. Friend agree that, if there is a huge difference between Sinn Fein and the IRA on the matter, the undertakings that Sinn Fein gave in the Belfast agreement were not given in good faith because it did not have the necessary relationship to give those undertakings?

Mr. Mandelson: No, I do not think that it would be fair to say that any commitments made in relation to the Good Friday agreement were made in bad faith. I genuinely do not believe that. I think that there was a sincere commitment made by individuals to do their best to bring about the changes to persuade their colleagues in other parts of the republican movement to fulfil the Good Friday agreement in the way that they had signed up to. They do not appear to have been entirely successful, however. Rather than spending time clarifying the relationship between Sinn Fein and the IRA, I would just urge them to agree on what needs to be done and to get on and do it.

Several hon. Members *rose—*

Madam Speaker: Only five Members are waiting to be called. I am conscious that the Secretary of State has been at the Dispatch Box for more than an hour, and it is not usual to keep a Secretary of State at the Dispatch Box for even an hour. All parts of the statement have been well aired, so can I have brisk questions and brisk answers from the Secretary of State? I do not wish to disappoint hon. Members on such an important issue.

Mr. Andrew Hunter (Basingstoke): The Secretary of State appears to be saying that he will not publish independently, in advance of any second report that there may be, the de Chastelain report on which he based his statement. Why is that?

Mr. Mandelson: I have already described accurately and fully the contents of the report. If I felt it were important and relevant for the House to see and to compare one report with another in the event of a further report being issued, I shall make sure that the original one is published alongside it.

Mr. Dominic Grieve (Beaconsfield): Will the Secretary of State take the opportunity, when he speaks to Sinn Fein, to point out to it that the two-year time frame was largely for the benefit of those who needed to have trust built? If they are not taking advantage of that to take staged decommissioning when the opportunity exists as they go along to have the reassurances that they may need, they are losing the benefits of the agreement to which they themselves signed up.

Mr. Mandelson: The hon. Gentleman—perhaps inadvertently—puts his finger on a thorny issue. The problem for members of Sinn Fein as they would present it, if they had taken up their seats here and were to respond to him directly, is that, whereas the Good Friday agreement was signed 18 months and more ago, the Executive and the institutions came into effect only last December. Therefore, they think that the time frame has become somewhat concertina-ed. It is a matter for them to make the case on their own behalf—I am certainly not going to do so for them—but it is not unreasonable to take that into account even though it does not provide an excuse for the inaction that we have seen.

Mr. Nicholas Winterton (Macclesfield): When is an understanding and an agreement not an understanding and an agreement, and when are procrastination and good faith not procrastination and good faith? Does the right hon. Gentleman accept that it appears to be when we are talking about decommissioning? Does he accept that there can be no lasting, certain peace in Northern Ireland without the decommissioning of the huge arsenal of terrorist weapons? Will he now lay down a firm timetable for such decommissioning? We have been talking about it for three years.

Mr. Mandelson: The hon. Gentleman misunderstands the nature of my responsibilities and those of General de

Chastelain and his colleagues on the decommissioning body. It is their job, not mine, to do what he has described, and they are trying their best to achieve it.

Mr. William Cash (Stone): Will the Secretary of State give the reasons for the Disqualifications Bill? Will he deny that it was based on a secret agreement with Sinn Fein-IRA?

Mr. Mandelson: The reasons for the Disqualifications Bill remain the same as described by my hon. Friend the Under–Secretary, and no, they were not the subject of any deal made with any organisation.

Mr. David Wilshire (Spelthorne): I am most grateful to you, Madam Speaker, for your forbearance on this occasion.

In order that the people of Northern Ireland and the Members of the House can make a complete, fair and balanced judgment, will the Secretary of State undertake to publish the de Chastelain report before the House rises tomorrow afternoon?

Mr. Mandelson: I have nothing to add to the answers that I have already given on four occasions during the course of the statement.

Thames Gateway

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Dowd.]*

8.21 pm

Mrs. Christine Butler (Castle Point): Previously called the East Thames corridor, the Thames gateway begins in east London, and extends from Stratford and Greenwich to Tilbury in Essex and Sittingbourne and Sheerness in Kent.

Tonight, I shall argue that the Thames gateway should be further extended to include areas north of the river, just as at present it includes areas along the Kent coast to the south. That view is supported by the Essex chamber of commerce, and it is a major plank of the south-east Essex economic strategy document. Essex county council and the Essex economic partnership are strong supporters of that proposal, as is the East of England development agency, and the south-east regional planning committee, which is better known as Serplan.

The panel report following the public examination of the regional planning guidance for the south-east was a huge disappointment not only for its suggestion that the south-east should have 1 million more dwellings, but for its recommendation that the Thames gateway should not be further extended into Essex.

In December, Castle Point council informed the Government office for the east of England that the panel report did not reflect an adequate understanding of the economic problems of south-east Essex, and that further consideration should be given to those matters in a review of the Thames gateway planning guidance.

The council also expressed its concerns about the unco-ordinated approach to the transport infrastructure generally and the lack of attention to the problem of south Essex in particular. It went on to say that the panel report did not reflect a sustainable approach to the development of the region, and was likely to result in increased pressure on existing resources.

The south-east regional planning statement justified the extension of the gateway. South Essex has direct links to London and the existing gateway, with major industrial and service agencies linked to those of London. While it traditionally provides a large part of London's work force, a more sustainable strategy needs to be developed.

The north Thames area provides the nearest resort, tourism and leisure facilities outside London for the local Essex and visiting London population. It has direct transport links by road and rail to the existing gateway and London. They also link to the M25 and London Southend airport. The LTS rail route forms part of the trans-European network, and that reflects the area's appeal as the gateway to the continent. That is further supported by port facilities. The area also has pockets of deprivation that compare to those in the existing gateway south of the Thames.

Inclusion in the gateway would bring opportunities for sustainable economic development by reducing traffic demand on major routes into, and out of, London. It would reduce competition for jobs in London and the existing gateway. It could provide local people with better accessibility to local jobs, improve transport links by air, rail and water, and increase the range of economic development, including port and river facilities.

[Mrs. Christine Butler]

That sets in context the plea that I make for Castle Point and, in particular, Canvey Island. For the life of me, I never understood why Canvey Island was ignored when the Thames gateway regeneration project first emerged. After all, it is an island strategically placed in the gateway to London, surrounded by the Thames and within the Port of London authority.

Almost 2,000 years ago, in the first century, the Romans spotted its advantages, as did the Viking invaders about 800 years later. The Vikings were defeated in 893 by King Alfred's army in the battle of Benfleet. When the Dutch settled on Canvey, they turned what had been rather a deserted place into farmland and established a small but thriving community. They drained the land, built a church and set about defending the island from the power of the sea.

Successive settlers did not change the essentially rural landscape that much until the 20th century. During the industrial revolution, Canvey escaped unscathed. No Dickensian horrors of urban living can be traced on Canvey, although visitors will find a plaque on the wall of the Lobster Smack noting that this remote spot was the inspiration for scenes from "Great Expectations". Even when the railways came and a new station was built at Benfleet, visitors from London seeking the joys of Canvey would have to cross Benfleet creek by the stepping stones.

Today, Canvey Island is a very different place. The strong sea defences established after the 1953 floods and the added security that they brought began to draw a much greater interest in the place from developers. Housebuilding started to accelerate. However, those intent on making a good profit from real estate were not the only ones to have their eye on the commercial potential of Canvey Island. This interest may have come late to Canvey but, when it did, it was rapid and merciless to the growing community of islanders, and Canvey was not prepared.

Canvey again was seen to occupy a strategic location on the Thames. It was recognised as a good place to store oil, a good place for an oil refinery and an ideal location to import all sorts of high-bulk commodities, from coal to crushed rock, to feed the rapacious jaws of London and its hinterland. The competing interests between a rapidly rising population and new industrial development was never properly resolved. There was no comprehensive plan to care for Canvey and Canvey suffered.

How could a small island be expected to cope with all those competing pressures? Well, it could not. Thank goodness Essex county council stepped in during the early 1990s to back islanders against the plans of Peter de Savory to build a massive 4,500 more houses on the last remaining expanse of ancient grazing land on the western part of Canvey.

My involvement with the island began at the time of the public inquiry into the proposal and, despite all the lobbying that was going on at the time by various politicians, the Secretary of State made the right decision and refused the application. However, Canvey's future was still uncertain. Development, taking no account of the needs of the population or a long-term, sustainable future for Canvey, still remains a threat.

Very soon, the planning committee will have to consider an application for the storage and auction of accident-damaged cars on a 30-acre site at the bottom of Haven road. That is a big area. Many of the cars will become scrap. The application comes from HBC, which trades from Charfleets industrial estate. Should the project go ahead, the result could be an expansion of a land use that is prejudicial to the best interests of the island. Canvey does not need more scrap cars on this scale. The scheme will offer virtually no employment. Instead, it will worsen traffic conditions, in particular making the lives of the people living in and around Haven road a misery. It will create an enormous ugly scar on the flat landscape of Canvey. Who would want to be near that?

Canvey needs to attract the kind of things that its people need and want, such as good, clean jobs, better amenity and improved road access. I firmly believe that Canvey is not big enough to accommodate dirty, untidy industry and almost 40,000 people. We need to implement a new 21st century vision for Canvey, putting the blight of the last half of the 20th century in the history books.

Part of this speech, which outlines my apprehension for the future of Canvey, was printed in one of our local newspapers recently, and it seems to have touched a raw nerve on the part of one Terry Holding, principal director of HBC Group. He responded in a disgraceful and shameful manner.

Yesterday, my office received several telephone calls from concerned constituents who had been the unfortunate recipients of a malicious and defamatory letter about their Member of Parliament, written by that man. He is the same person who was rejected at the ballot box when he stood as a Conservative candidate in the local elections less than a year ago. I cannot allow myself to be intimidated by such an approach, and nor could any Member of Parliament. I will continue to represent the interests of Castle Point and my constituents.

With reference to Mr. Holding's allegations, and to set the record straight, I have never said that I had secured a company to build and run a marina at Holehaven on Canvey, but I have pushed the idea that a marina could be the key to unlocking the problems that we are experiencing in attracting the right kind of investment on development land around Safeway.

Properly and sympathetically designed, that could help to regenerate the land on which the former Occidental oil refinery once stood. It could attract projects for environmental regeneration, protected open space, conservation and amenity, promoting the attractiveness of the area. Plans for a high-quality business park would therefore be far more likely to go ahead.

It is of paramount importance that a better image—as well as reality—should be created for Canvey. For the land south of Northwick road, that will require a great deal of hard work, commitment and imagination. We must be brave enough to challenge old expectations and welcome new thinking. We must believe that, in the end, our aspirations can be realised. We can overcome the legacy of past carelessness, but we need help.

Castle Point is one of the riparian authorities included in the new Thames Estuary partnership. The partnership is a neutral body set up to promote integrated policies for the whole of the Thames estuary. It is looking at matters such as improving air quality, enhancing bio-diversity, sustainable commercial use, managing fisheries, flood defences, cultural resources, landscape character, and waste and water management. It aims to act as a catalyst to co-ordinate sustainable activities through London to the lower reaches of the Thames.

I have just read the partnership's strategy document, "Today's Estuary Tomorrow" and I applaud the way in which it has been drawn up. It gives a significant lead to the way in which we should be thinking about the Thames estuary. It would be an anomaly if the Thames gateway planning guidance did not extend to all the Thames estuary authorities, including the north side of the Thames. And it would be a great shame if, to steal a phrase, Canvey Island were left out and forgotten.

8.33 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): I congratulate my hon. Friend the Member for Castle Point (Mrs. Butler) on securing the debate. I welcome the opportunity to reassure her of the Government's desire to encourage new economic development and investment in Canvey Island and the whole of south-east Essex, and to reiterate our commitment to regional planning.

I am aware that, in recent years, south-east Essex may not have prospered to the same extent as some other parts of the south-east region. The area has much to recommend it, as my hon. Friend made clear. It is rich in history and has areas of countryside that are important for nature conservation, and some prestigious new shopping and leisure developments.

However, like my hon. Friend, I am conscious that there are still pockets of previously used land, especially on the Thames estuary, that suffer from dereliction and contamination and where improvements to the environment are a priority. There is a need to attract new jobs to the area, and to create opportunities for local people to learn new skills and make more rewarding use of their existing skills. We also want to reduce the number of people who have to leave the area every day to work elsewhere. I know that such daily commuting adds to the congestion that is a common occurrence, especially for those trying to get in and out of Canvey Island.

Regeneration of the area in accordance with the principles of sustainability to which the Government are committed must be a clear objective, and we will do all that we can to encourage that process. Regeneration can best be achieved through partnership and co-operation between local authorities, local people and local businesses. My hon. Friend talked about a local partnership.

The policies and proposals in the Castle Point local plan and the emerging Essex and Southend replacement structure plan, which have been subject to full public consultation and debate, set out the strategy for future development in the area. It is right that decisions about the scale and location of new development, whether intended to provide houses or jobs, should be made by local people. However, there is also a strong regional dimension, which my hon. Friend recognises.

Local authority development plans are part of a framework, which must continue to be set by regional planning guidance, so that what happens in south-east Essex is not divorced from the spatial strategy for the wider region. It is the role of regional planning guidance to consider whether there are, regionally or sub-regionally, suitable areas or broad locations for major housing, business, retail and leisure uses.

At regional level, regional development agencies can play an important role in encouraging and attracting economic investment to areas such as south-east Essex, where that is urgently needed, and in supporting regeneration. The RDAs for the eastern and south-eastern regions have published their strategies for improving the region's economic performance and enhancing its competitiveness. They will need to be reflected in the final RPGs for those regions.

I do not need to remind the House of the changes we have made to the preparation of regional planning guidance. From being top-down statements of generality under the previous Administration, we intend that they should from now on embody an agreed spatial strategy for each region. The strategy will be agreed by the interests in the region. Those groups will integrate spatial planning with economic and transport planning and incorporate a more sustainable approach, bearing in mind the needs of local communities such as those that my hon. Friend described, and those who live, work and take their leisure in the area.

As my hon. Friend knows, RPG is subject to a public examination. Preparation of RPG for the south-east and the East Anglia is now at an advanced stage.

As the House knows, Serplan's draft RPG for the south-east has been subject to public consultation and a public examination. It is now necessary, following the public examination, for the Secretary of State to consider the panel's report and all the representations that have been made on the draft RPG. We want sustainable development in the south-east to be the basis for continued economic growth. We cannot carry on building in the dispersed pattern encouraged by the previous Government. However, as has been illuminated in the wider debates, including recent debates in the House, since Serplan published the draft RPG there are clearly some issues that need to be carefully addressed before we go forward to the final RPG.

We hope to be able to publish proposed changes to the draft RPG shortly, and my hon. Friend will understand that I cannot say more at this time about those changes. However, they will be subject to full public consultation.

My hon. Friend has made a powerful case for the Thames gateway to be extended beyond its present boundaries to include Canvey Island, and I understand her desire for that to be given the green light. There is no doubt that the whole of the Thames gateway, from London to Essex and north Kent, offers huge potential. We have a range of sites, acres of development land and a real commitment from central and local government. The Government are committed to co-ordinating the delivery of policies at a level never seen before and recognising the importance of an approach that combines environmental, economic and social objectives. We are working with partners, especially local authorities and regional development agencies, to bring together the support available and needed to make sure that the Thames gateway is developed in a way that maximises the benefits for everyone. As the economies in the Thames gateway prosper, we expect them to bring beneficial spin-offs to neighbouring areas, including those in Essex.

The proposed extension of the Thames gateway boundary to include not only Canvey Island but the whole of Castle Point plus Southend, part of Basildon and the area of Thurrock fronting the river that is not currently within the gateway is strongly advocated by Essex county council and the district authorities concerned. As my hon. Friend said, it has been raised by Serplan as part of the

[Ms Beverley Hughes]

review of RPG for the south-east. Serplan's draft RPG emphasises that the Thames gateway remains a key regional priority and states that its designation should be extended to include Castle Point, Southend and part of Basildon. The draft RPG also identifies the extended Thames gateway, embracing south-east Essex, as a priority area for economic regeneration—a specific priority area.

As my hon. Friend pointed out, the Crow panel report—the report on the public examination of Serplan's report—did not consider an alteration of the Thames gateway boundary to be necessary, so there is a conflict between it and Serplan's recommendations. I know that that is one of her concerns. As I said in relation to the draft RPG as a whole, I cannot therefore comment on the merits of the proposed boundary extension at this time—I know that she understands this—because that would pre-empt the formal consultation process and the Secretary of State's consideration of the matter, which he is actively undertaking at present. However, I can say to her that the Government are under no obligation to follow the Crow report blindly. We are taking account of the panel's recommendation in the light of all the material factors and making an assessment of how the regeneration of the Thames gateway and those areas adjacent to it can best be achieved. We have before us the different views from Serplan and the district councils on the one hand and the panel on the other.

My hon. Friend has made a strong case and I have heard her very clearly. I shall ensure that her views are fully considered. I thank her for giving me the opportunity to provide that assurance and to make those points to the House.

Question put and agreed to.

Adjourned accordingly at eighteen minutes to Nine o'clock.

House of Commons

Friday 4 February 2000

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

BILL PRESENTED

NORTHERN IRELAND

Mr. Secretary Mandelson, supported by the Prime Minister, Mr. Secretary Straw, Mr. Secretary Reid and Mr. Secretary Murphy, presented a Bill to make provision for the suspension of devolved government in Northern Ireland and the exercise of certain functions conferred by or under Part V of the Northern Ireland Act 1998; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Monday 7 February, and to be printed [Bill 61].

Orders of the Day

Carers and Disabled Children Bill

Order for Second Reading read.

9.34 am

Mr. Tom Pendry (Stalybridge and Hyde): I beg to move, That the Bill be read a Second time.

Although I am in my 30th year in the House, I have never before had the good fortune to win a high place in the private Members' ballot. It is not until one does so that one realises how many friends one has. In my case, most of them vanished almost overnight when I decided to introduce this measure—although not, happily, the right hon. and hon. Members in the Chamber today, who are, I am sure, as passionate as I am about the need to assist carers. That is not to say that other right hon. and hon. Members do not care, but their main concern when befriending me was clearly to steer me in another direction, which was their first choice.

The mountain of mail that one has to cope with from individuals and organisations is enormous. Perhaps the most ironic experience was having to deal with almost half a rain forest from those who wished me to introduce the Newspaper and Magazine Recycling Bill. That is a very worthy measure, however, and I wish my hon. Friend the Member for Bristol, North-West (Dr. Naysmith) every success in getting it through.

I am also grateful for the cross-party support I have received in launching the Bill. This is truly an all-party measure and if, as I hope, it gets on to the statute book, it will reflect a great deal of credit on the House. I give particular thanks to the sponsors who span the political divide. In addition to the usual stalwarts with an interest in this area, including my hon. Friends the Members for Halesowen and Rowley Regis (Mrs. Heal), for Loughborough (Mr. Reed), for Newcastle-under-Lyme (Mrs. Golding), for Bury, North (Mr. Chaytor), for Denton and Reddish (Mr. Bennett), for Wakefield (Mr. Hinchliffe) and for Scarborough and Whitby (Mr. Quinn), I also have support from three former Conservative Ministers—the right hon. Members for South-West Surrey (Mrs. Bottomley) and for Charnwood (Mr. Dorrell), both former Secretaries of State for Health, and the hon. Member for Broxbourne (Mrs. Roe). I also have the support of the Liberal Democrats in the form of the hon. Member for Taunton (Jackie Ballard). I am pleased to see my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke), a great champion of carers, in his place—and, indeed, right hon. and hon. Members of all parties

I am particularly delighted that the Government have lent their support to the Bill. With that kind of support, and a fair wind, we might be able to celebrate a stunning victory for carers. It will, in my view, be a victory not only for carers but for parliamentary democracy, for the Bill is about freedom, choice and flexibility. It will give carers the help and support that they need to enable them to continue caring.

I chose the Carers and Disabled Children Bill because I, like most Members, have recognised over the years that the carers in our society should be given more choice and flexibility to allow them to carry out their caring role. I decided to see whether I could build on the provisions of the measure introduced by my hon. Friend the Member for Croydon, North (Mr. Wicks), who is now the Under-Secretary of State for Education and Employment—the Carers (Recognition and Services) Act 1995. I pay tribute to him for his dedication to carers in getting such an important measure on to the statute book. However, my Bill goes beyond the 1995 Act, in so far as it will help all kinds of informal carers—husbands and wives caring for their spouses, parents caring for their ill or disabled children, and adults caring for elderly patients, to name just a few. It will do that by allowing local authority social services departments to assess their need for support and help them in their caring role by giving them what they need in the form of services.

The 1995 Act was a great step forward when it was introduced. For the first time, local authorities formally took into account the carer's ability to care before arranging services for the cared-for person. But, as I said, this Bill goes beyond the 1995 Act in many important respects. In a nutshell, it gives carers enhanced rights to assessment of their own needs; it gives local authorities powers to provide services to carers in their own right; it builds on the freedom and the choice that direct payments give people by allowing carers direct payments for their services, and it ensures that parents, too, can receive direct payments for services to their disabled children.

Many of us, at some time in our life, will care for someone else. We give care willingly to our nearest and dearest because we love them. For some, this caring role will become a larger part of their life, taking up more of their time, because someone close has become ill or disabled. The care provided by carers is not provided on a formal basis by organised, paid professionals. Informal care delivered by family and close friends is provided on an unpaid basis. It is care that draws on feelings of love and duty.

[Mr. Tom Pendry]

Caring is often very hard work, and can be emotionally draining. It takes many forms within a range of relationships. Although the circumstances that lead people to become carers may be different, many of the difficulties faced by carers are common. The impact on their lives of caring can be similar: distress at seeing a loved one in pain; emotional loss as the nature of the relationship changes; effects on other relationships; a sense of isolation and loneliness; and feelings of stress and depression.

In recent years, there has been a growing recognition of the importance of informal care and its effects on carers. I have known many carers over the years. In Stalybridge and Hyde alone, there are perhaps just under 9,000 carers—roughly one in eight of my constituents. I have been amazed by the amount of support that they have given to elderly, sick or disabled relatives. I have been struck by the fact that, even though they are providing substantial amounts of care, relatively small changes can improve the quality of their lives. I hope that my Bill will go some way towards doing that.

I do not believe that we can afford to ignore the needs of carers. There is a strong social and moral argument for supporting them, but there is a clear economic imperative as well. There are an estimated 5.7 million carers in the United Kingdom. The support that they provide for their elderly, sick and disabled relatives is estimated to be worth £34 billion a year. If we ensure that carers are able to care and are given the means to care in ways that preserve their health and well-being, we shall avoid the enormous costs that would be associated with any breakdown of caring.

My Bill is concerned with carers at the heavy end. In other words, it caters for those who provide regular and substantial care. An estimated 1.7 million carers provide that level of care, giving 20 hours or more a week in support to a disabled or ill person. Some 855,000 carers provide more than 50 hours of care a week.

Those carers are people like Sheila, who has cared for her daughter for 37 years. I do not want carers such as Sheila, who spoke movingly at the launch of my Bill on Tuesday, to be refused help because the person for whom she cares has refused a community care assessment. Caring for her daughter is enormously stressful, and she spoke on Tuesday about the many times when she had been desperate for support after nights of broken sleep, worry and constant care.

Sheila's daughter has epilepsy and mental health problems. Over the years, she has developed a deep mistrust of professionals. I want people such as Sheila to have their needs met in ways that give them more choice and flexibility. I am pleased that the Government have raised the profile of carers. The most significant development has been the publication of the national strategy for carers, which was launched by the Prime Minister on 10 June 1998. Incidentally, 10 June is my birthday, should anyone wish to make a note of it.

Next week, on Tuesday, we shall celebrate the first anniversary of the strategy's publication. At its launch, the Prime Minister stated that we must take our work to support carers further, and my Bill will do just that. Caring for carers is a vital element in caring for those who need care. What carers do should be properly recognised and supported. The Bill will take us one step further towards achieving that.

Those who have studied the Bill will know that it is longer than the average private Member's Bill. It is also complex. However, the right hon. and hon. Members who have read it know that the Bill will provide a legislative framework to bring about simple changes that will make a big difference to carers' lives. The Bill strikes the right balance between providing strong support and recognition for carers and respecting the individual rights of disabled people. I thank everyone who has given me advice and support on the Bill, including officials from the Department of Health and the Carers National Association.

I should like to set out in a little more detail how the Bill attempts to turn the principles that underlie it into practice. Clause 1 provides that a carer who is 16 or over has the right to an assessment from a local authority of his or her ability to provide, and continue to provide, care for the cared-for person.

Mr. Eric Forth (Bromley and Chislehurst): I congratulate the hon. Gentleman not only on coming high up in the ballot, but on introducing a Bill of this kind. Before he begins his detailed discussion of the Bill, will he tell us what conversations he has had with local authorities or their organisations about the impact that the Bill will have on them? How do the local authorities see themselves fulfilling the obligations and duties that the Bill would lay on them?

Mr. Pendry: I thank the right hon. Gentleman for his constructive intervention. I have held discussions with local authorities—my own in particular—and with caring organisations. There is certainly a grey area, in that the authorities do not know exactly what the impact will be. However, they all seem confident that they can cope with the Bill. In addition, clause 9 contains a financial provision, which will provide a stop-gap by which we can assess the Bill's effects if, as I hope, it becomes an Act.

Clause 1 also provides that a carer should have a right to an assessment from a local authority if the carer provides or intends to provide a substantial amount of care on a regular basis for another individual aged 18 or over, and the carer asks the local authority to carry out an assessment of his or her ability to provide and continue to provide care. That would be particularly helpful where the cared-for person had refused an assessment for community care services or the delivery of community care services following assessment, as is the case with Sheila's daughter.

Clause 4(1) amends section 1 of the Carers (Recognition and Services) Act 1995 and enables local authorities to take into account, for the purposes of an assessment under clause 1, any carer's assessment previously carried out under the 1995 Act, where the information may be material. That assessment would enable the local authority to decide whether to provide services to the carer under clause 2. The local authority would have to consider the assessment and decide whether the carer had any needs in relation to the care that they provided for the person cared for. The authority would then decide whether or not it could provide services to meet those needs and whether or not to provide them.

That decision would depend on whether the cared-for person had refused help from the local authority or whether it would be more appropriate for the service to be provided direct to carers to support them in their caring role or maintain their own health and well-being.

This is a very important change to the way in which social services departments may provide support. The aim of the Bill is to focus on enabling those who choose to care, and whose care is wanted by another person, to do so without detriment to their own health and well-being. The Bill is sensitive to the complexities of the relationship between the carer and the cared-for person.

Clause 2(3) states that some services, though provided to the carer, may be services that could be delivered to the cared-for person by way of community care services. If such services are delivered to the carer, they may not, except in prescribed circumstances, include anything of an intimate nature. There is a power to set out in regulations what is, or is not, a service of an intimate nature. Services that may only be delivered to the person cared for might include dressing, feeding, lifting, washing or bathing.

Mr. Philip Hammond (Runnymede and Weybridge): Will the hon. Gentleman clarify whether the provision of services directly to the cared-for person could happen when that person had refused an assessment? Could the services be provided against the wish of the cared-for person?

Mr. Pendry: As I understand it, that could happen, but it would be done after discussion with the local authority.

The Bill does not offer the carers of adult users the right to determine the services to be delivered to users. Nor does it give local authorities the power to provide carers with services that are of an intimate or personal nature. However, the Bill recognises that users of services—cared-for people—and their carers are closely linked. The Bill ensures that local authorities can look at meeting carers' needs as well as meeting the needs of the person cared for.

The effect of clause 4(2) and (4) is that, where a local authority is deciding whether to provide a particular service to the carer under the Bill, or to the user under community care legislation, the authority must make it clear who is the recipient of that service. For example, it must make it clear who will be liable for any charges, or who may complain in relation to the service in question.

For many carers, a break from their caring role is a key issue. However, a short-term break does not mean the time that a carer needs to spend away from home for such tasks as buying the weekly shopping. A break that helps carers maintain their health and well-being is an opportunity to have a life of their own. In particular, it is the chance to spend time with family and friends—or indeed with the person for whom they are caring, but free from their usual caring responsibilities.

There are two important issues that dictate whether carers will enjoy a break: first, that there is flexibility in the timing of the break; and secondly, that the additional services provided to the user benefit the person for whom he or she is caring. For a carer to enjoy a break, it is particularly important that the person who is usually cared for is content with the type of additional support that is given.

Clause 3 enables the Secretary of State or the National Assembly for Wales to make provision in regulations for local authorities to issue vouchers for short-term breaks. That scheme will offer carers and the people who are cared for flexibility in the timing of the carer's break, and choice in the services delivered to users while their carer is taking a break.

A typical situation would be that a carer was assessed by the local authority as needing regular breaks from his or her caring role. The local authority would need to assess the user's need for additional support to allow that carer to take a break. The cared-for person may choose to have vouchers rather than directly provided services. It is intended that the regulations will include provisions for vouchers—whether for money or for the delivery of a service for a period of time—to be redeemed by the voucher holders, at a time of their choosing, for services delivered by local authority approved providers.

The short-term break voucher scheme will introduce a simpler way of achieving more flexibility and choice in the delivery of short-term breaks than is currently available via direct payments. It is important to the users of social services and their carers that they have that choice and flexibility in the timing and nature of services delivered to meet their assessed needs.

It is especially important for carers—who give so much—that they are recognised as individuals in their own right. They must have more choice for themselves concerning the way in which they care, and more control over their lives. At present, disabled people may ask their local authority to assess their need for support to live independently in the community and, as an alternative to receiving services from the local authority, can have the money to purchase the support that they need.

Mrs. Llin Golding (Newcastle-under-Lyme): Is my hon. Friend aware that, in my constituency, the local authority is already holding consultations with NCH Action for Children to set up respite care for disabled children, to provide information and to give outreach support? Does he agree that that would fit well with what he wants to provide through his Bill?

Mr. Pendry: I am grateful to my hon. Friend for drawing our attention to that excellent scheme. Local authorities take different approaches to these issues, but I am sure that they will all welcome the Bill.

Clause 6 would add a new section to the Children Act 1989 to extend the option of direct payments to parent carers to meet the needs of their disabled children, and to disabled children aged 16 and 17. The responsibilities of parent carers are often made more arduous by the difficulty of accessing mainstream services—for example, child care, including after-school clubs and leisure activities. When parent carers do not think that services are sufficiently tailored to meet the needs of their family, direct payments offer more choice in service delivery.

The clause adds a further section to the 1989 Act to enable the Secretary of State or the National Assembly for Wales to make provision in regulation for local authorities to issue short-term break vouchers to parent carers. The extension of the option of direct payments to 16 and 17-year-old disabled children may be helpful for

[Mr. Pendry]

young disabled people who want to become more independent; for example, because they want to go into further education or to move away from home.

Clause 7 enables local authorities to charge carers for the services they receive. There is some controversy about charging, and many organisations have approached me on that point.

Mr. Hammond: Would that clause provide for the means testing of any cash payments or vouchers that were provided?

Mr. Pendry: I was about to say that we need to examine that matter closely in Committee. I hope that my hon. Friend the Minister will be helpful in that regard. Carers look after friends or relatives who might otherwise be a cost to the state and a charge on the taxpayer. There is much feeling among those carers that they should be given a better deal. I understand that talks are taking place in the Department, so I hope that the Minister will be helpful.

Although it would not be possible for a private Member's Bill to try to change Government policy in these matters, I would welcome some response from my hon. Friend on charging for social and other services. I have talked to caring organisations and listened to their concerns and am convinced that we need to amend the measure when it goes into Committee. I hope for support from both sides of the House. I cannot quite see a smile on my hon. Friend's face, but he is a caring man and I am sure that he will listen to our case.

Mr. Paul Burstow (Sutton and Cheam): I very much endorse the hon. Gentleman's remarks on the need for a comprehensive consideration of charging policies. I look forward to the Minister's comments on that point.

Does the hon. Gentleman share the concern of several organisations that the interaction of clauses 2 and 7—in relation to service provision and charging—could lead to a perverse outcome, whereby the carer is asked to pay for services for the disabled or elderly person? As a consequence, the carer's means rather than those of the cared-for person would be assessed.

Mr. Pendry: That issue has been raised with me. However, I am assured that that would not be the outcome. I accept that the matter causes concern, but we can iron out its ramifications in Committee.

Mr. David Maclean (Penrith and The Border): I congratulate the hon. Gentleman on introducing the Bill. He has told us that it does not yet contain all the refinements that he wants; one understands that, given the processes of government, he may have had to dilute the measure slightly. I assure him that I am willing to put myself at his disposal, as I am certain is my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). We have considerable experience of drafting amendments, which he may find useful.

Furthermore, the hon. Gentleman may be aware that, last year, during the proceedings on the Protection of Children Bill, the Minister expressed his gratitude to my right hon. Friend and I because we tabled some amendments to that measure, ensuring that it was satisfactory and efficient. We are willing to give that assistance again.

Mr. Pendry: I am grateful to the right hon. Gentleman, especially as he achieved something that I failed to do—he got a smile from the Minister.

The point is well taken; we need to reconsider the matter. However, following the introduction of the strategy outlined in "Caring about Carers", the Government have made a special grant of £140 million over three years, to ensure that local authorities provide a wider range of services to support carers. We must acknowledge the Government's generosity in that regard.

Mr. Hammond: According to the hon. Gentleman's figures, there are about 1.5 million carers providing substantial care. Will he confirm that the Government's generosity would deliver about £50 or £60 a year per carer?

Mr. Pendry: The hon. Gentleman stuns me with his arithmetic. I shall reflect on that statement.

The Minister of State, Department of Health (Mr. John Hutton): I am extremely grateful to my hon. Friend for allowing me to intervene on his excellent speech, and I hope that he will forgive me for doing so. While he is reflecting on the question posed by the hon. Member for Runnymede and Weybridge (Mr. Hammond), he may want to remind the House of how much special and specific grant was ever made available by the Conservative Government to benefit carers.

Mr. Pendry: With my all-party hat on, I deliberately tried to avoid such remarks—although such comments are allowed from my hon. Friends on the Treasury Bench.

I hope that this important Bill will be allowed to go to Committee and that it will speed its way on to the statute book.

10 am

Mr. Robert Syms (Poole): I welcome the introduction of this Bill by the hon. Member for Stalybridge and Hyde (Mr. Pendry). He is well respected by hon. Members on both sides of the House and has made a good start in his contribution to a Bill that is important to many people.

Carers have a very difficult task. As Members of Parliament, we all meet people in our surgeries who are struggling to look after relatives or other people. Carers sometimes feel that the welfare state and the structure of society do not take their needs into account.

As the hon. Gentleman said, the efforts of carers are not always recognised and they are certainly not always rewarded. Many say to me, as they say to all hon. Members, "If I didn't care for my relative and he became a burden on the state, think what it would cost you." We are all very much aware that carers save the state a lot of money and it is better that relatives look after relatives and partners look after partners. Anything that we can do to facilitate that role would not only save us a considerable amount of money, but would make people's lives much easier.

The problem is very much a case of the straw breaking the camel's back. A little help, respite, support and care can make the carer's whole task easier and ensure that everyone who is cared for has a better deal. As Conservative Members have already made clear, we shall consider the Bill constructively, if not uncritically. We shall have to consider the detail in many of its clauses. The offer of my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) is helpful in the sense that he can crawl over a Bill, find snags and be helpful—when he wants to be. I am sure that he will do that.

Great Britain has an estimated 5.7 million carers. One in six—or 17 per cent.—of households contain a carer. That is a vast number of people, even it is aggregated out on a constituency basis. In the south-west, the area that I come from, 12 per cent. of the adult population are carers. The burden falls more on women than on men. I have met many women who look after their partners. They have terrible problems lifting their male partners and suffer from back and associated problems. In Britain, 58 per cent. of carers are women and only 42 per cent. are men. Although the latter figure is higher than I thought it would be, nevertheless the burden falls rather more on women. Nine out of 10 carers care for a relative. Those are pretty important statistics.

Many carers not only have to look after their loved one or partner, but 20 per cent. of them do so for more than 20 hours a week. In fact, 4 per cent. of carers have to provide care for more than 50 hours a week, which is a substantial amount of time. Those who live with the person for whom they care spend the most time on the task. Apart from that, carers try to lead ordinary lives. In addition to looking after a relative, they work, shop, catch the bus and have to deal with the problems of congestion and returning home. The burden on such people is substantial.

Representations make it clear that the Bill, particularly clause 1, gives a recognition to carers that perhaps did not exist in the past. The Bill is very much welcomed by most of the organisations that sent in comments. However, I hope that the hon. Member for Stalybridge and Hyde will not mind if I focus on some of the concerns raised, rather than on the positive points, of which the Bill has many.

The Carers National Association expressed its disappointment that, under clause 1, parent carers—parents who care for disabled children under the age of 18—will not be able to benefit from the Bill. They will not be able to receive services in their own right, because clause 1 refers explicitly to people who care

"for another individual aged 18 or over".

At present, parent carers and their disabled children can receive holistic family services under the Children Act 1989. However, carers say that the child is the focus of such services and, although that is right, it overlooks the need of parents. The Carers National Association does not believe that it is the Government's intention to exclude parent carers and hopes that the issue can be resolved either by amending the Bill or by strengthening the guidance in the Children Act.

Clause 2 makes provision for a local authority to provide any service that it believes will help the carer. That service might involve direct contact with the person cared for, but the Bill states that the service must never be intimate. However, the Carers National Association points out that the Bill does not define what is meant by an "intimate service". Although the Bill provides for regulations to define an intimate service, it does not state when or whether they will be published in draft form for consultation first. It is important that the definition is published.

Concern has also been expressed that carers will be charged for services, and such concern is inevitable. The Carers National Association is concerned that carers will be charged for services that would otherwise have been provided to the disabled person. The crucial words are in clause 2(3), which states:

"A service, although provided to the carer . . . may take the form of a service delivered to the person cared for".

The problem is that there is a power to charge service recipients in section 17 of the Health and Social Services and Social Security Adjudications Act 1983. It gives local authorities the power to charge the person to whom the service is provided for non-residential, community care services.

Concern has also been expressed that clause 1 will give a local authority discretion to decide whether to provide a service. Many people believe that the burden should be on a local authority to explain why it is or is not providing a service. People who have been assessed and who expected some support would like a social services department at least to explain why it is not providing support if their application has been turned down. They would be a little more satisfied if they received an explanation.

Mr. Hammond: Is not the most likely explanation of a social services department's decision not to provide services simply the fact that it does not have the resources available? Are not people likely to find that an unsatisfactory explanation, as it reintroduces the concept of a lottery into the question of who does or does not receive care?

Mr. Syms: My hon. Friend makes an important point. I was about to come to that problem, because we have an assessment system that creates expectations. Although this is a private Member's Bill, I suspect that the Government may well smile on it, and there will be financial implications for local authorities. If people are not to be disappointed once the Bill is enacted, there will have to be planning and further resources to assist local authorities.

As I said earlier, it is a false economy not to do something for carers. If the straw breaks the camel's back, many more people will look to the state, so there will be much more expense. From the caring and financial points of view, it makes sense to focus on the problems of carers.

The Royal Association for Disability and Rehabilitation expressed concern about the potential problems arising from the direct payments provided for in clauses 5 and 6. Although RADAR has welcomed the introduction of direct payments for disabled people aged 16 and 17, it notes that there is a danger that a conflict could arise between the carer and the person for whom the care is being provided. It argues that it is crucial that there should be clear policy guidance about how such conflict would be resolved and that local authorities should uniformly apply the guidance.

The Council for Disabled Children and the Local Government Association seek clarification on how to ensure that a proper balance is reached between parents'

[Mr. Syms]

and young people's wishes and feelings, which was the point raised by my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) in his intervention. Parents might need respite care for their own survival, but a young person might not wish to use available services.

Clause 7 deals with charging. The Carers National Association believes that the clause is the most problematic part of the Bill because it gives local authorities the power to charge carers for services provided to them. At present, only the user can be charged for services. The association is opposed, on principle, to charging for non-residential community care. Carers already devote their time and money to caring, so why should they pay for a service that helps them to continue caring? Many people will refuse services because of their inability to pay. That is a knotty problem.

I turn now to respite care. I served for several years on the Wessex regional health authority, and I remember being impressed by doctors and others at a seminar who talked about the benefits of respite care. As a nation, we have not made enough provision for that over the years. Respite care is important because of the burdens on carers and the long hours that they put in. Mencap is concerned that the Bill does not give carers a right to respite care and that no resources are allocated for it in addition to those that have already been announced.

We know that many social services departments are hard-pressed, and there will certainly be a great deal of pressure on them to provide respite care. We know also that there may be differences, which affect benefits, between respite care provided by the national health service and that provided by social services. When local respite care is provided by the NHS, it is judged to be hospitalisation, so many people find that they lose benefit when their loved one goes into respite care for a few days. That, too, is a knotty problem. There is sometimes an artificial division between social services and the national health service.

I broadly welcome the Bill. There are many matters that need to be sorted out in Committee, and I hope that that will be done, but many carers throughout the country will give the Bill a big cheer. The Government have a responsibility in this matter. After all, the hon. Member for Stalybridge and Hyde is to some extent following the strategy outlined by the Government. As the Bill proceeds, they have a responsibility to answer questions and look kindly on some of the Bill's resource implications.

It would be a great pity if, carers' expectations having been raised by the intoduction of a Bill that recognised their needs, life remained difficult for many local authority social services departments. We all know that, despite the funding discussed in yesterday's local government debate, many of those departments remain hard-pressed and have to juggle the serious demands made on them.

10.13 am

Mr. Tom Clarke (Coatbridge and Chryston): I welcome the general tone of the speech made by the hon. Member for Poole (Mr. Syms). Some of his detailed points may have momentarily depressed my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry), who has much more experience of the House than I have. However, when I sought to pilot through the House what is now the Disabled Persons (Services, Consultation and Representation) Act 1986, such specific questions about my Bill remarkably vanished when, on the eve of Third Reading, Mrs. Thatcher said, "There isn't anything here that we can't deal with." I hope that my hon. Friend will feel comfortable with that assurance.

I regarded clause 8 of the 1986 Act as precious, and it was supported by my hon. Friend. I warmly congratulate him on his good luck in achieving a high place in the ballot, but more importantly on his good judgment in choosing such an important and relevant subject.

The Bill adds to the Carers (Recognition and Services) Act 1995, introduced by my hon. Friend the Member for Croydon, North (Mr. Wicks). I shall not make political points. I was shadow spokesman on community care for a number of years and led for the Opposition in proceedings on the Children Act 1989. Although we had difficulties in implementing the 1995 Act, there was a basis of agreement on both sides. What matters today is what mattered in previous years: the political will to see the Bill through the House and to recognise the will of Parliament.

Not only has my hon. Friend the Member for Stalybridge and Hyde achieved that in presenting his Bill for Second Reading, but he has under his belt a firm Government commitment in the money resolution. That is the response to the points made by the two Conservative Members who have temporarily left their seats. Not every private Member's Bill has that commitment. With that start, my hon. Friend will get a fair wind, and we want to support him in that spirit. I am glad that I seem to have given good news even to the hon. Member for Poole, for whom I have great respect.

My hon. Friend the Member for Stalybridge and Hyde is providing a focus on an idea whose time has come. We all know from our constituency experience of the problems of the many carers. My hon. Friend and the hon. Member for Poole mentioned that there are about 5.7 million carers. It is difficult to define the role of informal carers, but if those people—men and women, young and elderly—did not demonstrate the dedication that they do, the strains on the Treasury would be untenable. When my hon. Friend's Bill is enacted, as I hope it will be, his wise proposals will not save the Treasury money, but even so, we have a responsibility to carers and those for whom they care which my hon. Friend is admirably addressing.

I welcome my hon. Friend's specific proposals. The vouchers are workable and realistic. My local government experience leads me to think that they will be welcomed by local authorities, a point raised earlier by the hon. Member for Poole.

One of the Bill's most inviting features is the measure to make direct payments to 16 and 17-year-olds. When the Leader of the Opposition, the right hon. Member for Richmond, Yorks (Mr. Hague), was acting for the then Government and I was speaking for my party, there was no difference between us on the principle of direct payments. Local authorities were urging us to introduce them, and they were right. We had doubts about how many groups direct payments should cover and how they would work.

We are in a stronger position today to assess the success of direct payments. I wonder whether my hon. Friend the Minister will have time to expand on the statement made by the Minister of State, Home Office, my right hon. Friend the Member for Brent, South (Mr. Boateng), on 8 February 1999 and whether the Government think that in time such payments could be extended further. We are concerned about the over-65s and those with learning difficulties. We who are involved with disability issues as members of the all-party group on disability have always accepted that many of the measures we want must be evolutionary in nature—they cannot be achieved overnight. The step forward represented by my hon. Friend's Bill is extremely welcome.

With the provisions on direct payments, my hon. Friend has addressed one of the most serious issues that I have encountered during my years travelling about the United Kingdom—including Scotland, although the Bill does not apply to Scotland. He will know that one of the greatest worries of parents of young people with learning disabilities and physical disabilities is what will happen to their offspring when they leave formal education. If the provision for 16 to 17-year-olds is implemented, the future of those young people will be much clearer; that will be far more reassuring to their parents than anything we have so far achieved. That is a wonderful step forward, which will be welcomed by the 19-plus groups throughout England and Wales and by parents. The impact on carers of the Bill, coupled with previous measures and the Government's positive approach, will be profound. The time is right.

We have all encountered in our constituencies people who have become more frail with age, dealing with offspring who have learning and physical disabilities, who have, over time, become bigger and heavier and more difficult to cope with. The hon. Member for Poole raised questions asked by several organisations, but I am sure that he acknowledges that they support the Bill none the less. My hon. Friend the Member for Stalybridge and Hyde can reply to those organisations, by saying that, if we do not deal with the stresses and strains imposed on carers in those circumstances—elderly people trying to cope with adult offspring—we will find, with increasing frequency, the relationship between carer and person cared for breaking down, ending in two people becoming institutionalised. If my hon. Friend's Bill prevents such occurrences, it will both be socially right and save local authorities, the NHS and the Treasury money that can be usefully spent elsewhere.

I congratulate the Library on preparing an excellent research paper, which, referring to the national strategy for carers report, states:

> "Among carers who spend at least 20 hours a week caring—nearly half of them had been caring for more than five years—49 per cent. had not had a break since they began to care. Six out of 10 carers, who lived with the person they cared for, felt unable to leave that person unattended for as little as 2 hours."

My heavens, that is real dedication. Are they not entitled to the support of the House as well as the sort of support that my hon. Friend's Bill offers? There is great demand for the services that carers supply. Even though they are often motivated by sheer love and affection, they need the sort of practical support that the Bill offers. We must address a variety of circumstances: carers help sick people, disabled people and people with mental illness. As a result, carers themselves often experience huge psychological and emotional stress. We all want to relieve that stress, as do local authorities, which have told us that that can be achieved by providing modern, up-to-date home care, day care and, above all, respite care. People who have not left for longer than two hours the person for whom they have cared for five years are entitled to a bit of help—enough time to enable them to do a bit of shopping and anything else they need to do to recharge their batteries.

My hon. Friend's Bill admirably addresses the social inequalities experienced by disabled people and their carers. Of great importance is the fact that it will help the many children who are carers for adult disabled people. The Library paper states:

> "The report of a survey of young carers undertaken in 1997 and published in 1998 concluded that the needs of many young carers were still unknown and unmet. Only 11 per cent. of young carers in the survey had been assessed for services, and only 5 per cent. under the Carers Act. The report said that the position of young carers as a group appeared to have changed slightly for the better since 1995 but there was considerable scope for improvement."

Mrs. Rosemary McKenna (Cumbernauld and Kilsyth): Does my right hon. Friend agree that the problem is the invisibility of such children? For many years, carers as a group were invisible, but child carers continue to be so. Education authorities and schools have a role to play in identifying children who bear such a huge burden.

Mr. Clarke: I agree. My hon. Friend speaks from great experience, as a former president of the Convention of Scottish Local Authorities and provost of Cumbernauld and Kilsyth. I am glad that she has raised the question of education and the role of education authorities.

I welcome the vision enshrined in the Bill. Many of the individual issues raised today will be dealt with in Committee, and an evolutionary approach will take us further still. Whatever questions are put to my hon. Friend the Member for Stalybridge and Hyde and the Carers National Association by those who have campaigned for many years—including Mencap, Lord Rix, and the National Centre for Independent Living, headed by that formidable woman, Jane Campbell—it is important to recognise that they have all welcomed the Bill. You, Mr. Deputy Speaker, would rightly rule me out of order if I referred to Scotland, because the Bill does not cover Scotland, but I am sure that my hon. Friend will acknowledge the views of the Carers National Association for Scotland, especially because his Bill will become a beacon for the rest of the UK and Europe.

The Bill is welcome. It gives a large number of people both rights and responsibilities, but I believe that they will welcome the challenge. People working in the field will always ask for more resources, and they are right to do so. The Government are in a strong position to respond.

Almost a year ago to the day, on 8 February 1999, the Minister of State, Home Office, my right hon. Friend the Member for Brent, South said in his excellent announcement on carers that the Government would provide £750 million to promote independence—the sort of independence that my hon. Friend the Member for

[Mr. Clarke]

Stalybridge and Hyde welcomes—and £375 million for vulnerable children. Given that fair wind, the excellent Bill introduced by my hon. Friend has every prospect of success. It deserves to succeed, and I am delighted to give it whatever support I can. I wish it well on its travels through the two Houses of Parliament. I believe that my hon. Friend strikes the right note and I wish his measure godspeed.

10.30 am

Mr. Paul Burstow (Sutton and Cheam): I echo the concluding comments of the right hon. Member for Coatbridge and Chryston (Mr. Clarke). The Bill deserves to succeed on its own terms, but more importantly because of the people to whose quality of life it will make a substantial difference.

I congratulate the hon. Member for Stalybridge and Hyde (Mr. Pendry) on his initiative in choosing the topic as the basis for his private Member's Bill. On behalf of the Liberal Democrats, I wholeheartedly support the principles that underpin the measure. Although there are specific points of detail that may be the subject of closer consideration in Standing Committee, which I hope the Bill will reach, it marks a step change in the House's attitude to carers. For that, the hon. Gentleman deserves the thanks of a great many people outside the House, not least in my constituency where many carers provide many hours of support for loved ones and others.

At the outset, I shall refer briefly to my own experience in my constituency. When we discuss such matters, we bring to the debate our experience from our constituency surgeries, casework and face-to-face contacts, which we reflect on, evaluate and learn from. In my constituency we have a local carers forum and a local branch of the Carers National Association. We are lucky also to have a carers centre, which underpins all that is being done in Sutton and allows carers' voices properly to be heard by the local authority and other service providers.

I am repeatedly struck by the fact that carers feel undervalued and isolated at home. Last year, I had the opportunity of spending a day with Lilian, a carer in my constituency, who for the past three years has been caring for her husband. He has dementia, one of the cruellest conditions. A person with dementia is there physically, but not in any other practical sense.

I spoke at length to that constituent, who is intensively involved in providing care and support for her husband. What came across most powerfully was her desire to have a life outside that caring role, without feeling guilty. If the Bill enables people like Lilian to get more support for their needs, in addition to support for the person for whom they are caring, their lives will be substantially improved. They will be able to shoulder the burden of care—although they do not see it as a burden—for far longer.

The Bill builds on the existing community care and carers recognition legislative framework. The hon. Member for Stalybridge and Hyde also referred to clauses that amend child legislation. It marks a step change by giving carers a clear right to an assessment even when, as we have heard, the disabled or elderly person who is being cared for chooses not to take up the right, under the community care legislation, to an assessment of his or her care needs.

The hon. Gentleman described the main features of his Bill, so I shall not repeat them as other hon. Members want to contribute to the debate. The Bill makes an important distinction between the rights of the carer and the rights of the person cared for. It extends direct service provision to carers. For the first time, local authorities will have the power to provide services for carers.

The introduction of vouchers may cause concern in other contexts, but in this case would be a powerful tool for giving users control and allowing carers to shape the services provided for them and for those in their care. That is particularly relevant in respect of short-term respite breaks.

With the best will in the world, large organisations such as local authorities cannot always tailor their services to meet individual needs. They cannot always provide a slot for a respite break when it is most needed. Although voucher schemes will have some logistical impact on the ability of local authorities to deliver, they are vital to allow carers and those for whom they care to choose when, where and how respite is taken. That is crucial to the dignity of carers and a recognition of their value.

Another important advance that the Bill would bring about is the extension of the scope of direct payments to carers and to young disabled people of 16 and over. Estimates of the number of heavily involved carers range from 1.75 million to 2 million. Even by the criterion of 20 hours of care a week, 1.7 million carers are potential beneficiaries of the measure. Of those, it is estimated that 1.2 million provide physical and/or personal care for elderly people.

There is no doubt that those figures represent an under-reporting of the true number of people who undertake caring responsibilities. There are far too many hidden carers in this country, especially younger carers, perhaps caring for their parents, who are not picked up in the general home surveys. We need to do more to make sure that we uncover not just the statistics, but the people.

In my borough the statistics reveal that there are 20,000 carers, but far fewer than 10,000 of them are identified as being in receipt of services or as having been assessed. Much more needs to be done to turn the statistics into the names and addresses of people who could benefit from the proposed services. The Bill does a great deal, but it does not address that issue, which is fundamental to developing services for carers.

Clause 1, which provides new rights of access, is welcome. One or two concerns have been raised and need to be dealt with in Standing Committee or in the Minister's response. We hope that there will be scope for amendments to add, for example, parent carers of adult children. It would be interesting to know why they were not included in the scope of the Bill. Another way of addressing that omission, without recourse to primary legislation, would be through new guidance to local authorities under the existing legislation on children.

Clause 2 gives local authorities powers to provide services for carers which are incidental to the care of the disabled or elderly person. Carers need services in their own right. They may need counselling—for example, to provide them with strategies for coping with a person in the early stages of dementia. They need training—perhaps for lifting. Many, though not all, need support groups. Such services require funding. There is anxiety about the precise wording of the clause because it appears that some

of the provision for services that is provided directly to the disabled or elderly person could be given to the carer instead. Clearly, the devil will be in the detail of the regulations. It is vital that giving support to carers does not mean that the disabled or elderly person becomes more dependent on the carer. It is important to maintain a dual focus on the needs of the carer and the person who is cared for. We should not undermine the sense of independence that we wish to give the elderly or disabled person.

The hon. Member for Stalybridge and Hyde referred to intimate services and said that the regulations would define them. We would welcome the opportunity in Committee to explore the potential definitions. The earlier we see draft regulations, the better for hon. Members and for the many organisations that represent disabled people, elderly people and carers. Intimate services are crucial for someone who suffers from dementia. Inadequate services for dealing with incontinence are a key trigger for going into residential care. I would be interested to learn more about what will be included in and excluded from the definition of intimate care. Carers need support to undertake tasks that often lead them to give up their caring role when they may not wish to do that.

Anxiety exists about the charging powers in clauses 4 and 7 and their relationship to clause 2. Clause 2(3) states:

"A service, although provided to the carer . . . may take the form of a service delivered to the person being cared for".

We need further clarification. It would be wrong if local authorities could assess the carer's means and charge the carer for the care package, rather than the current position whereby the local authority assesses the disabled person's means. Some disabled people, because of their means, do not have to pay for services, or they pay a lower rate. The local authority should not be able to use the new power to switch the financial burden to the carer.

The hon. Member for Stalybridge and Hyde gave me some welcome assurances. The anxiety is genuine, and the issue has been raised by various organisations. The Minister's body language suggested that we should not be concerned. I hope that he will clarify how the relationship between the two charging policies will work.

Mr. Hammond: I have another problem with clause 2(3). My reading of it suggests that it will be difficult for services that do not include intimate services to provide any real respite for the carer. Perhaps the hon. Gentleman has considered that problem.

Mr. Burstow: The hon. Gentleman is right to make that point. The Carers National Association and others have expressed anxiety about what the definition will cover. We will have to explore that in some detail in Committee.

Anxiety has been expressed about extending the principle of charging. I hope that the Minister can give us some idea of the time scale that the Department has set in which to publish its new policy statements and frameworks for charging. Many local authorities are waiting for that and are almost paralysed; they will not recast their charging policies, despite the pressure to do so, because of budgetary constraints. Charges are a disincentive to taking up services—the assessment or the service itself. Clarity about the Government's view of the way in which the Bill, and the charging regime that it might introduce, will complement existing charging policies would be helpful.

Clauses 5 and 6 are welcome because they extend the principle of direct payments. More control for the service user is vital because it provides choice and a sense of independence. The clauses achieve the necessary balance between the rights, needs and wishes of the carer and those of the disabled or elderly person. It is vital that we do not further institutionalise the disabled or elderly person by giving a disproportionate amount of power to the carer.

Clause 9 is perhaps the nub of the Bill. It deals with the way in which the measure will be financed. A money clause is welcome, and I applaud the Government for supporting the Bill by including that provision. The Bill will have cost consequences. If it does not, it will not deliver anything. The Government are realistic in including such a provision. When the Carers (Recognition and Services) Act 1995 was considered, the Association of Directors of Social Services estimated that its implementation would cost a modest £40 million. I have seen no assessments of its actual cost, but because no additional funds were provided at the outset, assessment of needs has been extremely slow.

Funding is essential to implementation. The social services inspectorate stated in a report:

"We did not find that assessments and reviews for carers were routinely part of social services practice. Many staff were . . . unclear about entitlement . . . Explicit carers' assessments were rare although staff would often claim to have carried out some form of implicit—and unrecorded—assessment."

Carers' assessments are different from taking carers' views into account. Most local authorities claim that they do that. It is crucial that the assessments are properly funded and that plans of action to support the carers are put in place. The carers' grant that has been mentioned is an important foundation to underpin the development of services for carers. We might quibble about current funding through the carer's grant, but it is a useful way of channelling resources to develop that aspect of the service. In the long run, we believe that specific grants should be included in the general revenue support grant so that local authorities retain some discretion about the way in which they provide services.

Flexibility is the key to developing services for carers and disabled people. Sitters' services and care attendance schemes are more acceptable to many people. However, sitters' services are not widely available—surveys have revealed a patchwork quilt of provision. I am fortunate that there is an organisation called Voluntary Sitters in my borough. It provides the sort of short-term support to which the right hon. Member for Coatbridge and Chryston referred. Carers are often not prepared to go away even for two hours. Sitters' services provide crucial support, which enables people to get their hair cut, do some shopping and live their own lives for a short time. That can make so much difference to the quality of their lives. A massive expansion of such services is required, but the infrastructure for that does not yet exist. The voluntary sector and the public sector need to do more. The carer's grant is welcome if it primes the pump for those services.

Resources are everything. My local authority has received a 2.8 per cent. increase in its standard spending assessment for social services. That is well below the

[Mr. Burstow]

national average. Consequently, it has to consider charges for day care services for people with learning disabilities to bring it into line with neighbouring authorities. I attended a carers forum in my borough before Christmas, and the matter was debated there. I met parent carers of adults with learning disabilities. They expressed their anger at being told that they have to pay charges after having cared for and supported their loved ones informally for years. That is outrageous. That is not a criticism of the local authority, which has to make those hard choices, but it is absolutely the reason why local authorities such as Sutton and many others need the Government to provide the framework that they promised in the social services White Paper in 1998. That framework is still not with us today.

The principle that the Bill establishes above all else—and it is absolutely vital—is the separation of the rights of the carer from those of the disabled or elderly person. Access to assessment, services and direct payments would no longer be matters in which the disabled or elderly person and the carer would be fettered. That can be a problem in some relationships and the Bill would facilitate its removal. That is welcome, but the principle should also apply to the benefits system and the carer should be able to gain access to invalid care allowance without having to show that the cared-for person is in receipt of attendance allowance. Currently, ICA is paid only to carers who support a cared-for person who is in receipt of attendance allowance, the middle or higher rates of disability living allowance or constant attendance allowance. The gateway to ICA is through the take-up of benefits of the cared-for person.

Although we know that more than 1.7 million people each provide more than 20 hours of care a week, only 400,000 carers are in receipt of ICA, which is a small benefit and small recognition of and support for their caring role. It does not include people of pensionable age, but they incur additional costs as carers. Indeed, they are excluded, as are people who earn only £50 a week. There are other effects as people who provide a great deal of care do not receive the recognition they need. For example, carers will receive the state second pension only if they have a record of entitlement to ICA, but many heavily involved carers will never have such a record and so will never receive that benefit.

We wholeheartedly support the principles enshrined in the Bill and give it our full support. We hope that it will complete all its stages and look forward to exploring the detailed questions in Committee.

10.53 am

Mr. Huw Edwards (Monmouth): I am pleased to be called to speak. I congratulate my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on both finishing so high in the private Member's Bill ballot and on introducing this Bill, which is certainly one I would have liked to introduce myself. A year or so ago, I introduced a ten-minute Bill that would have given people a right to respite care, which I shall discuss in more detail later.

The national carers strategy does the Government great credit. We have waited a long time for it. I have tried to tell my constituents and carers' groups about the strategy, but even now there is a fair degree of scepticism. Carers have had their hopes raised on many occasions and it has taken them a long time to accept that legislative changes will affect their lives in due course. Why did it take until the last few years of the 20th century for us to introduce rights for carers? Does not that reflect the history of our social services—which has been so different from that of the national health service, in which we enshrined the principles of universality and comprehensive care more than half a century ago? Changes in social care have been piecemeal, and different groups—children, people with physical or learning disabilities and those with mental health problems—developed rights at different times. By the 1990s, carers, too, were developing rights.

The Bill draws on the work of the Under-Secretary of State for Education and Employment, my hon. Friend the Member for Croydon, North (Mr. Wicks), and I am glad that it has all-party support. My interest is of long standing. When I was 18, during what young people now call the gap year, I worked for Lambeth social services in a low-level clerical job. I provided carers or disabled people with holidays, which were then called recuperative holidays; they went to Margate for a week. That job gave me a great personal insight into the role and lives of carers.

I later had the privilege of working for Mencap, learning more about the role of carers who looked after people with learning disabilities. For most of my professional career I was a university lecturer in social policy with an academic interest in and commitment to the education of people who go into a career in the social services.

In 1998, I introduced a ten-minute Bill—the Disabled Persons and Carers (Short Term Breaks) Bill—on behalf of Mencap, with the support of other voluntary organisations such as the Carers National Association. I am pleased that some of its principles have been incorporated into this Bill, although it does not go as far as my ten-minute Bill. If I am involved in Committee, I hope that we can make further representations to the Government.

It is estimated that there are about 9,000 or 10,000 carers in Monmouthshire. Last summer, I had the great privilege of bringing a couple of them to the annual garden party at Buckingham palace. We were allowed to invite party supporters, but I thought that the carers in my constituency were more important. I understand that 9,000 people attended the garden party; I could have filled it with the carers of Monmouthshire alone. That thought had a profound impact on me.

To its credit, the Bill enshrines the right of carers to ask for an assessment of their needs. Some carers in my constituency will still be sceptical about that, because they know what it is like to go through assessment after assessment and not receive the services that they are assessed as needing to help the person for whom they care. That point needs to be considered very seriously.

Clause 2 enshrines the important principle of giving local authorities powers to provide direct to carers services such as counselling and information as well as physical help, training and advice on lifting, to which other hon. Members have referred. On services, it says:

"The local authority must consider the assessment and decide"

whether any service will help the carer to provide for the disabled person. But there is a danger there. What will the local authority consider people to be in need of? What is considered worthy in one area may not be considered worthy in the area next door.

We return to the fact that we have never enshrined universality in our social care sector as we enshrined it in the provision of health care services. Territorial injustice has always been a problem in our social services. Services might be provided in one area, although similar needs might not be met in another, for whatever reason—perhaps political priority.

Hon. Members have referred to the work of young carers. I have had a little contact with them and attended one or two conferences. I have been struck by the fact that some young carers do not look after people with clear physical disabilities, but parents in their 20s and 30s who may have drug, alcohol or mental health problems. They care for them in intolerable circumstances and often with little support.

I am pleased that the Bill applies to Wales. There was concern when the national carers strategy was published because it related only to England. It was the duty of myself and other Welsh Members to make it clear that we needed a similar strategy in Wales. There are 300,000 carers in Wales, 50,000 of whom provide care for more than 50 hours a week. There are 2,500 young carers aged under 18. The National Assembly for Wales, and particularly the Health and Social Services Secretary, Jane Hutt, should be given credit for having allocated £9 million over three years for the strategy. I hope that the amount can be increased as a result of the Bill.

Monmouthshire has developed a carers strategy. It is probably behind the times compared with some other authorities, but I am glad to have been at its launch. A newsletter was recently published and sent to all carers; there is support for carers through organisations such as Crossroads; there has been a carers week; and the need for a carers' centre has been recognised. However, there are problems. In an area of 300 sq miles, with market towns in the four corners of the constituency, where should the carers' centre be? Clearly, four or five centres would be better because carers will have transport problems if there is only one. Many carers are unable to get around because of the problems involved in caring for others. We need carers' centres in a number of areas.

I welcome clause 3, which reflects the ten-minute Bill that I introduced the year before last. According to Mencap, which helped me with my Bill, 100,000 people with severe learning disabilities and their carers are not receiving respite care. Only 32 per cent. know about respite care, and almost one in five carers who apply for it are refused it by a local authority or health authority. When the Bill is enacted, I hope that those will become statistics of the past.

In recent weeks and months I have met groups of carers in my constituency. They have stressed the value that they place on respite care. It provides opportunities to meet new people, for personal development, to be independent and to enjoy a new environment. Short-term breaks and respite care have the same attractions for people with disabilities as for the rest of us. The carers whom I have met say that they need short-term breaks to allow them to lead a more ordinary life. They need to recharge their batteries by going away for a few days, or even a few hours. They need to spend time with their partners or families, to see friends, to catch up with the housework, to go shopping or simply to sleep. According to Mencap's research, four out of 10 carers had not been out for an evening in the past six months.

We are talking about people who are socially excluded. They cannot enjoy the expectations of life that the majority of us take for granted. One mother wrote to me:

"I am very grateful for the 3 hours per week respite that we have through our Mencap Family Carer, but I am conscious of how fortunate we are compared to most others."

That comes from someone receiving just three hours respite a week.

A short-term break could mean a break in the carer's own home—a sitting service. It can be inexpensive, but the value of such a small investment can be immense. I did not consider introducing a voucher scheme in my Bill, but it will be welcome, notwithstanding the reservations that people have had about such schemes for other services such as pre-school provision.

Respite care can also be cost-effective. Research by Dr. Peter Frost of the university of Brighton has shown that by supporting carers we can maintain their health, thereby reducing the cost of hospitalisation and breakdown. Respite care can also help carers to return to work, reducing the cost of benefit and increasing the revenue from national insurance and taxation. If carers could not or did not care, the responsibility would fall even further on the state. Employed carers would be paid, receiving time off and annual leave, whereas care is currently provided for nothing by the vast army of carers.

I wish my hon. Friend every success with the Bill. If I can be of help on the Committee, I shall be happy to serve. It is a great achievement that we have a national carers strategy under this Labour Government. The Bill will put part of that into action.

11.4 am

Mr. Stephen O'Brien (Eddisbury): I add my congratulations to the hon. Member for Stalybridge and Hyde (Mr. Pendry) on introducing this welcome Bill. I also congratulate him on coming so high in the ballot. I was also on the list, but much lower down than him, so my congratulations are particularly personal.

All my Conservative colleagues join me in welcoming the Bill. Its objectives are wholly commendable and it is consistent with what has been trailed for some time. However, I am disappointed that the Government have not given the Bill sufficient priority and found time for it in their legislative programme, leaving it instead to take up valuable private Member's time. I declare my personal interest: in the light of the Prime Minister's comments on Tuesday to the National Farmers Union, I hope that the Government will consider supporting my Food Labelling Bill, which is due for its Second Reading on 3 March.

The Bill we are considering today extends beyond the family, but its underlying principles are rooted in a sense of family; it is fully consonant with a commitment to the family and the recognition of carers who make provision for their loved ones within the family. I have seen that in my life. My mother and my wife are both nurses who have been concerned with caring for the terminally ill. My

[Mr. Stephen O'Brien]

family has lived in a nursing home for the terminally ill that offered respite breaks. Those caring for their relatives could arrange to have them sent to the home under the supervision of my mother for a month while they went on holiday or otherwise caught up with their lives. That was a valuable service. However, it was a private sector service restricted to those who had sufficient means. The welcome aspect of the Bill is that it provides an opportunity for a greater extension of those services and provisions.

The focus must be on resources. The right hon. Member for Coatbridge and Chryston (Mr. Clarke) and the hon. Member for Sutton and Cheam (Mr. Burstow) talked about that in detail. There are two basic issues. The first is the resources at local authority level for those who are already receiving some support. I recently had a case at my surgery involving the devoted and caring parents of a 26-year-old who was severely mentally retarded. They gave him the most amazing care. Their situation had been assessed and they had been awarded 83 days per annum respite care for the previous two years. That was welcome and clearly necessary because both parents were beginning to get on in years.

However, all of a sudden, because of a limitation of resources, the 83 days were reduced by letter to 51 days. That is still not bad, but that is not the point. The parents needs had not changed. They still needed those 83 days to recharge their batteries so that they could provide proper care the rest of the time, which is clearly exhausting. It is also important for carers to know that they have a set amount of time when they will be released from their burden so that they can plan and set targets and goals. The Bill is a welcome move forward in looking carefully at the needs of carers.

Assessments produce certain expectations, and if services are reduced or denied due to a stretching of resources, serious difficulties may arise. If the Bill becomes law, its detailed provisions will have to be worked out with care and consideration. It will be important to make sure that there are adequate resources, so that once an assessment has been made, and provided that the needs have not changed, there are no arbitrary variations in the support that is provided purely because of annual financial considerations.

Another, perhaps more important, aspect of the Bill is the need for resources to provide the services in clause 2, which have been mentioned in previous speeches. Subsection (2) states:

"The services referred to are any services which . . . may take the form of physical help or other forms of support."

As my hon. Friend the Member for Poole (Mr. Syms) said, one of the most significant aspects of caring involves lifting and turning the patient. The professionalism and ability of carers to turn patients and help them to avoid bedsores is often regarded as a test of the effectiveness of the care provided. A commitment to training is absolutely crucial, and may be a more effective use of resources. Training is important not only for lifting, but for the regime of turning patients if they are bedridden or seated for long periods of time.

I am interested in how the Bill would operate in terms of resources. The explanatory notes mention training, so perhaps the Minister will say something about that in his response to the debate. I am also concerned about charging, which is covered by clause 7. Although I understand the framework that is set out, one of the benefits of the Bill will be to encourage carers to feel that their good work has been recognised. However, the charging regime in clause 7 may result in people refusing services because of their inability to pay or their concern about the level of the charges. It is important that the good intentions of the Bill can be translated into action—and that will require resources. It would be useful to examine how the charging provision will operate in practice, so that it does not become a deterrent. I look forward to hearing more about that.

Finally, in respect of the financial provisions in clause 9, I am unclear about what the Government envisage and the extent to which they are working with local authorities to ensure that there are adequate resources. I hope that the Minister will clarify that in his response to the debate.

I welcome this important and necessary Bill, which, at last, fully recognises the significant role of carers in society. My hon. Friends and I are happy to support it.

11.15 am

Mr. John Heppell (Nottingham, East): I shall not spend long discussing the details of the Bill as it is important to look at the bigger picture. I congratulate my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) and many others, including my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke), the Under-Secretary of State for Education and Employment, my hon. Friend the Member for Croydon, North (Mr. Wicks), and my hon. Friend the Member for Monmouth (Mr. Edwards) on their work in this field. I could continue mentioning right hon. and hon. Members, but the real congratulations should also go to some of the people who have been campaigning to make carers a big issue.

I see the Bill not as the first step, but as part of a strategy that has suddenly gained pace. I should also congratulate the Minister and the Government on their role, to which I shall turn later in my speech.

The hon. Member for Sutton and Cheam (Mr. Burstow) and my hon. Friend the Member for Monmouth spoke from personal experience. I consider myself fortunate in that I have never had long-term responsibility for caring for someone. We can attend forums and talk to constituents, but we can never understand what it is to be a carer unless we have experience of caring.

My right hon. Friend the Member for Coatbridge and Chryston always used to tell people, "At some stage in your life, it is likely that you will suffer some disability and find out what it is like to be disabled." It is also likely that at some point in their lives, most people will be a carer. Recent studies show that, in a typical lifespan, six out of 10 people are likely to undertake heavy caring duties and that the chances of becoming a carer increase with age. Even those whose attitude is, "I'm looking after No. 1" should remember that at some time in the future they may need the provisions that we are making today.

The common-sense argument for the proposed changes in the Bill and the overall strategy are overwhelming. It is obvious that we need to do something to help carers. I have heard many debates about who should be responsible for community care and whether social services should take more of the burden off the national health service. In reality,

the majority of community care is undertaken not by the national health service or social services, but by ordinary carers who are devoted to members of their families. Those carers save the Government some £34 billion. That is an awfully big resource, and a resource that we cannot afford to ignore. If we do, carers will burn out and cease to be able to act as carers. They may become ill themselves, which means that the burden—not just in relation to the person being cared for but in relation to the carer—falls on the state. We end up providing a higher level of service because we could not provide the necessary support in the first place. I welcome this Bill because it provides that support.

I said that I had no personal experience of being a carer, but I do have one small experience about which I wish to tell the House, as it left a lasting impression. My wife used to work for social services in a residential home for people with disabilities. The home took the residents for a weekend trip, and wanted volunteers to assist. My wife kindly volunteered me for a weekend at Butlins in Skegness. People might agree that there may be grounds for divorce in that, but it turned out that Skegness—although it is always fairly bracing—was quite sunny. We had a pleasant weekend, and the company was excellent. I had a good time, and it was fulfilling and rewarding.

I was a second-class carer, as the residential workers carried out any unpleasant tasks. My tasks were menial, but what stays in my mind was how exhausted I was at the end of the night and at the end of the weekend. That made me think—what if I had been caring not for a weekend, but for a week, a month, a year or a lifetime? That is the reality for many carers. We must make sure that we provide support for those lifetimes.

In some respects, the Bill is just a step forward. My hon. Friend the Member for Croydon, North proposed the Carers (Recognition and Services) Act 1995 under the previous Tory Administration, and that was a step forward, but it did not deliver in all respects. The proposals were not taken up, and carers recognised that. I was pleased to see the fresh impetus that was given to the matter by the incoming Government.

It was no surprise that one of the first groups that the Prime Minister invited to No. 10 Downing street was carers, and it was significant for them to receive that level of support from someone so senior. There was an immediate recognition by the Government that something needed to be done quickly. As a result, the Deputy Prime Minister launched the national strategy for carers in February last year, and the proposals in the Bill are in the strategy document. I am pleased that my hon. Friend the Member for Stalybridge and Hyde decided that we must implement the proposals: it is a question not just of fine words but of producing concrete proposals on which people can work.

I want to congratulate those in local government and the health service, who have been putting the local plans together. We heard from my right hon. Friend the Member for Coatbridge and Chryston that £750 million had been put aside to help develop people's independence, and that £375 million has been put aside for children's initiatives. The initiatives under the national strategy are significant, with £20 million going in this year, £50 million next year and £70 million the year after that.

Local organisations have asked me what is to happen after the three years. We know that money is there now, but I was asked to lobby for the money to remain and, if possible, to be increased in the future. I can tell my hon. Friend the Minister that I am lobbying now: I want that money to remain and to increase after the three years. We need to ensure that the necessary resources exist.

I want to congratulate local organisations working within the national strategy who have spent money locally. We often talk about partnership—it is a buzzword—but I see real partnership in the work in Nottinghamshire between local authorities, health authorities and voluntary organisations which are putting together plans to ensure that people can have respite care. They are producing practical plans that aid people, and the Bill will help to make that more possible.

The Bill builds on what has gone before, but it introduces something which is sadly lacking and much needed—flexibility. The Bill recognises that there is a diversity of carers. The majority are women, but almost as many men are carers also. That fact has not come to the fore. Carers range from the very elderly to young children, and we need plans and proposals for those young children.

The Bill recognises that there is not a stereotypical carer, and that what might be appropriate help for one carer is not appropriate help for another. We must have the flexibility to allow local authorities, carers' organisations and carers themselves to develop the plans that suit them as individuals—not what is foisted on them by the state or by any organisation. Let us give them what they want, because in many respects they are giving us what we want.

11.27 am

Mr. Lawrie Quinn (Scarborough and Whitby): This morning, we have heard many congratulations. I, too, wish to congratulate all the organisations mentioned by my hon. Friend the Member for Nottingham, East (Mr. Heppell).

It would be remiss of me not to congratulate my hon. and very good Friend the Member for Stalybridge and Hyde (Mr. Pendry), not only on his good fortune in being selected in the private Members' Bill ballot but on introducing a Bill that is important to the people of Scarborough and Whitby. My hon. Friend has been very kind to me over many years. I would go so far as to suggest that he has been a sort of mentor to me in terms of learning about Parliament and the business of being a parliamentarian. I am honoured that he approached me to sponsor his Bill.

Scarborough and Whitby is a large part of the county of North Yorkshire. Until fairly recently—1974, in fact—it was part of a large, rural and mixed local government area. Following the 1974 reform, the previous Government saw fit to separate the City of York from the county of North Yorkshire, making it a unitary authority. I am glad to say that, in the important matter of carers, there is continued partnership between the new county of North Yorkshire and the new unitary authority of the city of York.

For all the statistics about which we have heard, the true figures are invisible because they have not been properly collected. In doing research for this debate, I tried to find statistics for my area. The most recent figures that I could find were compiled in 1994—they are very dated figures—when the Policy Studies Institute concluded that the work done by carers nationally amounted to the equivalent of £30 billion.

[Mr. Lawrie Quinn]

That staggering figure is more than the combined budgets of central and local government for health and social services. It suggests that in North Yorkshire and the City of York, with about 73,000 carers, the care and public service amount to the equivalent of about £400 million a year. If we brought the figures up to date, it would not be beyond any mathematician to show that nearly £500 million of work is being done in that area alone.

People do that work for love and out of a sense of duty and care for their immediate family. They have real dedication and commitment. I want to bring in a personal dimension. My hon. Friend the Member for Nottingham, East mentioned the fact that one in six households has a caring responsibility. That means that it is likely that one in six hon. Members has such a responsibility. I am not a carer, but I am one of those people who have to care for a carer. I have not heard that phrase this morning, but it is an important factor.

Many hon. Members have spoken of how the commitment and dedication to loved ones can burn out lives. Recent figures suggest that only about 18 per cent. of carers get access to respite care or even to assessments from local authorities. There is a huge hidden problem: it is the classic iceberg syndrome. Damage is being done not only to individuals but to the fabric of society. I can see that in the small villages and hamlets of rural North Yorkshire.

There is a terrible loss of potential. Carers lose the opportunity to play the fullest part in everyday life. The Bill gives them flexibility in determining the assistance that they can buy in to the home. I know, from my personal experience of trying to persuade my wife to take time off from her responsibilities for caring for her mother, and from people who visit me in my constituency surgery, that that is crucial.

Six months ago, a distraught family came to my Whitby surgery. They had thought that they could define the service that they needed to suit their circumstances in one of the most remote villages in my constituency, but when they tried to buy in the individuals whom they wanted to support their loved one, they were caught up in bureaucracy and red tape and the notion that the social services department knows better, when in fact the loved one would have been more comfortable with the specification that they had defined.

The Bill gives the carer the opportunity and the resources to define the support that they need. I am extremely pleased that, by virtue of clause 9, the Government and the Treasury have shown that they are willing to make the finances available for that.

I think back to the days before I was a Member of Parliament, and to a previous Administration and the debates that we had on the fine Bill introduced by my hon. Friend the Member for Croydon, North (Mr. Wicks). The difficulties always came down to the fact that the resources were not there. Resources are the crucial element. The all-party support this morning is tremendous. This is not a partisan issue.

Before entering Parliament, I was an engineer. In my maiden speech, I said that throughout my career I had been involved in solving problems, not creating them. It is a great pleasure to be involved in legislation that continues that process. Many hon. Members have referred to the groundswell of opinion in favour of a policy whose time has come, and it is deeply regrettable that the financial resources were not there before.

When the Bill was published, I got hold of copy early and did the proper thing in trying to consult my colleagues in local government. I was referred to Mr. Andrew Cousins of the Association of Directors of Social Services. I did not know it this time last week, but he is the director of social services in Gloucestershire. I was unable to speak to him because, sadly, the past week has been taken up for him by the tragic and regrettable events of last Friday night in the surgery of the hon. Member for Cheltenham (Mr. Jones). I can imagine the tension and frustration of some carers who have come to my surgeries and I can understand how they can sometimes be on the point of boiling over.

I have also witnessed the problems of carers when the loved one is no longer there and the caring responsibility has gone. The carer's purpose in life has gone, and that is a big problem, especially in remoter areas where people can feel isolated and detached.

I pay great tribute to Scarborough and Ryedale carers resource centre, which is based in Pickering and does a tremendous job. It forms a network for the many carers in the area and ensures that carers receive key advice. However, as I have said, some 80 per cent. of carers in my constituency do not recognise that they are carers. My estimate is that at least 12,000 people in Scarborough and Whitby are in that situation—and they make up a large part of the social fabric of my constituency. If they are supported, it is through the partnership of North Yorkshire county council and City of York council, but at the point of delivery the support is provided by the voluntary sector and the mutual support of other carers.

The Bill offers us the opportunity properly to support those performing a caring role in our society. It is essential that the Bill is given a fair wind and, like my hon. Friend the Member for Monmouth (Mr. Edwards), I wish to offer my services to assist the progress of the Bill. I do so both for personal reasons and to speak up for my constituents and the many people in rural communities such as those in North Yorkshire. We have an important opportunity in this Bill to solve a problem—to melt the iceberg—and ease carers' burden of responsibility. I hope that when my hon. Friend the Minister winds up he will be able to answer one simple question for the people of Scarborough and Whitby, and those who work in the resource centre I mentioned earlier: who cares for the carers?

11.44 am

Mrs. Sylvia Heal (Halesowen and Rowley Regis): In the knowledge that I am repeating what has already been said, I wish to add my personal congratulations to my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on coming first in the ballot and on his excellent good sense and judgment in choosing this issue for his Bill. I am delighted to be able to contribute to the debate, having worked for so many years on carers' issues. It gives me particular pleasure because I was also involved in the development of the Carers (Recognition and Services) Act 1995, which was sponsored by my hon. Friend the Member for Croydon, North (Mr. Wicks), when I was working for the Carers National Association.

The Bill is welcomed by carers and disability organisations, as well as the many carers who are likely to benefit from it. However, many people will not immediately recognise how the Bill could improve the quality of their lives, simply because they do not recognises that they are carers.

Over the past 20 years, great steps have been taken in recognising the situation of people who care for relatives or friends at home. Carers have been recognised in policy statements, but have not always had their needs met with appropriate services and support. Like my hon. Friend the Member for Scarborough and Whitby (Mr. Quinn), I recall a carer saying, "Who cares for the carer?" This Bill will go a long way to providing some of the care and support that they need. It makes good moral and social, as well as economic, sense to support carers.

We have heard estimates that one in eight people in Britain are carers, which is some 6 million people. Of those, we estimate that 1.7 million could benefit from the Bill. Those figures are likely to be underestimates, because many people who care for members of their family are unknown to the statutory services and would not label themselves as carers.

Carers' needs are diverse. Their first concern is always the well-being of the person for whom they care. However, emotional support, relief from isolation, receipt of reliable services, information and recognition of their role are all important in supporting carers. From experience, including the knowledge and understanding I have gained from carers in my constituency, I know that this Bill provides the right legislative framework to provide the right support for carers. That is something for which carers have been fighting for many years, and it gives me great pleasure to be able to contribute to the process.

I also feel positive that the Bill takes forward the national strategy for carers, which was first announced by the Prime Minister in June 1998. I agree wholeheartedly with the Prime Minister that we "must do more" for carers. The Bill shows that that strategy is not simply a document gathering dust on a shelf and it is not simply a pile of words and aspirations. The Bill shows that we have a real commitment to turn those pledges into practice and to ensure that the strategy makes a real difference to carers' lives.

The Carers (Recognition and Services) Act 1995 was a good piece of legislation, but it has had its difficulties. Therefore, I am delighted that we are being given an opportunity to iron out those difficulties. The sorry evidence from the Carers National Association is that carers have been refused their own assessments, either because the person they care for refuses an assessment or has already been assessed. I welcome the fact, therefore, that the Bill will give carers a right to an assessment of their own needs even though the person for whom they are caring refuses an assessment.

My hon. Friend the Member for Stalybridge and Hyde has already referred to Sheila, the carer from Cardiff who joined us last Tuesday. She made a great impression on all those who heard her story of everyday life. Her daughter, who has mental health problems, refused an assessment, and that may have been based on her loss of trust in the professionals who were working with her. The consequences for Sheila include nights of broken sleep, worries about the next episode, the loss of a career she loved and had trained for, and the strain of constant care. All of that has taken its toll on Sheila's health. Had Sheila had the benefit of the Bill, she would have been able to fight for something for herself.

Having worked on the development and implementation of the Carers (Recognition and Services) Act 1995, I know the importance and value of ensuring that groups of carers are not forgotten. I noted from the copy of the Bill that the new rights to assessments only cover adults over the age of 16 who care for adults. Surely it is not the intention of the Bill to exclude parent carers from that provision and I note that parent carers are included elsewhere in the Bill. I would certainly welcome further clarification on the thinking behind the drafting of the relevant clause. I know that that would be warmly welcomed by parents of disabled children and the organisations representing them, such as Contact A Family.

Secondly, I welcome the new rights that carers will be given to receive services. People like Harold and Daphne would be delighted to know that. Harold is extremely proud of the fact that he has been married to Daphne for the past 59 years. For the past 10, Harold has been quite severely physically disabled, and Daphne provides round-the-clock care. Harold gets extremely annoyed that Daphne, as his carer, cannot receive the simple services that would help her to care for him. They do not want personal care from an "outsider", as they call it, feeling that that would mean too much disruption. They want help with the housework and the gardening, and they cannot get it. It causes Daphne a lot of distress, on top of the caring that she already provides. It also means that she cannot spend quality time with her husband, something that they both miss. I hope that the Bill will give Daphne access to the help that she needs.

Thirdly, I welcome the proposed direct payments and voucher schemes. Again, I have heard many stories about how difficult it can be to have a service arranged. Carers have always said that they want flexibility and choice; they want more control over their lives, rather than someone controlling them. We have seen what a huge difference direct payments have made to disabled people's lives, and I am delighted that such flexibility is being extended to carers.

The Council for Disabled Children and Contact A Family welcome the proposal and see how it could be helpful. But they, too, have some concerns and hope that when practicable, there will be consultation with parents.

As someone who has campaigned for greater awareness of the contribution by young carers and for support for them, I am particularly pleased that direct payments will be available to young carers aged 16 and 17. While I do not wish any young person to have inappropriate caring responsibilities, I realise that many children and young people cope with considerable caring and household responsibilities to an extent that would daunt many adults.

The provisions in the Bill concerning payments for 16 and 17-year-old carers are clearly drawn, with safeguards in mind, to ensure that services are safe and that the young carer can manage the process. Local authorities, when considering offering direct payments to both groups of young people will, I am sure, take into account the principle enshrined in the Children Act 1989 that the child's welfare is paramount.

I believe that vouchers will also give far more flexibility to carers. I was struck by the case of Evelyn, who cares for her elderly father. She received the

[Mrs. Sylvia Heal]

horrifying news that her daughter had been diagnosed with cancer and was severely ill. She desperately needed to be with her daughter, but could not go because it did not fit in with her time allocated for breaks. In the end, Evelyn did get time off, but it was a long, hard fight. She should not have had to fight. Again, the stress took its toll on Evelyn and, no doubt, on her daughter. Vouchers might have given Evelyn the freedom to organise her breaks differently, which is why I warmly welcome the provision.

When we talk about breaks, I emphasise that we are talking about relatively short periods of time off from caring to do the things that most of us take for granted, such as going shopping, getting a haircut, seeing a film, reading the newspaper and having a bath or shower without being interrupted. One parent carer said, "Getting a haircut makes me feel human. It's the only thing I ask for." Such breaks are vital for carers to maintain their own health and well-being.

I would also like to raise the issue of charging for non-residential care services. I agree with my hon. Friend the Member for Stalybridge and Hyde that this is an extremely sensitive area for carers and I, too, would welcome the Minister's views on it. I know that carers—and I include myself as an individual—would also welcome the Minister's assurances that it is not his intention to charge carers for what are essentially users' services.

My final point regards funding. I was delighted to see the financial provision in clause 9, which enables the Government to put funding behind the measure. After the Bill was published, I spoke to the two social service departments covered by my constituency—Dudley and Sandwell. Both asked the same question, which the Minister will not be surprised to hear, about whether resources will be put behind the Bill should it become law. Of course I realise that the next round of the comprehensive spending review is under way and that the Minister will not be able to make any specific comments about funding. However, will he consider local authorities' views about funding in his discussions on the comprehensive spending review? I do not want to see such a broadly positive piece of legislation hit by the same difficulties as the 1995 Act.

Mr. Hammond: My interpretation of clause 9 is that it refers only to additional moneys that need to be paid out under other Acts of Parliament as a result of the measure, not to moneys paid out as a direct result of its provisions. Is that the hon. Lady's understanding as well?

Mrs. Heal: I am taking the liberty of using my opportunity of speaking in the debate, with the Minister present, to ensure that all aspects of the funding for this and other parts of the Bill are noted. I acknowledge that, according to the Carers National Association, one year after the 1995 Act was implemented, three quarters of authorities said that lack of funding had restricted their ability to implement the legislation. When carers have been refused assessments, they are sometimes told that there is no money so it is not worth asking. I repeat that I do not want to see that happen here.

Both the authorities in my constituency, Sandwell and Dudley, welcomed the Bill's principles, but referred to the need for adequate financial resources to follow the implementation. They will have to provide extra social work time for assessments and they are aware that they must develop effective local publicity to encourage the relevant carers to come forward for assessment.

On the whole, the Bill has my personal backing and that of carers in my constituency. Various organisations throughout the country have welcomed it. It provides what carers have pressed for, and I am delighted to lend my support to it.

I shall refer just once more to Sheila. On Tuesday, she asked us to "work our magic" for carers. I sincerely hope that the Bill will let us do that.

11.58 am

Charlotte Atkins (Staffordshire, Moorlands): I congratulate my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on introducing a Bill that will bring support and relief to a host of carers, some of whom are in desperate situations.

I have recently learned of the case of a 78-year-old man who has looked after his 75-year-old wife for 12 years. She is housebound and requires 24-hour care. She is totally dependent and cannot be left. Carers go to the house each morning and evening to help to wash, dress and feed her, but the man is otherwise on his own, day in and day out.

In recent years, respite care has been made available for two weeks out of six. That demonstrates the huge burden that that man must carry. The respite care should provide a welcome release from his relentless caring duties. Instead, it has become a cause of distress and anxiety. Rather than reducing his mental anguish, it has increased it.

When that man's wife returns from the national health service hospital where she spends two weeks in every six, she comes home covered in bruises and, sometimes, sores. He has photographic evidence of that, spanning four years. It is evidence of, at best, neglect, or, at worst, abuse.

Why has that man not acted on that evidence? The simple answer is fear. He has a fear of losing his only break from caring. He has a fear that he would be left with the full, unrelenting burden of caring without support. He has virtually no one to turn to. He believed that the respite care his wife received was the only care available. His general practitioner reinforced his isolation because he, the doctor, had a vested financial interest in seeing the NHS bed filled.

There was no flexibility in the arrangements, and no choice. The man was locked into an NHS hospital care package that he knew was providing inadequate care. He felt trapped by the system, and as if he had no alternative. There was no recognition of his needs as a carer. A "take it or leave it" mentality existed. I believe that the Bill will ensure that his needs are assessed so that he can choose a more flexible care package, possibly bringing care into his home for extended periods.

In his daughter's words, the only recognition that that man received was the acknowledgement that the service that he provided would be more expensive if provided by the state. He was seen as a service, not as a person. The Bill should change all that. That man's needs must be assessed and provided for. He has provided unstinting, dedication to his wife for 12 years, and it time that his needs were recognised.

12.2 pm

Mr. Andrew Dismore (Hendon): I congratulate my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on securing a high place in the private Members' ballot and on selecting such an important Bill. The work of carers has often been under-acknolwedged both in the House and in the country.

My hon. Friends the Members for Nottingham, East (Mr. Heppell) and for Halesowen and Rowley Regis (Mrs. Heal) both mentioned the national strategy for carers, which the Government published recently in a document entitled "Caring about Carers". The starting point for our debate must be what the Prime Minister said about carers in the foreword to that document. He said:

"Carers devote large parts of their own lives to the lives of other—not as part of a job, but voluntarily. And often in addition to working themselves. For the sick, the frail, the vulnerable and the elderly, carers provide help and support in ways which might otherwise not be available. By their effort, their patience, their knowledge, their understanding, their companionship, their determination and their compassion, carers very often transform the lives of the people they're caring for—even if the difficulties they're grappling with still remain. Carers are among the unsung heroes of British life."

I very much agree with all that my right hon. Friend said. His words inform both the background to the Bill and Government's whole approach to caring, as set out in the national strategy and other Government documents.

The explanatory notes provide some background on the number of carers. They state:

"Great Britain has an estimated 5.7 million carers and one in six households—17 per cent.—contains a carer. Of the estimated 5.7 million carers, 1.7 million devote at least 20 hours a week to caring. Of those, 855,000 care for 50 hours or more. Most caring is based on close personal relationships."

Mr. Quinn: My hon. Friend used the word "estimated". Is that not the central problem? Does he welcome the fact that, in the 2001 census, for the first time there will be questions to try to define and quantify the carers in our society? That will enable us better to service their needs, because an abstract concept such as "estimate" does not get a reaction from the Treasury—the Treasury wants hard figures.

Mr. Dismore: My hon. Friend makes an extremely valuable point. The purpose of the census question is not merely the compilation of numbers. He is correct to point out that we need a much more accurate picture not only of the total number of carers, but of where they are throughout the country. I suspect that the distribution of carers is not even; it may be greater in those areas in which there is a large pensioner population. For example, the Burnt Oak ward of my constituency has a high proportion of pensioners.

We do not merely want to find out where carers are; such a census question would also help the carers to argue their case. I am reminded of the story of Emily Wilding Davison—of which I am sure you are aware, Mr. Deputy Speaker. When the 1911 census took place, women did not have the right to vote, so Miss Davison hid herself in the broom cupboard behind the Chapel downstairs and was thus able to put the House of Commons as her address on the census form. She made an important political point on behalf of women fighting for the right to vote.

I hope that carers do not have to hide in the broom cupboard during one of their periods of respite to make political points; we are in the Chamber to make those points on their behalf. Nevertheless, the fact that the census will show how many carers there are and where they are will strengthen their arguments for a fair share of our national resources.

A large proportion of people in potential need of care live in parts of my constituency. A survey conducted by my local authority shows that throughout the London borough of Barnet there are about 30,000 carers. However, I suspect that, for the same reasons that were given by other hon. Members, the true number is much higher than that; strictly pro rata, there would be about 10,000 carers in my constituency. The true figure is probably somewhat higher than that.

The terms of reference of the national strategy for carers are most important because they also inform the background to the Bill. The terms of reference were:

"To draw together existing work within Government that impacts on carers; to take account of the emerging findings of the Royal Commission on Long-Term Care; to gather examples of best practice in providing help for carers at local level, to assess whether any key needs of carers have been overlooked; to clarify the Government's objectives for carers; to set out an integrated strategy for future action by Government."

My local authority took that to heart. During 1999, while the strategy was being developed, we formed a carers' steering group, with representation across the board. It included representatives not only from Barnet council, but from Barnet health authority, the local NHS trusts—especially Barnet Healthcare NHS trust, which provides primary care—carers, the voluntary associations supporting carers, and primary care groups. We built up a partnership, using the ideas about joint working that the Government are so keen to promote. The group used as its framework the King's Fund "Carers Compass" that sets out the main areas that carers have regarded as important to them. The Bill's terms, especially those about assessment, will draw out some of those themes.

Through its joint discussions, the group developed a series of issues that carers thought were important. The first was the issue of information. My research in reading up on the Bill has made it clear that carers find it very difficult to access the information that they need. At a basic level, that includes information and advice about the health or condition of the person for whom they are caring. The condition of the people cared for may be complex medically and carers may not know whether what they are doing is of benefit. Sometimes, out of ignorance, careers may do things that act against the benefit of the people for whom they care. Carers, therefore, need information on how to cope with those conditions, and information about the services and benefits available to them is absolutely vital.

We are all aware that the information provided by the Department of Social Security on the take-up of benefits shows how few people, who could qualify for the benefits, either know about them or claim them. In the assessment procedure that the Bill will require of local authorities, I hope that they will take on board the need to advise carers of the benefits available to them and help them to take up those benefits through the DSS. There is no doubt that research continues to show that carers have great difficulty in obtaining the information that they need.

[Mr. Dismore]

Carers want their own health needs to be recognised. They need to be satisfied that high-quality services are available to them and—equally, if not more importantly—to the people for whom they are caring. The object of the assessment is to enable local authorities to plug the gap if carers need to take time off. Careers need to have confidence in the standard and reliability of services. They want to be assured of the quality of the services provided to the person for whom they are caring both at present and for the future, such as in the event of a carer being ill and having to take time off. They need to be empowered, in some instances, to make use of the alternatives to their own care, and that is what the Bill tries to achieve.

Much has been said about the need of carers to have time off. I was very moved by the graphic examples given by hon. Friend the Member for Halesowen and Rowley Regis, who spoke in great depth about the problems facing her constituents. Carers need the freedom to have a life of their own and to spend time with their family and friends. Sometimes, their family is not just the person for whom they care. There is a risk that carers will become isolated, so they need to be able to spend time with their extended family and relations. They need to spend time free of the person for whom they care. That may sound a little harsh and callous, but if that relationship is to be strengthened and the bond maintained, they must sometimes be freed of their usual caring responsibilities.

The problem also cuts across the employment world. Carers often remain in employment, which is important if they are to maintain their independence. Such activity reduces the likelihood of carers becoming socially isolated and, ultimately, may result in them being able to continue caring for much longer than they would otherwise have been able to do.

We need to think about the emotional support that carers require. That may often best be met through family and friends or, in more organised ways, through support groups. I know that there are support networks in my constituency. Skilled help at particular times—for example, at the start of caring or when the condition of the person being cared for changes—can considerably assist the carer. Recent research by the personnel social services research unit in preparing its report on the evaluation of care for elderly people suggests that a carer's employment may result in an increased ability to continue to care.

Training and support care are also needed. Carers need to be sure of their financial security, and not just through the state benefits that they receive while they are caring. People in their 40s or 50s may suddenly find that they have to care for an elderly parent. If they are not able to continue work, they become worried about their own futures.

The Bill deals with assessment of present needs, but I am concerned about the problem of the future of carers when they become pensioners and their need for financial security. I mention at this point the important state second pension provisions that are being discussed in the Standing Committee on the Child Support, Pensions and Social Security Bill, on which I am pleased to serve.

Carers have a need to be heard and want their views to be taken into account and their contribution recognised. Those who care for another person need to be recognised much more widely in society. Carers value involvement in discussions about the help provided to them and the person for whom they are caring, as well as the practical help that the Bill aims to provide. Carers have a voice not only, as my hon. Friend the Member for Scarborough and Whitby (Mr. Quinn) said, as a political force in organisations such as the Carers National Association, but as individuals, and we must be careful to recognise them as such.

Mr. Quinn: Has my hon. Friend, when meeting carers in his surgery, encountered, as I have, the problem that they do not realise that they are in that role? Does he agree that providers of primary care services, such as GPs, need to have a better identification process and should tell those who take on these onerous responsibilities that they are indeed carers and direct them to the support networks to which he is alluding?

Mr. Dismore: My hon. Friend makes a valuable point. An hon. Member referred earlier to the problems of occasionally caring for a relative who is sick only for at week or two at a time. I know that dealing with family illness can be a demanding task, and the thought of continuing such care for a long period is daunting. I suspect that some carers often think that the situation will last for only a week or two and do not identify themselves as playing a caring role. Unfortunately, illnesses progress and carers may unwittingly slip into a full-time caring role. They add an extra hour here and an extra day there, and before they know it they are spending 50 or more hours a week caring for a sick relative or friend. My hon. Friend is right to point out that many people do not see themselves as carers.

We have to be careful, however, not to stigmatise people or treat them as a group without considering their individual needs. The carers national strategy deals with that point. It says that local authority services

"must aim to understand carers' needs—individually and as a group. The Government believes that all services used by carers should involve them in service planning. Carers' organisations and representatives can help service providers by providing a forum in which consultation of carers about service provision can take place. Services which have one-to-one dealings with individual carers, and with the people for whom they care, need to make sure that the carer is involved and consulted about the services which he or she needs."

The London borough of Barnet's local strategy did not aim only to bring together the partnership group, which I mentioned earlier, to try to identify what it thought were the issues—in its second stage it conducted an important survey of individual carers' views and needs. Individual assessment is intended to allow service providers to judge the state of carers' health, their needs and wishes and their ability to continue to care, if that is what they want to do, or to bring informal caring to an end, if that seems right for the carer and the person being cared for. That is an important feature of the assessments that will, if the Bill is passed, be carried out under clause 1. When an assessment is carried out at the request of the carer, the local authority might tell certain carers that it is perhaps time that they started to consider "professionalising" the care that they provide, because they are getting older and might soon start to need care themselves if they do not get some assistance.

The Bill builds on the principles of empowering service users and carers and promoting independence and choice. The London borough of Barnet has an agreed carers

strategy that promotes those principles and establishes a clear direction for the development of services for carers. The Bill will allow the range of services, both direct and indirect, to be expanded so as better to meet the needs of local carers.

We have focused on clause 1 and the assessments, but they are not the sole issue: once the assessment has been carried out, the answer to what happens next is set out in clause 2. I want that clause to be strengthened. It states that the local authority

"must consider the assessment and decide . . . whether the carer has needs in relation to the care which he provides or intends to provide . . . whether they could be satisfied . . . by services which the local authority may provide; and . . . if they could . . . whether or not to provide those services".

However, the local authority does not necessarily have to provide those services. We might need to address that lacuna in Committee.

The services mentioned in the clause can

"take the form of physical help or other forms of support."

However, like the hon. Member for Sutton and Cheam (Mr. Burstow), I am concerned about distinguishing between intimate services and other sorts of services. I discussed the matter with representatives of my local authority's social services department, who think that that issue needs to be clarified. They believe the answer probably lies in the fact that "care needs" will be for services provided to the person cared for, not to the carer. They told me that clause 2 was "somewhat confusing", adding:

"If it was decided that a service user had intimate care needs (including for example dressing, feeding, lifting, washing or bathing) it is self evident that this would be provided as part of their own care package and not that of the carer."

I am not sure that the Bill makes that self-evident, so I hope that the issue is addressed in Committee, either by amending the clause, or by defining more clearly in clause 10—the interpretation clause—what the phrase "of an intimate nature" means.

Mr. Hammond: Is not the point that, in the circumstances envisaged by the Bill, there may be no care assessment for the person who would otherwise be receiving care?

Mr. Dismore: I am grateful to the hon. Gentleman, because he has put more succinctly the point that I was trying to make at too great a length and in a rather confused way. It may well be that the assessment conducted under clause 1 will throw up such issues, and prompt an assessment of the person being cared for under wider community care provisions. That lacuna needs to be clarified, perhaps by the insertion of a new clause providing that, if the clause 1 assessment raises the need for a further assessment of the person being cared for, the local authority should be under a duty to carry out such an assessment. In addition to that, I repeat that "intimate care" needs to be better defined.

We must consider the sort of needs that carers have and the services that they require. We in Barnet brought together voluntary organisations, the local authority and local health workers in one group. After that exercise had identified an overall strategy, a survey of carers was undertaken to identify their needs.

Top of the list was respite care, which came as no surprise. The term "respite care" was used in the information that came from my local authority, and it is sometimes used by carers, but what is meant is a break, short or long. The term "respite care" can be demeaning and stigmatise carers. It implies that care is an onerous task—which it is—and that it is unpleasant and not properly recognised, whereas carers are, by definition, caring people and often take great pleasure in looking after the person for whom they are caring.

What sort of breaks are envisaged? A short stay in a residential care home by the person being cared for could enable the carer to have a holiday. Time spent in a day centre by the person being cared for could allow the carer to carry out day-to-day tasks such as shopping. A night sitting service could allow the carer to get a full night's sleep, which is particularly important for carers who also have employment commitments.

Someone to take the person being cared for on an outing would give the carer time to himself or herself at home. A Sunday sitting service would enable the carer to go to church or visit family and friends at the weekend, and an evening sitting service would allow the carer to take adult education classes, or simply to have a meal out or an evening out at the cinema or theatre. Daytime sitting would allow domestic tasks to be carried out. Another sort of break would be a holiday for the carer and the person being cared for together.

We must make sure that the breaks offered are fulfilling for both the person needing care and the carer. Going to the dentist should not be regarded as a break for the carer, even if a broken tooth is being attended to. In planning a short break, adequate preparation must be made for both the person being cared for and the carer.

Mr. Hammond: I listened to the catalogue of opportunities that the hon. Gentleman outlined. Will he take care not to raise expectations too high? At the risk of incurring the Minister's wrath, I say again that in 2001-02, the ring-fenced grant will be worth £70 million. By my calculation, that allows about £50 per carer who gives more than 50 hours care a week. That will not provide much from the catalogue that the hon. Gentleman outlined.

Mr. Dismore: I am grateful to the hon. Gentleman for that intervention. I intended to make that point at the end of my speech. It will come as no surprise to my hon. Friend the Minister that local authorities are concerned about the potential financial implications. We must be careful not to raise expectations, but the hon. Gentleman should recognise that much good work is being done.

Through the partnership approach, my local authority has put forward a comprehensive three-year plan to start identifying the problems and the ways in which needs can be met by both the voluntary sector and the statutory agencies. It is well on the way to providing many of the services required.

As was convincingly argued earlier, many of the services that we are proposing will prove cheaper to the public purse. As my hon. Friend the Member for Stalybridge and Hyde said when he introduced the Bill, not only would it improve the service for carers and for the people being cared for, but it would benefit the Treasury.

Mr. Heppell: We should bear in mind that we are not starting from base zero. The idea that local authorities do

[Mr. Heppell]

not provide any of those services at present is nonsense. I recently received a letter from the Carers Federation, Nottingham and Nottinghamshire, which praised the local authority for the initiatives that had already been taken. We should not assume that we are starting from nothing and that only the carer's grant will improve the services that we are considering. Many people enjoy residential respite services, breaks at home and day-care services. We are considering expanding those services, not starting afresh.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman is making another speech. Interventions must be short.

Mr. Dismore: I am grateful to my hon. Friend for his intervention. The Opposition tend to focus on the money that central Government provide and neglect what is happening locally through social security budgets, through other agencies and through the voluntary sector.

My hon. Friend is right to say that it is worth restating not only what happens locally, but nationally. Paragraph 24 of the national carers strategy sets out the resources that the Government are starting to provide. It states:

"The Government has already announced the allocation of £750 million over the next three years to promote independence through prevention of illness, disability or disease, and through rehabilitation, and carers and the people they care for will benefit from this."

That is the overall picture. The document continues:

"On top of that, we are making available a new special grant—ringfenced funding—to local authorities for the enhancement of services to allow carers to take a break from caring. The grant will total £140 million for England over the next three years—£20 million in 1999/00, £50 million in 2000/01, £70 million in 2001/2002."

The hon. Member for Runnymede and Weybridge (Mr. Hammond) referred to the final figure.

I am sure that carers and those they care for, who are also electors, will realise that by 2001-02 we are likely to be approaching or on the other side of a general election. The hon. Member for Runnymede and Weybridge referred to the Government's actions after 2001-02. I assume that he believes that the Conservative party will not win a general election, and is asking for our forward plans after the comprehensive spending review in the summer. The hon. Gentleman made no commitment about the money that the Opposition would be likely to devote to caring.

Mr. Heppell: In the second year of the carer's grant, 95 per cent. of the grant will be spent on breaks, as opposed to 75 per cent. in the first year. That is another example of expansion within existing financial provision.

Mr. Dismore: I am grateful to my hon. Friend. He mentioned the money that is available, and I hope that that will not be the end of the story. As people become more aware of the challenges and problems that carers experience, there may be an expansion of provision in the voluntary sector, and people who are not paid will provide short breaks through, for example, evening sitting services. In addition to the money, which is vital, there will be added value as the debate progresses and improvements in voluntary services.

Before I took a series of interventions, I referred to the needs that carers identified in response to the survey that my local authority conducted. We have dealt comprehensively with short breaks, but the survey identified the need for more help with transport. Unreliable transport is a problem for carers, who need to be able to plan their day. If they do not know at what time transport to the day centre will turn up, it is difficult for them to undertake any activities that they had in mind as part of the break. A range of transport services is more likely to meet the diverse needs of carers.

As my hon. Friend the Member for Halesowen and Rowley Regis mentioned earlier, carers need help with practical matters such as shopping, cleaning and gardening. I hope that such activities will be identified as part of the assessment to which clause 1 refers. They need a holiday and a break from the caring environment, even if that is a brief trip to the constituency of my hon. Friend the Member for Scarborough and Whitby. May I promote my birthplace, Bridlington, which is a far better seaside resort than Scarborough for a day out or a week's holiday? It could provide carers with a welcome break from the caring environment.

Carers need training not only in lifting—although obviously it is important that they do not injure themselves when moving people with disabilities—and rather personal tasks such as incontinence management, but in dealing with stress, which sometimes gets a bad name in the House and among the wider public. In my previous life as a lawyer, I often had to advise clients who were suffering from stress on how to pursue claims. I found generally that people tend to pooh-pooh stress; they think that it is part of everyday life. Of course it is: making a speech in the House can be very stressful for many of us.

Mr. Forth: No, no.

Mr. Dismore: I am sure that making a speech is not stressful for the right hon. Gentleman; he is an experienced parliamentarian.

Mr. Forth: I love it.

Mr. Dismore: The right hon. Gentleman loves making speeches, but it can be stressful for many of our colleagues. Making a speech is a one-off—we can prepare and we know it is coming—but carers face different problems. They may have to experience stress day in, day out, or the relative they are looking after may cause them a lot of stress.

Mr. Quinn: As a mere engineer, I offer my hon. Friend an engineer's definition of stress—it is the load on an area. Is not the Bill about easing and spreading the load so that stress is dispersed?

Mr. Dismore: My hon. Friend makes an interesting analogy. The Bill is about spreading the load, which is why training is important. I am pleased that that features in the national strategy for carers, which says on page 60:

"Training can empower carers—by giving them new confidence".

The document deals with all sorts of matters on which people need training. I would not be wasting the House's time by describing them, but I want to make a little

progress and return to the point I was making about stress. Participants in a course called "Looking After Your Stress", who valued the contacts and friendships that they had made, reported decreasing stress levels. If stress management can be taught to carers, it will make their lives a lot easier and a lot better and enable them to continue caring for a lot longer.

Carers need greater flexibility and choice in how services are delivered and the Bill goes a long way to providing that through the arrangements for vouchers or direct payment. I am particularly struck by the fact that people like to be in control of their own lives wherever possible—I had not thought about that issue until I started to research carers for the debate—and can often provide far better services that are tailored to their needs if they have the money to do so. Inevitably, there is an off-the-peg element if services are provided by a statutory agency—people get what is on offer whether it fits or not.

I know that local authorities—mine is one of them—are doing their best to tailor off-the-peg services to carers' needs, but there is inevitably a degree of coping with a services straitjacket. If we can empower carers to buy their own services as and when they need them—through either vouchers or direct payment—that will be an extremely welcome development. Indeed, carers may get more for their money in the absence of all the overheads that go with providing a statutory service.

Carers need a listening ear and someone to talk to; that is part of trying to deal with stress. I was pleased to be invited to open a good neighbours service on the Grahame Park estate in my constituency— neighbours try to help others out. On many big housing estates such as Grahame Park there is great isolation. The nature of housing estates tends to make people lock themselves into their homes at night rather than engaging with their neighbours. That isolation is part of the problem for carers. Developing befriending and good neighbour services is a way of trying to break down that isolation.

The strategy also refers to the need for better information and advice—which I have already dealt with—financial advice and carer-friendly employment practices. I do not want to run the risk of straying out of order by talking about all the wonderful family friendly employment policies that the Government are introducing, but we should recognise that the needs go beyond simply looking after children. The family includes elderly relatives, who may have difficulty looking after themselves, and relatives with disabilities. The family is more than just parents and children. I hope that as our family friendly employment policies develop, they will take carers' needs into consideration.

We need more help and advice from GPs. Part of the problem with the GP service in my area is that primary care provision is overstretched and GPs do not have the time that they need to talk to carers about some of the issues that we have discussed. If GPs had a little more time to talk to carers, they might find that their work load reduced, because if carers have more information about the condition of the person they are caring for, they may be able to provide basic care instead of having to call on the GP or the health service. It is in the interests of GPs to try to spend a little more time with carers and discuss their needs.

Mr. Edwards: Does my hon. Friend agree that GP surgeries can play an additional role by supporting carers organisations financially? One of the GP surgeries in Chepstow in my constituency has put a significant amount of money into the local Crossroads scheme.

Mr. Dismore: That is an interesting suggestion. I should like to know more about it. Perhaps that example of good practice could be fed into the debate as it develops. I am sure that my hon. Friend the Minister would also like to take it on board.

Charging is a thorny issue. In its briefing on the Bill, my local authority mentioned the concerns that have been raised about charging carers for the services that they receive. Barnet charges service users and the level of support that it provides is determined to some extent by the costs that can be reclaimed. The same principle applies to carers when they become service users. The council will not be able to provide a service to carers unless at least some of the cost is reclaimed. We have to examine the local criteria and protocols that need to be established to clarify charging policies and practices. I am concerned that carers will be charged for some services, but that is inevitable. The charges should levied at a reasonable level. That picks up on a point made earlier by the hon. Member for Runnymede and Weybridge. If modest charging makes more money available, more services ultimately can be provided.

Mr. Forth: Does the hon. Gentleman share my worry that neither clause 7 nor the explanatory notes say anything about charging, other than the comment in the explanatory notes that clause 7 enables local authorities to charge carers for the services that they receive? Would the hon. Gentleman have expected at least a word such as "reasonable" or some other provision that would give us some reassurance that the charges will be levied at a level that carers can accommodate?

Mr. Dismore: I am grateful to the right hon. Gentleman for that intervention, because he makes a valid point. Unfortunately, clause 7 amends other Acts. I do not know section 17 of the Health and Social Services and Social Security Adjudications Act 1983—which provides for charges—well enough to say whether it specifies that charges have to be reasonable or assessed against the means of the carer or service user. Clause 7 simply tacks on a new paragraph (f) to section 17(2) of that Act. The right hon. Gentleman makes a telling point.

I was stressing my hope that when charges are levied—and that is inevitable—they are reasonable and affordable. Otherwise, all the Bill's provisions—the assessment procedure and the services provided by the Government under clause 2—will not be implemented. Perhaps my hon. Friend the Minister will address that point in his reply to the debate.

The debate so far has focused on the problems faced by adult carers. However, the Bill also considers the position of young carers. I was staggered to read in the national carers strategy that research currently available suggests that there are between 20,000 and 50,000 young carers—children who look after their parents or elderly relatives. Many of them receive no support from statutory or voluntary services. To return to the point made my by hon. Friend the Member for Scarborough and Whitby, I suspect that that is because their circumstances are not known. They may come to light only if the child is having difficulties at school, such as underperforming or even not

[Mr. Dismore]

turning up, and the school or education authority decides to investigate. Only then may it become apparent that the child is undertaking onerous caring duties.

The national carers strategy identifies some of the problems that we should be looking out for in this respect. I am pleased that the Bill makes it clear that it is essential that assessments are also made available to young people.

Mr. Hammond: I may have misunderstood the Bill's provisions. I share the hon. Gentleman's concerns about young carers, but my understanding is that clause 1 specifically does not apply to young carers. I am sure that the needs of young carers can be addressed under the Children Act 1989, but it seems to me that the Bill makes no additional provision for them.

Mr. Dismore: That depends on how one defines young carers. The Bill provides additional facilities for carers aged 16 and over. Perhaps we should consider in Committee whether 16 is the right cut-off point. There may be a case for including even younger carers, perhaps by tabling a new clause. Carers under 16 may not be in a position to ask the authorities for an assessment of their needs simply because they are not used to dealing with statutory authorities. The Bill could make arrangements for their school or GP to suggest to the local authority that such an assessment was necessary.

I mentioned earlier that such children may have problems at school—perhaps with doing their homework and getting qualifications. They also risk becoming isolated from others of the same age and from the rest of their family. They may lack time for play, sport and other leisure activities that help their development. They may face conflict between the needs of the person who they are helping and their own needs, which can often lead to feelings of guilt and resentment. They may believe that there is nobody out there looking out for them and feel that the professionals do not listen to them because they are children.

The overall lack of recognition and praise for the contribution of carers also applies to children, who may feel isolated and different and that nobody understands their experience. All that may cause problems for them as they grow up, in terms of finding work, moving into their own homes and establishing relationships. That is particularly important in respect of young carers from ethnic minority groups, where families are more tightly knit and family relationships often impose greater obligations.

I want to refer to adult carers looking after young children, and I am pleased to see that the Bill deals with them. Clause 6 extends direct payments to those caring for disabled children and parents of disabled children. The Government have made great strides in helping those who look after disabled children through their social security reforms, particularly in terms of mobility allowance for severely disabled very young children. Clause 6 develops that by providing more direct financial aid to parents of disabled children.

Disabled children will receive help to enable them to make the transition from childhood to adulthood by giving them the responsibility to look after their own resources. Equally, the provision of vouchers or direct cash payments to the parents of disabled children empowers them—a point made forcefully by my hon. Friend the Member for Stalybridge and Hyde. He said that the direct payment arrangements would help parents to make the decisions that they want to make on behalf of their children, rather than the parents being told what decisions to make because the facilities are available only in kind rather than in cash. I am pleased that we are addressing that.

The Bill does not place any burdens on the voluntary sector that it does not wish to undertake, but it allows the voluntary sector—and the business community—to expand the range of services that it provides and to market those services directly to service users and carers. That will provide a helpful stimulus to business and the voluntary sector, and an important supplement to the statutory agencies. I am pleased to support the Bill.

12.52 pm

Dr. Desmond Turner (Brighton, Kemptown): I wish to join the list of those congratulating my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on introducing the Bill, which not only has cross-party support but has the support of an all-important double act—the right hon. Members for Penrith and The Border (Mr. Maclean) and for Bromley and Chislehurst (Mr. Forth)—which means that it might actually make it to the statute book.

The Bill is a critical step forward for carers. It is only in the past four years that they have come to be recognised by Parliament as an entity whose needs we must consider in legislation. For years, they have been making the most vital contribution to society imaginable. Now, carers will have a statutory right to have their needs recognised by social services authorities.

Mr. Hammond: The hon. Gentleman is right that the Bill recognises for the first time the statutory rights of carers but he is wrong to say that carers have not been recognised as such in legislation. I will seek to show later that carers have been recognised in legislation going back to 1981, and that the Bill is part of that growing recognition.

Dr. Turner: I accept the chiding from the hon. Gentleman, but this is the first time that carers have had a statutory right. That is important.

Before I came to this place, I was heavily involved in the implementation of community care legislation as a county councillor and a leading member of a social services. We recognised from the outset that if the assessment procedure did not involve the carers, it would be incomplete from the point of view of both carer and cared for, but such involvement was not the universal practice of social services departments.

There is an enormous variation in the services provided in different areas, from almost none to rather a lot. The Bill will not dictate a uniform pattern of care support services—that would probably discourage innovative authorities—but will effectively force all local authorities to examine rigorously what they do to support carers, so they will all come up with at least a range of core services that all carers need.

My hon. Friend the Member for Hendon (Mr. Dismore) has spoken of all the services that carers might need. If the Bill does nothing other than make social services

departments take carers seriously and provide for them properly, it will have been worth while; but I think that it goes much further.

We need to sustain the carer. It cannot be said too often how important carers' work is. We can make rough calculations of the value of their contribution. It has been said today that it would cost £34 billion to substitute for it, and I suspect that that is an underestimate. The sum involved if all 5.7 million carers stopped caring would wipe out our entire national health service and social services budgets. Their input is enormously valuable, and they do it for love. They are people whom we must treasure above all others.

The carer's life is not fun. My hon. Friend the Member for Nottingham, East (Mr. Heppell) rightly said that we should all realise that any of us at any time could be pitchforked into a situation in which we feel morally obliged to be a carer, and we should certainly think about that, but few of us know what the restrictions and the lack of opportunity to socialise or have a career are like. All the things that we take for granted, even within the strictures of life in this place, are taken away; our lives are far less rigorously determined than those of carers.

I had no more than a small taste of that when I had to care for my daughter for three weeks when she was horrifyingly injured in a motor accident in the Dominican Republic, where hospitals do not have nursing staff in the sense that ours have, and families have to do all the caring. She was totally immobilised and I learned what caring was about.

At its last annual general meeting, my local branch of Care for Carers in East Sussex put out a challenge to all the politicians present to take the place of a carer for just a day. That was long enough to impress on me what was truly involved. I had the privilege of substituting for the parental care of a young teenage girl with spina bifida and severe learning difficulties. At the end of the day, I was shattered: it was incredibly demanding. One had to be so sensitive in every respect. To do the job properly, people would have to be highly trained and highly sensitive.

In such a situation, the carer cannot relax for a moment. I was a carer for only a few hours, but the caring parent—a single parent with other children to worry about—did it every day of her life except for an occasional respite break when her daughter had residential care for a few days. My hon. Friend the Member for Hendon raised the issue of what such care is called, but carers do not give a damn whether it is called respite care or a short break—they just want it to be provided. That is what matters more than worries about politically correct language.

What support do we give carers? It is highly variable, but most of them certainly have little financial support. The hon. Member for Sutton and Cheam (Mr. Burstow) rightly emphasised the difficulties that carers have with the benefit system. He pointed out that few carers receive invalid care allowance—some 400,000 out of 5.7 million. Why is that? Carers are not rich—in fact, by definition they are nearly all poor. The reason is that they are nearly all on income support and it is no use claiming invalid care allowance, because it is simply taken off their income support, pound for pound. They would not be better off if they claimed, so they do not claim. That is the experience of many of my constituents.

The future changes under the national carers charter will change the position and it will become worth while for carers to claim invalid care allowance because it will qualify them for the second state pension. That is welcome, but given the onerous burden placed on carers, they should receive a weekly income over and above income support. They have to live permanently on income support, which is not designed to sustain people indefinitely. It does not provide, for example, for replacing shoes as they are worn out. It is a basic subsistence income, and carers are entitled to more than that, given the enormous contribution that they make and the saving to the Exchequer of not paying for someone else to provide care. I hope that my hon. Friend the Minister will bring my remarks to the attention of his colleagues in the Department of Social Security, because carers should be more generously treated by the benefit system.

I would like to turn to the important issue of resources which, in the context of the Bill, cannot be taken in isolation: it must relate to the whole community care support system and its financing. That is under acute pressure, and has been since the introduction of the National Health Service and Community Care Act 1990. The system was etched on my mind, as I was one of those at the coal face who had to implement the legislation. Under that system, the assessment had to fit the money available. We had this wonderful structure called eligibility criteria. The 1990 Act provided that eligibility criteria should match the resources available so the net goes up and down, according to the money available. That means that the resources available to provide for carers are concomitantly varied.

I take issue with one of the statements in the explanatory notes to the Bill which were written by the Department of Health. On the Bill's financial effects, the notes state:

> "The only additional costs that are likely to arise in implementing this Bill will be those relating to the carer's right to an assessment in circumstances where the person cared for has refused an assessment . . . These additional costs are expected to be contained within the existing local authority allocation."

If we are to deliver recognisably increased support for carers, as the Bill quite rightly implies, there will be additional costs. They cannot be contained within the existing local authority allocations.

Mr. Hammond: Is not the hon. Gentleman saying that the procedures under clause 2 will inevitably be subject to precisely the same eligibility criteria to which he referred in relation to other social services provision?

Dr. Turner: I thank the hon. Gentleman for that intervention. He is basically right: everything in the Bill and the 1990 Act is subject to eligibility criteria and matching to resources. There is no way of arguing around that. However, we can argue about how much resource we put in and how much its intelligent use can save in the long term.

My point to the Minister—which relates to the issue raised by my wise and right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke)—is that sustaining carers will make care arrangements more sustainable. Sustaining carers for more years than they might otherwise be able to keep going without adequate care and support may save the domiciliary care arrangement from breakdown. Because when it finally does break down, either because the carer becomes unable to continue caring, or the cared-for person gets beyond the capacity of the carer

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to care for him or her and has to take up an institutional placement, the social services costs will increase considerably. There is virtue in putting more money into carers. I hypothesise that spending, say, £1 billion on carers would not mean an extra £1 billion in global spending because we would save in other ways—although the complexities involved make it difficult to prove that argument.

Money has already been put into the carers charter, but more is needed. The only figures that I can cite are those for Brighton and Hove, my own authority, which invests roughly £4.8 million in support for carers. That all-embracing figure covers day centres where carers are involved, and so on. In addition, the carer special grant is £128,000 for the coming financial year. In effect, the authority can increase by one third the amount that it spends on residential respite care, but there will be no significant increase for existing clients because more carers are receiving respite care. This means that no one is receiving the desirable amount of respite care. To achieve the care that highly stressed carers require, we should need a lot more money. I do not envy the Minister his task of pleading for carers in the next comprehensive spending review. A significant sum is needed both for carers and for community care as a whole.

This debate must be related to the Government's response to the forthcoming royal commission on continuing care. I share the view of directors of social services and others involved in social care that the current system, which resulted from the Community Care (Residential Accommodation) Act 1992, will not be sustainable. We must consider whether we should separate social care from nursing care, and that question has considerable implications for Government spending and for the charging of individuals who give or receive care. I do not expect the Minister to address those complex issues today. They are too big, and I am straying beyond the context of the Bill. However, the Bill must be related to the global picture.

I do not wish to be negative: I am merely seeking to be realistic about the complexities of a situation to which the Bill makes a valuable contribution. I repeat my appreciation of the fact that my hon. Friend the Member for Stalybridge and Hyde has chosen a Bill that is necessary if we are to give impetus to the national carers strategy. Carers will welcome it with open arms, particularly if local authorities are given the resources to make it work.

1.14 pm

Mr. Steve McCabe (Birmingham, Hall Green): I apologise, Mr. Deputy Speaker, for not being in the Chamber at the start of the debate. I was in the building, but I had to deal with a pressing constituency matter. I congratulate my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) on introducing the Bill.

Although the practical content of the measure is vital, what is even more important is that it offers us an opportunity to make a cultural or psychological shift in our attitude to carers and to people with disabilities. As a former social worker, with some experience in the field, I have no desire to bash the social work profession—plenty of people have been doing that for many years. However, it is important to realise that, although we constantly talk about enabling and empowering people, the professionalisation of caring has had the opposite effect.

We have emphasised the needs of professionals, organisations and services and have taken the focus away—not intentionally—from the needs of the carers and those who need assistance. One of the effects of the measure will be to shift that focus back where it should be—on the needs of those doing the caring and those in need of services.

One obvious example of that is the voucher scheme. It is ludicrous that people can be caring night and day, all week, and cannot ask their local authority for a break at a time of their choice. When they ask for a break, the local authority replies, "Well, you can have one at this time, in that month." That is nonsense; the priority is given to those who organise the service, not to those who need it.

The vouchers would make a significant change by putting the focus where it should rightly be—on giving respite and relief to a person who is exhausted. When a person is reaching breaking point, it is of no use to be told, "In three or four weeks, you might have a weekend off." The whole point of respite is that people should be able to decide when they need a break and should be able to have access to relief.

The direct payments scheme is welcome. It is a massive step forward in our approach to caring. In our attempts to provide higher standards of care and better quality services, we have over-professionalised some aspects of caring. In many cases, we have created a crude, paternalistic service.

I used to have the unhappy task of telling people what the local state was prepared to offer them and what it thought was appropriate for them. Perhaps I was not a particularly good social worker—although I was not alone in that—but I did not listen to what people said they needed. The brief was to tell them what was available and what they could have. That paternalistic approach has damaged the relationship between social workers and the people who need help and support. Over time, that has ground down carers and produced the feeling that people do not listen and do not care. Carers are merely talking to a local machine that is churning out the available services.

Direct payments are the way forward. They are the greatest gift that the Bill offers, because it recognises that people know what they need to make the quality of their lives better. They know how often and what type of services they require, and, by providing resources, the Bill will enable them to select them in the form that they want. That is one of its greatest strengths.

My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) also referred to resources. They are critical and I hope that the Minister will be able to offer us some reassurances about clause 9. I do not suggest that he should tell us exactly how much money will be available.

Mr. Hammond: One of the hon. Gentleman's colleagues drew attention to the explanatory memorandum which suggests that, apart from the administrative costs of assessment, the Bill is unlikely to

give rise to additional costs. Does the hon. Gentleman take that to mean that additional sums will not arise under the provisions of clause 9?

Mr. McCabe: I said that we had lost our focus when we organised and professionalised these services, so I think that quite a lot of money is wasted in the existing administration of them. That money does not directly benefit the carer or the person who needs the services; it is lost in the local state machine. Although I do not attempt to deny that costs are attached to direct payments, it strikes me that there could be a shift of resources. If we were to put less emphasis on the local state bureaucracy and the local social worker's role and more emphasis on what individuals need, there may be scope for a transfer of resources. Nevertheless, money must be made available if direct payments are to be introduced, and I hope that the Minister will say a little more about the availability of resources.

Local authorities are generally resistant to direct payments for two reasons. They see them as expensive and as something that will lead to the loss of their power. When services are directly provided by the local state, it has immense control and power and it builds up a self-perpetuating bureaucracy. People are always needed to perform extra tasks or to do extra paperwork and administration. Local authorities are reluctant to have direct payments because they see them as a threat to their existing power and control.

We have all become obsessed with the notion of professionalised caring. There was a time when many of the services provided today would not have come under a professionalised umbrella. I do not attack the idea of higher standards or deny that people should have better training; that is obviously desirable. Many inquiries have made the case for that. However, some services may not have benefited from being over-professionalised. One example is counselling, which is a massive operation these days. People have to undergo lengthy training and to have qualifications—this diploma or that. However, 20 years ago counselling was a reciprocal arrangement; people assisted each other. It did not require such apparatus, and people got as much benefit from it as they do today.

There was a time when local authorities provided home helps, who did basic domestic chores such as cleaning and shopping. We have created home care services, which are good for people who need intensive support, but the development of those services and the professionalisation of the work mean that it is almost impossible to get a local authority home help. The notion of home helps has died. If we ask people, we find that they want someone to come and provide a little help at a set time of day, because that would make a difference to how they cope.

Mr. Heppell: Is not that why it is so important that the carers national strategy introduces a requirement for local authorities to survey carers to find out exactly what they want? If we ask them what their needs are, rather than try to second-guess them, there is a good chance that we will meet those needs.

Mr. McCabe: I totally agree that we should ask people what they want rather than try to second-guess their needs. However, we also need a culture and framework in which we respond by doing what they ask, rather than being locked into the mindset that services must be organised and provided in a certain way and people must be told what services they can have. That is the current mindset, and direct payments could change it, but we must get away from the over-professionalised notion of how services should be delivered.

Returning to the example of home helps, it is ironic that in creating more professionalised services, we have made them less available to people. Many need services at the weekend and late in the evening, but it is almost impossible for most local authorities to provide home care at those times without exorbitant costs. That results in the absurd situation of people being told when they must go to bed and what day of the week and what time they can have a bath. That is a direct consequence of the way in which we organise services because we employ people who prefer to work nine to five, and those are not necessarily the hours when people are most in need of the services.

Mr. Gareth R. Thomas (Harrow, West): On the over-professionalisation of services, will my hon. Friend take this opportunity to praise the Carers National Association and, more importantly, centres such as the Harrow carers centre in my constituency, which have lobbied social services and other statutory authorities that provide care for the flexible services about which he is talking?

Mr. McCabe: Yes. A number of organisations have done wonderful work. As I said at the outset, I am not attacking local authorities or condemning social workers, but we have inadvertently organised services so that they are of least benefit to the people who are most in need of them.

Mr. Dismore: I am concerned that we do not set professional services against non-professional services. Is not the real issue the need to build a proper partnership between statutory agencies such as health authorities and local authorities, the voluntary sector and individuals to make sure that we have a properly co-ordinated service that plugs all the gaps and takes account of the criticisms that my hon. Friend has been making?

Mr. McCabe: I repeat, I am not knocking professionals or condemning local authorities and social workers. I merely suggest that we have created a structure, a mindset, a framework that over-professionalises certain aspects of the work and certain tasks. The way to address that is both to listen to carers and their organisations and to create the partnerships that will ensure that flexible care and support are provided at the times people need them.

Acting as a brake on the success of current direct payments is the fact that they can create difficulties for the recipient, because that individual becomes, in effect, an employer and faces all the red tape and bureaucratic inconvenience that that implies. When considering the implementation of the Bill, will the Minister look at ways in which we can relieve some of the pressure on individuals who have direct payments, so that they do not become locked into interminable employer obligations? Although they might have ulterior motives, some local authorities have argued that one reason that direct payment is used to a lesser extent than we might have hoped is that people find

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quite daunting the number of potential risks to which they become exposed in the role of employer. Is there any way to ease that problem?

Earlier, we heard about a scheme in Harrow; there is a similar scheme in my constituency, where there is not-for-profit home help agency. People contract with it to obtain the services they want at the time they want them, but the legal and employment framework is handled by the agency. It strikes me that such a system might offer an answer: it organises and controls services and, by localising them, makes them more intimate and more responsive to individual needs; it also relieves the individual of some of the unnecessary burdens and pressures that go with being an employer. We should consider such schemes. Otherwise, in trying to empower individuals, we might hamper them with unnecessary burdens that stifle them and prevent us achieving our goal.

Mrs. Heal: Does my hon. Friend agree that it is important to take note of some of the complexities of direct payments, even though such problems may be different in respect of payments made to carers rather than to those cared for? I have no doubt that those hon. Members who are fortunate enough to serve on the Committee will address those problems. I am sure my hon. Friend agrees that the Bill offers carers a wide spectrum of choices, which will enable escape from the strictures of limited choice. The combination of direct payments, vouchers and local authority provision will offer a range of possible services that carers and the people for whom they care want.

Mr. McCabe: I agree, which is why the Bill is so wonderful. It will unlock people's potential and enable them to escape from the terrible environment into which we have inadvertently put them: that of being nothing more than the recipients of services. The Bill will give people the chance to open up their lives and gain greater control over them. That is what the Bill is all about.

The Bill offers a great opportunity for a culture shift. It allows us to change our approach to carers and those who are in need of services. The voucher system enables carers to have a break when they need it, rather than when someone tells them that they are entitled to one. Direct payments are the key to giving people control over their lives. We must work in partnership with others to give carers such control. That is the central element of the Bill.

1.35 pm

Mr. Philip Hammond (Runnymede and Weybridge): I congratulate the hon. Member for Stalybridge and Hyde (Mr. Pendry) on his choice of subject for his private Member's Bill. He spoke of winning friends, and I assure him that he will have won many through his contribution today.

I congratulate other hon. Members who have spoken. Many have displayed a depth of experience and knowledge that has made the debate interesting and worth while. I am pleased to see the Minister of State, Home Office, the right hon. Member for Brent, South (Mr. Boateng) on the Treasury Bench for the winding-up speeches, as he has been a major contributor to the Government's strategy for dealing with carers.

The Government rightly recognise the position and role of carers in our society. Many hon. Members referred to the large number of carers—almost 6 million by most estimates, although inevitably the figure will always remain an estimate. The essential feature of those carers is that their care is voluntary. They do it out of love and a sense of duty and obligation. In that way they contribute to our society some £30 billion worth of care.

We as a society have not only a moral obligation to support carers in what they do, but an economic imperative. The care that is provided informally in our society underwrites our national health service and underpins our social care system. The great silent army delivers care that would simply be unaffordable if it had to be provided through the formal system.

It is right and proper that the Bill focuses on the needs of voluntary carers, and in doing so underpins family and community values. We support and encourage that trend.

The starting point in the discussion about care and carers must be that care is rooted in the family, with the state and the statutory bodies providing support and encouragement for that care—not the other way round, starting from the assumption that the state has an obligation to provide all the care needs of every individual. The hon. Member for Birmingham, Hall Green (Mr. McCabe) developed that point admirably in his speech.

The Government have outlined a national strategy for carers, with which we are broadly in agreement. The right hon. Member for Coatbridge and Chryston (Mr. Clarke) described the development of policy towards carers as evolutionary. That was an inspired use of language.

I shall try to put the Bill in the context of the evolution of Government policy across Governments of both parties towards the needs and recognition of carers, and show that the Bill is part of a continuum. It is not a sudden departure or a step change, but, as the hon. Member for Stalybridge and Hyde said, it builds on what has gone before.

In their national strategy for carers, the Government have repackaged the various strands of Government policy that deal with carers. In the mood of a Friday debate, perhaps I can say that they have rather better packaged those separate strands to present a coherent whole. However, the Bill is essentially a continuation of what has gone before. That is emphasised by the fact that my right hon. Friends the Members for South-West Surrey (Mrs. Bottomley) and for Charnwood (Mr. Dorrell) are co-sponsors of the Bill.

The Government's national strategy for carers makes a welcome statement about recognising and supporting carers, and identifying the needs of carers as distinct from the needs of those cared for. Balance is essential. We must find a way to support carers without eroding the essentially voluntary nature of what they do, which is rooted in obligations of love and duty. Those are important, if unfashionable sentiments.

The hon. Member for Monmouth (Mr. Edwards) commented on the speed—or lack of it—with which the need for separate services for carers had been acknowledged. I have discussed that with my right hon. Friends the Members for South-West Surrey and for Charnwood. The answer may have something to do with Government's anxiety to develop a system of supporting carers without undermining the essentially voluntary

nature of what they do. I am happy to acknowledge that the Government are sensitive to the voluntary nature of caring. Their national strategy does not try to bureaucratise the sector, but supports voluntaryism. On that basis, we are happy to support the Government.

At the risk of undermining the consensus that often breaks out in Friday debates, it jars slightly that a measure which is central to the Government's strategy for carers is presented as a private Member's Bill. The Prime Minister has protested the importance that the Government place on carers' needs. Without the Bill, there would be a gaping hole in the national strategy for carers. While it is to the credit of the hon. Member for Stalybridge and Hyde that he has promoted the Bill, it reflects no credit on the Government that they were unable to find Government time in which to introduce the Bill. It is purely by chance that the hon. Member for Stalybridge and Hyde stepped into the breach. Without him, legislation would not reach the statute book so quickly.

Mrs. Heal: The hon. Gentleman claims that it is to the Government's discredit that the subject has been left to a private Member's Bill. Does he agree that it was to the discredit of the previous Government, who were in office for 18 years, that they did not even develop a national strategy for carers?

Mr. Hammond: I shall attempt to show that the strategy for carers has been developing over the past 20 years. The Government have rightly made great play of the emphasis that they place on dealing with carers' needs. On reflection, perhaps the hon. Lady will agree that it is disappointing that such a Bill was not introduced in Government time.

There is a broad base of support for the Bill and the Government's strategy for carers. We shall not be entirely uncritical, and I shall focus especially on resources and expectations. I do not belittle the Government's actions, but in the third year of their three-year programme of ring-fenced grants, the additional money available to provide respite care is £70 million. There are 6 million carers in total, 1.5 million provide more than 20 hours of care a week, and almost 1 million provide more than 50 hours of care a week. It is important to keep expectations in check, because elementary arithmetic makes it clear that relatively small amounts of money will be available per carer for additional services. I am in no way belittling what has been done, but it is important that we do not let the rhetoric run away with us.

There has been a lack of recognition of family and informal care from the inception of the modern welfare state, in marked contrast with other European countries where the obligations of family care are enshrined in law. Many hon. Members would find some examples quite oppressive if they applied here. However, over the past 20 years there has been growing awareness and recognition of the needs and the role of carers. That has been reflected in Government publications and legislation, although I readily acknowledge that until recently the focus was clearly on the cared for with the carer an ancillary part of the equation.

The 1981 White Paper, "Growing Older", was the first Government publication explicitly to recognise the concept of the carer and the problems that carers face. In 1988, the Griffiths report—the precursor to the National Health Service and Community Care Act 1990—acknowledged that family, friends, neighbours and the community provided the great bulk of care and that that would continue into the future. It set out the principle that public provision should support and strengthen that voluntary care, not replace it. The guidance for the 1990 Act specifically recognised the need to take account of the preferences and needs of carers. The 1989 White Paper, "Caring for People", set out six objectives, of which one was ensuring that service providers offered practical support for carers.

In 1985, 1990 and 1995, the previous Government commissioned special surveys as part of the general household survey to establish the exact extent of the provision of informal care. Every speaker has recognised that provision is crucial to the debate. The trend of recognising carers continued with the Disabled Persons (Services, Consultation and Representation) Act 1986 and the Carers (Recognition and Services) Act 1995, which explicitly recognised the role of carers and gave a right to assessment of the carer's ability to care, although always in the context of the cared-for person.

Mr. Burstow: The 1995 Act was introduced as a private Member's Bill. What additional funds were earmarked by the Conservative Government to enable the legislation to be implemented?

Mr. Hammond: The hon. Gentleman makes his point. The then Government suggested that additional funds would not be required and that those matters could be dealt with by existing local authority allocations. He will find precisely the same wording in the explanatory memorandum for the Bill, which has been prepared by the Department of Health.

To bring us up to date, the new Government—to their credit—have rightly recognised the role of carers and the evolution of that recognition over the past 20 years. I hope that the Minister will not pretend that all that began on 1 May 1997. The Government have set out the key elements of their strategy for carers. Some are already being dealt with by other legislation or regulation, some remain to be dealt with and two are dealt with by the Bill: the provision of respite care, for which a ring-fenced grant has already been announced and implemented, and legislation to enable local authorities to address the needs of carers directly.

It is common sense that we should be able to address the needs of carers directly where that represents the least costly and most effective way of meeting the objective of ensuring the proper continuation of informal care for a person who needs it. The dual objectives of the Bill and the strategy are to support carers in carrying out their caring more efficiently and effectively and to maintain their health and well-being to ensure that they do not, in turn, need care.

We broadly support the Bill, but I have many questions and observations, some of which could be dealt with by the hon. Member for Stalybridge and Hyde and others which could more appropriately be dealt with by the Minister. Clause 1 is rightly directed at informal carers

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only. It enshrines the right of a carer to have their own assessment. That is important, because across our social service system the assessment provides the gateway to resources and services. The Bill says only that

"the local authority must carry out such an assessment if it is satisfied that the person cared for is someone for whom it may provide or arrange for the provision of community care services."

The Bill envisages a situation in which the cared-for person has refused an assessment. How will it be possible for a local authority to decide whether the person cared for is someone for whom it may provide services under the appropriate legislation without carrying out an assessment? There will inevitably be an assessment of the cared-for person, maybe at arm's length, even against their express wishes. The Minister should consider how that will work.

Clause 1(4) and (5) give the Secretary of State power of directions, but within those directions there will be local discretion on the form of assessment. Does the Minister envisage the directions substantially constraining that local discretion, perhaps imposing a national assessment tool to ensure uniformity in assessment? It would be useful if he could tell us his current thinking on that.

Clause 2 creates a power for local authorities to provide services and direct payments to carers. As others have pointed out, subsection (1)(c) requires that after the local authority has assessed needs, established that there are some and defined that it could satisfy them, it must decide whether it will provide such services. The hon. Member for Stalybridge and Hyde suggested that that would simply be a question of a local authority deciding whether it was preferable to provide the services to the carer or to the person cared for. Because of the resource constraints, local authorities will have to decide whether they can afford to provide care at all. We need to ask on what basis local authorities will ration the available care. Local authority social services departments are under tremendous financial pressure. The Government have introduced a ring-fenced grant for respite care, but other services that local authorities have historically provided are being squeezed by other priorities and by the Government's focus—appropriate though it is—on education.

There will be a limited amount of money available to a local authority for providing services under clause 2. There must be a real danger that as different authorities adopt different approaches to prioritisation we shall drop into a system of postcode care. Individuals with similar needs may find that they receive very different treatment from one authority to another. I know from Ministers' comments about the national health service that they are anxious to avoid that. I would be interested to hear how the Minister plans to prevent such differences occurring in the provision of care by local authorities under clause 2 of the Bill.

There will be a great danger of bitter disappointment following the general feeling of goodwill surrounding the Bill if people discover that the help that they thought they would get as a result of the Bill is no longer available due to financial constraints.

I have a specific question for the Minister in relation to clause 2(3)(b) which relates to the provision of intimate care. In response to my intervention, the hon. Member for Stalybridge and Hyde expressed the view that clause 2 would permit the provision of care by an outside carer against the wishes of the person being cared for. I find that somewhat disturbing and I would be grateful if the Minister would clarify the position.

I can see the argument for limiting the provision of intimate care in terms of the protection of the person being cared for, but as I said earlier in an intervention on the speech by the hon. Member for Hendon (Mr. Dismore), I cannot see how realistic respite care can be provided if it does not include intimate care. It might allow for the odd break of an hour or two for shopping, but clearly it would not allow the carer to go away for a weekend or longer. The provision clearly requires clarification.

Clause 3 takes further the idea of providing respite care, which is extremely important to carers, by giving powers to the Secretary of State to introduce a voucher system. I believe that it is an excellent idea to create a currency that would empower people. Many right hon. and hon. Members have used the term "empowerment" this morning. Vouchers have the benefit of flexibility. Indeed, if this were not a private Member's Bill and today was not a Friday, I might be tempted to trawl through old copies of *Hansard* to find out what Ministers and Labour Back Benchers have said in the past about the concept of vouchers. However, I am always delighted to witness Ministers, policy makers and Government Back Benchers on the road to Damascus.

Clause 3(3)(a) allows vouchers to be expressed in terms of money or service time. Perhaps the Minister could let us know whether his current thinking is that vouchers will be expressed in terms of service time or money. If they are to be expressed in terms of money, that will raise the vexed question of whether topping up the value of the voucher will be allowed. As, by virtue of clause 7, the vouchers or cash payments will be means tested according to the means of the carer, will the vouchers be issued in a way that makes them personal to the carer, or will they be transferable so that carers will be able to exchange vouchers? Will they be tradeable, so that someone who has been assessed as needing a break and given a voucher will be able to exchange that voucher for money? I would be grateful if the Minister would clarify that.

The vouchers may be issued either to the carer or to the cared-for person, but the Bill is silent as to how that dilemma will be resolved. There is considerable potential for conflict between carers and the cared-for person because the vouchers are currency, and they give power—the power of decision-making to the person in receipt of them. This will not be an issue in most cases, but at the margin hard decisions will have to be made. How does the Minister expect those decisions to be taken?

Clause 3(3)(d) specifies that there will be a maximum period during which the voucher is valid. Can the Minister confirm that this will not be a period limited to the issuing authority's financial year, but that authorities will be able to carry over some of money from the ring-fenced grant from one year to the next to represent the uncashed value of open vouchers? That will be important if people wish to have full flexibility in planning their use of the vouchers.

Clause 6 deals with direct payments or vouchers to parents of disabled children and to disabled children aged 16 and 17. Will the Minister confirm that where direct

payments are made to the parents of disabled children, those will always be non-taxable? Will he consider and give guidance on the circumstances in which he expects direct payments to 16 and 17-year-olds to be made?

Hon. Members have emphasised the virtue of such a proposal in terms of the additional independence that it will give to those young people. However, I must voice concerns. These people are children under the age of full adulthood. The measure may create considerable tensions in the parent-child relationship and may undermine parental responsibility. In terms of further and higher education, the benefits are clear, but can the Minister tell us how he hopes this will be dealt with by local authorities without undermining the parental responsibility of those looking after disabled children?

I did not think earlier that I would have to constrain my remarks because of time, but events have taken a different turn. I ask the Minister to confirm that clause 7, which applies the charging mechanism, also applies the means-test which operates in other social services provision.

On clause 9, what is the Government's assessment of additional demand that will be created by the provisions of the Bill? The explanatory memorandum suggests that there will be no additional financial implications. Frankly, I find that difficult to believe. As the hon. Member for Sutton and Cheam (Mr. Burstow) said, if there are no financial implications of the Bill, it will not have succeeded in its purpose.

Overall, we feel that the Bill is an important contribution in terms of taking the agenda of carers and their needs forward. We believe that there are some dangers which I have sought to highlight and which we can deal with adequately in Committee. We will enter the Committee in a constructive mood, seeking to engage with the hon. Member for Stalybridge and Hyde and with the Government in resolving some of those questions to ensure that when the Bill reaches the statute book, it is a robust, durable and effective measure.

2.4 pm

The Minister of State, Department of Health (Mr. John Hutton): We have had a well-informed and constructive debate on an important piece of legislation. In the House, as elsewhere, there is no substitute for common sense gained from practical front-line experience. We have heard from several hon. Members who have that experience in substantial measure: in particular, my hon. Friends the Members for Halesowen and Rowley Regis (Mrs. Heal), for Birmingham, Hall Green (Mr. McCabe) and for Brighton, Kemptown (Dr. Turner), and my right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke).

My hon. Friend the Member for Halesowen and Rowley Regis said that it is possible to make a strong moral, social and economic case for the Bill. I agree strongly on all three factors. It is perfectly possible to quantify the benefits in financial terms, but not in human terms. We cannot quantify the practical difference that the Bill can make to the lives of both carers and cared for.

My hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) has done the House a huge service, and I warmly congratulate him. He described the Bill as a stunning victory for carers. He was entirely accurate. This is a breakthrough, and I hope that it is the beginning of a new culture and a new approach in social services and other agencies and that the important contribution of carers will be more properly recognised.

Notwithstanding what the hon. Member for Runnymede and Weybridge (Mr. Hammond) said about the history of the evolution of social care policy, we have made a significant difference in the past two or three years. It is important to consolidate and develop that change and to take the next steps forward.

My hon. Friend the Member for Stalybridge and Hyde made the point well that this is not the end of the story. We could usefully describe the Bill as the turning of a new page in that story. There is much still to do in ensuring that we continue to sustain the momentum that the Bill has created. There is no doubt that it is a landmark piece of legislation. We all have a responsibility to maintain that progress into the future.

My hon. Friend the Member for Scarborough and Whitby (Mr. Quinn) made an excellent speech, not only drawing on his own experience but asking the important question about who will care for the carers. From what everyone has said, there is no doubt that the answer is that we must assume the primary responsibility in the legislative framework and in the resources that we allocate to agencies to ensure that they can provide that service.

I agree with the hon. Member for Runnymede and Weybridge that we must strike the right balance, assuming the appropriate range of responsibilities in the public, voluntary and independent sectors while allowing the family to make the appropriate contribution. We want to reflect that in the legislation that we develop, and the Bill certainly achieves that. We have a responsibility as a society to care for the carers, and the Bill is an important reflection of that.

I have only a short time to respond to 15 Back-Bench speeches and offer my own thoughts on the Bill, so I hope that hon. Members will forgive me if I do not refer in great detail to their speeches. I will try to refer briefly to some of the points that have been made.

The hon. Member for Poole (Mr. Syms) asked about parent carers. I think that there has been a genuine misunderstanding about the Bill's implications for parent carers, and I hope soon to dispel that. It has always been our intention to consult widely, involving all the interested parties, on guidance and regulations under the Bill.

My right hon. Friend the Member for Coatbridge and Chryston and my hon. Friend the Member for Hall Green referred in their excellent contributions to the important changes that the Bill will introduce into the direct payments legislation. The Government have no doubt about the importance of direct payments in promoting choice, flexibility and independence. The direct payments scheme, properly operated by local authorities, will have the effect of transferring power from institutions to individuals, and that is entirely consistent with the points that all hon. Members have made in the debate about the importance of empowering individuals, be they carers or people with a disability, to exert greater control and flexibility over the decisions that affect their lives.

My hon. Friend the Member for Hall Green spoke from his considerable experience as a social worker about some of the inflexibilities that are an almost inevitable feature of large public sector organisations. Not for the first time, I hear the criticism he has made, but the challenge of direct payments for local authorities is to ensure that when

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services are provided directly by local authorities they are as flexible and as tailored to the needs of service users as those provided through direct payments. That is a big challenge, but it is the future and local authorities must put themselves in a position to achieve it.

The Bill will introduce some significant changes to the direct payments framework—I congratulate my hon. Friend the Member for Stalybridge and Hyde specifically on that—which will encourage greater choice, control and flexibility in the provision of services. That is much to the good.

The hon. Member for Sutton and Cheam (Mr. Burstow) raised several interesting questions. I reassure him that the Bill will not compromise or undermine the relationship between carers and those being cared for. Several hon. Members have pointed out, and I accept, that the Bill covers some complex areas and raises some problems, especially in relation to services of an intimate and personal nature. The hon. Member for Runnymede and Weybridge also expressed his views on that point.

I do not pretend that there is an easy solution, but we intend—once the Bill is enacted—to consult as widely as possible on how we can make the necessary regulations effective. It is appropriate to resolve the problems through regulations, instead of locking us into a fixed formula in the Bill that might be difficult to change in future years. My hon. Friend the Member for Stalybridge and Hyde has tried hard to get the balance right in his Bill, and we support the current drafting because it has succeeded in doing just that.

Mr. Burstow: When the Bill is in Committee, will it be possible to have early drafts of those definitions?

Mr. Hutton: As always, we will do our best to support the work of the Committee, but I cannot give any absolute assurances.

The hon. Member for Sutton and Cheam expressed concerns about whether under clause 2(3) of the Bill the income or assets of the carer, or of the cared-for person, would be taken into account when assessing liability for charging. The answer is in clause 4(4), which makes it clear that that decision will be made by the local authority providing the services. I suspect that we will also need to issue guidance on that point, so that the clause is interpreted consistently.

The hon. Member for Eddisbury (Mr. O'Brien) made a strong case, as did others, for more resources for local authority social services departments. I am not clear whether he has spoken to the new shadow Chancellor, but perhaps we can look forward to some more policy U-turns. It is refreshing to hear Conservative Members raise those issues, but it must be said that it has taken them some time to get to that position. I recall that in the previous Parliament there was a deafening silence from the Conservatives on such issues.

My hon. Friend the Member for Nottingham, East (Mr. Heppell) who, sadly, is no longer in his place, was right to say that the Bill is part of a wider strategy. I, too, am sure that there is more that we need to do.

May I correct a mistake made by my hon. Friend the Member for Kemptown when he was describing the allocation of the carers' grant to his local authority? He quoted this year's figure of £128,000, when Brighton and Hove council will receive £313,000 next year.

Mr. Maclean: I am very grateful to the Minister for giving way in his customary courteous manner. He will be aware that the Carers National Association, Mencap and the Royal Association for Disability and Rehabilitation have some small concerns about certain parts of the Bill. Although I generally support the Bill and wish it well, I hope that the Minister will have as open a mind as possible in Committee or perhaps on Report so that we can explore the individual concerns and amendments in due course. The Minister may then be minded to accept some of them, which may reassure those of us who have read carefully the briefings of Mencap, RADAR and the Carers National Association.

Mr. Hutton: The Government certainly have an open mind about these issues, as we display when they come before the House. But this is a private Member's Bill—my hon. Friend the Member for Stalybridge and Hyde has control of it, while we express our views. However, I assure the right hon. Member for Penrith and The Border (Mr. Maclean) that we have an open mind about these issues.

It is our view, and I shall not pretend otherwise, that the Bill adequately meets all the objectives that we would like it to achieve. There is one issue that has been mentioned in the debate to which I would like to turn my attention. A number of right hon. and hon. Members have expressed concerns about parent carers, and I should like to reassure them that support for parent carers under the Children Act 1989 has been available since the Act was implemented. The Carers (Recognition and Services) Act 1995 already provides parent carers with a right to an assessment of their need. That is of course why we do not need to refer specifically to parent carers in clause 1 to 4. We have examined the issues carefully, and we believe that the Bill is drafted perfectly properly. I reassure hon. Members who voiced their concerns that there has been no oversight; we have looked at the matter very carefully—and I know that my hon. Friend has too—to ensure that the drafting of the Bill is adequate and comprehensive.

Mr. Burstow: Will the hon. Gentleman give way?

Mr. Hutton: I am afraid not, because I have a lot to deal with.

The Bill will go significantly further than the 1995 Act, which was introduced and piloted through the House by my hon. Friend the Member for Croydon, North (Mr. Wicks). It will give effect to the Government's carers national strategy commitment by enabling local authority social services departments to supply certain services direct to carers following assessment, either because the user has refused help from the local authority, or because it is more appropriate for the service to be provided direct to the carers to support them in their caring role and to maintain their own health and well-being.

In addition to offering greater support to carers, the Bill offers more opportunities for carers and the people they care for—including parent carers of disabled children,

young carers and disabled children aged 16 and 17—to have flexibility in the timing and choice of the way in which services are delivered to meet their assessed needs.

The carers national strategy is aimed at empowering carers to make more choices for themselves and to have more control over their lives. They want their positive contribution to society to be valued and acknowledged. The Bill achieves that by giving local authorities the power to provide services direct to carers to support them in their caring role and by extending direct payments to carers to meet their own assessed needs.

The Community Care (Direct Payments) Act 1996 came into force on 1 April 1997. The Act gives local authorities the power to offer people cash payments as an alternative to providing social care services, so they may purchase the relevant services themselves. The Act was widely welcomed by disabled people. The extension of direct payments to carers to meet their own assessed needs, and to parent carers, has also been welcomed by carers organisations and voluntary organisations for children.

Direct payments offer more choice and flexibility in the timing of services and the way in which they are delivered, but of course people must use their direct payments to meet their assessed need for social services support.

Some parents will grasp the opportunity of receiving payments instead of services. They may choose to employ a personal assistant for their child instead of receiving a regular series of short-term breaks. Such an assistant could help the disabled youngster to enjoy mainstream leisure facilities or after-school clubs, which would achieve the Government's objective of social inclusion.

Parent carers like to be as independent as possible in making arrangements for the care of their disabled children. The Bill will help them to achieve a far greater level of independence than they have experienced before. However, direct payments for parent carers raise various questions, including promoting the welfare of the disabled child, which need to be carefully considered, as the hon. Member for Sutton and Cheam said.

Direct payments will be provided within the framework of part III of the Children Act 1989, which requires that local authorities provide a range of services to promote and safeguard the welfare of children. By amending the Children Act, the Bill will ensure that the legislative framework to promote and safeguard the welfare of children will still apply when parents choose the option of direct payments. Local authorities will have to review direct payments as the needs of children and families change over time, just as they do when families receive services directly from the local authority.

There is also the consideration that children could be put at risk if parents used their direct payment to engage unsuitable people to help them care for their child. That is an issue for both parent carers of disabled children and disabled parents seeking people to support them in their parenting role. The Department of Health will help parents to take the steps necessary to satisfy themselves that a person offering to help with the care of their child is a suitable person. In addition, the Government intend to legislate to ensure that local authorities have the power to undertake criminal record checks on behalf of parents—if the parent wishes it—as soon as possible.

The extension of direct payments to 16 and 17-year-old disabled children and young people will offer them additional flexibility to meet their own developmental needs. The extension of direct payments to that group of young people follows strong representations to the Government's recent review of direct payments from groups, such as RADAR, that represent disabled young people.

Particular issues also surround the power to make direct payments to 16 and 17-year-old young carers. The Government do not want to burden any children with inappropriate caring responsibilities. Local authorities will offer direct payments to 16 and 17-year-old young carers only after giving full consideration to the interests of the child.

I stress that advocacy and support will be important to young people who are thinking about or receiving direct payments. The concept of independent advocacy is familiar to local authority social services departments. Advocacy and support services relevant to direct payment schemes already exist in the many authorities with good direct payment schemes. These may need to be adapted for young people, but local authorities have experience of the types of services that would be appropriate, and the Government are committed to ensuring that best practice in the use of direct payments is disseminated among all local authorities.

The carers national strategy also identified voucher schemes as a way of giving users and carers more flexibility in the timing and choice of the ways in which additional services were delivered. The Bill will meet the carers national strategy commitment to offer vouchers for short-term breaks. After an assessment of a carer or parent carer results in a decision that the carer needs breaks from caring responsibilities, the cared-for person will be assessed for the type of additional support that he or she needs if the carer is to take a break. Vouchers may be exchanged—at the time of choosing of the carer or cared-for person—for the services the user has been assessed as needing while the carer takes a break.

The hon. Member for Runnymede and Weybridge asked me about 20 specific questions about the Bill. We shall try to address those issues in Committee. In particular, the hon. Gentleman asked whether the face of the vouchers would show a money value or an assessment of service need. The Bill addresses that point, as he will find if he reads it carefully.

Mr. Hammond: It could be either.

Mr. Hutton: The hon. Gentleman is quite right. The Bill says that it could be either. However, he asked whether the value could be expressed as either, and the obvious answer is yes.

In relation to the implementation of the measure, we intend to issue local authorities with appropriate help in the form of guidance as to the use of the new powers.

The issue of charging and resources was raised constantly. My hon. Friend the Member for Stalybridge and Hyde and other hon. Members asked me to comment on the Government's position on charging for non-residential care, including services to carers. It is for each local authority to decide whether to make charges for non-residential services and, if so, how much to charge. The existing legislation requires any such charge

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to be reasonable—that is the issue raised by my hon. Friend the Member for Hendon (Mr. Dismore). Our view is that it is reasonable to recover a charge, if that can be done without causing hardship to the service user.

In our White Paper, "Modernising Social Services", we recognised that the scale of variation in discretionary charges is unacceptable. We are considering the recommendations in the royal commission's report, and we shall consider carefully the Audit Commission's review of local authority charging when it is published in April. We shall then consider how the system could be improved in the light of the royal commission's report and that forthcoming study. We hope to announce our conclusions later this year.

We shall of course work with the voluntary sector—including carers' organisations, such as the Carers National Association, to ensure that users of services and carers can be fully involved in that process of consultation. I shall ensure that the views of carers are fully taken into account—as I think my hon. Friend the Member for Stalybridge and Hyde asked me to do.

Our aim is to move as far as possible towards greater consistency and fairness in charging. That commitment includes being fair to carers and to other people who receive community care services. However, we need a consistent approach, not one that might treat one group of people who use those services differently from another.

Resources have been referred to repeatedly. I want to correct one misunderstanding. There have been many references to the carers special grant—the £140 million of new resources over the three years of the spending review. The point has been well made by some hon. Members that that is only part of the resources package available to local authorities to support carers and to provide respite services. It is on top of the substantial increases in social services spending that are currently under way.

The hon. Member for Sutton and Cheam is always talking about reductions in spending in social services departments. The Government are raising spending on social services by almost £500 million this year. In addition to that general lift in the resources package, there are the specific grants to which my right hon. Friend the Member for Coatbridge and Chryston referred to—£750 million of new partnership money and £375 million of children's special grant. Those amounts form part of the wider resource envelope against which we should judge the Government's record on resourcing carers' services.

I do not speak in a partisan sense—this is not the time to do that, although it may be the place—when I point out that the Government are taking a significant step forward in the way in which we are resourcing social services and social care. That is reflected by the £2.8 billion increase in social services over this spending round and by the additional grants that we are making.

The Government value carers and will continue to support them in their caring role. We strongly support the measures in the Bill. The Bill helps carers by empowering them to make more choices for themselves and to have more control over their lives.

Once again, I congratulate my hon. Friend the Member for Stalybridge and Hyde on promoting the Bill. It is an important step forward, both for carers and for people with disabilities. I hope that the House will give it the strongest possible support.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

Export of Farm Animals Bill

Order for Second Reading read.

2.29 pm

Mr. Gwyn Prosser (Dover): I beg to move, That the Bill be now read a Second time.

More than 20,000 sheep packed into lorries pass through my constituency every week. Each truck carries the potential for great suffering. My constituents have put up with that for many years. However, I do not come to this vexed subject just as the Member of Parliament for Dover, but as an ex-seafarer who has witnessed the awful abuse associated with live animal exports close up in the blistering heat of the Arabian gulf and the storm-torn seas of the English channel and the Irish sea. The trade inflicts great suffering on living creatures and has no legitimate part to play in a civilised caring society. My Bill would ban the export of live animals—

Mr. Deputy Speaker: Order.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 7 April.

Remaining Private Members' Bills

WELFARE OF BROILER CHICKENS BILL

Order for Second Reading read.

Ordered to be read a Second time on Friday 7 April.

FIRE PREVENTION BILL

Order for Second Reading read.

Hon. Members: Object.

Second reading deferred till Friday 7 April.

Motions

NORTHERN IRELAND BILL

Ordered,

That, in respect of the Northern Ireland Bill, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.—*[Mr. Pope.]*

COMMITTEES

Motion made, and Question put,

ENVIRONMENTAL AUDIT

That Norman Baker be discharged from the Environmental Audit Committee and Mr. Paul Keetch be added to the Committee.

BROADCASTING

That Mr. Andrew Stunell be discharged from the Broadcasting Committee and Norman Baker be added to the Committee.

Hon. Members: Object.

Mr. Deputy Speaker (Mr. Michael Lord): I put motions 7 and 8 together. May I clarify whether objections were made to both motions?

Hon. Members: Yes.

Mr. Deputy Speaker: This is exempted business. Therefore we cannot proceed with it.

Mr. Norman Baker (Lewes): On a point of order, Mr. Deputy Speaker. May I ask you to confirm that you have had no request from the Secretary of State for Culture, Media and Sport to come to the House to make a statement in the light of disastrous attendance figures for the dome that have been revealed this morning—

Mr. Deputy Speaker: Order. I have received no indication that such a statement might be made today.

Ann Clwyd (Cynon Valley): On a point of order, Mr. Deputy Speaker. It is most unfortunate that two important animal welfare Bills did not see the light of day today. My hon. Friend the Member for Dover (Mr. Prosser) had 30 seconds in which to speak on his Bill and—

Mr. Deputy Speaker: Order. The hon. Lady knows well how the House works and we have followed its normal procedures.

Wheel Clamping

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Pope.]*

2.32 pm

Mr. Phil Willis (Harrogate and Knaresborough): May I thank you, Mr. Deputy Speaker, for the opportunity to raise in an Adjournment debate the issue of wheel clamping on private land?

First, I wish to make absolutely clear my support for the right of landowners to protect their land from unauthorised parking. They often have commercial or other interests that can be adversely affected by unauthorised parking. In the case of hospitals, doctors' surgeries and so on, unauthorised parking may well constitute a serious risk to the public.

It is unreasonable to expect landowners to have to use the courts to sue for trespass when dealing with the problem. They should have the ability to control parking, but equally the public must be protected from an industry that has more cowboys than a John Wayne western.

Hon. Members may think that Harrogate is one of the last places where a war on clamping should be waged. Let me assure the House that any individual with a mobile phone, a strong arm, a menacing look and £50 for his first clamp can operate anywhere and take a slice of this estimated £150 million business.

Imagine the scene: two senior citizens set off for an evening at Harrogate theatre. The weather was bad, so they parked close to the theatre in private space owned by a friend and colleague. The performance of "Don Giovanni" was superb, but the evening was somewhat spoiled by the shock of their returning to their car only to find that it had disappeared.

A notice on an adjoining property referred to National Parking Controls—NPC—and a mobile phone number. The senior citizens rang but, alas, their car was already on a journey to Leeds some 20 miles away. It could be returned to Harrogate provided that the sum of £75 for clamping and £190 for towing—a total of £265—could be produced within the hour. With help from their friends, the money was obtained and, miraculously, after it was paid over, the car was on its way not to Leeds, but to a local council car park where the clampers and their two tow trucks were parked. NPC, it seems, uses a public car park without authority to park the cars that it clamps for being parked illegally. That is rather like a scene from "Trigger Happy TV" with Dom Joly.

That is not an unusual story. NPC has been operating in Harrogate for some months. It usually pounces at night and the number of cases continues to escalate. Despite a vigorous campaign by the *Harrogate Advertiser* and the local council, NPC continues to mine a rich vein.

Such tales are not uncommon elsewhere in England. Clampers in Doncaster threatened to hold to ransom a three-year-old girl until her mother collected £60 from the bank. Clampers on scrap land in Sheffield demanded a female motorist's gold tooth as payment. A hearse with a body in the back was clamped outside a church. Clampers demanded sex from a young woman who was unable to pay a fine late at night. Two weeks ago, a paramedic vehicle was clamped while attending an incident in Lancaster.

The system of extortion, intimidation and blackmail by unregulated clampers can seemingly go ahead unchallenged by the current law. That is not so in Scotland, where in 1992 the Lord Justice General said that

"an activity as sensitive to abuse as wheel clamping requires careful regulation under law".

He judged wheel clamping on private land to be extortion and theft. As a result, pirate clamping is now outlawed in Scotland; the industry is properly regulated and full protection is afforded to landowners and motorists.

In England, no such regulation exists. Indeed, a Court of Appeal judgment in the case of Arthur and another *v.* Anker on 30 November 1995 made it clear that wheel clamping of a vehicle without authority on private land and its release only on payment of a fee was neither tortious nor criminal, provided that the motorist had seen, and therefore consented to, the conditions on clamping displayed on an appropriate sign and that the release fee was reasonable, easily payable and resulted in prompt release.

That judgment, unlike the judgment in Scotland, merely muddied the waters. What constitutes an adequately displayed notice? What is a reasonable fee? How is it possible easily to pay the charge late at night? In my view, a charge of £265 to regain one's car is unreasonable and extortionate, and to demand the money, often with menace, constitutes blackmail as defined in section 21 of the Theft Act 1968. The police, however, are reluctant to become involved, and there are few occasions when the Crown Prosecution Service has prosecuted a clamper for behaviour that in other walks of life would warrant arrest.

At present, the only recourse for an individual is to pursue a civil court action. One of my constituents did just that. She argued that the clampers' signs were too small. NPC was then ordered to pay back the £190 towing fee plus legal costs of £130. Needless to say, five weeks later, NPC has not paid a penny.

The answer, however, is not to encourage a host of individuals to take civil action but to legislate to deal with the problem once and for all. Statutory regulations must be introduced quickly. Clamping companies must be registered, and if they operate without a licence they should face criminal prosecution. Fines, including on-the-spot release fees and towing and storage charges, should be standardised and brought into line with existing fines for on-street clamping.

The size, number and format of warning signs should be standardised. Motorists should be free to pay by cash, cheque or credit card, and be given a reasonable period in which to find the money. Cars should be towed away only if they are to be stored in a secure compound, and the address given to the motorist involved. There should be an appeals procedure and clamping companies should be able to operate only where the landowner is registered and licensed.

What is surprising is that everyone—including, I am sure, the Minister—agrees, particularly responsible private security firms. It is not a party political issue; it is one of commitment. In 1992, the Conservative Home Office Minister, the right hon. Member for Fylde (Mr. Jack), promised to look into pirate clamping. In a letter to the hon. Member for Bournemouth, East (Mr. Atkinson), he said:

"Urgent consideration is now being given by the Government to this issue".

In February 1993, the Home Office produced a consultation paper called "Wheelclamping on private land", but no action followed.

In July 1996, the Regulation of the Wheelclamping Industry Bill was presented as a private Member's Bill by my noble Friend Baroness Maddock, supported by the hon. Member for Hampstead and Highgate (Ms Jackson), who was a Transport Minister in the present Government. On 26 August 1996, the right hon. Member for Blackburn (Mr. Straw), now the Home Secretary, took up the cause in a press release entitled "Labour to clamp down on cowboy wheelclampers". The press release states:

"Across the country, innocent motorists—including many women—have been tyrannised by cowboy wheelclampers who charge extortionate fees and at present operate effectively outside the law."

In government, the Home Secretary appeared equally committed. On 15 July 1997, speaking to the British Security Industry Association, he promised

"A crackdown on clampers and cowboys",

adding that

"Proposals for regulating wheelclamping must be simple and effective."

Two and a half years later, there is no legislation. We have had yet more consultation and another White Paper, "The Government's Proposals for Regulation of the Private Security Industry in England and Wales", which was published nearly a year ago. The White Paper is quite specific about wheel clamping, stating in paragraph 5.11:

"The operation of wheelclamping firms could be dealt with by the use of statutory regulations/codes of practice recommended by the Authority."

That refers to the Government's main proposal, which is to set up a private security authority to regulate all the activities of private sector security firms, including clampers. I fail to understand why the Government have chosen that route; perhaps the Minister will explain.

Given the urgency of the problem, which has been admitted by the Home Secretary both before and after Labour entered office, will the Minister explain why the Government have chosen to create yet another new authority? Why not amend the Criminal Justice and Public Order Act 1994 to cover wheel clamping? That would be a simple procedure. Why not legislate within the new Transport Bill, using local authorities as the regulatory bodies? That was clearly an option when the Secretary of State for the Environment, Transport and the Regions introduced the transport White Paper; it remains an option, because that Bill is still in Committee.

Have the Government considered using other existing legislation covering local government miscellaneous provisions to give statutory powers to new regulations? I ask that because it is to the local authority, or local police, that disgruntled motorists go when they have problems. Motorists and landowners are familiar with those bodies: they already see them enforcing parking controls, so an extension of local authority functions rather than the creation of a new body would appear logical.

Given that the Government appear determined to crack this nut with an extremely large hammer, will the Minister give a date when the private security authority Bill will be put before the House? If not, will he confirm that, despite his commitment to the hon. Members for Doncaster, Central (Ms Winterton) and for Birmingham, Erdington (Mr. Corbett) on 17 January, at columns 550-51 in *Hansard*, there is absolutely no chance of legislation being introduced within the lifetime of this Parliament? If so, will he accept a private Member's Bill on the subject?

Despite all the promises of the past seven years, my constituents and those of many right hon. and hon. Members will continue to suffer at the hands of these modern-day highwaymen. Furthermore, landowners, who have a right to safeguard their land, will continue to be castigated as rogues for so doing. The Government have conceded that there is a problem; the public want a solution, as does the legitimate industry. The solution is relatively straightforward. The question is, when will the Government act?

2.43 pm

The Minister of State, Home Office (Mr. Paul Boateng): I thank the hon. Member for Harrogate and Knaresborough (Mr. Willis) for raising this issue. It is one with which I am sure many of our constituents will have ready empathy. We recognise the strength of feeling of those who have suffered being clamped. I am only too aware of the disreputable way in which some—but by no means all—clampers go about their business. It is bad enough that they clamp people's cars without there being any warning signs and charge outrageous release fees, but there are even cases in which drivers have been threatened with violence. That is totally unacceptable.

Having said that, everyone has to respect the property of others, and there are those who will not do that. Owners of land must be able to take action against those who park on it without their permission; in my view and that of many others, wheel clamping—or at least the threat of it—can be an effective means of dealing with irresponsible parking. However, wheel clamping must be carried out in a reasonable manner. I stress the word "reasonable". There must be warning signs of a reasonable size, and the release fee must not be extortionate. There must certainly be no threat of violence attached to seeking the release fee.

To some extent, as the hon. Gentleman recognised, case law has already enshrined those principles—differently north and south of the border, as is to be expected in different jurisdictions. In 1995, in the case of Arthur and Arthur *v.* Anker, the Court of Appeal adjudged that clampers had acted legally, as adequate warning signs had been displayed, the release fee was reasonable, and there was a reasonable method of payment.

The judgment of the Court of Appeal provided useful guidelines to courts faced with similar cases, but only in broad terms. It did not define a general standard for the size of signs, or what a "reasonable" release fee might be. That leaves the motorist who is aggrieved by having his or her car clamped on private land with only limited practical means of redress. Unless the behaviour of the clamper is quite outrageous, the motorist may well be uncertain of his or her rights, and may be dissuaded from going to court by the potential cost of legal fees.

The industry is poorly regulated. We recognised that when we published the White Paper "The Government's Proposals for Regulation of the Private Security Industry in England and Wales" last year. I was responsible for the publication of that document, and central to it was our recognition of the need to ensure that it would no longer be possible for anyone with a van and a clamp to set up as a wheel clamper.

[Mr. Paul Boateng]

All that clampers have to do is tell the landowner that they will, for a given fee, clamp anyone parked on his or her land. They can then subsequently clamp at will, and the driver has little redress against them or the landowner. That is clearly unacceptable. The aim of our proposals is to protect the public by ensuring basic standards of probity across the private security industry. We are determined to eradicate undesirable elements from the industry, including cowboy wheel clampers.

I hope that, on reflection, the hon. Gentleman will see some merit in the proposed private security industry authority. It is designed to have a holistic approach to the challenges faced by the private security industry, rather than relying on ad hoc responses, however well founded the sense of grievance that motivates them.

The authority will have as one of its duties the responsibility of licensing individuals in the private security industry, including those involved in wheel clamping. Managers and directors of security companies will also need to hold a licence. That will be a valuable tool at the disposal of the community in ensuring a properly regulated private security industry. It has been welcomed by responsible operators.

It is also proposed that the authority would have the responsibility of producing or endorsing standards and codes of practice for the industry and, where necessary, of making recommendations for statutory regulation. In the case of wheel clamping, the White Paper specifically acknowledged—as the hon. Gentleman recognised—the importance of ensuring that statutory regulations or a code of practice were in place to govern the operation of wheel clamping firms.

We are currently considering how best to take forward the White Paper in the light of considerable interest. We received 180 responses to the paper. I undertake to the hon. Gentleman that we will shortly make known our conclusions.

We have made clear our intention to introduce legislation to regulate the private security industry as soon as parliamentary time allows. The hon. Gentleman is an experienced parliamentarian, and he knows that I cannot tell him exactly when the legislation will be introduced. However, I stress that the Home Office is completely committed to it. It has to compete with several other important and necessary measures which have been urged on us. We are determined to crack down on the unsavoury activities of some of those involved in wheel clamping.

The cases that the hon. Gentleman outlined this afternoon give an accurate flavour of what our fellow citizens have to endure. A night at the opera, especially an opera as uplifting as "Don Giovanni", should not be ruined by such an unpleasant event. I hope that the fate of the wheel clampers will mirror that of Don Giovanni in the last act. Perhaps that is an uncharitable sentiment, but it is entirely justified in the light of the experiences of the hon. Gentleman's constituents.

We look to the private security industry authority to develop the codes of practice. We want the codes to take account of those that already operate successfully in the industry. We have therefore an opportunity to put in place a voluntary code of practice with the industry. Considerable progress is being made on that. It will address some of the issues that the hon. Gentleman raised, for example, standardising fines, ensuring a range of options—cash, cheque, credit card, Switch—for payment, and a proper appeals procedure.

The British Parking Association is co-operating with the Government to produce a draft code of practice, which it intends to circulate for comment shortly. The consultation will extend to motorist and parking organisations so that the final draft represents the interests of both groups.

I warmly welcome the initiative to find practical measures now, which the responsible majority of clamping operators support. We can thus ensure that the interests of the owners of private land are protected by an effective, proportionate and professional service that deals with unauthorised parking, that the harm and damage perpetrated by cowboys is exposed, and that the full weight of public opinion is brought to bear against them.

That is only a beginning, and we look towards a regulatory authority, a system of licensing and sanctions, which will build on the code of practice. Irresponsible and fraudulent wheel clamping will thus become a thing of the past.

The debate, albeit short, at the instigation of the hon. Member for Harrogate and Knaresborough is a welcome step forward towards that conclusion, which cannot come soon enough.

Question put and agreed to.

Adjourned accordingly at seven minutes to Three o'clock.

Westminster Hall

Tuesday 25 January 2000

[MR. MICHAEL J. MARTIN *in the Chair*]

European Asylum Seekers

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Sutcliffe.*]

9.30 am

Mr. Christopher Gill (Ludlow): I am pleased to have this opportunity to discuss a subject that is highly topical at the present time. Indeed, when I asked questions in the Council of Europe last September about the matter, I did not realise how topical it would become. Hon. Members will have seen the figures published in the press this weekend, which show that the number of people seeking asylum in this country has increased by 50 per cent. or more over the past year.

Since coming to power, Labour has repeatedly announced measures to reduce the number of asylum applications made in the United Kingdom, but, after nearly three years of Labour government, the number of applications has reached an all-time high. During October, a spate of headlines appeared in the national press. One stated: "Immigrants enter Britain 'sewn into sides of trains'".

The article continued:

"Bogus asylum-seekers are being sewn into the canvas sides of Channel Tunnel freight trains and smuggled into Britain by Italian gangsters."

That appeared on 3 October. The following day, another headline appeared: "Gipsy immigrants taking cheap flights to Britain".

According to the article:

"Gipsy immigrants are taking cheap flights to Britain as part of a big rise in asylum seekers from Eastern Europe, says the Home Office."

Later that month, the headline appeared: "Record numbers seeking asylum". The article explained:

"Record numbers of refugees are seeking asylum in Britain, the Home Office said yesterday."

At the end of that month, another headline appeared: "Czech gipsies threaten exodus". According to the report:

"A wave of gipsies will head for Britain and other European Union countries seeking political asylum".

The statistics that the Government published just before Christmas show that in 1996, under the Conservative Government, the number of asylum seekers from Europe totalled 6,475. The following year, part of which was under the new Labour Administration, the number had risen to 9,145—by almost 50 per cent. By 1998, that figure had almost doubled again, to 17,745. The reports in this weekend's press, to which I alluded a moment ago, suggest that the total number of asylum seekers from the entire world—the figures that I gave previously related to Europe—in 1999 is estimated to be 89,700, which is 50 per cent. more than the 58,000 announced for 1998.

That vast increase in the number of asylum seekers places unreasonable demands on social services, police and other departments and creates unsustainable pressures on communities at the major ports of entry and the surrounding areas. The behaviour of some migrants is unacceptable. Hon. Members will be conscious of the number of people begging on the London Underground and importuning passers-by in the street. Not least of my anxieties is the cost to society in general at a time when Government funding to police, health and local authorities is totally inadequate to satisfy the legitimate demands of the indigenous population. In my home county of Shropshire, we are aggrieved because the money that we receive is quite inadequate for the services that our local authorities, health authorities and police authorities have to provide.

I emphasise that the debate that I have initiated relates only to asylum seekers from Europe. It has such a specific focus because there is an easy, cost-free solution to the issue of European asylum seekers. Some 41 countries now belong to the Council of Europe, membership of which is conditional on the acceptance of the European convention on human rights. In other words, no country can join the Council of Europe without first agreeing to comply with the conditions of the convention.

I should explain that the Council of Europe began with a congregation of western European nations in 1949 to ensure that as far as possible, there was never again such a flagrant abuse of human rights as had occurred in the second world war. On 4 November 1950 in Rome, the European convention on human rights and the European Court of Human Rights—not to be confused with the European Court of Justice—were set up under the auspices of the Council of Europe which to this day is vitally involved in all matters relating to human rights.

It therefore follows that the human rights of any national of any one of the 41 countries with membership of the Council of Europe is protected by the European convention and, by default, that individuals or groups of individuals can and should seek redress through the European Court of Human Rights. The fact that many thousands of people from countries such as Albania, the Czech Republic, Poland, the Slovak Republic, Turkey, the former USSR and the former Yugoslavia choose not to do so is the reason that I have initiated today's debate. Coincidentally, this afternoon the Parliamentary Assembly of the Council of Europe in Strasbourg will debate restrictions on asylum in the member states of the Council of Europe and the European Union. I very much hope that my parliamentary colleagues will pursue the motion for a resolution that I sponsored in this forum last September. The text of my motion states:

"The Assembly:

i. Recognising that membership of the Council of Europe is conditional upon acceptance of the European Convention on Human Rights;

ii. Given that the human rights of all citizens of Council of Europe member states are protected by the right of individual petition to the Court of Human Rights whose findings are obliged to be responded to by Governments;

[Mr. Christopher Gill]

iii. Given that all 41 member states of the Council of Europe have pledged to support the principle of human rights within their own borders;

iv. Mindful of the fact that human rights are a fundamental tenet of the constitution of the Council of Europe;

v. Having regard to the not insignificant number of citizens of Council of Europe member states who continue to seek political asylum in other Council of Europe countries;

vi. Conscious of the possibility that some of those seeking political asylum are either economic migrants or fugitives from justice;

1. Believes that the situation in which citizens of member states of the Council of Europe continue to claim political asylum in other Council of Europe countries controverts the fundamental responsibility of member states to respect the European Convention on Human Rights;

2. Calls for the appropriate committee to report on this situation."

The motion was supported by 69 parliamentarians, including 11 members of the United Kingdom Socialist delegation. Signatories come from 24 countries and represent no fewer than four of the five recognised party groupings in the Council of Europe Assembly. I might further add that the signatures were collected in 24 hours. There were signatories not just from delegations from countries in western Europe, but from Turkey and eight central and eastern European countries, including Croatia, Poland and the Slovak Republic.

Right hon. and hon. Members might be interested to hear the response that I obtained from the Council of Europe's chairman-in-office when I asked whether, having regard to the fact that each member country of the Council of Europe is bound by the European convention on human rights, he could explain how citizens of COE member states continue to seek asylum in the United Kingdom, Mr. Asgrimsson replied:

"Let me admit that compliance unfortunately is not uniform".

He went on to say that

"nationals of all member states are of course free to avail themselves of the European Convention on Human Rights."

That is precisely my point. I asked the chairman-in-office a supplementary question:

"Does the Minister accept that, if all Council of Europe member states honour their terms of the European Convention on Human Rights there would be no need for political asylum in Europe, but if individual states do not, or will not, discharge their obligations under the convention, does that not challenge the fundamental raison d'etre of the Assembly? Why should the failure of some member states to honour their commitments impose additional burdens upon those that do? Does he share my concern that, included amongst those seeking political asylum, there are those who are fugitives from justice in their own countries?"

Mr. Asgrimsson replied:

"We are all aware of that situation, but we also know that our countries have different living conditions",

which makes my second point—that many of these people are not genuine asylum seekers at all but simply, as many of us have long suspected, economic migrants.

I come now to the Government's record. They published in Cmnd. 4431 the figures to which I referred—proof, if it were needed, that the situation has worsened dramatically since Labour came to power. However, guidance notes issued to the United Kingdom parliamentary delegation to the Council of Europe state that

"the UK Government is firmly committed to the principles of the European Convention on Human Rights"

and, to their credit, that

"the UK Government considers it important, however, that member states should be entitled to impose conditions on persons seeking to travel to their territory; detain asylum seekers in appropriate cases; and return asylum seekers to safe third countries without giving substantive considerations to their claims."

In other words, in this area of policy as in so many others, the Government are strong on rhetoric but weak on action, as the figures, published last weekend, prove.

On 21 August last year, I wrote to the Home Secretary stating that,

"in advance of next month's meeting of the Council of Europe, I should be grateful if you would provide me with a synopsis of your Department's policy regarding immigrants and asylum seekers from other parts of the European Continent. My question is prompted by news reports of gypsies from the Czech Republic and other CEE countries seeking asylum in this country . . . maybe you would agree that the question of asylum seekers from any of these countries is a matter of concern which should be raised as a business item in that forum".

Leaving aside the fact that it took the Minister of State five weeks to respond—her reply awaited me on my return from Strasbourg—she said in that belated reply that I had specifically referred to

"the immigration of large numbers of Roma from the Czech Republic and other CEE countries."

That is not so. I specifically referred in my letter of 21 August to gypsies—a description that my constituents in Shropshire, where we call a spade a spade, would readily understand. The Chamber will appreciate that I have not yet converted to political correctness; nor do I intend to.

The Minister also stated in her letter that

"the number of asylum seekers from Central Europe has risen sharply in recent months."

That being so, and given that, according to the Minister's letter,

"the vast majority of applicants from Poland, the Czech and Slovak Republics are Roma and those from Croatia are mainly ethnic Serbs"

that does not in any way alter the fact that either those countries are in clear breach of their obligations under the European convention or that the migrants themselves are at fault in not having sought redress through the European Court of Human Rights—as is their right—and are probably bogus? Either way, I fail to understand why the problem should be dumped in the lap of the British taxpayer.

In fairness, I should say that in her letter the Minister states that

"in the case of Poland, the Czech and Slovak Republics, since January 1998, on initial consideration, all applications for asylum have been refused".

Unfortunately, that assurance is at odds with newspaper reports that appeared last Saturday, which reported the UN High Commissioner for Refugees as estimating the total number of refugees in 1999 at 89,700, compared with 46,000 applications for asylum received in the United Kingdom in 1998. In fairness to the Minister,

once again, I concede that the 46,000 becomes 58,000 if dependants are added. Nevertheless, we have a direct comparison of 58,000 in 1998 with 89,700 in 1999—in other words, half as many again as in the previous year. That figure represents asylum seekers from all parts of the world, but it includes a substantial increase in applicants from Europe. Clearly, something is wrong when countries that have entered into solemn and binding agreements do not honour them. From our point of view, their failure to do so becomes a burden on the countries that do honour them.

Before I move on from the Minister's letter, I wish to draw attention to another sentence, which states that

"candidate countries of Central and Eastern Europe who wish to joint the European Union must meet the Copenhagen criteria."

I had not asked about the European charter of fundamental rights. Prompted by that gratuitous comment, however, I do so now. Is not the European Union's proposal to establish its own charter of human rights in parallel with, or as an alternative to, the European convention on human rights of a piece with the EU's plans to establish corpus juris as an alternative to national jurisprudence—just as its determination to create its own European defence force as an alternative to NATO and to create the euro as an alternative to national currencies, is the clearest indication that the EU is hellbent on creating the European superstate, which, almost alone in Europe today, British politicians continue to deny?

I appreciate that the issue of asylum seekers is fraught, but it is likely to become even more so unless the Government take tougher action. This matter is important and of great interest to many of our constituents, so why did it take the Home Office five weeks to respond to my letter, effectively preventing me from having the benefit of its advice in time for the Council of Europe meeting in September? Do the Government agree that it is unacceptable for nationals whose countries are signatories to the European convention to seek asylum in other countries?

What steps will the Government take to ensure that all Council of Europe countries honour their obligations under the European convention on human rights? Will the Government take steps to remove the ambiguity—evidenced by the Court of Appeal's judgment of 23 July 1999—regarding the UK's interpretation of the 1951 convention and protocol relating to the status of refugees, as compared with the interpretation of other European countries such as France and Germany? Will the Government recognise that bogus asylum seekers are anathema to the majority of law-abiding British citizens and that the Government have no mandate from the British people to stretch a point beyond that which we are honour bound to accept by dint of our international treaty obligations? Is it reasonable for the British taxpayer to pick up the tab for the failure of other countries to honour their human rights obligations?

Mr. Julian Brazier (Canterbury): Before my hon. Friend concludes his excellent contribution, may I add two points to his list? Ratepayers and council tax payers in Kent are, this year alone, £4.5 million short in compensation from the centre. Should the European Union consider as candidates countries from which large numbers of people apply for asylum and which are, incidentally, members of the Council of Europe?

Mr. Gill: I am most grateful to my hon. Friend for his intervention. One of the points that I hope will emerge from our debate today is that 41 countries currently belong to the Council of Europe and they have all signed up to the European convention on human rights. Clearly, not all of them are honouring their obligations. My fear is that we will create an alternative body within the EU and a blind eye will be turned to some of the things that go on in those countries. Far from solving the problem, it will simply compound it, and Governments who should act in respect of countries that are in default will not do so but will focus on the new body.

I am pleased to see my hon. Friend in the Chamber this morning because I am very conscious of the fact that counties such as Kent are taking the brunt of the numbers seeking asylum in this country. You may wonder, Mr. Deputy Speaker, why the Member for Ludlow in Shropshire is initiating this debate when, as yet, we are not too burdened with the problem of asylum seekers. The Government's policy is not to take a strong line with other countries and tell them to honour their obligations under the European convention but to say that we must disperse the problem. Tens of thousands of people are coming in, but, rather than take stronger action to cut off the supply, so to speak, the Government are threatening to disperse people to other parts of the country. It will become a problem for me.

Thanks to information received from the Local Government Association only yesterday evening, I became aware that Dudley and Wolverhampton—Wolverhampton is only six miles from my constituency—are scheduled to take some of these people. Instead of solving the problem and sending bogus asylum seekers home, the Government propose to decamp them from Kent to other parts of the country. It will then become a problem for me and other hon. Members who represent parts of the country that are, as yet, unaffected.

Mr. Stephen Day (Cheadle): Is my hon. Friend aware that the Government are not fulfilling their responsibilities to local authorities, not just on the south coast but throughout the country? Stockport borough council, for instance, is owed hundreds of thousands of pounds from the Government in relation to Kosovar refugees who, quite rightly, were taken into this country. The Government are not honouring their obligations.

Mr. Gill: I am grateful to my hon. Friend for making that point. I cannot claim to be conscious of the detail, although I am aware of the system that is supposed to recompense his and other authorities for shouldering part of the burden. I have every sympathy with him, his constituents and his local council, but the point that I want to stress this morning is that the Government must do far more to stop this flood of asylum seekers—and it has become a flood. As the figures demonstrate, over the past four years the total number of asylum seekers of all nationalities to this country has increased from 30,000 to 32,500 to 58,000 and now to 89,700. That is the problem. I would far rather the Government, instead of indulging in palliatives, dealt with the problem at source. What action will they take to persuade the world that the United Kingdom is not the soft touch that asylum seekers clearly think it is?

[Mr. Gill]

I said at the beginning of my remarks that there was an easy, cost-free solution to the problem of asylum seekers from Europe, and there is. Will the Government now make it plain to the other signatories of the European convention that if we are to stick to our side of the bargain, they must stick to theirs? Do they not recognise that merely absorbing the consequences of other countries' failure to abide by the rules simply makes it easier for those other countries to go on ignoring the rules? It is time for the Government to put their foot down. The question is: will they now do so?

10.25 am

Jackie Ballard (Taunton): There is no point in my rehearsing the reasons why Liberal Democrats opposed the recent Immigration and Asylum Bill, but we strongly support the rights of refugees under international conventions to seek asylum. We also believe that we have a duty to ensure that their claims are dealt with speedily and fairly and that, while they are waiting for their claims to be processed, they should be treated with dignity and respect.

It is to our shame as Europeans that major conflicts in the past few years in Europe have led to an increasing number of people fleeing their countries, leaving behind their families, homes and jobs. Therefore, it is not surprising to me—although it seems to be to the hon. Member for Ludlow (Mr. Gill)—that there are record numbers of asylum seekers. The Federal Republic of Yugoslavia has been disintegrating and Europe has not seen such numbers of displaced people for 50 years, but the increase is clearly not our Government's fault. Perhaps, instead, we should be proud that people seek refuge in what is still seen as a liberal and tolerant country. There is an international emergency and we as a nation must do our bit, not just under international conventions but morally, to share the burden. This international problem demands an international response and international responsibility.

My party has long argued for a common European framework on asylum, and we were told during the British presidency of the European Union that the Prime Minister intended to make progress on the issue. What progress has been made on establishing such a framework?

I want to take the opportunity of this debate to draw the Minister's attention to some of the problems associated with the dispersal of asylum seekers. I have spoken in the past couple of days to my local councils and I know that local authorities across the country have worked well together to produce an agreed framework.

My area has been designated a cluster area, and I have no complaints about that. There is a duty on the county council to provide care and accommodation for asylum seekers, but there is no duty on the district council, as the housing authority, to provide accommodation. Indeed, if there were, it could not meet it: my local authority has about 10 void properties a month, which does not meet the housing needs of more than 1,000 people on the local waiting list, far less the accommodation needs of asylum seekers. I know that some areas of the country have many voids and are not in the same position as we in the south-west. My county council has a serious problem in finding appropriate accommodation in a short-time, but it will do its best, and hopes not to have to resort to bed-and-breakfast accommodation.

Local authorities around the country will have difficulties in caring for and accommodating asylum seekers, and in doing so on the fixed sum allocated by the Government. Health and education costs will not be recoverable. We do not blame asylum seekers for those problems. Having fled repression and intimidation, they should not face a punitive or dehumanising reception on arriving in this country.

What are asylum seekers expected to do while their applications are being processed? It is probably reasonable that they are not allowed to do paid work, but they are not allowed to do voluntary work either. Such work would allow them to spend their time usefully and purposefully by participating willingly in communities in which they have been dispersed. If asylum seekers were to make such contributions, communities would accept them more readily.

The hon. Member for Ludlow said that the Government could solve those problems by sending home bogus asylum seekers rather than dispersing them—

Mr. Gill: My point was that if the Government sent a stronger signal that they do not intend to accept bogus asylum seekers, such people would be dissuaded from setting out in the first place. Given the increasing numbers that are coming to this country, word has clearly got round that we are a soft touch.

Jackie Ballard: Those of a liberal disposition would say that the Immigration and Asylum Act 1999 sent a strong signal that Britain is far from a soft touch for asylum seekers; in fact, it treats them quite punitively. As I have said, the number of asylum seekers has increased simply because the number of conflicts in Europe and the number of people who have been displaced from their countries have increased.

On the hon. Gentleman's point about sending home bogus asylum seekers rather than dispersing them, those who are known on arrival to be bogus are sent home, but it often takes time to ascertain the validity of claims. He also spoke of the bill that taxpayers in Britain will have to pay. It is true that we pay a price for accommodating and caring for asylum seekers, but it is insignificant compared to the price that those who flee repression or intimidation have to pay. What price can one put on compassion and dignity? We should not assume that all asylum seekers are economic migrants and bogus seekers of some form of nirvana. In fact, the life that they live while waiting for their claims to be processed is difficult. We as a country should do our bit, not merely in respect of international conventions but from a moral standpoint, by showing willingness to accommodate people far less fortunate than ourselves.

10.32 am

Mr. David Lidington (Aylesbury): I congratulate my hon. Friend the Member for Ludlow (Mr. Gill) on securing a debate on a matter with which he has been concerned for some months, and which raises important

issues. I also congratulate him on what I suspect is his characteristic persistence in seeking the opportunity to secure it.

My hon. Friend made the very important point that many of the asylum seekers in this country who try to take advantage of the 1951 convention are themselves citizens of countries that have subscribed to the European convention on human rights. He asked the significant question why we and other European co-signatories to the convention should simply accept that little can be done about that. I remind him that the Asylum and Immigration Act 1996 attempted to deal with the issue of asylum seekers who come to the United Kingdom from countries that are renowned for their reputations for safeguarding human rights. The Act provided for a list of safe third countries, whereby asylum seekers from those countries would be put on a special fast track process on the assumption that, save only in the most exceptional or extraordinary circumstances, a claim from a person who was a citizen of such a country would be regarded as manifestly unfounded. One of several policy errors that the Government have made since taking office was their decision to scrap that so-called white list of safe countries. That sent a signal to people overseas that immigration and asylum policy in the United Kingdom was being softened as a result of the new Government coming into office.

I agree with the hon. Member for Taunton (Jackie Ballard) that we live in an age in which vast numbers of people seek to migrate from the developing world to the developed world, and mass movements of people take place on a greater scale than at any time since the immediate aftermath of the second world war. However, I take issue with her conclusion that the majority—or anything remotely approaching the majority—of such people are in genuine fear of persecution and qualify to be treated as refugees under the terms of the 1951 United Nations convention.

During the debates in the House on the Immigration and Asylum Act 1999, Government and Opposition Front Benchers agreed that it was clear from the evidence—from determinations by the Home Office and results of appeal hearings—that the overwhelming majority of people who seek asylum in the United Kingdom are bogus asylum seekers who are trying to use a claim of asylum as a means of evading our normal immigration controls. It is hard to blame them; mass communication through television and radio makes large numbers of people in poor and unstable countries aware that they have the chance of a better life if they manage to get into one of the western industrialised nations. Furthermore, racketeers are prepared to exort a lifetime's savings from such unfortunate people on the promise of being able successfully to smuggle them into, say, Britain, Germany, Norway or Switzerland.

The evidence demonstrates that most applications for asylum in this country—as in most western European countries—are unfounded, and that there is a significant connection between unfounded asylum applications and criminal or near-criminal activity by people who seek to profit from a trade in human beings.

Mr. Gerald Howarth (Aldershot): I am grateful to my hon. Friend for giving way. This is my first opportunity to take part in a debate in Westminster Hall. I apologise, Madam Deputy Speaker, for arriving late and having to leave early—I have to attend a sitting of the Home Affairs Committee. However, I wanted to be able to listen to at least part of the debate.

My hon. Friend has dealt with the question of bogus asylum seekers and economic migrants. I put it to him that the logical consequence of the argument that was advanced by the hon. Member for Taunton (Jackie Ballard) is that this country has a responsibility to absorb people who are suffering persecution elsewhere, wherever that may be. Given that disputes are taking place all over the world, it is simply not possible to accept within these crowded islands even those people who may be the subjects of persecution. It is not fair to the population of the United Kingdom to have to absorb that quantity of people.

Madam Deputy Speaker (Mrs. Gwyneth Dunwoody): Order. Even on the basis of arriving late and going early, the hon. Gentleman's interventions should be reasonably brief.

Mr. Lidington: My hon Friend puts his point with characteristic clarity and forthrightness, and I agree with him.

In my constituency, some of those vigorous in their support for firm policies to deter unfounded asylum applications are British citizens from ethnic minority groups. They can see that, if the large-scale evasion of immigration control is allowed to continue, race relations within the United Kingdom—and the position of British people who have come to this country lawfully and in accordance with the rules—will be under threat and become insecure.

I want to make a number of points relating to the remarks of my hon. Friend the Member for Ludlow. However, I must first say that this debate is perhaps more timely than he might realise. At 11 am, the Home Office is to release to the media the figures for asylum applications in December 1999. I hope that the Minister will not feel constrained by embargo times when she gives her reply, and will be able to share with the House of Commons the information that is to be shared with the media in less than 20 minutes.

Those figures should give further details not only of the number of applications in December, but of the progress or otherwise that the Home Office has made in increasing the number of decisions. We should also learn the latest figure for the backlog of asylum applications piling up undertermined at the Croydon headquarters of the immigration and nationality directorate.

Before I discuss the Home Office's handling of those matters, I will allude briefly to what my hon. Friend the Member for Ludlow said about the broader European policy. I shall put two points to the Minister. The first concerns the impact of enlargement. When I was last in Brussels, discussing these issues with Members of the European Parliament, I found considerable disquiet that discussions on enlargement were proceeding on the fantastic basis that applicant countries would sign up to the acquis of the Community entire, and that that would include allowing full rights of freedom of movement for persons within the enlarged Union and would also include firm, well-policed external frontiers along the Union's new borders.

[Mr. Lidington]

The Members of the European Parliament who took an interest in those issues did not believe that it would be practicable for Poland, Slovakia and some other central European countries effectively to police their eastern borders with the successor republics to the former Soviet Union. There would, therefore, have to be either derogations of quite long duration over the free movement of persons from the new member states, or a rethink by the Community over its approach to the enlargement negotiations. I would welcome a view from the Government as to the realism of expecting the central European states to police their eastern borders in the way in which existing EU member states would expect.

Secondly, my hon. Friend the Member for Ludlow put his finger on a matter of great concern when he drew attention to the ambitions of some on the continent—and the avowed ambitions of the European Commission—to develop a fully integrated Community policy on asylum and immigration. If my hon. Friend has not yet had the opportunity to read it, I commend to him a study of the remarks of Commissioner Vitorino, the man responsible for this area of policy in the European Commission, when he was questioned by Members of the European Parliament as part of the confirmation process. Mr. Vitorino made no bones about what he wanted to happen. He said that

"a Community strategy on asylum . . . needs to be drawn up as a matter of urgency"

and that

"the Commission should strive to ensure that persons denied refugee status within the meaning of the Geneva Convention can enjoy alternative protection in terms of 'non-explusion'".

It would be interesting to know whether Commissioner Vitorino is acting beyond the policy objectives of the British and other European Union Governments or whether he has a body of support within the Council of Ministers that will turn that ambition of alternative protection for those who are denied refugee status into reality.

Commissioner Vitorino went on to say that

"once Community instruments"

on asylum

"have entered into force, the Commission will employ the powers conferred on it by the Treaty and the procedures provided for therein to ensure that member states comply fully with their provisions."

He was enthusiastic about the treaty of Amsterdam and the new objective which that treaty set for the European Union of developing an area of freedom, security and justice. There is no doubt that Mr. Vitorino believes that the creation of an area of freedom, security and justice will provide tremendous opportunities for European institutions to develop further their competence over areas of policy which, until now, have been determined largely on an intergovernmental basis. He was explicit in his analogy—perhaps a stronger word than analogy should be used—between the creation of the area of freedom, security and justice and the operation of the single European market. He argued that the single market must be seen to encompass the common policies, social policies, the policy of non-discrimination, the customs union, rules of competition and, of course, all the new provisions introduced by the treaty of Amsterdam on free movement of persons, asylum and immigration. One of the characteristics of the single market, in institutional terms, is that decisions are taken on the basis of qualified majority voting with no right of veto. It is significant that the Commissioner charged with responsibility for immigration and asylum policy should be so determined to take those areas of responsibility into the remit of single market arrangements that effectively transfer competence for those policy arrangements—I am convinced that that is his long-term ambition—from member states to the supranational institutions of the Community with the Commission having sole right of initiative.

Important long-term questions remain and I am not convinced that the Government have grappled adequately with them or given a clear account to Parliament of what is happening in Brussels. People such as Mr. Vitorino openly and unashamedly wish to proceed in that direction. The Minister should tell us when she replies to the debate whether the Government will resist that from the start because it threatens British interests or whether, as with the withholding tax, they will go with the flow, try to tinker at the edges with a fundamentally unacceptable proposal and end up embarrassing themselves and threatening to damage the interests of the United Kingdom.

Mr. Gill: Is it not perverse for Governments to turn their backs on established systems, albeit that they are not working, and, instead of using their best efforts to make them work smoothly and effectively, gallop over the horizon and create another body that will probably run into the same problems?

Mr. Lidington: My hon. Friend puts the point well.

I want to say a little about local authorities because some councils have made points that deserve ministerial attention and a response. Then I shall make some points about the operations of the Home Office and the immigration and nationality directorate.

I shall deal first with local authorities. As my hon. Friend the Member for Ludlow and the hon. Member for Taunton said, the number of asylum seekers coming to the United Kingdom in the last couple of years has placed an enormous strain on local authorities' resources, especially, but not exclusively, on those that have important seaports or airports within their boundaries. Will the Minister tell us something about the progress made on dispersal arrangements? The Opposition have supported the dispersal plans, but I am told by Kent county council that, although there has been encouraging progress in some respects, it continues to bear an unacceptably heavy burden. Progress on dispersal is not as swift as that county would wish. I have seen press reports that there have been particular difficulties in Scotland, with Scottish local authorities proving resistant to participation in the dispersal scheme and strong opposition from both Scottish Nationalist and Labour Members of the Scottish Parliament to Scottish local authorities being required by the Home Secretary to provide centres for asylum seekers north of the border.

The leader of Hillingdon council has also raised a particular concern with me about the position of unaccompanied children, many of whom will come

from the former Yugoslavia and some from countries outside Europe. There have apparently been rumours from within Whitehall that the special grant arrangements that reimburse local authorities for the very expensive task of looking after unaccompanied children will be withdrawn. If that report is true, that would place an enormous burden on Hillingdon and other local authorities. It would be good news for those councils if the Minister could deny that rumour this morning.

My main point relates to Home Office Ministers' record in handling the difficulties that have landed on their desks as a result of the large number of applications. The hon. Member for Taunton, having criticised the Immigration and Asylum Act 1999, hastened to reassure the Government that it was not really their fault. There could not have been a more characteristic demonstration of the Liberal Democrats' approach to the Government.

Jackie Ballard: Clearly I need to help the hon. Gentleman with a point of personal information. I said that it was not the Government's fault that there is an increasing number of asylum seekers from Europe. The Government did not create the conflicts in Europe that have caused people to flee from their homes.

Mr. Lidington: The hon. Lady is right to say that the Government did not create the conditions of conflict. Where she is wrong, and I believe that the figures published by the United Nations High Commissioner for Refugees support my case, is in saying that the Government bear no responsibility for the particularly difficult position in which the United Kingdom now finds itself. It is not just the United Kingdom that has had to cope with a large additional number of asylum seekers as a consequence of the collapse of Yugoslavia and the ensuing ethnic conflicts; Germany, Switzerland, the Scandinavian countries and the low countries have also had to deal with that problem. I fear that the evidence from the UNHCR is that the United Kingdom has had to cope with a greater share than previously of the total number of asylum seekers coming into western Europe. That must be due both to the message that the Government sent out in their early months in office—that they were softening immigration and asylum policy—and to the incompetence of Home Office Ministers in presiding over a system in Croydon that has allowed record backlogs of applications to pile up. People know that if they can get into this country it will be a very long time before their case is looked at in any detail, so they have the chance of either going to ground or establishing special compassionate reasons why they should not be required to leave.

Let us consider the United Nations figures in a little more detail. The UNHCR compared the number of asylum applications in western European countries made by people from the former Yugoslavia in the first three quarters of 1999 with that for a comparable period in 1998. The number of applications in the United Kingdom rose by 82 per cent. in the first three quarters of 1999 compared with the same period in the previous year. The comparable rise for Germany was 24 per cent. and for the Netherlands it was just 6 per cent. The discrepancy cannot be attributed simply to the fact that the UK took in a certain number of refugees from Kosovo as part of a planned evacuation and relocation programme which was sponsored by the UNHCR; in the third quarter of 1999, after the UNHCR had brought its programme to an end in July of that year, the UK share of Yugoslav asylum seekers had risen to 18 per cent. of the total—a larger figure than in either the first or second quarters of 1999.

The same pattern is apparent in non-Yugoslav applications. There were big rises in the asylum applications in the UK and Belgium in 1999 compared with 1998, but actual falls in the number of asylum seekers from outside Yugoslavia in Germany, the Netherlands and Switzerland—all areas where large numbers of people have traditionally sought to claim asylum.

The statistical evidence, therefore, makes it clear that we have a worse record than other European countries in coping effectively with the challenge of large numbers of unfounded asylum applications. It is no good the Government wringing their hands, grinning goofily and saying, as they do so often, "Well, it's all the fault of the last Government. We've only been in office for two and a half years." Let us consider the sequence of events.

In July 1998, more than a year after the Government took office, they published a White Paper on asylum and immigration setting out clear targets for the current financial year regarding the number of decisions to be taken and appeals to be handled and the costs of immigration, nationality and asylum business. In March 1999, the Home Office annual report stated that the position at Croydon following the introduction of the new computer system and working arrangements had

"now settled and the majority of problems have been resolved."

The Home Secretary boasted that a

"step change in efficiency was made in late 1998 to early 1999".

Moreover, in last autumn's annual report of the immigration and nationality directorate, the White Paper targets for the current financial year were reaffirmed.

Both the White Paper and the IND's annual report said that the key target for 1999–2000 was for 59,000 decisions to be made on asylum applications. However, in the first eight months of the current financial year 25,885 decisions were taken. If one calculates the annualised figure, one finds that the Government must now expect about 39,000 decisions to be taken during the current financial year, which is no fewer than 20,000 decisions below the target that they set themselves in the middle of 1998 and which they reaffirmed in a report published as recently as last autumn.

The consequence of such incompetence is borne by our constituents as taxpayers. The Government White Paper estimated the cost of supporting asylum seekers for the current financial year at £350 million. In a written answer of 2 November, the Minister told me that that had now risen to an estimated £450 million to £490 million. I wonder whether her reply to this debate will reveal that that estimate has risen yet again. Our constituents must find more than £100 million extra towards the cost of asylum seekers in the current year alone because of the Government's mishandling of affairs.

[Mr. Lidington]

I am not confident that the Government have got to grips with after-entry controls. My hon. Friend the Member for Aldershot tabled a question early in December last year about what had happened to Kosovar asylum seekers who had come to this country as part of the United Nations plan. In a written answer of 14 December, the Minister revealed that only a quarter of Kosovars who had entered the country under the auspices of the UNHCR had returned home. Why so few? Have these people gone to ground or is there a good reason why three-quarters of those who came here temporarily until Kosovo was freed have decided to remain within the United Kingdom?

Does the Government's analysis bear out the *Daily Mail* report of December last year that many asylum seekers whose claims had been rejected by the Home Office had simply disappeared into the community rather than return home? Islington council's statistics were taken as a sample: of 94 asylum seekers whose cases had been rejected, 44 had vanished. According to the *Daily Mail,* if one extrapolated from those figures, thousands of asylum seekers had gone to ground in the latter months of 1999. Do the Government intend to invest more resources into after-entry controls and deportation? Do they still believe that they are on target—set in the White Paper and in the IND annual report—for the removal of 8,000 failed asylum seekers?

The Minister set herself one target that was so ambitious that I blinked several times when I first read it. In a letter to the Public Accounts Committee in October 1999, the Permanent Secretary at the Home Office said that the Department's aim was to clear all current asylum applications by October 2000. I tabled a written question to the Minister about that and she reaffirmed that that was indeed the Government's target. She claimed that clearing them all by that date was a staging post towards the aim of ensuring that, by April 2001, all determinations and appeals take place within six months. If that truly is the Government's target, between now and October this year, they will have to clear the backlog of more than 100,000 asylum cases that have piled up at Croydon. On the basis of the Government's record thus far, that target is unrealistic.

Recent legislation has led us to believe that the Government have at last begun to grasp the gravity of the challenge posed by large numbers of unfounded asylum applications in the United Kingdom. However, their own words, policies, incompetence and complacency have landed not just them, but our constituents, in this mess. We need much greater evidence of effective activity from Ministers before we can have confidence that they are up to dealing with the challenge.

11.5 am

Mr. Gerald Howarth (Aldershot): I have been so intrigued by the debate that I thought that it was important to stay to listen to my hon. Friend the Member for Aylesbury (Mr. Lidington). I hope that I will also be able to stay to hear the Minister who, I imagine, would like to start her remarks in about five or 10 minutes' time. I shall therefore be brief. I put on record my appreciation of the way in which the Minister has handled one or two tricky cases in my constituency. She does not have an easy job and it would be wrong not to thank her personally for a couple of individual cases, notwithstanding my overall criticism of the Government's handling of the policy.

As my hon. Friend the Member for Aylesbury said, severe impositions have been placed on local authorities. The impact has fallen disproportionately. My hon. Friend the Member for Canterbury (Mr. Brazier) told us of the difficulties in Kent. We are all familiar with the severe problems in Kent and the inadequate support that the Government are giving to councils that are particularly burdened by the problem.

I met a lady this morning in a London borough who is a neighbour of mine. She told me that recently she had had to evict her married daughter and grandchild because they were overcrowded. Even though the daughter had been on the council waiting list for seven years, no council accommodation was available. She was told that, as she was not a refugee, she was a low priority. My neighbour had the unhappy task of evicting her daughter and grandchild because precedence is being given to asylum seekers. People in this country are extremely concerned about that.

My second point is that there has been a lack of vigour in dealing with the backlog. People are going to ground. My hon. Friend the Member for Aylesbury referred to my recent question to the Minister, which graphically illustrated that point. This is a failure of Government—probably not assisted by the courts, it must be said, which seek to provide every opportunity to gainsay the will of Parliament, which wants action to be taken. It is essential for the confidence of the British people in the system that those who are given every opportunity to claim asylum, but whose applications are rejected, leave the country and that the means are found to achieve that, unpleasant though it sometimes may be.

My third point was drawn to my attention by a constituent whose son, a former soldier in the Army, is now a long-distance lorry driver. He wrote to tell me that his son is extremely concerned at the consequences of the fines that come into effect on 1 February. If he is found to have an illegal immigrant in his lorry, he and his company will each be fined £2,000. The real issue is that this man takes great care to ensure that such people are not in his vehicle, but his father described what happens when he arrives in Calais. All sorts of ruses are undertaken by asylum seekers to gain access to the lorry and to any areas where a person can be concealed such as in packaging, boxes or whatever. There is then the rather revolting task of clearing up the consequences of human occupation. The one thing that he was overwhelmingly worried about was the fact that the French police stand there, see what is going on and do absolutely nothing about it. That confirms what I was told one night when I was in my consituency and my mobile phone rang. At the other end were two reporters from the *Daily Mail*, who said, "We are in Calais, and you will not believe what we are seeing here. There are all these fancy security arrangements for asylum seekers, all state-of-the-art stuff, but they are basically just nipping over the wall and climbing on to the lorries, and the French police are doing nothing about it."

The French police are not the Minister's responsibility, and I shall not hold her to account for them. However, it is the Government's responsibility to

ensure that our continental partners take much more vigorous action to prevent the abuse that is occurring. If our partners consider the matter a European issue, they should show a bit more communautaire spirit and try to help the British Government to solve the problem.

I shall refer only briefly to the general issue, because I shall return to it at a later date. As a nation, we have no reason to be ashamed of our record in receiving victims of oppression in other parts of the world. The people of this country have shown extraordinary tolerance and great magnanimity in trying to accommodate people. However, as I said in my intervention on my hon. Friend the Member for Aylesbury, and having listened to the remarks of the hon. Member for Taunton (Jackie Ballard), conflicts are taking place throughout the world. The country deserves to know whether, even if large numbers of people are genuinely victims of oppression, given the crowded nature of these islands and the pressure on our infrastructure, we have an unlimited obligation to accept them.

I merely ask the question. Many of our constituents are asking us to answer it. It especially grieves me when I am urged by bleeding-heart liberals—I am not necessarily referring to the hon. Member for Taunton—that we should do more for countries that oppress their people. The same people told us that we had no business being the colonial Government in those countries, which were then well run, prosperous and democratic, and people enjoyed the security that the stability of British administration provided. We are dealing with big questions, but I shall not deal with them as I realise that the Minister has a lot of information to deal with and impart to us.

11.12 am

The Minister of State, Home Office (Mrs. Barbara Roche): Last year, record numbers of people claimed asylum in the UK. The official Home Office figure, released for the first time this morning, is that 71,160 asylum applications were made during 1999. Understandably, and rightly, many people will be worried by that figure and by the increasing number of asylum seekers coming to the UK in recent years.

The UK is not alone in experiencing substantial increases. In one recent month alone, in the Republic of Ireland, with a much smaller population, 1,000 people sought asylum. The problem must be examined in its European context.

Experience has shown that the majority of people seeking asylum are economic migrants, rather than those in need of international protection under the conventions. I am sure that all hon. Members would agree that we must maintain the integrity of our asylum system. The concept of seeking refuge and protection and becoming a refugee is historic, and deeply rooted in the very best of human principles, but that means that we must protect what it stands for: providing protection to those in genuine need. However, it also means deterring would-be economic migrants from making unfounded asylum applications here as a means of avoiding normal immigration rules. Why?—Because that devalues the concept of seeking asylum and is seen as a means of evading immigration control. Allowing such avoidance would be an affront to people who have lawfully settled here, using the appropriate methods and often waiting patiently to do so.

I will say a little about the system that we inherited. It was to restore integrity to a failing system that the Government undertook the most fundamental review of immigration and asylum rules for more than 25 years. Our aim was to make the system fairer, faster and firmer than the dreadful system that we inherited.

Our international obligations as signatories to the 1951 refugee convention mean that we have to consider all claims for asylum made at the ports, or within the United Kingdom. We are not alone in that. We cannot turn our back on those in genuine need of protection. This country has a proud tradition of giving shelter to those fleeing from persecution in other parts of the world, and that will continue. I am one of its beneficiaries. Long may it do so!

The key to ensuring that the asylum system is not manipulated by those who merely seek economic betterment is to process claims quickly. That is why the 1998 White Paper committed us to a target of two months for most initial decisions and to a further four months to deal with most appeals by April 2001. We are taking measures to achieve that and putting in place new procedures—especially in view of other countries' procedures. We are recruiting more staff to process applications. Of course, that means spending more: in the coming three years, we shall spend an additional £120 million on speeding up decisions and on increasing the number of asylum case workers. That is important.

A substantial number of asylum applications have been made at our ports and in-country following clandestine entry. To respond to those pressures, and to help speed up the system, we are setting up a new reception centre at Oakington, near Cambridge. Oakington's purpose is to help deal with claims on which a rapid decision appears possible. Applicants will be required to stay at the centre for about seven days while their claim is being decided. There will be a relaxed regime, with minimal physical security. If a case has to take longer than others, or if an appeal is pending, applicants will be granted temporary admission or, if necessary, removed to an ordinary detention centre.

Mr. Lidington: Bearing in mind all the things that the Government take pride in, has the backlog of asylum applications passed the 100,000 mark? When does the Minister expect it to begin falling?

Mrs. Roche: The backlog has increased beyond the 100,000 mark, although the hon. Gentleman of course knows that the Government whom he supported contributed to more than 50,000 of those applications. Given the current pattern of decision making, we expect a consistent falling of the figures in line with the targets that we have announced. Oakington is likely to open in the spring.

Too many of those seeking clandestine entry reach the UK by concealing themselves in lorries. That is unacceptable. I shall comment on the principal responsibility. I shall deal with the comments made by the hon. Member for Aldershot (Mr. Howarth) in due course. He made some kind remarks, and I attribute them to the esprit de corps that extends to the Home Affairs Committee, of which I was a member. However, I should pay tribute to the excellent contribution made by my private office.

[Mrs. Roche]

Too many of those seeking clandestine entry reach the UK by concealing themselves in lorries. The principal responsibility for remedying the problem must lie with drivers, owners or operators of vehicles that are being targeted. That is why we are introducing a new civil penalty, to which high priority will be given. When it is implemented, the owner, operator or driver of any vehicle that transports clandestine entrants to the UK will be subject to a £2,000 penalty per clandestine entrant. The new civil penalty will complement the criminal offence that applies to those who deliberately facilitate illegal entry. We are increasing the maximum sentence for facilitation from seven to 10 years' imprisonment.

Much mention has been made of asylum support, and the hon. Member for Aylesbury (Mr. Lidington) seemed to become somewhat muddled. At the moment, we are discussing interim arrangements—the voluntary dispersal scheme that is co-ordinated by the Local Government Association. As the hon. Member for Taunton (Jackie Ballard) said, the new support scheme will start from 1 April, and I can assure her that no local authority will have the power of veto. The Home Office will take responsibility and contract directly with accommodation providers. We are consulting widely with local authorities, so that we can make use of their understanding of local circumstances.

I want to deal with some of the issues that were raised in respect of the Government's actions and record. What was our inheritance on taking office? As hon. Members will know, in 1996, the right hon. Member for Maidstone and The Weald (Miss Widdecombe), who is now shadow Home Secretary, piloted an Act that achieved something quite remarkable. Where it allowed some who claim asylum in the UK at Dover, Heathrow, or any of our ports and airports, to continue to claim social security cash benefits, others—this is the interesting point—were told that they would receive nothing. A number of court cases resulted, and the view was taken that, under the Children Act 1989 and the National Assistance Act 1948, local authorities must pick up the tab. Hon. Members, including the hon. Member for Canterbury, and local authorities in Kent and London saw that the burden lay with them. Of those who sought asylum, 80 per cent. reside in London and Kent. The problems that local authorities face should be laid at the door of the previous Government, the right hon. Member for Maidstone and The Weald and the hon. Member for Aylesbury.

The Opposition tried to undermine our proposals on the civil penalty. In Committee, they spoke through the night—in fact for 20 hours—and sought to delay dispersal. With the support of the hon. Member for Aylesbury, the right hon. Member for Maidstone and The Weald tabled an amendment that would have wrecked the Bill and cost the people of this country £500 million. In a letter, she described the amendment as a sensible, common-sense provision. That is the same right hon. Lady who, when she held my post, approved budget cuts to the immigration and nationality directorate of the Home Office that would have cut staffing levels at Croydon by 1,200, were it not for action that this Government took after the general election. That is the same right hon. Lady who negotiated the Siemens contract for the new information technology system at Croydon, and who is responsible for many of the difficulties that we face.

It is little wonder that it has been said of the previous Tory Government that they left our immigration and asylum system in a complete shambles. Who was the author of that remark? It was David Mellor, in August 1999. The hon. Member for Aylesbury smiles, but having been a Minister of State at the Home Office, David Mellor was in a good position to assess the matter.

I shall deal with some other matters that have been raised. The hon. Member for Aylesbury mentioned our position in relation to the French. I assure him that there is very good co-operation between our immigration officials and those of France. I know that not merely because I have seen it on paper, but because I go to ports and speak to those concerned. As a result of the recent actions in France, more than 60 facilitators were charged, and many imprisoned.

Asylum seekers from central Europe, especially Poland and the Czech Republic, have been mentioned, and my written comments on that have been accurately described in this debate. Overwhelmingly, the claims of people who come from those countries have been unfounded, and we have moved as swiftly as we can to deal with those cases.

A question was asked about the removals target. I assure hon. Members that we are absolutely on target in respect of removals. A proper removals target is essential if we are to maintain the integrity of our policy.

In Amsterdam, the Prime Minister secured a protocol to the treaty to ensure that the UK will be able to retain control of its own borders. That will remain the case.

Mr. Gill: As the Minister will be aware, I initiated the debate. So far, however, she has not addressed her reply to any of the points that I made. I recognise that time is short, but will she undertake, before she sits down, to reply to me in writing?

Mrs. Roche: Without wishing to be discourteous to the hon. Gentleman, if he had not made that intervention, I would have had an extra minute to reply to his points.

The hon. Gentleman has completely misunderstood our responsibilities under the 1951 United Nations convention. We still have an obligation under that convention—regardless of the European convention on human rights—to look in detail at each asylum application that is made to us. That is not only our responsibility, but that of every other signatory of the 1951 convention.

I am well aware of the hon. Gentleman's Euro-sceptic views, but I should like to be able to convince him that the United Kingdom has much to gain from close involvement with Europe in this context, as in many others. For example, we are applying to join the non-borders elements of the Schengen agreement, including the information system and other measures to tackle illegal immigration. I agree with the hon. Gentleman that organised crime is involved in the smuggling and trafficking of human beings, but we can defeat that only by working with our partners internationally.

We expect to derive significant benefits from opting into measures on common standards for dealing with asylum seekers. Common standards across the EU will mean that there is much less incentive for asylum seekers to go asylum shopping for the best deal. That is why I disagree with the hon. Gentleman, who seeks an isolationist position for the UK. Ensuring that we have common standards will encourage claimants to stay in the first member state that they reach. Meanwhile, the 1999 Act contains provisions that will strengthen our ability to return asylum seekers to other member states under the Dublin convention.

Therefore, I totally reject any assertion that the Government are soft on those who try to exploit our asylum system. We want a system that is firm, fair and fast and offers protection to those most in need and in genuine fear, but which ensures that those who make unfounded claims will be swiftly returned to the countries from which they have come.

Madam Deputy Speaker: Order. The time is up and we must now move on to the next debate.

Football Safety

11.30 am

Mr. Bob Blizzard (Waveney): First, I should say a word about the title of this debate. The aspect of safety that I wish to talk about concerns goalposts. I should make it clear that I am talking not about professional football, but about football played locally on sports fields and recreation grounds, in or out of school, by organised clubs or by groups of people informally.

It is an unfortunate and tragic fact that at least nine children have been killed in such circumstances in the past 13 years. Some may be surprised that children are being killed by something as inert as a set of goalposts. The most recent incident occurred last summer. A seven-year-old boy in Dewsbury was killed when free-standing goalposts toppled over, causing a fatal blow to his head, after children had been swinging on the crossbar. That case is being pursued by my right hon. Friend the Member for Dewsbury (Mrs. Taylor). That tragedy was made all the more appalling by the fact that a fatal goalpost accident was first recorded as long ago as 1986, when a seven-year-old boy was killed. In 1990 an eight-year-old boy was killed and then a 12-year-old girl, when a ball kicked with some force again caused a frame to topple over. In 1991 an 11-year-old boy was killed at Witham in Essex. I know that my hon. Friend the Member for Braintree (Mr. Hurst), whose constituency contains that town, wishes to say a word about that.

Mr. Alan Hurst (Braintree): My hon. Friend mentioned the tragic death of the son of my constituent, Mrs. Brenda Smith of Witham. Mrs. Smith has campaigned for many years to draw public attention to the continuing deaths and injuries from dangerous goalposts. Indeed, late last year Mrs. Smith and I met my hon. Friend the Minister, and we were encouraged by her positive response. Does my hon. Friend agree that the way forward is a combination of safe equipment and greater public awareness?

Mr. Blizzard: I agree with those points, but other steps can be taken. One important feature of that incident was the fact that the goalposts were not factory made by a reliable manufacturer—a point that I shall develop later.

In 1994, a six-year-old boy was killed on holiday. Again the crossbar, which was a piece of scaffold pole, toppled over. In 1995, a 13-year-old boy was killed and in 1996 a two-year-old girl. Again in 1996, a 10-year-old girl was killed when posts toppled over: one set had been leaning against a wall. It is possible that there were a couple more deaths in 1996, but I do not have details of them. Each of those deaths was a tragedy, but collectively they are a disgrace, because they were all preventable.

I should explain my constituency interest in this matter. A firm in Lowestoft in my constituency, Harrod UK, is the country's leading goalpost manufacturer. It has nothing to do with Harrods, the Knightsbridge version. Harrod UK supplies nearly all the premier league clubs, including Manchester United. It supplied goalposts for Euro 96 and for the new Cardiff stadium, and will probably do so for the new Wembley stadium, too.

[Mr. Blizzard]

The chairman of the company, Mr. Ron Harrod, has campaigned on goalpost safety since 1991. He is a recognised technical expert. He represents this country on the CEN—the European Committee for Standardisation—and has done so for the past seven years. He took his campaign to the "That's Life" programme in 1991 and made representations to Iain Sproat, the Minister in the previous Government, but received little response.

If we analyse this sad list of fatal accidents, we find that they almost all involve free-standing, movable goalposts, particularly the smaller 6 ft size used for five, six and seven-aside games. The goalposts topple forward when someone swings on or applies pressure to the crossbar. Almost all are home made or adapted from factory models by well-meaning people, but with disastrous consequences. That is exemplified by the police report into the Dewsbury case and I am grateful to my right hon. Friend the Member for Dewsbury for showing that to me. The goalposts were originally full-sized posts and had concreted into the ground, but they had been taken down and adapted. They were heavy—it took three adults to move them—but they were not anchored and of the 21 strong steel spikes that were supplied originally, only one was left and the remainder had been substituted with 10 camping-type pegs, which were not up to the job.

An expert witmess from the Health and Safety Executive stated that, because of the design, only a small amount of force was required to make the posts fall forward under their own weight. Design is the key, and it is important to maximise stability to minimise weight. Harrod UK has developed technical solutions to make the posts safe, particularly with the use of anchors, but also with prominent labels on the equipment and bold instruction leaflets. As a result of the campaigning and committee work of people such as Ron Harrod, a European standard—BSEN 748— now exists for full-sized goalposts. Guidelines and safety warnings have been issued by various organisations, including the HSE, the British Association of Advisers and Lecturers in Physical Education, the Institute of Sport and Recreation Managers and the National Playing Fields Association. The Football Association, through the county associations, advises referees to check them before use. Indeed, the laws of association football require that frames

"must be anchored securely to the ground".

Many games, kickabouts and training sessions all over the country do not take place under FA rules and the guidelines have not stopped accidents and deaths. Above all, there is not yet a standard for small, free-standing goal posts.

At the inquiry into the Dewsbury tragedy, the coroner recommended that such a standard be developed. I know that my hon. Friend the Minister for Sport has taken a close interest in that. She kindly met me and Harrod UK in December and progress has been made. The British Standards Institution has agreed to draw up a standard, but that takes two years to develop, so it will introduce a publicly available specification—a PAS—which can be developed more quickly. We hope that that will be done this year. The FA has agreed to fund the development of that and is sending out new safety guidelines, of which I have already seen a draft.

Vital issues remain outstanding. Although a British standard and FA guidelines will make a valuable contribution, they will not alone solve the problem or stop the deaths. The standard will not cover existing goalposts. A standard in this country is voluntary and a manufacturer does not have to adopt it. Most important, we do not have a law making it illegal to make, sell or use non-standard equipment. The new standard will not overcome the main problem, which is the use of homemade or adapted goalposts. By their nature, the pieces of equipment are not made by recognised manufacturers, most of whom would follow the recommended standard. Will my hon. Friend consider the possibility of legislation, so that when safety is involved only equipment that meets the recognised standard is allowed to be sold and used in this country? Will she consider the position in France, where the standard is incorporated into legislation? I understand that it is now illegal in France to make, distribute or use non-standard goalposts. In Germany, a standard is not incorporated in legislation, but I understand that insurance is invalid if non-standard equipment is used, leaving providers and users open to civil proceedings by the injured party. That concentrates the mind and introduces a safety culture.

The standard may give us a safe product, but how do we ensure that goalposts are used properly and safely? How do we ensure that the anchors, which are the answer to the problem, are utilised routinely? The police inquiry into the Dewsbury incident made an interesting point in its conclusion. It said:

"There is some concern amongst staff about the role of the HSE and its relationship to Local Authority Environmentally Health for these issues. It is not clear who has responsibility for enforcement. This needs clarifying so that it is clear who has responsibility for enforcement and any future cases."

The HSE wrote to my constituent, Ron Harrod, in 1996, and made the important point that:

"sports equipment does not usually fall into the category of work equipment. This means that the provisions of the Health and Safety at Work, etc. Act 1974 concerning the design and manufacture of equipment will not apply. The HSE therefore has no remit in this respect, and all matters of design of sports and play equipment fall to the Department of National Heritage"—

now the Department of Culture, Media and Sport.

I wrote to the HSE at the end of last year, and was told that only two of those nine incidents occurred in circumstances in which the Health and Safety at Work, etc. Act applied, and in which the HSE was the enforcing authority. In the other cases, which often involved children playing with home-made goalposts during their own free time, there was no legal duty on anyone under the Health and Safety at Work, etc. Act. The activities of voluntary football clubs or of children playing on their own would not be covered by the Health and Safety at Work, etc. Act.

Which is the responsible enforcement authority in these cases? The questions of enforcement, inspection and responsibility need to be clarified so that they can be comprehensive in their coverage. I also agree with my hon. Friend the Member for Braintree that we need a high-profile campaign to get across to people playing in

these circumstances what they have to do, and the importance of carrying out the safety checks and procedures.

In conclusion, I emphasise the following points. A British standard for small free-standing goalposts, which we are now going to have, is an important step forward, as are more guidelines from the Football Association. However, if we are to take safety truly seriously, and to ensure that our children do not continue to be put at risk of being killed by goalposts, we must ensure that only safe goalposts can be made, sold and used in this country. We must do that if we seriously want to avoid more children being added to the tragic list that has accumulated over the past 13 years.

11.43 am

The Minister for Sport (Kate Hoey): I congratulate my hon. Friend the Member for Waveney (Mr. Blizzard) on securing a debate on such an important subject. I also welcome my hon. Friend the Member for Braintree (Mr. Hurst) and thank him for his short contribution.

My hon. Friend the Member for Waveney outlined a difficult problem, which concerns all of us involved with the safety of young children, especially when they are involved in sporting activities. Many other hon. Members share that concern, and have expressed their regret at not being able to be here for the debate.

All those playing sport, especially children, should be able to do so in safety. As my hon. Friend pointed out, nine children have been killed in accidents involving goalposts since 1986. That is nine too many. It is worrying that of the nine, five children aged between two and 13 have lost their lives since 1994. It is important that the coroners noted that the accidents were not just the result of kids being kids. Many of the mobile goals collapsed during normal use in the course of matches. Many adults have also been injured in this way.

Figures from the Department of Trade and Industry's consumer safety unit show that 1,943 people suffered injuries in accidents involving goalposts between 1990 and 1997. However, that figure includes full-size, permanent equipment as well as mobile goalposts, and by no means all those incidents were caused by faulty equipment.

I became Minister for Sport shortly after the tragic death last July of Jack Sheerin, who died after being hit by the falling crossbar of a mobile goal. That tragedy led to much publicity, and Jack's parents—together with parents of other children recently killed or injured—are determined that such a tragedy should never happen again. Mrs. Sheerin rightly drew the matter to the attention of my right hon. Friend the Member for Dewsbury (Mrs. Taylor) who, in turn, raised it with me. This week, I received a petition signed by 1,071 people from Jack's home town of Thornhill.

My hon. Friend the Member for Braintree came to see me last October with Mrs. Brenda Smith, the mother of Jonathan Smith, who was tragically killed in 1991. I pay tribute to her work over the years in bringing the issue to the attention of those in authority and to everyone in the sport. I gained much valuable information from her and I was struck by her determination to raise awareness of the issue.

I regard it as a priority to make progress on minimum standards for mobile goalposts. Mobile goals designed for use in five-a-side are different from permanent, full-sized goals, which are secured to concrete or other mountings. Permanent goalposts are subject to the British standard BSEN 748, which was introduced in 1996. Mobile goals serve a different purpose, often enabling children to play competitive matches on appropriately sized pitches. They are designed to be dismantled and stored easily, particularly at the end of the match or training session when there is often little room for storage.

A range of mobile goals manufactured by reputable firms in a variety of sizes and specifications has been available to clubs for many years. They are either lightweight constructions of plastic or aluminium or are made of heavier steel pipes, which are designed to be securely anchored in the ground. If fitted and maintained in accordance with the manufacturer's instructions, this equipment is safe to use. However, many of the goals in children's matches are adapted from full-size goals or are constructed on a do-it-yourself basis—often by well-meaning parents who are anxious to help out their sons' or daughters' clubs. The goal that killed Jack Sheerin was cut down from a full-sized one and it was not secured to the ground. The collapse of home-made equipment contructed from scaffolding poles led to the deaths of Jonathan Smith in 1991 and David O'Neill in 1994. I am sure that those goals were built with the best of intentions, but there is no place for dangerously unsafe equipment in sport and there is a clear need for an effective safety standard.

The variety of mobile goals in use makes it difficult to impose standards, which are the responsibility of individual clubs rather than of local government or the football authority. Local authorities are responsible for the design and maintenance of their own facilities, including goalposts and other sports equipment. The Health and Safety at Work, etc. Act 1974, as my hon. Friend the Member for Waveney said, requires those who control football pitches used by others to take reasonable measures to ensure the safety of the equipment that they provide. However, the Act does not apply to equipment provided by the users themselves. Most mobile goals owned and used by adult and children's amateur football clubs throughout the country are the responsibility of the clubs themselves, even when club matches are played on local authority pitches.

I have been asked to consider introducing legislation to set minimum standards or to hold local authorities and other sports ground owners responsible for all equipment used on their property. I understand those calls and why people feel so strongly that that is necessary. I am prepared to reflect further. However, we must consider whether such legislation could make a difference. I am prepared to take into account what is happening in France and Germany. We could learn from what they have achieved in France using a combination of legislation and standards.

I have been holding discussions with goalpost manufacturers since the autumn. As my hon. Friend the Member for Waveney said, I have had a meeting with Harrod UK, a leading company in the field based in his constituency. It is clear from those discussions that all the manufacturers are concerned to do as much as they

[Kate Hoey]

can to ensure that the 3,500-odd sets of fixed and mobile goalposts that they produce each year are safe. Problems with mobile equipment arise when clubs use home-made or unsuitable goalposts. While I can see how people immediately assume that legislation would help, we must consider carefully how it would work. However, I undertake to look into the matter again.

An important way forward is to ensure, as my hon. Friend the Member for Braintree said, that all clubs and coaches are aware of the dangers of inadequate equipment and of best practice in the design, use and maintenance of mobile goalposts. I have encouraged the Football Association and the British Standards Institution to consider a British standard for mobile goals as a matter of urgency.

The FA issued a guidance note on the design and use of mobile goalposts back in 1991, which it has regularly updated. It is a good, clear document and I am anxious that all amateur football clubs and coaches working with young people have access to it. The FA has circulated a note to all affiliated football coaches since the last tragic death in July, and reprinted it prominently in an issue of its magazine, Insight. I have been in touch with the FA to ensure that, having done that, it does not forget about the issue for the next six months; it must continue regularly to bring it to people's attention.

To ensure that the guidance note reaches a wider audience, including ground staff working for bodies that are not affiliated to the FA, I wrote to several leisure and local government bodies last November asking them to ensure that the guidance note receives as much publicity as possible. So far, I have had an encouraging response. The Chief Leisure Officers Association has circulated the note to all its members and including it on its website, and the Institute of Leisure and Amenity Management has ensured that its members are fully aware of best practice.

Raising awareness of this issue with the people who run junior teams is vital. Many demands are placed on those who take on the task of coaching junior teams and arranging matches. I was recently contacted by the manager of an under-eights team in Cheshire, who listed the many stressful duties it is necessary to carry out before a competitive match or training session involving children can kick off. Transport has to be organised, subscriptions collected and playing areas checked for sharp and other dangerous or unpleasant objects. It is a demanding routine, which must often be carried out while supervising excited children. However, my correspondent stressed—I am sure that this view is shared by all those who are involved with young players—that safety must be the primary consideration, and that there must be no compromise on the standards of equipment. I hope that, in time, everyone involved in children's sport will demonstrate a similar awareness of safety issues.

As well as ensuring that those running local football clubs are fully aware of the need to make sure that all equipment is in good condition and that it is used correctly, I am also anxious to encourage the setting of a minimum standard. Following my meetings with manufacturers, I was pleased when many of them—including the firm that is based in the constituency of my hon. Friend the Member for Waveney—attended a meeting with the FA and the British Standards Institution, where much progress was made.

Setting a British standard is a lengthy process involving much research and consultation. As my hon. Friend said, it can take up to two years. While manufacturers of mobile goalposts are working towards that standard, I am glad to say that they have agreed as a matter of urgency to develop, with the BSI, a publicly available specification. That will be a much quicker process. The institution has agreed in principle that when the publicly available specification is published, it will be given fast-track consideration with a view to its forming the basis of a full British standard.

Mr. Blizzard: I am encouraged by what my hon. Friend has said about how much activity is being concentrated on trying to deal with the problem. Could not the authorities include in the circulars that they send out a strong recommendation that every club or organisation checks to see whether goalposts are from a reliable manufacturer or are of the do-it-yourself variety, and couple that with an equally strong recommendation that they cease using the latter type immediately? Dangerous goalposts could still be in use as we sit here now.

Kate Hoey: My hon. Friend is quite right. Even if we get the standard and make things better for the future, dangerous goalposts could still be in use all around the country. I will suggest strongly that it could be put in that light rather than as just a simple piece of information. The FA and the institution are contributing to the costs of the research work and will issue a joint document shortly, covering the design, use and maintenance of existing mobile equipment. I am pleased that the organisations are working together on this, as it is very important.

I hope that I have demonstrated that the Government and I as Minister for Sport take this issue very seriously. Sports safety is becoming more of an issue because increasingly in this country people go to legislation if something happens. Sports, particularly at the voluntary level, will find it difficult if they are involved in costly legislation. It is crucial that they act to avoid the terrible tragedies that can happen to families.

I will continue to meet many of the people involved in manufacturing, regulating and using mobile goals, and to talk to my hon. Friends who have taken an interest. I am sorry that I cannot promise instant legislation. I will look to how we might combine the best efforts of everyone to ensure that the safety aspect is balanced by people themselves being responsible for the measures that they take when they are working with children. I am grateful to my hon. Friend for raising the issue today and for helping to promote the awareness that is so necessary to ensure the safety of our children.

Rural Magistrates Courts

11.57 am

Mr. Richard Spring (West Suffolk): I thank you, Madam Deputy Speaker, for giving me the opportunity to raise this important issue today and I thank the Parliamentary Secretary for being here to reply.

There is no doubt that courthouse closures have exercised many hon. Members over a number of years. Closures have occurred up and down the country. The evidence is not only anecdotal but factual. I consulted the Library to establish how many courthouses had closed in the past 10 years. The number of courthouses has diminished by 28 per cent. in that time, and now each serving courthouse looks after, on average, half as many people again.

There has therefore been a significant change. For rural communities, closure of rural courthouses, has a special resonance because their impact on local communities is particularly acute. In 1998, five courthouses were closed in Suffolk. In the Suffolk magistrates courts committee annual report of 1997-98, the chairman of the committee described the situation as follows:

"It was found that five court houses were either under utilised or did not meet security standards or both. We have decided to close these five courts at Felixstowe, Haverhill, Newmarket, Saxmundham, and Stowmarket... We consulted widely before making our decision which is now the subject of an appeal by the County Council to the Lord Chancellor."

That appeal was not successful. The truth of the matter, and I must be blunt, is that no budgetary reason whatever was given for the closure of those courthouses. The cross-party county council objected to their closure, as did every district council and every Member of Parliament of both political parties in the county. The Law Society objected, and to be frank, the consultation was, at best, minimal. Defending solicitors were not consulted at all. Members of Parliament posed the chairman of the courts committee a series of important questions about the impact, cost and implications of the closures, but those points were left unanswered. It is beyond belief that when Members of Parliament tried to meet the courts committee to discuss the court closures, the committee refused to meet the democratically elected representatives of the people of Suffolk. So much for the consultation process.

Less than 18 months on, two smaller courthouses that are left, at Sudbury and Mildenhall, appear to be under threat. I salute the campaign undertaken by the *East Anglian Daily Times* to preserve them. In a letter to the editor of the paper, Mr. Terry Hunt, the chairman of Suffolk magistrates' courts committee, Mrs. Anne Dunford, wrote:

"May I put the record straight with regard to Sudbury and Mildenhall magistrates courts? Suffolk Magistrates' Courts Committee has no plans at the present time to close either courthouse."

Later, it stated:

"If the new arrangements were possible at Bury St. Edmunds, we would expect to review the situation, but I can assure your readers that courthouse closures are not presently under discussion."

What the lady meant by that is that they intend ultimately to construct a purpose-built courthouse in Bury St. Edmunds, which would bring the total number of courthouses in the county to three. Mrs. Dunford did not flatly reject the idea that those two smaller courthouses should close. She declined the opportunity to close them. Knowing what happened two years ago because of a lack of consultation, I fear what might be in the pipeline.

Our reason for raising this important matter is not merely to talk about Suffolk alone because the situation is replicated across the country. The point at issue is the relationship between magistrates courts committees and central Government, and whether the Government have issued guidance to the committees on the closure of courts. It has been brought to my attention and to that of my hon. Friends, the Law Society and others, as the House of Commons Library can confirm. The answer is that none has been given. Even county councils, which in Suffolk have provided 20 per cent. of the courts committees' budget, are unable to bring effective pressure to bear.

Sir Peter Emery (East Devon): Will my hon. Friend press on with his campaign, not only for East Anglia but for the whole country? Devon has 17 magistrates courts, but it is estimated that 10 will be closed. Some are a great distance apart. If, say, the Lord Chancellor decided to close a court in Ealing, and told people that they had to go to Reading for magistrates proceedings, they would think that the Lord Chancellor was mad. Closing the court in Axminster and making people go to Exeter is just as bad: it is madness. My hon. Friend must press on with the campaign, which I am sure many hon. Members will support in order to deal with this national rather local problem.

Mr. Spring: I am grateful for my right hon. Friend's comment. The situation developing in Devon is replicated in many other parts of the country.

Mr. John Burnett (Torridge and West Devon): I should like to add to the comments of the right hon. Member for East Devon (Sir Peter Emery). Not only Devon will be affected, although that is important enough, but Devon and Cornwall. The magistrates courts committee of Devon and Cornwall is considering proposals to close 13 courts in both counties. Does the right hon. Member for East Devon agree that justice should be done, and be seen to be done locally? Those courts are a vital part of our rural infrastructure and should not be undermined. Furthermore, for the reasons that the right hon. Member for East Devon gave, the savings will be marginal at best, and by closing most of the courts the magistrates courts committee will probably add to the cost of justice.

Madam Deputy Speaker (Mrs. Gwyneth Dunwoody): Order. This is a short debate, and interventions must be brief.

Mr. Spring: I entirely agree with the hon. Gentleman's point. My right hon. Friend the Member for East Devon, who made his point powerfully, has my absolute assurance that the bit is between my teeth. I hope that the Minister will feel the sincere passion that those of us who represent rural constituencies feel about this most important subject and the threat to our way of life in our local communities.

[Mr. Spring]

That is the heart of the matter. I know of no comparable circumstances in which money is supplied from the public purse and the relationship is not arm's length but no length at all. It is an infinitesimal sort of relationship, involving neither guidance nor control. As the Minister will know, a funding formula is used for the NHS, education and the police, which takes into account elements such as rurality, sparsity and capitation in dividing up the public purse. Such elements do not seem to be considered by magistrates courts committees. Two years ago, the entire community of Suffolk, including magistrates and those affected by the court closures, objected to what happened. No budgetary reason was given, and the magistrates courts committee went ahead and closed the courts. Throughout the country, magistrates courts committees seem to have a dose of incurable and rampant "centralisationitis". They seem to want to immortalise themselves by erecting edifices that no one in the rural communities, other than themselves, wants.

I return to the circumstances that prompted me to request a debate this morning—the threat to the two courts at Mildenhall and Sudbury. Mildenhall, in my constituency, has a population of 13,500, but serves the entire area covered by Forest Heath district council—approximately 55,000 people. It has been suggested that it is only a 20-minute drive to Bury St. Edmunds. However, the Mildenhall court serves not only the people of Mildenhall and the immediately surrounding hamlets and villages, but the nearby town of Newmarket, which is substantially larger, the villages and hamlets of the fens nearby, Lakenheath, with a population of more than 5,000, and Brandon, with a population of more than 8,000.

Those communities are not especially affluent: 23 per cent. of households in the area covered by Forest Heath district council do not have access to a motor car. If Mildenhall court is closed, what will happen to my constituents who must go to Bury St. Edmunds from Brandon? In Brandon, 26 per cent. of households do not have access to a car. I have examined the bus timetables for all those areas, going to Bury St. Edmunds. The court starts at 10 o'clock. Someone who lives in Brandon and must reach Bury St. Edmunds for the start of a court session would have to catch a bus at 7.52 am. The journey would last for more than an hour, and the bus would arrive in Bury St. Edmunds at 8.56 am—

Sir Peter Emery: They are lucky to have a bus.

Mr. Spring: That is the point. The number of bus services in rural areas is limited, and it is something else for people to make judgments about the future of those courthouses based on the assumption that people automatically have access to a motor car.

I have spoken to many local journalists who cover proceedings in the courthouses, and have asked them what effect previous closures have had on delays and difficulties in reaching courthouses for my constituents in places such as Newmarket and Haverhill, where the courthouses were closed. They have told me that those closures have resulted in delays and difficulties for defendants, witnessess, solicitors and everyone else involved. What will be the end result if smaller courthouses are closed? There will be more traffic and higher car usage as friends, family and solicitors work together to provide transport. Clearly, as the Liberal Democrat Lord Phillips of Sudbury pointed out, the environmental impact will be negative. Lord Phillips has spoken about the importance of local justice as enshrined in magna carta. On 14 January, he stated in the *East Anglian Daily Times* that

"We are now abolishing it 800 years later without any thought to the impact on local communities, who are seeing the erosion of much-loved, long-standing institutions."

Local magistrates understand their communities and know the families who are involved in community life. Often, magistrates are small business people who were born and bred in their communities. They can spot troublemakers, and are familiar with families and communities with special problems. That is the essence of the local criminal justice system. All that knowledge, wisdom and experience are being thrown out willy-nilly up and down the country as courthouses are closed down. That is lamentable.

In a politically ecumenical spirit, I shall refer to a letter published in the *East Anglian Daily Times* from a former magistrate, Councillor Sue Thomas, who is a member of the South Suffolk Labour party. She points out that there are only five courthouses in Suffolk, and if two more were abolished, Suffolk would have fewer courthouses than any other county. In respect of counties with populations of between 600,000 and 700,000, Suffolk already has the fewest courthouses. For example, Lincolnshire has 12 courthouses and Devon—which, as we have heard, is also under threat—has 14. The criminal justice system is being sliced like a salami. That is deeply damaging, and offensive to people of all political persuasions.

As a result, travel time and environmental damage will increase, and the existing problem of recruiting magistrates will be exacerbated. The difficulties experienced by defendants and witnesses will increase enormously. As Jonathan Ripman of the Law Society for Suffolk and North East Essex has said in respect of Suffolk, "Here we go again." As I pointed out to the Minister, the county council is speaking out, but, as before, to no avail. Councillors are worried that, no matter what they do, their influence will be minimal. Susan Sida-Lockett, the Conservative group leader of Suffolk county council, has turned to her local government association for guidance. She has asked for a more clearly defined national policy and a set of criteria to prevent the consequences that we are discussing from arising.

I am sorry to say that, during the past few years, the Minister's predecessor, the right hon. Member for Ashfield (Mr. Hoon), who had to deal with closures in Suffolk, approved without exception closures up and down the country. I invest no particular blame in him, because the closures have been going on for some time; however, the problem is now becoming much worse. Therefore, we must consider new guidelines and a framework—for instance, an ideal ratio of courts to population, taking into account elements such as sparsity, transport, environmental effects and cost to the public purse. Of course the courts are not run for the convenience of court officials: they are run for the convenience of our local communities, who feel devastated by the loss.

I want to quote from the Magistrates Association itself. I have had a strong letter from John James of Dorset, who is its deputy chairman. He says:

"The Magistrates' Association believes that lay magistrates, supported by justices' clerks, are best placed to provide local justice in courts throughout England and Wales. The Magistrates' Association is extremely concerned that judicial functions are increasingly compromised for reasons of administrative expediency. This cannot be acceptable to the public or to court users. The Association recognises the need to balance good management and good quality justice but believes that the service is now close to the point where there are no more efficiency savings to be made without seriously harming its essential nature.

Magistrates' Courts Committees are required by statute to consult magistrates in the MCC area about matters which affect the provision of local justice and MCCs are required to appoint bench liaison representatives to assist in this process. The Association recognises that, in some instances, effective consultation is not taking place and would advocate the introduction of good practice guidance on the consultative process."

Finally, Mr James says:

"Local justice requires that all magistrates' courts are accessible both in terms of opening hours and travelling time for court users. Where it can be demonstrated that courts do provide an accessible and valuable service to the local community, the association will resist court closures which are solely on the grounds of administrative expediency."

Therefore, on many levels, rural England is under considerable pressure. As parliamentarians, we have a responsibility to observe what is going on in our communities and to make sure that, as we have the privilege of sitting here as Members of Parliament, we pass on to the generation ahead a viable, successful and workable criminal justice system in touch with the communities that we represent. I fear that if what is happening in magistrates courts continues, we as parliamentarians will rue the day that we allowed it to happen.

In conclusion, I appeal to the Minister. The present situation is serious and alarming and continues to deteriorate. We must seriously consider creating a proper framework to carry out the responsibility of MCCs, particularly in rural areas. There must be more accountability than there is at present and some responsibility to the future of local communities that are increasingly under threat as their institutions are closed down. The criminal justice system, going back to the magna carta, is part and parcel of the viability of those communities. I appeal to the Minister to find ways of reversing the present trend and restoring the magistrates' courts system to its proper place.

12.19 pm

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): On the first occasion that I spoke in a Standing Committee under your chairmanship, Madam Deputy Speaker, you suggested—in a way in which only you can, sotto voce—that I speak up. I am struggling this morning, and I hope that the parliamentary broadcasting unit will be able to pick up my failing voice as I respond to this important debate. I am delighted to see you in the Chair, because I know that you take an interest in these issues.

I congratulate the hon. Member for West Suffolk (Mr. Spring) on securing a debate on the important issue of the development of magistrates court services in rural districts. He made a most eloquent and interesting speech expressing the fears, genuinely felt in his constituency, that more changes to magistrates courts are in the pipeline there.

As the hon. Gentleman knows from earlier debates on the issue, magistrates courts are managed by locally based magistrates courts committees, which comprise local magistrates selected by a selection panel also made up of local magistrates. They conduct their business under the provisions of the Police and Magistrates' Courts Act 1994, some of which have now been overtaken by the Justices of the Peace Act 1997. The Suffolk magistrates courts committee is responsible for the efficient and effective administration of the courts in its area. That committee, in consultation with the relevant paying authority—in this case, Suffolk county council—determines how many courthouses, and other accommodation, urban or rural, are needed locally.

It is sensible and rational that these reviews are taking place, and we expect no less of the magistrates courts committees in fulfilling their responsibilities. They must decide the most efficient way in which to discharge their statutory duty. However, it is not true to say that no guidance is issued to those committees. The central council of magistrates courts committees issues good practice guidance on courthouse closures. The Government encourage magistrates courts committees to follow that guidance. As the hon. Gentleman said, the magistrates courts committee has no plans to close further courthouses in Suffolk, so he can be reassured on that point.

Since the hon. Gentleman secured a debate on this subject in 1998, five courthouses have been allowed to close, as he has described. At that time, he warned the House that that would be the end of judicial life as we knew it in Suffolk. That has not happened. The performance in the Suffolk magistrates courts committee's area has improved. The average time for first listing to completion of a case has improved from 33 days in June 1998 to 32 days in June 1999. The published figures for monitoring the prosecution of persistent young offenders covering the first six months of 1999 show that the average time from the arrest to sentence for persistent young offenders in Suffolk was 130 days. That compares favourably with 154 days for Suffolk in 1997.

Furthermore, there have not been the difficulties that the hon. Gentleman predicted in recruiting suitable magistrates after the courthouse closures in 1998. There have been no adverse comments from court users resulting from the closures. Cases have not had to be relisted as a result of prosecution or defence witnesses failing to turn up at the new venues. This further points to the fact that the magistrates courts committee behaved responsibly in determining its courtroom needs.

I will say a few words about local justice. The essential feature of local justice is that magistrates live or work in the locality. It is not simply a question of the location of the delivery of justice. It is not an essential feature of local justice that each community will have its own courthouse. Magistrates courts committees need to balance the need for a locally delivered service with the need to improve the quality of that service within the resources that are available to them. They are also,

[Jane Kennedy]

mindful of the Government's aim of reducing delay, providing the optimum number of courtrooms in their area, permitting the flexible listing of cases.

Mr. David Taylor (North-West Leicestershire): I declare an interest as a life member of the Magistrates Association. Does the Parliamentary Secretary agree that it is difficult to provide that level of service, given that magistrates courts committees are so unevenly funded? That puts pressure on the committees, including my own in Leicestershire.

Jane Kennedy: My hon. Friend makes a point about the funding formula. That is currently being reviewed; a new formula is being prepared in consultation with the magistrates courts committees. We expect that that will deal with some of the problems that are being experienced in some localities.

It is important to reduce delays and focus on the needs of court users. The pressure to reduce delays in court comes from victims, witnesses and defendants—that is, the most important court users. Court users are primarily concerned about their case being heard on the day that it is listed.

I understand the attachment that many people have to the court system as it has grown up over the centuries. However, we must consider how the service can be modernised in line with the way in which people live now and the power and potential of information technology and modern communications. Nowadays, much of the business of the criminal courts does not have to be conducted face to face. For example, there is no technical—as opposed to legal—reason why fines have to be paid locally in person. They could be paid by post, by telephone or, eventually, electronically. Preliminary and administrative hearings could be conducted using video and audio conferencing methods, which are currently being developed.

Even the trial, the core of criminal proceedings, is changing. Children and other vulnerable witnesses can give evidence by video link, and information technology is transforming the way in which evidence can be presented to courts. Lord Justice Auld's review, which has recently been announced, will address many of those questions and offer ideas as to how we might change the criminal court system to make it fit for the 21st century.

Information technology can also improve the efficiency of the courts and the justice system. For example, we are aiming to reduce the incidence of adjournments, and the time wasted by court users, that is caused by the lack of information available to the court. The strategic IT plans of the major criminal justice agencies include the electronic transfer of information between agencies—for example, the provision of case information from the police to the court in time for the hearing, or the fast and efficient communication of results from the court to the police and the Crown Prosecution Service. That will provide more timely and complete information for the courts. We intend to introduce a new system for the magistrates court that will include such inter-agency links. The hon. Member for West Suffolk will be pleased to learn that when implementation of the system begins in the summer of next year, Suffolk will be the first magistrates courts committee to take the new system.

Let us not forget that magistrates are an essential and valuable part of the service. If they are to gain much more full and varied experience, and fulfil their sitting hours, it is better for work to be concentrated in larger, more efficient courts.

As I said, court users want to be sure that their case will be heard on the date it is listed, without too much waiting on the day. Larger courts with good facilities are more likely to be able to provide that level of service, because there is much more flexibility in using the courtroom accommodation. Transferring the workload of magistrates courts committees to better equipped centres is one way to modernise and improve the overall service that they provide. Their local knowledge means that they are best placed to make judgments on the best use of their resources.

I can only repeat that the Government are committed to providing a modern system of justice with well-equipped and secure courtrooms. We are committed to reducing delay in the time taken for cases to proceed through the courts and so to achieve our aim of reducing delay in the criminal justice system. We must all look to the future and the different ways of working that the new century will bring.

Confectionery Safety

12.30 pm

Mr. David Drew (Stroud): I am pleased to have the opportunity to raise this important issue and to reflect the concerns of medical and safety experts and, not least, the families whose children have suffered because of the intrinsic dangers of sweets containing toys or small objects in component form. In so doing, I pay tribute to all who have campaigned for so long to bring the matter to the attention of the Government, the industry and the general public. In particular, I should like to mention the activities of constituents and others who have drawn the subject to my attention and taken the time and effort to brief me so carefully.

I also pay tribute to my hon. Friend the Parliamentary Under-Secretary of State for Health, the Member for Birmingham, Edgbaston (Ms Stuart), and other hon. Members, including my hon. Friend the Member for Blackpool, South (Mr. Marsden) and the hon. Member for West Tyrone (Mr. Thompson), who have raised concerns about the implication of the sale of those products. Some of them have direct knowledge of the sad events surrounding the death of their constituents' children. Recently, Lord Colwyn, an eminent physician, has made known his concern. I hope that he will not mind my quoting from his letter to the Secretary of State for Health in which he stated:

"Professional colleagues have recently alerted me to their concerns over the risk to young children's health posed by small chocolate eggs which contain toys in component form. I am aware of three fatalities and of other serious incidents and am concerned that the Government has not alerted consumers to the risks associated with these products.

I am even more surprised that last Autumn's DTI report on choking—based on A&E data, claims"

not to have identified as many incidents as would seem to be the case. He continued:

"Do we not owe it to the parents who have suffered so much, and to all those children who could be tempted to put these small objects in their mouths"

to take up the issue and

"to encourage or require manufacturers to produce safer products with enclosures which cannot be swallowed or inhaled."

I wish to bring to your attention today, Madam Deputy Speaker, the history of choking incidents in this country and elsewhere in Europe, which are well documented and some of which have resulted in fatalities. Feeling is now so strong that some countries in Europe have introduced restrictions on the sale of the sweets and others are considering doing so. They have been banned in the United States on safety grounds for many years. I ask whether we are doing enough in this country to draw attention to the dangers of the sweets, whether we should seek a tougher regulatory framework based on more explicit knowledge of what has transpired, and how we should monitor and record incidents of children who are taken to accident and emergency departments after swallowing embedded objects.

What we are discussing can best be demonstrated by holding up an example of the Kinder Surprise egg, which is on sale in almost every sweet shop, supermarket and garage. Each egg contains a small toy inside a plastic capsule. They are, understandably, very popular with young children. Not only is there the natural attraction of the chocolate, but the object within it is equally responsible for their popularity with children and makes the products more attractive than ever. That may not be a problem with older children, but the products are also aimed at very young children who do not know that they should not put the objects in their mouths. Retailers have seen children open the eggs with their teeth. The toy inside most of the products is in very small pieces and easy to swallow and, in the view of the country's leading experts, can easily cause a child to choke. Is this not, both in theory and in practice, very dangerous? If, as I believe, it is dangerous, we as adults should, by adopting a precautionary principle, draw attention to these products and seek to regulate them more carefully, in the hope that they are withdrawn from sale or that much improved alternatives are introduced to replace them.

I am particulary keen, as I said, to highlight the role of the accident and emergency units, as they handled all the heart-rending stories that I want to refer to. I in no way criticise their fine work, but the Department of Trade and Industry has always claimed that the home accident surveillance system, which depends on returns by A and E departments, is as accurate as possible. However, many campaigners feel that cases sometimes go unreported.

The three cases where fatalities occurred have now been well documented and reported. Jennifer Ashton from Birmingham choked on part of a Kinder egg. She was three, and I know her mother is here today. Roddy Breslin from Omagh died after putting the capsule from a Kinder egg in his mouth. He was three. Caren Day from Sheffield died choking on parts of a Chupa Chups egg. She was four. So that you know, Madam Deputy Speaker, how strongly these families feel about the issue, I shall quote from the letter sent to me by Mrs. Ashton. She said:

"We are so grateful that someone in parliament is finally trying to do something about the killer sweets that are available everywhere you look.

As you know our little girl, Jenny, choked to death on a little bit of a plastic toy in a Kinder Surprise egg. It was a long time ago, but in all these years nobody has taken any notice until now. Three children have died in this country and all we hear is that millions and millions of eggs are eaten without anyone coming to harm. If another child dies this won't be much consolation to the parents. Please do your best to make sure that no other family loses a little one."

That is the clearest and starkest evidence of the problems that can be caused by these sweets. Unfortunately, they and similar sweets are still on sale today. To its credit, Nestlé withdrew its product following safety concerns, and other manufacturers have either refused to sell such items or have produced better alternatives, as I hope to explain. Clearly, there has been a sustained and vigorous campaign to draw attention to what is wrong by, among others, the Consumers Association and the Royal Society for the Prevention of Accidents.

Manufacturers who continue to sell such sweets react by claiming that they warn children by printing safety warnings on the wrapper. However, children as young as two or three will not be able to read, let alone understand, what the wrappers are saying. Indeed, there is an argument that such wrappers fail the Department of Trade and Industry's 1990 guidelines on safety

[Mr. David Drew]

labelling. It is claimed that millions of eggs are sold each year, yet there have been only three "incidents" in recent times. I call a death something more than an incident: one is one too many if we can avoid this risk.

Mr. Gordon Marsden (Blackpool, South): My hon. Friend is to be congratulated on raising this issue again before the House. He refers to RoSPA's interest in the case. I understand that RoSPA believes that the Department of Trade and Industry accident reporting system significantly under-reports such incidents. Will my hon. Friend also comment on the views of Professor David Jenkins, the product safety consultant to RoSPA? He says:

"For example, high consequence risks (e.g. death) associated with exposure to hazards for purely frivolous purposes, even of low probability, should normally indicate that the product be abandoned."

Would my hon. Friend therefore not consider it a matter for disquiet if Government officials were to drag their feet on support for European Union directives to improve product safety in this respect and did not take into account the severe and tragic cases to which he refers?

Madam Deputy Speaker: Order, Interventions must be brief.

Mr. Drew: I agree entirely with my hon. Friend. As I build the case, I shall concur with his arguments, perhaps using evidence from different people.

I shall go through each of my four arguments quickly, because of the time. First, I want to look at what has been happening in Europe and consider the implications for us in the United Kingdom. It is fair to say that there has been a flurry of activity in recent times. As I have said, such products have long been banned in the United States, where any adulterated food is unacceptable. An interesting aside is the way in which the American authorities reacted to the Nestlé product, which was introduced in the early 1990s in the form of a chocolate magic ball with a toy inside it. After the threat of legal action, Nestlé withdrew the product from the marketplace in 1997 and subsequently removed it from all European countries, including the UK. Comparisons identify the marked difference in attitude between the United States and Europe, but, as a result of new investigation and re-examination of incident levels, there is now a shift in emphasis here.

Research from Professor Petridou of Athens university suggested that there could be as many as 2,000 choking accidents annually in Europe. I am not alleging that all are serious, let alone fatal. However, that is a staggering and worrying figure. Subsequent research by the Humboldt university in Berlin suggested that the problem was significant. Of 34 serious cases of choking reported in German hospitals or children's clinics, 31 were from these types of egg.

As a result of unease, other European Governments have started to take action. In Greece, the Ministry of Commerce produced a law protecting children as consumers with an article 10, which prevents the placing of an inedible item within foodstuffs. Portugal and Belgium are following in train. The French have also launched a major investigation into the safety of foods containing inedibles.

There is a move towards increased control at EU level. I speak in glowing terms of the work of the MEP, Phillip Whitehead, who presented a petition to the European Parliament on behalf of the parents of the children who died. The Commission has now drawn attention to the dangers of these products and invited member states to take appropriate action to restrict their circulation in the interests of safety. There is an obligation under directive 92/59/EEC to take all necessary measures to guarantee that all products put on the market are safe, and there is also directive 88/378/EEC on the safety of toys, including the proscription of certain unsuitable ones for under-threes. My right hon. Friend the Minister for Trade will be aware of the strong press campaign in this country and abroad to highlight the dangers from these products and to urge Governments to take appropriate action.

May I deal briefly with the accusation that I am over-reacting and advocating a nanny state approach. My response is simple. All the statistics demonstrate that children have choked on coins, pen tops, keys and ring pulls as well as a variety of other objects over recent times, but the difference is that those are accidents, whereas these sweets knowingly encourage children to place the object in their mouth. Obviously I do not allege that manufaturers want children to choke—that would be irresponsible and unfair—but it is pernicious to take risks with children which can and should be avoided. The issue is black and white, and the case for safety is irrefutable.

I wish to deal with the manufacturers' response. In a nutshell, those who continue to sell these items have taken two approaches. First, they refute the dangers, arguing that out of billions of eggs sold over the years, only an infinitesimal number of incidents have occurred. Secondly, where problems did arise, without accepting liability they changed the design and posted clearer warnings. They have nevertheless been rather impervious to the criticisms of those campaigning against the products.

I do not want to dwell on it, but, rather than admitting responsibility, there has been a marked reluctance to accept any blame by some manufacturers. Worse, I have evidence that Ferrero Ltd., the owner of Kinder Surprise eggs, have sought to avoid taking blame by refusing to acknowledge the rights of families, campaigners—and perhaps even the Government—to bring the issues into the public domain. I hope that today's debate will help to overcome that.

A press conference that was to have taken place at the House of Commons in March 1998, sponsored by my hon. Friend the Member for Edgbaston—it is good to see her here—and by the hon. Member for West Tyrone was cancelled at the instigation of the Biscuit, Cake, Confectionary and Chocolate Alliance on the promise of objective research being undertaken. Unfortunately, nothing has transpired since that cancellation.

On the positive side, it is pleasing to say that Nestlé was not the only manufacturer which chose not to continue with similar products. I have with me a Cadbury's Yowie egg and hon. Members will immediately see the difference: it is a much bigger egg

and it contains embedded materials in a much safer way—proof that other firms such as Cadbury's, which produces the Yowie egg, can deal with the issue and still keep a market share.

Lastly, there is the role of Government. I hope that my right hon. Friend will not mind if I briefly present what I take to be the Department's current position. I am sure that he will come back to me if I am wrong or if I parody it in any way. The DTI claims that product safety regulations offer adequate protection despite the fact that the Institute of Trading Standards Administration, whose members wanted to get these products suspended after the death of Jennifer Ashton, said that the law is unenforceable. It believes that there is insufficient evidence. Referring to the survey on the home accident surveillance system data, it saw more of a threat from other items that children choke upon, as has already been mentioned, some of which may be passed on by older siblings.

My hon. Friend the Member for Pontypridd (Dr. Howells) said in an answer to Phillip Whitehead:

"I would of course be very concerned if there was conclusive evidence that toys sold inside chocolate eggs posed a greater danger to young children because of the way they are sold than other small toys. However, the information currently available to DTI does not suggest that this is the case. This is very much in line with the consensus of views expressed by the European Commission and member States in mid-1998 when this issue was discussed. The conclusion then was that there was no need for controls, additional to those provided by the toys safety Directive and the General Product Safety Directive, on non-food items sold with food products where they were clearly separated—as is the case with products of the Kinder Surprise type."

I take issue with that because clearly there is a need to reinvestigate the matter even if we do not take precipitate action at this time.

I have read the report commissioned by the DTI entitled "Choking Risks to Children". This undertakes a study not just of HASS, but of the leisure accidents surveillance system, and includes evidence from the home accidents deaths database. In downgrading the threat there was none the less recognition that redesigning the cylinders and extending the present regulations would reduce the number of accidents. I hope that my hon. Friend will not mind my saying that there was concern at exactly what was being recorded and analysed. I ask him together with his Department of Health colleagues to re-examine the mechanism for recording to make sure that all results are obtained and in sufficient detail to ensure that we get an accurate picture. I am aware that that puts additional responsibilities on accident and emergency departments, but this is such an important issue that it must be got right.

In conclusion, I ask for five issues to be addressed by the Minister of Trade today. First, will the Government launch a campaign to warn parents about the intrinsic dangers in buying small eggs and similar confectionery products? Larger capsules and one-piece toys are much safer. Secondly, will they require manufacturers to increase the size of the capsule so that it cannot be swallowed? Small parts that fail to meet that requirement should be banned. Thirdly, will they recognise that the precedent was set with the action to deal with the problem of pen tops? This issue requires similar urgent action. Fourthly, will they consider making manufacturers package toys separately so that their container does not entice children to put them in their mouths because of the smell of chocolate? Lastly, will they work with EU partners to ensure that action taken can be enforced across the Community, building on existing directives? If that is achieved, further lives will not be lost and we will at least have proved that lessons have been learnt.

12.48 pm

The Minister of State for Trade (Mr. Richard Caborn): First, I congratulate my hon. Friend the Member for Stroud (Mr. Drew) on being selected for this short, private Member's debate. As usual, he has made a thought-provoking speech. I listened carefully to the many important points he made and there were more than I can hope to address in the relatively short period remaining. I therefore want to invite my hon. Friend and those who have campaigned with him to come and sit down with my officials so that the issues can receive proper attention. Quite a lot of information that has been given to the House today deserves further attention.

My hon. Friend also referred to concerns in the European Union and to action proposed and taken by other European countries. These issues have been raised in Europe recently, although the Commission concluded that, on current evidence, there was no concern about the safety of those types of products. Therefore, I would greatly welcome any evidence and statistics that the group could bring to the meeting that I have proposed. I hope that my suggestion will be taken up. After our Department's review of any evidence, we shall ensure that it is passed on to the European Commission.

Before coming to the specific issue of the safety of toys and small objects in confectionery, I will say a few words about toy safety in general. Obviously we are considering the safety of extremely vulnerable consumers—children. What is less obvious and less easy to assess is how best to ensure their safety. Children develop and learn through exploration, and their age and lack of experience makes them fearless when a little fear could do some good. It is the responsibility of adults to ensure that children's environment is such that exploration is as hazard-free as possible, because childhood is not a risk-free experience. It is not easy to draw the line to ensure that children are as safe as possible without putting undue restrictions on their opportunities to explore, learn and have fun. Views on how that line should be drawn differ among parents and carers alike.

We need to consider the issues against the background of small toys in confectionery. As my hon. Friend said, chocolate eggs sometimes contain toys. Indeed they are probably the most well-known example in the United Kingdom of confectionery containing toys. The eggs generally contain a plastic capsule, although in one instance the capsule itself was chocolate-coated. In fact, the capsule is wholly separate—detached—from the chocolate egg. The capsule holds various small plastic pieces which, when assembled, make up the toy. The toy, like all toys sold in the UK, must comply with the stringent requirements of the Toy Safety Regulations 1995. Such toys have small parts, so, in accordance with the regulations, the product is labelled to indicate that is unsuitable for children under three.

[Mr. Richard Caborn]

I will give a little more of the background to the regulating of safety in this area. The toy regulations state that toys and their component parts, and any detachable parts of them, must, if intended for use by children under 36 months, be of such dimensions as to prevent their being swallowed or inhaled. Toys and their parts and packaging must not contain a risk of suffocation or strangulation. Toys that might be dangerous to children under the age of 36 months must, unless manifestly unsuitable for small children, bear a warning that they are not suitable for them.

The European toy standard EN71, which is published in the UK as a British standard, contains a cylinder test, as my hon. Friend said. Any toy or detachable part that is in the cylinder could pose a choking hazard for young children, and must not be included in toys for children under three.

In considering the issue during the long time that it has been under discussion, it has struck me that people often begin from the assumption that the way in which the toy is supplied—that is to say, with chocolate—increases the risk to children. Is this so? I question that assumption and suggest that a better approach would be to consider it on a case-by-case basis.

In the United Kingdom, three children have died in the past 15 years in incidents involving chocolate eggs: two two-year-olds choked on small parts in the toy and a four-year-old suffocated on the capsule—three too many deaths. They rightly prompted a searching look at the policy on such toys. In addressing that, we must examine how these tragic events occurred, to enable us to prevent such deaths in future. We must consider to what extent the presence, or absence, of the confectionery was material to the accidents, and whether they would have been avoided if the original packaging had been more conventional.

Some might argue that a child could inadvertently swallow the contents of the egg while eating the edible parts, unaware of the presence of the contents. However, in the case of products such as chocolate eggs, that would be highly unlikely. The popularity of those products lies precisely in the toy surprise content. The cost of the product reflects the additional value over a simple chocolate egg, highlighting the dual purpose of the product at the point of purchase. Children will be aware of, and actively looking for, the contents. And there is no evidence to support the assertion that the smell of chocolate migrates to the toy, so that the child believes that it, too, is chocolate and so puts it in his mouth.

Choking hazards are an important safety consideration and the DTI has undertaken research on choking incidents involving small children. That research provides no evidence to suggest that toys marketed in this way pose a greater risk to children than other toys, a view shared by the European Commission, which looks at the adequacy of safety measures in Europe.

If, as the evidence suggests, safety risks arise from the nature of the toy itself, we must treat the toy—whether it comes from a chocolate egg, a cracker or from conventional wrapping—in the same manner. Children will not make the distinction and nor should we. If a toy sold in a chocolate egg presents no greater choking hazard than toys of a similar size sold by toy manufacturers, it should be subject to the same requirements. If there is a problem, it needs to be addressed for all small toys, not just those sold with confectionery.

The younger the child, the greater the risk from choking. Children under three are at greatest risk since their coughing and swallowing reflexes are less well developed. Indeed, the statistics show that choking incidents diminish significantly for the over-threes. The vulnerability of a child under three is exacerbated by the fact that small children are most likely to put things in their mouth. In particular, children under 12 months, when sight and touch is not so well developed, will learn about objects in their environment by "feeling" them in their mouths.

Many small objects, of which small toys are only a tiny category, present a potential choking hazard to small children. Young children will put or attempt to put anything and everything in their mouth. Unfortunately, as I have mentioned, these young children are least able to deal with any items that they may accidentally inhale. Parents and carers in this country are well aware—not least because of the reinforced message required by our regulations—that small children should not be left alone with small objects, whether toys or other items, nearby. Of course, it must be recognised that once small toys and toys with small parts are brought into the home for older children, there is a possibility that they might get into the hands of younger siblings, which must be guarded against.

The brand leader in the UK toy confectionery market has been on the market since 1973. Since 1972, it has sold 19 billion eggs worldwide. In the year to the end of August 1999, total sales in Europe were 1.3 billion. In the UK, 51 million were sold that year. There is no doubt that such products are in demand and are extremely popular. They bring pleasure to many children each year.

The DTI has been aware of the concerns of my hon. Friend the Member for Stroud, and has kept the issue under review for some time. It has looked at the circumstances of choking injuries and deaths involving toys and children under four and has considered information published in various papers. Most recently, it has commissioned research on accident data collected by the United Kingdom's home accident surveillance and home accident death databases. The outcome of that research on choking hazards establishes that the main causes of choking in under-threes are sweets, coins and food. The most recent statistics available indicate that around 6 per cent. of non-fatal choking incidents and around 4 per cent. of fatal incidents involve toys. The most common toys that cause choking are small parts from construction kits, games, soft toys and marbles. The European Commission has considered the issue on several occasions and also concluded that there are few data to suggest a problem.

Although it has been stated in some quarters that such toys sold with confectionery have been involved in seven deaths, inquiries by the DTI have not been able to confirm that figure and it is aware of three deaths. It has been suggested in the past that information on choking incidents had not been collected accurately. I want to be certain about the statistics. We shall go through them again at the meeting. If a responsible organisation such as RoSPA challenges them, I want to ensure that the data are accepted by all parties to the discussion.

I know that I have not been able to cover all the ground in the short time available. I should like to invite my hon. Friend the Member for Stroud and people in the campaign to the Department to sit round the table with my officials, who are more than willing to share all the evidence. We do not want another death, but we must also ensure that we do not inhibit young people from learning and developing their character.

Question put and agreed to.

Adjourned accordingly at One o'clock.

Westminster Hall

Wednesday 26 January 2000

[SIR ALAN HASELHURST *in the Chair*]

School League Tables

Motion made and Question proposed, That the sitting be now adjourned.—[*Mr. Clelland.*]

9.56 am

Mr. Deputy Speaker: Before I call the hon. Member for Bury, North (Mr. Chaytor), it might be helpful if I explain what the consequences are of the parallel sitting of the two Chambers. In Westminster Hall, it is Wednesday, and under the Standing Orders of the House our debates will continue according to their allotted time span. However, the Standing Orders are equally firm that we must finish at 2 o'clock, so there will be a fairly large fallout relating to the last scheduled debate. None the less, the debate on which we are about to embark will receive its full allotted time of one and a half hours, even if it is further interrupted. That is the knock-on effect, which is obviously something that might have be to reconsidered when these matters are further examined, but those are the Standing Orders that govern our proceedings at the moment. Without wasting any more time, we should proceed to use the time available as best we can.

Mr. David Chaytor (Bury, North): In view of the exhausting events of yesterday evening—or is it this morning?—I am pleased that so many hon. Members have come to listen to, or participate in, today's debate.

I am grateful for the opportunity to initiate a debate on league tables—I use the term "league tables" rather than "performance tables" because the terminology draws attention to some of the issues that I wish to highlight. I draw the attention of the Chamber to the increasing concerns of parents, schools and many hon. Members about the way in which the existing league table system functions. I shall comment on the moves towards a value-added system, and suggest other methods by which the performance of schools could be made clearer to parents, local authorities and government.

It is several years now since the annual publication of league tables was introduced and, for many people, its full implications have begun to sink in as each year has gone by. I must confess that I am obsessively interested in league tables. I find them compulsive, as I am sure many hon. Members do, and I spend many hours poring over them. Having said that, I believe that the current system, which we inherited, is indefensible because of its damaging consequences for many schools and because league tables do not represent the full range of achievements of individual schools.

Over the past few years, it has been difficult to question league tables. In many respects, it has been assumed that if one questioned league tables, one was also questioning the whole national curriculum, the testing regime and other issues established by the Education Reform Act 1988 and, more recently, the drive to improve standards that was consolidated in the School Standards and Framework Act 1998. Therefore, I want to say at the outset that this debate is not a call for the abolition of league tables, but a call for a review of their purpose and presentation. It is certainly not a criticism of the national curriculum or the testing regime. My only comment about that is that I am constantly amazed that it took state education about 125 years to put such a system in place. I acknowledge that, each year, this Government and the previous Government have made slight improvements to the presentation of league tables, which has helped to set the context a little better. I certainly welcome the Government's attempts to introduce value-added measures in due course, and I acknowledge the continuing work that is being done on that.

It is not that I represent a constituency in which the schools en bloc have a grievance about league tables. Neither the schools in my constituency nor the local authority has any grievances about league tables because schools in Bury, especially in Bury, North, perform extremely well under the existing conventional criteria of publishing test results. I am fortunate to have an efficient and progressive local education authority in Bury which, some months ago, received an outstanding Ofsted report describing it as delivering school improvement and high standards without "fuss or rhetoric". I hope that our debate will also be without fuss or rhetoric. Bury primary schools have been in the top 10 for the past three years at key stage 2, which is an exceptional performance. They were ranked eighth in 1998 and seventh in 1999. Until I pored over the national league tables again, I did not realise that our primary schools are second in the table on gender gaps in English. That means that boys in Bury perform almost as well as girls in English, which is not the case in most of the country.

We are always ahead of our statistical neighbours in primary education and we compare with districts that represent some of the most affluent parts of the country. Only the LEAs of the Isles of Scilly, City of London, Richmond upon Thames, Wokingham, Rutland and Surrey perform better than Bury which, in terms of socio-economic indicators, is a middling district at key stage 2. In 1999, I was fortunate to be able to use an Adjournment debate to praise the achievements of primary schools in Bury.

Last year, our secondary schools were in the top 25 at GCSE level and we achieved the best increase in performance with the exception of Rutland, for which there were exceptional circumstances. Our GCSE results increased from 47.7 to 53.5 per cent. I shall avoid the temptation to list the many exceptional results of individual schools in Bury. We are confident in Bury that our schools will continue to perform well when we move towards value-added measures. Although I do not want to digress, I must stress that Bury schools deliver those results with a level of funding that is in the bottom 20 of all LEAs, even though our indicators of deprivation put us in the middle. However, I shall not go into area cost adjustment and standard spending assessments. Instead, I shall discuss the problems of the system and why people are increasingly dissatisfied with what we inherited from the previous Government.

[Mr. David Chaytor]

When the league table system was established, there was a confusion of purpose. Some people argued that league tables would provide parents with greater freedom of information, but of course the information that was provided more freely was selective; it was simple test results. Some people argued that they would provide better information for teachers so that they could monitor children's progress more effectively. Some people argued that they would give an incentive to schools that were performing less well. That reflected the newly emerging market in schools in which competition would drive up achievement in all schools. Those schools that could not compete would decline, lose pupils and go out of business. Some people argued that league tables would provide comparative indicators that would be useful in extending models of good practice from school to school and local authority to local authority.

In recent years, league tables have been used for all those purposes, which are not always mutually compatible. The instrument that might best increase parental choice is not necessarily the instrument that works to drive up standards for all children. There is a complex interrelationship between the needs, which I support, of interested parties. There is a need to allow parents and the wider community access to freedom of information; to provide parental choice; to monitor progress and set targets within individual schools; and to reflect the importance of national policies for driving up standards of achievement.

We have not always been clear about the primary purpose of league tables. We have sometimes been obsessed with making league tables the sole indicator of quality at the expense of alternative methodologies for raising standards in schools. We have put our schools in a framework with good schools at the top, less good schools that are aspiring to be good schools in the middle, and failing schools at the bottom. Schools as institutions—the process of teaching and learning—cannot be reduced to that simplified model. The system provides an enormous amount of invaluable raw statistics, which are fascinating for people who love to pore over such information, but they can have a devastating effect on individual schools and communities.

Although some schools, including many in my constituency, look forward to the publication of league tables with great pleasure, because they know that their excellent exam performance will be recognised, for a large minority of schools and LEAs, that serves to reinforce not just their sense of inferiority but the hopelessness of their predicament. They cannot aspire to the top of the league table under a system that simply measures output. Thousands of schools serve less affluent communities, which are not always in inner cities. They cannot get to the top of the league table because of the community that they serve. They know—every hon. Member will have constituency examples of this—that, every time league tables are published, the comparison between schools becomes sharper. Schools in more difficult areas become conscious of the comparison between their neighbours in more affluent areas and a great number of parents become aware of that comparison. As a result, the number of pupils on the school roll declines the following year. That reduces the budgets of those schools further, which makes it more difficult to deliver the necessary improvements. I shall not go into the recent well-publicised and spectacular examples of such schools, but we all have less well-publicised examples in our constituencies.

The operation of league tables has helped to drive up standards in many schools because of the incentive that is provided by competition, but it has often served to widen the differentials between schools and, ultimately, weaken the comprehensive principle and system in primary and secondary schools. Parents have understandably exercised their freedom of choice to examine the newly available selective information about school performance. They have exercised that freedom of choice with a vengence and the education of hundreds of thousands of children in hundreds, if not thousands, of schools has suffered as a result. Parents cannot exercise their freedom of choice in schools in less affluent areas because they are not socially mobile, they are constrained by geography and they lack financial resources. Those schools cannot succeed in the current system. We have allowed ourselves to be locked into the thinking behind the fatuous concept that schools are like football teams and can be measured only by their position in a league table.

I want to draw attention to specific problems with the system. First, it purely measures output; it makes no reference to input. Every year, I look at the league tables and the schools in my constituency and I know which schools will be towards the top and which will be towards the bottom. I know, too, that the league tables for primary and secondary schools in my constituency reflect not the broad quality of individual schools, but the social structure of the constituency. The league tables are a description of geography, of population and of social class, not of a school's achievement.

Secondly, there is a spiral of decline for schools with poor catchment areas. As more parents exercise their freedom of choice, strong schools get stronger and weaker schools get weaker, to the point at which intervention is needed. Either the weaker schools become failing schools and there is official intervention from the centre, or there is a spectacular collapse, as there has been in schools in some parts of the country, or there is a more subtle intervention, which involves a huge injection of cash, which is far more expensive than it would have been if the problem had been solved earlier.

We must consider the statistical significance of the comparatively small difference in raw scores. We deal with it in one sense, in that small primary schools with fewer than 10 or 11 pupils who are eligible for key stage 2 tests, for example, do not appear on the league tables; but many schools have 12 pupils eligible for the test. A slight variation in that figure because of the illness of one or two children on the day of the test can have a significant impact on the percentage figure.

In the league tables overall, the GCSE scores in Bury last year were, as I said, exceptional. It was the best improvement on the previous year in the country. Is our score of 53.5 per cent. gaining five A to C passes significantly worse than one of our neighbours with 53.7 per cent? I suspect that it is not. I suspect that some

of the issues that determine those figures are the policies on exclusions and on entering pupils for exams, which vary widely between schools.

Mr. Phil Willis (Harrogate and Knaresborough): I am grateful to the hon. Gentleman for giving way. I strongly support the Government's policy of inclusion of special needs children, but does he accept that, if a class has one or two special needs children with severe learning difficulties, for example, a school that has made an effort to include those children could go from the top of the league table to the bottom for no reason other than it had complied with Government policy and parental wishes?

Mr. Chaytor: I was about to come to exactly the point that the hon. Gentleman has made so well. When we consider the impact of special needs children, it is just a matter not of looking at the effect of statemented children in mainstream schools, but of considering how special schools feel when the league tables are published. Special schools are completely wiped out of the picture.

One of the Government's most urget priorities should be the role of special schools, an example of which is Elms Bank school in the constituency of my hon. Friend the Member for Bury, South (Mr. Lewis), which serves all children in Bury. My hon. Friend and I visited that school recently; we are conscious of its enormous achievements. It has a wide range of children with different special needs. The school has worked very hard to establish a system of certificates of achievement for 16 and 18-year-olds, but they appear nowhere in the national league tables. There is a huge amount of added value in special schools and for children with special needs in mainstream schools, but that is not recognised anywhere. The effect of that lack of recognition is to marginalise the issue of special needs children.

I shall focus on the impact of choosing to highlight five A to C grades at GCSE. We know that five A to C grades are chosen because it is the admission ticket to A-levels, but its impact is that any other achievement at GCSE is seen as a failure. When the GCSE was established, the idea was to get away from the old divide between O-levels and the certificate of secondary education, one exam being considered less relevant and prestigious than the other. The difficulty in focusing on A to C grades is that there may be some evidence that borderline children receive more attention—logically, in terms of the approach of individual schools—in order to push children who are functioning at about grade D to get a grade C, at the expense of children who achieve less well. The children who score Es, Fs and Gs may thus be at risk.

I highlight a slight contradiction in the Secretary of State's speech at the North of England conference in which he argued strongly for a restructuring of the curriculum so that post-14 there would be greater attention on vocational achievements, a much closer link between schools and the workplace, and more work-based training for children still at school. That is absolutely the right direction in which to go, but that new area of achievement is completely ignored by the current system, which focuses on the need to gain the admission ticket to A-levels—they will always be for only a small minority—and, ultimately, on the demands of the universities. We must consider children's achievements across the board, across the range of ability.

Mr. Vernon Coaker (Gedling): I differ with part of what my hon. Friend said. League tables have to show the numbers who are not entered for GCSE, or who get one GCSE or fewer. The Ofsted inspectors at the school where I taught, and the local press, focused on that aspect as much as they focused on the five A to C grades. Is my hon. Friend therefore arguing about how we can ensure that that is given equal worth and attention? It is there in the league tables.

Mr. Chaytor: I agree with my hon. Friend: it is there in the league tables, and that is welcome. My hon. Friend has a sympathetic local press if the total number of GCSE passes gets the same attention as the number of five A to C passes. Schools in my local authority have an exceptional performance in terms of total GCSE passes, with only 2.2 per cent. of children not getting a single GCSE. That record is one of the best in the country. I take my hon. Friend's point that it is in the league tables; that is welcome, but it does not have the same status, and that is the problem. As Government policy moves towards giving greater emphasis to young people who will not achieve five A to Cs at GCSE we need to reconsider the issue.

I want to highlight another anomaly in the system to give a flavour of some of the problems. We now have the results at 18-plus—the A-level points scores—as well as at 16-plus. The published tables list the individual institutions; there is also an A-level points score for each local authority. In many parts of the country—arguably, in most parts of the country—A-level students are not entirely the responsibility of the local authority. The tables are misleading insofar as further education and sixth form colleges educate increasing numbers of A-level students. Many of those institutions do a superb job, yet the results appear in the tables as the collective achievement of the local authority, when it is nothing to do with the local authority.

I have drawn attention to my specific concerns, which are shared by many people. I welcome the fact that the Government are committed to introducing value-added measures. It is self-evident that school should be not about simply producing good results for children who are already performing well when they enter the school, but about adding value to each pupil's individual achievement and bringing out his or her full potential.

The added value debate is a paradise for acronym lovers. Acronyms include ALIS, YELLIS, PIPS, MIDYIS and QUASE. Most schools now use one of those systems or a variant. We are beginning to understand the significance of the value added system, and we recognise the complexities associated with establishing a foolproof methodology.

Since the publication in 1997 of the value added national project, there has been a lively debate about differing methodologies. Head teachers were unhappy about the Government's plans, and the intention is to adopt the individual pupil number system, which I hope will be implemented as soon as possible. I welcome that shift of focus, which will give a huge boost to schools in poorer areas which perform extremely well and bring out children's potential.

[Mr. Chaytor]

However, there will be limitations. The problem remains that, in most parts of the country—although perhaps not in Gedling—parents regard five A to Cs as the be-all and end-all. Non-national curriculum achievements in mainstream and special schools are not recognised. Moreover, there is the thorny issue of comparing like with like. Even an individual pupil number system that tracks children's progress from one year to the next, or one key stage to the next, may not enable us to make such a comparison. The communities that schools serve vary widely, as does the level of funding for schools. I again draw attention to the historic funding problems in my constituency and many others, and to the campaign of the special interest group of municipal authorities to change funding methodology, and that of the newly formed E40 group of local authorities for a national minimum level of funding for all children.

When we compare the fabric, resources, quality of materials and general environment of schools, we discover huge variations, which I am not sure even the new value added system will fully reflect. My feeling is that historically under-resourced schools that serve poorer areas will continue to appear near the bottom of the table.

With regard to 16-plus results, various factors come into play: the impact of the local education structure, be it 11 to 16 or 11 to 18; the number of schools that opted out under the previous regime, and thereby gained enormous financial advantage; and selection policy. There are no level playing fields for authorities or schools within authorities. Once the value added system is in place, the Goverment must consider what else needs to be done to reflect more accurately schools' achievements.

Regarding a school's league table position as a precise indicator of how bad or good it is in comparison with other schools is a gross over-simplification. The issue is far too complex to say that certain schools are good and others bad. A study of Hampshire schools was undertaken by Professor Goldstein of the Institute of Education. He concluded that it is impossible to categorise schools as good or bad. That contradicts the thinking of both this and the previous Government, the approach taken by the chief inspector of schools and the perception of parents. On the basis of his study, Professor Goldstein argued that, to a greater or lesser degree, different schools add greater or lesser value for children of differing abilities in different subjects. In other words, for most schools, there are things at which they are very good things at which they are merely good, things at which they are less good and things at which they are lousy. We are failing to reflect that variety and complexity.

We must ask ourselves what else is important about a school's performance. What other measures could appear in the annual performance statement? I am loth to use the phrase "performance tables" because it implies a rigid hierarchy and simplistic stratification. There is also the question of pastoral care. Schools that find it easy to attract able children at the age of 11 and produce good GCSE results in 16-year-olds and good A-level results in 18-year-olds provide hopeless pastoral care.

There is the general question of quality of leadership and its impact on teaching and learning, school morale, the sense of school loyalty and corporate identity. There is the further question of standards of behaviour, which are usually—but not always—related to performance. Moreover, there are the issues of the quality of governance, parental involvement, the range and richness of extra-curricular activities in sport, art, music and drama, the quality of teaching, the use of new technology, and teaching children to learn how to learn, rather than simply imparting facts.

Most indicators are published in an Ofsted report, which is rarely read in detail by parents. I wonder whether some judgments in such reports could be converted into simplified performance indicators that would provide a brief, broad and more accurate reflection of a school's range of achievements. Every teacher in the country would doubtless groan at the prospect of Ofsted having yet more influence on their activities and the according of greater significance to Ofsted reports, but I mention that merely as one example.

I would also draw an analogy with the further education sector. Since their incorporation, and since becoming subject to the Further Education Funding Council inspection regime, further education colleges have marketed themselves more ruthlessly than many schools. Colleges with achievements to boast about have published in their literature and in the press not only raw examination results but their FEFC inspection report gradings. I have some anxieties about such a marketing ploy, but it seems entirely reasonable to make available to parents a factual record of achievement.

There will always be some institutions that perform less well than others in respect of certain issues, and there is no point in concealing that fact. Freedom of information is essential and will help to drive up standards across the board, but the key question is: what information are we providing? In the past, we have provided highly selective information that focused exclusively on outputs and academic achievement in tests. We have ignored the entire range of other school achievements and the complexity of the education process.

I realise that I have spoken for a long time and that other hon. Members want to contribute to the debate. I should be grateful if the Minister would explain the Government's position on value added measures and tell us when they are likely to be introduced. I should also be interested to hear her observations on how we might go beyond the value added system. Is the system the end of the Government's thinking, or is there scope for a broader annual statement of school performance that would give due recognition to the qualities that make a successful school?

If we do not move in that direction, the same schools will appear year after year at the top of the league tables, and the same schools will appear at the bottom. The result will be demoralisation. I want a system that recognises the full range of achievement and abilities, and in which children with special needs are included. As the hon. Member for Harrogate and Knaresborough (Mr. Willis) said, the way in which special schools and special needs children in mainstream schools have been treated is scandalous. Their remarkable achievements should be recognised nationally. We want a system that

provides information for parents, management information for schools staff and information to support the Government's efforts to prise up standards. That is the priority. In not paying attention to these issues for many years, we have fallen behind, and I applaud the Government's attempts to put standards at the top of the agenda. As recently published league tables show, those attempts are bearing fruit.

Mr. Deputy Speaker (Mr. Frank Cook): Order. Although the hon. Gentleman's speech was commendable, and a learning experience for us all, it was fairly lengthy. That reduces the time available to us. The agreed protocols of this Chamber are that the Opposition spokesman and the Minister are allowed the last 30 minutes of the debate. Therefore, I appeal to others who wish to contribute to make their points forcefully, clearly and as briefly as possible.

10.31 am

Mr. Tim Collins (Westmorland and Lonsdale): I congratulate the hon. Member for Bury, North (Mr. Chaytor) on an impressive tour d'horizon and on the gracious, non-partisan way in which he introduced his remarks.

I agree that the possibility of school league tables arises only because we have a national curriculum—a system of national testing. The hon. Gentleman put it well when he said that it was remarkable that it had taken about 120 years for such a system to be put in place—that was done by the previous Government. I also agree with him that under both the previous and the present Governments the league tables have evolved, improved and been refined. They are much better now than when they first appeared. I share his hope that, in five or 10 years' time, they will be considerably more useful, informative and fair than they are now.

I may take issue with one or two of the hon. Gentleman's arguments, but I want to adhere to your ruling, Mr. Deputy Speaker, and to be brief, so that others can contribute. First, I shall be interested to hear the Minister's response to a question that a number of schools in my constituency—one in particular—have raised with me, which is the way in which those pupils fortunate, able or well enough taught to take GCSEs a year early are treated, or ignored, in the league tables. That problem needs to be dealt with more precisely. If one takes GCSEs in year 10, it does not count towards the figures for that school. Not only is there a distortion in the figures because those able pupils are taken out of the reckoning, but when they turn 16, a year later, they appear in the league tables as not having sat any GCSEs at all. That bias in the system needs to be tackled along with the many other issues mentioned by the hon. Member for Bury, North.

My second point concerns the availability of the league tables. We are all familiar with the newspaper educational supplements, which seem to have a large circulation. They are well used by parents, who seem to rely on them. However, we are living in an age of new technology. The league tables are made available on the internet, but I am not sure whether the Department has a clear strategy for using some of the search functions available. One can search within some of the other internet websites—for example, those dedicated to financial issues. One should be able to search not only for the name of a school but for particular categories. One should be able to take account of some of the value added characteristics once they are made available.

The technology can provide a great deal more information to parents than simply a printout of the details of the three or four schools in which they are interested. It should be possible to search geographically, by particular characteristics, or according to attendance or numbers of pupils not sitting examinations. I would be interested to hear what the Minister has to say about that and also about the progress that is being made towards the full exploitation of technology.

I am also interested in the Minister's clarification of the concept of value added. I have a slight difference of opinion with the hon. Member for Bury, North on that issue. The concept is important and I hope that progress can be made towards it. However, as the hon. Gentleman listed the many criteria that he would like to introduce under that heading, I became worried that the waters might become muddied. Far from providing clear information to parents, we might end up in a position in which no one understood the figures or the league tables, or we might return to the position of 10 or 20 years ago, when only the education professionals understood the data. We must guard against that happening.

As the hon. Gentleman said, we must also be clear that we are comparing apples with apples and oranges with oranges. We have been talking mainly about GCSEs, but the Government are now encouraging schools to look sympathetically at the provision of the baccalaureate alongside A levels. How will that be treated in the league tables? How are those apples and oranges to be compared? Can one compare them?

Finally, on the use to which the league tables are put, it is now common ground among hon. Members, across party divides, that the tables are a useful information tool for parents and that freedom of choice for parents, although it will always be limited and never perfect, is, none the less, an aim towards which we strive. League tables are a useful information tool in achieving that aim.

In that context, the practical implication of the Government's otherwise commendable policy of limiting class sizes at primary level has been that many parents who would otherwise have had a choice of primary school for their children have lost that choice. I am sure that other hon. Members have experienced this. Siblings are being separated. Families in my constituency are having to make long journeys to take their children to two different schools—often, in a rural community such as mine, the schools are many miles apart. If that problem persists up the age scale into secondary schools, it could have serious implications for parental choice. I would like to hear the Minister's response, because if parents are to have this information, they must have a real chance to use it.

I do not expect the Minister to respond to my final point, but my constituents would expect me to raise it. It is that school league tables have certain implications in an urban area, where schools are often close to one other and transport between one school and another is often not especially difficult. In rural areas such as

[Mr. Tim Collins]

mine, parents do not have much choice, especially of secondary schools. Until and unless the problems of rural school transport are properly and thoroughly tackled—which did not happen under the previous Government either—parents in rural areas will study the information in school league tables with interest but without a realistic expectation that it will influence their decision over which school to choose for their children.

10.39 am

Mrs. Claire Curtis-Thomas (Crosby): I am grateful to be invited to speak in this debate and I should like to make a number of matters clear before I begin.

I have a daughter with a moderate to severe learning difficulty. She is now 12 years old. Everyone tells me that she is lovely. I am normally offered that information in a rather patronising way, because what is not normally said is that she is lovely but she will not amount to very much. I have far greater aspirations for my daughter than that. I am delighted by some of the measures that have already been implemented by the Government to recognise that people with special educational needs and with learning difficulties, of which there are a variety, have a right to exist and to be recognised in society.

The first major improvement was in the new deal programme when, suddenly, local authorities and employment services were being called to account about their efforts on behalf of people with learning difficulties. It is wonderful for parents with children in that position to think that someone, somewhere, will take note of them and try to assist them to be fully integrated into our society by virtue of employment. That was an excellent start because a group of people became identified through statistics. Statistics matter when, hitherto, one has not even been considered worthy of a statistic, or worthy of recognition in any formal sense.

I applauded the introduction of the White Paper "Excellence in schools", which was launched by the Department for Education and Employment in October 1997. That set out a programme for consideration by all those who have a vested interest in the development of children with special educational needs. It offered a wonderful blueprint that I, as a parent in that situation, very much welcomed. Commendably, the White Paper referred to target setting and national curriculum assessment qualifications. How are those activities, achievements and targets made manifest in the statistics? The short answer is that they are not. Achievements by special needs schools in relation to the White Paper have never been recorded in the league tables. I reiterate the comment of my hon. Friend the Member for Bury, North (Mr. Chaytor). They are not performance tables, but only league tables.

Problems are created in primary schools by the absence of those statistics. Every primary school accommodates children with a wide range of educational abilities, but some schools fight shy of taking children with special needs—that is as true in my constituency as in any other. If schools manage to accommodate such children, they move them on or omit them from standard assessment tests. Although that is unfortunate, we all understand why it happens. It is primarily driven by concern about the likely impact of those children on league tables. Having spoken to nearly all the head teachers in my constituency, I know that they are worried about it.

There are two sorts of school. Some are passionate about delivering good education to children with special educational needs, while others are immobilised by their lack of understanding of such children. That is not because they want to be poor at delivering good academic provision, but because they are inadequately supported in that task. The role of head teachers is also important. Some have a personal crusade with regard to children with special educational needs, while others do not.

Two outstanding primary schools in my constituency, Waterloo and Freshfield, have embraced such children—they have taken them from other schools when those schools can no longer support them. Those at the schools work hard and believe that they achieve a great deal, yet the league tables do not reflect that achievement in any way, shape or form. There is no information to tell me, as a parent, how well they have done with that group of children.

For most parents with normal children, a league table offers some choice. Despite its crudity, they can use it to assess which schools are better than the rest. I cannot. There is no choice for parents with children with special educational needs. When we look at league tables, it is impossible for us to tell which schools are striving and performing well for those children. That is unsatisfactory. I want the same choice that is afforded to other parents.

What is happening in secondary schools is even worse, if that is possible. I have before me the league tables for Sefton metropolitan borough, to which I referred when I was considering a senior place for my daughter. Most schools display a range of statistics relating to GCSEs and GNVQs. However, there is nothing about the six special needs schools. In every case, statistics are replaced by the words "not entered". There is my choice—it is "not entered". I do not believe that the thousand or so children who participate in those schools are incapable of gaining some form of qualification. I know that they are capable of it. I also know that there are teachers in those schools who are desperately trying to get the best out of the children. Where is their performance reflected? The answer is that it is not. Although a disproportionately large number of the children will not gain GNVQs or GCSEs, they will gain certificates of achievement. I want that to be reflected and so do other parents who find themselves in a similar position. They want to be able to make an informed choice.

I applaud my hon. Friend's comments about added value. It is a meaningful step forward for schools that are trying to deliver in all sorts of ways other than generally accepted qualifications. There must be some way that people outside the process can recognise that. Statistics are important not only for parents, but for target setting within schools—setting goals for which schools can strive. In Sefton, six special educational needs schools have no public standards against which they can strive to improve. I resent that. They should

have those targets so that they can rise to the challenge of improving—in comparison not only with their own record, but with that of other providers in the same area.

I should be grateful if my hon. Friend the Minister could clarify the Government's intentions for added value, referring in particular to how special educational needs schools that do not enter any statistics in the league tables can be encouraged to do so. That will enable people like me—please forgive me, Mr. Deputy Speaker, for taking such a personal view—to be better informed as parents and providers.

10.47 am

Mr. Peter Luff (Mid-Worcestershire): The hon. Member for Crosby (Mrs. Curtis-Thomas) has no need to apologise for taking a personal view. It is a strength of debates such as this that personal experience can be brought to bear and I am sure that hon. Members have been moved by her contribution. I remember a debate in Worcestershire about the inclusion of special schools in league tables. There was some unhappiness about the fact that they were shown to be right at the bottom of the pile when the league tables were published. I sympathise with what the hon. Lady said and I hope that the Minister has taken her comments on board.

In the eight minutes that are available to me before we move on to the Government's response, I wish to draw the Chamber's attention back to the big picture. I had hoped to spend some time discussing middle schools in Worcestershire. The Minister recently experienced a rather painful reorganisation of the school system in Redditch—we share a local education authority. Particular problems surround the publication of results as they relate to middle schools. Those schools complain that they are judged on the results of first schools and high schools complain that they are judged on the results of middle schools.

In view of the limited time, however, I prefer to concentrate on the big picture. When the hon. Member for Bury, North (Mr. Chaytor) opened the debate, he rightly drew hon. Members' attention to problems with the publication of league tables. He spoke convincingly and well and I had great sympathy with what he said. However, he gave the game away a little by saying that he is fascinated by league tables and spends a long time poring over them—as do many other people.

The big issue is that publication of league tables has driven up standards and improved parental choice. I understand that to be the view of the Government. When I began to think about what I wanted to say today, I had a text in my mind, like a preacher: "Never make the best the enemy of the good." When one has a good idea—particularly if one takes it to able and talented civil servants, who are able to see problems in every good idea—there is a dreadful tendency to get so bogged down in worries that one fails to see that moving ahead, even imperfectly, can bring real benefits. We politicians have to be careful about being seen to justify reasons for keeping people in the dark. We have no privileged access to such information.

There is paranoia—or schizophrenia—in the Government's attitude to the subject. I thought that they were radical converts to publication of all sorts of results. I agree with a press release on 8 December which stated:

"The tables show that 11 year olds achieved higher standards in English, Maths and Science in this year's National Curriculum Tests than last year. Some of the most successful schools from across the country have been invited to an event held today at the Queen Elizabeth Conference Centre to celebrate their achievements."

It is right to celebrate the achievements of successful schools, and I am delighted that the Government are doing so. I hope that, in the same position, we would do the same. However, publication of key stage 1 results must be examined. I am sure that my hon. Friend the Member for Hertsmere (Mr. Clappison) will refer to that, so I shall not detain hon. Members with that now.

Another issue, which the hon. Member for Bury, North did not emphasise sufficiently, is that the measures are not just of school successes but the successes of local education authorities. I carefully examine the results for Worcestershire schools, particularly because I have a grievance about the funding received by my local education authority, as does the hon. Gentleman. I still hope that the Minister will be able to do something about that during her tenure at the Department for Education and Employment.

The Parliamentary Under-Secretary of State for Education and Employment (Jacqui Smith): Ten years?

Mr. Luff: I said tenure. If there were a Labour Government for 10 years, I could think of no better Minister than her to fulful the role for that period, but I hope that that will not be so.

There is no doubt that Worcestershire's low educational funding leads to concern among my constituents that their children are receiving an education that is less good than it should be, and that concern is well founded. It is a great tribute to the education authority and the schools in Worcestershire that we have such good results in the league tables. They show that the desperately low funding does not, mercifully, cause bad results, which is a great tribute to all involved. I believe that the education authority is currently subject to an Ofsted inspection which, I am sure, will prove what a good authority it is.

What has struck me about the debate is how little it has moved on. I looked up the Second Reading of the Education (Schools) Bill, which took place on 19 November 1991. The right hon. Member for Blackburn (Mr. Straw), who is now the Home Secretary, but was then the shadow spokesman on education, said:

"We now need to see some Government investment and leadership on how local authorities and school governing bodies can best provide information on and do research into the effectiveness of schools, into their creation of value added, so that that information can be given to parents and governors alongside the crude, raw data."

He was right, but the lack of progress in achieving that added value data, which is so important, is disappointing—I also criticised the previous Government for that. Intriguingly, when my then hon. Friend, Mr. Tim Eggar, wound up, he said something that is resonant today:

"Apparently the only sort of publication that Labour Members will allow is one that is so hedged around with correction factors, socio-economic variables and explanatory footnotes that only a parent with a PhD in statistics and specialisation in sociology could understand it."—[*Official Report*, 19 Novenber 1991; Vol. 199, c. 174-234.]

[Mr. Luff]

That is where the logic of the hon. Member for Bury, North was taking us.

I am Chairman of the Agriculture Committee and we often discuss labelling, which is apparently the answer to all our problems. We label for animal welfare, fat content, genetic modification and so on. The label will eventually become so large that the shopper will be unable to make any sense of it. That is the danger with school league tables. We must not allow the label to become so large that it is impossible for parents to understand what it describes. The comments of my hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) were important and I hope that the Minister will assure us that, whatever changes are planned for league tables, they will not fall into the tempting trap of making the best the enemy of the good. If league tables are to be effective, it is crucial that they are comprehensible.

I turn to added value, which is an ugly phrase, but I cannot think of a better one and it has entered the education lexicon, so we must live with it. It is a vital concept and I was pleased that the Government seemed to be committed to it. That is what their early statements during debates and questions in the House suggested, but there are now worrying signs that they may be resiling from that. A DFEE report in March 1999 stated:

"In the medium term, the performance tables will include measures of the value added by schools to the education of their pupils."

What is the medium term? As Keynes said,

"In the long run we are all dead",

but what about the medium term? A report in *The Times Educational Supplement* on 26 November 1999 stated:

"no 'value-added' measure is now expected to be published until at least 2003, prompting accusations that the government plans to scrap the idea."

The report continued:

"Harvey Goldstein, professor of statistical methods at the Institute of Education in London, said: 'They are effectively saying that they are not going to do it. They are talking about 2005 or 2006 for a KS2 to GCSE measure, by which time we will be two governments further on.'"

I urge the Minister to reaffirm the commitment of her Government to value added measures and to ensure that she will not make the best the enemy of the good.

10.56 am

Mr. Richard Allan (Sheffield, Hallam): I am grateful to the hon. Member for Bury, North (Mr. Chaytor) for introducing the debate and agree with almost all he said, so I shall be brief.

We have no problem with publication of information on schools, but we question the value of the information that is published and the use to which it is put. League tables are good for Government because they allow them to demonstrate that they are meeting their targets and help them to impose and enforce national norms, which is increasingly the case in the education system. However, they are of little use to parents and pupils.

Most parents send their children to local schools and there are good social reasons for that. The children can play outside and can be allowed to walk to school. Some Government initiatives will be satisfied only if parents continue to choose local schools. League tables fire up a notion of parental choice which cannot be satisfied in urban or rural areas. The hon. Member for Westmorland and Lonsdale (Mr. Collins) referred to the problem in rural areas, but it is equally a problem in urban areas where it is often too risky to choose a school other than in the catchment area. In Sheffield, people come to me every year saying that they tried to exercise parental choice by examining league tables to decide which school was best, but when they failed to obtain their first choice, their catchment school had become full and they were told to ship their children across the city to a school with surplus places, which was, by definition, unpopular and probably poorly performing and which required their children to take two or three buses to go to a school the parents did not want them to go to. That is the reality in urban areas and the notion that parents can sit down, examine league tables and choose schools for their children does not exist in most areas and certainly not in Sheffield. Government pressure is to take surplus places out of the system and parental choice is not possible without surplus places.

We question the value of the Government's original intention to engender parental choice to develop a market. That has not happened and will not happen, unless someone is prepared to fund the sort of system that the Conservatives have proposed with totally free access to schools. The cost would be phenomenal if schools could balloon to a greater size one year and reduce in size the next year as parents made their choices.

Parents are sending their children to local schools. They may examine the league tables and become concerned about their local schools, but they have no option of removing their children. The tables may be interesting, but they do not provide any practical benefit.

When a school is perceived to be poor and remains at the bottom of the league table, great harm can result to its morale, year after year, because no one rises to low expectation. A culture of low expectation is generated within the school and that does an incredible amount of harm.

The hon. Member for Crosby (Mrs. Curtis-Thomas) spoke eloquently on the issue of special needs. Nether Green junior school in my constituency has an emotional and behavioural difficulty unit. It does a tremendous job with its pupils, and is as good as any other school in the area, but it is consistently down the league tables. Year after year, parents say, "I want to send my child there, but I am a bit concerned because it is down in the league tables." The school does a tremendous job with special needs and non-special needs pupils, but it is aggrieved by those comments. I have every sympathy, but I have failed to get anywhere in changing the system, so that the school can take its rightful place and not have to face the stream of parents every year. The hon. Member for Crosby expressed that effectively.

The hon. Member for Bury, North made a good point about the broadening of the curriculum for 14 to 19-year-olds. It can be a tremendous achievement for some pupils to get a grade D at GCSE, but that is not recognised. We fully support the broadening of the curriculum, which would make both the GCSE and the

A-level league table factors irrelevant when deciding whether a school is doing well. There is tremendous work with advanced GNVQs going on at present. We are expecting more, and we need to acknowledge that when considering a school's performance.

One group that may have felt the benefits of league tables is estate agents, who frequently cite them in their publicity. I would argue that they are of limited benefit, even to estate agents, because most parents knew before league tables were introduced what was going on in their area. People from outside may find them beneficial in deciding where to live, but most of them will have chosen where to live by their profession, income and so on. We know that the socio-economic group of an area is a factor in creating a better or worse school. The estate agents' argument is a minor part of the equation, and I would question whether the league tables have added much value.

Our real criticism is, what have the league tables done for the worst off in the education system—for that small, but still too large, percentage who are always on the wrong side of the target and are perceived as failures? Ninety per cent. success means 10 per cent. failure; 75 per cent. success means 25 per cent. failure. We are concerned about the social exclusion unit report, which shows that 9 per cent. of our 16 to 18-year-olds—161,000 young people—are not socially and economically engaged. One of the prime factors identified was educational failure and educational disadvantage. The Government's obsession with targets is laudable in as much as they want to get so many pupils up to a notional average, but if we do not pay attention to the small number who continue to fail by all measures, there can be no true success. I hope that the Minister will say what she believes league tables do for the young people who are most in need, other than simply confirming year on year that they are continuing to fail.

What do league tables do for schools that deal with the most difficult children in the education system? The Government must continue to focus on improving opportunities for the lowest performers, as well as on trying to raise standards generally. They should consider methods such as individual education plans, mentoring and other imaginative ideas that have been suggested to deal with pupils as individuals. We should move away from looking at the averages across the mass of pupils and consider the individual. We hope that the Government will do that, thereby proving that they are interested not only in the many, who make up the mass of the figures in the league tables, but the few who are often on the wrong side of the statistics that people use to judge schools.

11.3 am

Mr. James Clappison (Hertsmere): I join other hon. Members in congratulating the hon. Member for Bury, North (Mr. Chaytor) on securing the debate. I know that he takes a particular interest in the subject, and he gave a thoughtful speech this morning. I am not sure that I want to go all the way down the road that he took us, but I recognise his interest in the matter. I note that the Liberal Democrats are interested in traversing that road, as the hon. Member for Sheffield, Hallam (Mr. Allan) showed.

For our part, it is now generally accepted that parents have a right to know the information that is contained in the tables; it should be published. It acts as a spur to better performance. My hon. Friend the Member for Mid-Worcestershire (Mr. Luff) was right when he said that publication has been one of the factors that has driven up standards. It is worth recalling that that was not always the case. The previous Government began to collect and publish information, in the face of bitter opposition from certain quarters. It certainly was not greeted with acclaim on all sides. That Government had the wisdom and foresight to persevere in the face of all that was thrown at it. By the end of their period of office, there was more general acceptance of the publication of tables. The Government were engaged in preparatory work on including a measure of value added in the performance data, to give an even fuller picture. I refer to performance data based on prior attainments. I shall say more about the different forms of value added later. We are interested in prior attainment and have reservations, to say the least, about other notions of value added.

It would be useful to hear from the Minister the latest state of play in the Government's plans for measuring value added on the basis of prior attainment. I do not want to repeat the points made by my hon. Friend the Member for Mid-Worcestershire, but it did not escape my attention either that there seems to have been a bit of back-sliding on the part of the Government. Having started out stating that they intended to work on value added, they are slipping back. We were told in the departmental report of last year that, in the medium term, the performance tables will include measures of value added by schools for the education of their pupils. It is entirely right to ask what the medium term is in that context.

The Minister should also answer the questions posed by the hon. Member for Bury, North. We are interested in the same question, but from a different direction. The hon. Gentleman made it clear that he wants to go on, after prior attainment has been taken into account as value added, to look at other measures as well, based on factors other than prior attainment. What is the Government's attitude to that? When they talk about value added, do they mean simply prior attainment, or will they consider other factors, such as social factors and educational performance, as suggested by the hon. Member for Bury, North? We think that that is a dangerous route to take. My hon. Friend the Member for Westmorland and Lonsdale (Mr. Collins) is right to say that it muddies the waters and makes things less clear. The hon. Member for Bury, North gave a thoughtful speech, but I was not entirely clear whether he wanted the measures of value added, as he would have them, to be in addition to the league tables that we have, which are based on prior attainment, or whether he wanted them to be replaced.

Mr. Chaytor: I should confirm that they would be in addition. My criticism of the current system is its selective use of freedom of information. I want a more comprehensive presentation of information.

Mr. Clappison: If that is so, we need to know the Government's attitude. Do they want to go down that route? Do they want value added to be measured

[Mr. Clappison]

according to social factors? We think that that would muddy the waters and complicate the picture for parents. There would be difficulties in selecting the factors that need to be taken into account in measuring value added. Many factors and considerations would complicate the picture greatly when what parents really want is a measure of the performance of schools and the value added that is given to the pupils through good teaching. The Government need to clarify matters.

There is still work to be done on information about performance. As my hon. Friend the Member for Mid-Worcestershire said, we want publication of the results for reading and maths at key stage 1 in national performance tables on a school by school basis, to enable parents to see how well those schools are performing. Exactly the same arguments apply in respect of the publication of performance data at key stage 1 as now apply at key stage 2. Parents have the right to know and it will help to drive up standards if such information is given to them. What is the Government's attitude to that? It is an entirely natural development of the existing system that will help to drive up standards. What is the Government's timetable and approach at key stage 2 on value added based on prior attainment? We are aware that the Government said a lot about that early on in their Administration, but we have not seen much action. The Minister needs to say clearly what the Government intend and where they are heading.

The hon. Member for Bury, North is not alone in his fascination for league tables; we are all interested in them. They are widely available and appear in many newspapers. Indeed, I join my hon. Friend the Member for Westmorland and Lonsdale in hoping that they will become available on the internet. The media do not publish such information out of curiosity; they know that parents are very interested in it. It is good that parents receive it, but we would like them to be given even more information. We believe that they have a right to know, because it is good for the education of their children and it helps to drive up standards. We now need some clear answers from the Government on where we go from here.

11.10 am

The Parliamentary Under-Secretary of State for Education and Employment (Jacqui Smith): Given that some hon. Members have been up all night for the sitting of the House, the quality of the debate has been particularly high. I congratulate my hon. Friend the Member for Bury, North (Mr. Chaytor) on securing further discussion of school performance. I am aware of his interest in the progress of schools—in Bury and nationally—and of his concerns, which are shared by the Government. However, I do not necessarily agree with his solution that we need to publish fair, accurate and genuinely comparable information on achievements in schools.

I commend the schools in my hon. Friend's constituency. I congratulate the teachers, pupils, governors and the local education authority on their good work, which is represented in the performance tables and, as my hon. Friend said, in other sources of information.

I am grateful to have the opportunity to say a few words about the value of performance tables—and their limitations—and about the Government's progress on ensuring that they are accurate and truthful, and that they give a fair representation of what is happening in our schools. The clear consensus is that the debate is no longer about whether tables should be published, but about what information should be published and how.

The Government are aware of the challenges that have been mentioned this morning. We are also aware of the difficulties of publishing the information. We must ensure that tables promote accountability, but we must do so in a way that supports the Government's educational objectives of raising standards and promoting inclusion. We should celebrate improvements in schools and properly reflect what schools have achieved, given the challenges that they face. However, performance tables should not create perverse incentives because of the manner in which the information is publicised.

The Government agreed that tables should be more than a simple annual report of a school's raw results. We should focus firmly on measures of improvement. I emphasise that I am speaking about performance tables, not league tables. I believe strongly that the tables produce information about the relative performance of schools, although I fear what local and national newspapers might choose to make of the information. The Government can take some responsibility for what is published. However, if we have the power to control the message that goes out about schools, please believe me—we would use it. Some of the messages that hon. Members have mentioned this morning show that the information that we want to emphasise about our local schools is not necessarily what gets into the newspapers.

We have taken steps to ensure that the performance tables reflect matters that we believe are important, and that they do not result in perverse incentives. Our first step in 1997 was to provide information showing the changes in GCSE results, to enable readers of those tables to see whether schools improved their results over the next four years. I note that three secondary schools in the constituency of my hon. Friend the Member for Bury, North maintained or improved their performance between 1996 and 1999. They deserve to be congratulated on that.

We now include information showing trends in GCSE, A-level and AS-level exam results and trends in key stage 2 results. That gives people the opportunity to focus on whether schools are improving their performance. When publishing the performance tables, we single out the top 100 primary and secondary schools that have managed to sustain an improvement over the previous four years. Those schools certainly deserve to be praised for their achievements. I was pleased that the hon. Member for Mid-Worcestershire (Mr. Luff) mentioned the event that took place in December to celebrate success. It is important to note that that event was about celebrating the success not only of those schools at the top of the league tables that are published by others, but of those schools that have shown improvement over a period.

We place great emphasis not only on those pupils who achieve five A-star to C passes, but on those who leave school with no GCSE or general national vocational

qualification passes—a matter raised by my hon. Friend the Member for Gedling (Mr. Coaker). I hope to reassure the hon. Member for Sheffield, Hallam (Mr. Allan) that we want the performance tables and other published information so as to ensure that schools focus on raising standards for all young people, and that all young people are included in the improved standards.

We have also provided new information on GCSE and GNVQ results by introducing an average points score per pupil. That is quite important, as it addresses the concerns of those hon. Members who thought that the target of five A-star to C grades did not recognise the achievement of teachers who help young people to achieve a D instead of an E grade, which I fully accept can be a great achievement. The average points score ensures that the results of all the young people entered for GCSE exams are represented.

We have improved the information provided on pupils with special educational needs by showing how many pupils with statements of special educational needs there are in the cohort of pupils to whom the results relate. The information provided in the tables will help readers to put a school's results into the context of the school's work with children with special educational needs.

My hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) made a powerful contribution. She eloquently highlighted what I accept is a difficulty, which is how fully to reflect the achievements of special schools and ordinary schools that make an effort to include children with special educational needs. In fact, we receive as many calls for pupils with special educational needs to be excluded from the performance tables as we do for more information to be published in the performance tables about students with special educational needs. That is not an excuse, but I hope that my hon. Friend recognises the difficulty. The fact that we have not solved the problem does not mean that we believe that those achievements are not important. We must continue looking for ways to ensure that those achievements are reflected.

Certificates of achievement are important. When including new qualifications in the performance tables, we must be clear about their equivalents if we are to make a true comparison. That answers the hon. Member for Westmorland and Lonsdale (Mr. Collins), who spoke of the importance of ensuring a rigorous analysis of the equivalents of existing qualifications. I can assure him that the Qualifications and Curriculum Authority has undertaken rigorous work to ensure that that equivalence on GNVQs is included in performance tables. I think that the hon. Gentleman has misunderstood the way in which young people who take GCSEs a year early are included in the league tables. The results at year 11 are cumulative in terms of results achieved, regardless of whether they were achieved that year or in the previous year. However, if he writes to me on the particular cases that he is concerned about, I shall follow that up.

To turn to some of the substantive points made by the hon. Member for Bury, North, we have also stepped up the pace of developing value-added measures for publication. We face certain constraints in regard to performance tables: we must ensure that we do not overburden schools with checking the information or overload parents with too much information, so that even those who are not performance-table junkies—as most hon. Members present seem to be—will be able to get the information that they need from it.

It is also important to point out that tables are not the only source of information available. I would strongly emphasis the need for parents to look at the whole range of information available on a school—the prospectus, for example, which already gives parents the opportunity to analyse, to take up the point of the hon. Member for Hertsmere (Mr. Clappison), information about key stage 1 results. We encourage parents to look at the whole range of information. Our parents' website, launched last year, also gives parents the opportunity for parents to access it on a geographical basis, or on the basis of their children's ages; it provides information about the school's performance, linked to the Office of Standards in Education and the schools' website. So I hope that we are keeping up with the technological revolution.

The issue of value added is very important. We need to clarify the uses to which we put it. The Government have done important work in their publication of the autumn package, which gives schools the type of benchmarking information that is important in enabling schools to consider how they can use value added to improve the school. The hon. Member for Bury North, mentioned, among other acronyms, the YELLIS and the ALIS schemes, which I used myself when I was teaching and found useful in ensuring that targets are set for individuals in the school. However, there is a difference between the use of the information for school improvement and its use in terms of the publication. There are many calls to introduce socio-economic measures or other factors to adjust the real results published in the performance tables. Although I can understand the motivation for those calls—it may be important for schools to use such adjustment factors within their schools improvement process—we will continue to resist them. We do not want to create a situation whereby schools feel able to use such factors as an excuse for poor performance. There is a big distinction between the best and the least best performing schools in the same socio-economic band and we need to address that.

Considerable progress has been made on value added measures. We need to emphasise that one of the challenges that the Government have faced in bringing them forward has been the need to base them not only on prior attainment, as the hon. Gentleman stressed, but on a pupil's individual progress. He said that the previous Government had made preparations for that, but we found that the mechanisms were not in place to measure pupils' individual progress, which we believe should be the basis of publication. We have now put them into place. We expect the individual pupil information that was first succesfully captured in 1998 to come to fruition in the near future; without having taken that rigorous approach to individual pupil attainment, we would have run the risk of attracting the criticism of those, for example, who have highlighted mobility as an issue that affects schools. We expect to publish in the league tables for 2004 value added for key stages 2 to 4 based on individual pupil attainment. That will be very important. We are already working on pilots for the publication of value added in sixth forms and FE colleges.

Rover

11.26 am

Miss Julie Kirkbride (Bromsgrove): First, I should like to say how grateful I am to the House authorities and to Mr. Deputy Speaker for having selected the debate on the future of Rover, which will have an hour and a half of hon. Members' time. It is a matter of significant public interest, especially to the midlands area. As hon. Members will know, the announcement that the European Commission was to launch an inquiry into the Government grant of June 1999 was not made until 22 December, the day on which the House rose for the Christmas recess. Today is therefore the first time that hon. Members have debated this vital subject, which reflects on the economic vitality of the midlands region. We are grateful to have the Minister present. We would like several questions answered about the role of the Government in the awarding of the grant and in subsequent events.

My interest in the Longbridge plant, one of the Rover plants, derives from the fact that it is in my constituency—as well as in that of the hon. Member for Birmingham, Northfield (Mr. Burden). The majority of the plant is in the hon. Gentleman's constituency, although, with the prospect of a future planning application, that may not be the case in future. However, that is a matter for another day; today we are discussing the situation at Longbridge.

Longbridge employs around 9,000 people, which is considerably down on the employment figure of around 14,000 of more than 18 months ago, when the Government came to power. The plant has been reduced from what it once was, the biggest employer of the Rover group; Solihull employs about 10,000 people and Cowley about 4,000. Its economic importance to the midlands region is hard to overestimate. The accepted multiplier criterion is that for every one directly employed job there are between three and four others in service and support industry suppliers and so on. The commonly accepted figure is that any threat to Longbridge would have a wider employment impact on the west midlands region of about 40,000 jobs. The prosperity of my constituents and those of many hon. Members is dependent on the reinvestment in the Longbridge works going ahead. That is what we are all here for—to be reassured of that and to establish how the present situation arose, which is one of our principal concerns.

We must face the fact that Longbridge is an old plant; I believe that it will shortly celebrate its 100th anniversary. It has been around for along time, providing prosperity and jobs, and is an old plant for modern production purposes. We must bear it in mind that the need for reinvestment at the Longbridge site is predicated on the fact that productivity needs to rise. Great strides have already been made, and it is a credit to the work force and the management that signifcant improvements have been made, with productivity rising from about 30 workers a car to about 50 for the new Rover 25 and Rover 45. However, productivity must rise if Rover is to have a secure and long-term future in the United Kingdom. That is one of the reasons why BMW wants to make a major investment in the Lonbridge factory.

Another important factor has been the good faith of BMW since it took over Rover Group Ltd. some years ago. As hon. Members know, Rover has had a variety of owners, and it is a source of contention in the midlands which were the better ones. We should credit BMW for investing in the Rover group when it took over the company. At the time, it was widely speculated that BMW was interested only in Land Rover and having a four-wheel-drive product in their vehicle range, and that it might not show the same commitment to the Rover car itself. It is hard to pin that accusation on BMW. It has put massive investment into the Solihull and Cowley plants.

My difficulty, as the hon. Member for Bromsgrove, is that Longbridge has come last and has been rather a Cinderella, and we are now waiting for the investment that Longbridge so sorely needs. In fairness, BMW is committing itself to a £1.7 billion reinvestment programme at the plant, which is the largest single inward investment programme for the UK so far. We are obviously grateful that it is showing its commitment to an old plant. It was extremely welcome news when the BMW board made it clear that it wanted to proceed with that.

As hon. Members know, part of that bid was the offer from the British Government of £151 million-worth of aid, to which I shall return later. I emphasise the commitment that BMW has made. The new retro Mini, akin to the new Volkswagen Beetle, is about to be built at Longbridge. We are waiting to discover how it will look. It should be unveiled in October, and people should be able to buy it next year. Its production has already been committed to Longbridge, which is very welcome, and we are delighted.

Mr. Michael J. Foster (Worcester): As someone who used to work in the car industry in a former life, I greatly value that opportunity to debate this important matter. Does the hon. Lady agree that hon. Members have a duty and a responsiblity in arguing for a strong Rover at Longbridge to do so outside the House as well as inside, by their own actions?

Miss Kirkbride: The hon. Gentleman seems to be recommending motherhood and apple pie. Of course we all want to support the Longbridge factory and the Rover works, both inside and outside the House, although I may have missed his point.

Mr. Peter Snape (West Bromwich, East): I am not sure whether I am missing the point, but, bearing in mind what the hon. Lady just said in reply to my hon. Friend the Member for Worcester (Mr. Foster), does she drive a Rover, and, if not, what car does she drive?

Miss Kirkbride: I drive a BMW, owned by the Rover group. I am sure that it would be of great interest for us all to declare our car interests.

Mr. Snape: I shall do so myself in a minute or two.

Mr. Deputy Speaker (Mr. Frank Cook): Order.

Miss Kirkbride: Thank you, Mr. Deputy Speaker. I was about to discuss the important and welcome investment in the Rover group that BMW has made.

The Rover 75 has been a success. Following the intervention of the hon. Member for Worcester, I should like to put it on record that, although there has been much speculation that the Rover 75 has not been as successful as it might have been, in fact it was the third top-selling saloon in its class in the second half of last year, outselling the Alfa Romeo 156, the Audi A6, the Jaguar S-type, the Mercedes C-class and other models. It was also voted import car of the year in Japan, beating, among other marques, Mercedes. The Rover 75 has been a success and is welcome. Land Rover speaks for itself, and is a hugely successful model. The Rover 25 and the Rover 45, which replace the Rover 200 and the Rover 400, have also been well received and, although they have been upgraded to make them more attractive, we are keen for a Rover 30 to be built at Longbridge, which, if we could stick to the original timetable as we still hope to do, would be introduced in 2003.

What, then, is the problem? Why is Rover not simply an untold success story? The problem has partly been the rising value of the pound. The pound has risen in value since BMW announced its £1.7 billion investment programme for Longbridge plant in 1997–98, when the exchange rate to the deutschmark stood at DM2.75. I rang the Library today, and discovered that the pound is valued against the notional area covered by the deutschmark in the euro zone at DM3.22. That is a massive rise in the value of sterling against the deutschmark. In short, it raises the price of the reinvestment at Longbridge for BMW, the German owners of the Rover group, by 15 per cent., which is worrying. The high pound has also encouraged—

Mr. Ken Purchase (Wolverhampton, North-East): Can we assume from the hon. Lady's remarks on the strength of the pound that she agrees with Professor Sämann, the chairman of the Rover group, who said:

"Membership of the European Union has been a major factor in encouraging BMW Group's investments in the UK and therefore safeguards Rover's future. . . . The next step, full UK membership of the EURO, would consolidate this investment."?

May we take it that she agrees with those sentiments?

Miss Kirkbride: Sadly, I do not have that quote in front of me. However, Professor Sämann goes on to say that although BMW, as I fully recognise, would like the UK to join the euro, it does not want us to do so at the present exchange rate. If the hon. Gentleman finished the quote, he would find that the UK's joining the euro at the present exchange rate is not on BMW's agenda. Moreover, if he were serving his constituents, he would also recognise that manufacturing industry has been put on his back—

Mrs. Angela Browning (Tiverton and Honiton): Is my hon. Friend aware that it was recently reported that Toyota had written to the Secretary of State for Trade and Industry, asking him to make representations to the Bank of England's Monetary Policy Committee about the strong pound? When I tabled a question to the Secretary of State, asking him whether he had done so, I received the rather ambiguous reply—which I assume meant yes; perhaps we shall hear an explanation later—that it is common for Secretaries of State to make representations to that committee about the strength of the pound. Perhaps I should table another question, on behalf of Rover.

Miss Kirkbride: My hon. Friend makes a good point. The Government cannot recognise the difference between a strong pound, which is, on the whole, welcome—the German economy was very successful with a strong currency for many years, until unification created more recent problems—and an overvalued pound. Those of us who represent the midlands would do well to recognise the huge damage caused to the manufacturing sector, much of which is based in our area, by the strength of the pound.

Mr. Snape: Perhaps the hon. Lady could explain the impact of the strong pound on manufacturing industry in the west midlands by providing statistics, rather than relying on the editorial columns of the newspaper for which she writes a weekly column, *The Birmingham Post*, which has been undermining the regional economy for many years.

Miss Kirkbride: I think that I would be called to order if I sought to defend *The Birmingham Post*, which is an excellent newspaper that merely seeks to tell the truth about the activities of our Labour Government. I would be happy to point out one of the problems—

Mr. Snape: No, statistics.

Miss Kirkbride: I would like to cite my own statistics rather than those that the hon. Gentleman wants to foist on me. As he knows, BMW recently announced that, because of the high pound and the problems of the exchange rate, it would reduce the outsourcing of its supplies for Rover in the United Kingdom from 89 per cent. to 50 per cent. during the next five years. That is in part due to the strength of the overvalued pound, which causes huge problems for BMW because spare parts are traded in the international economy and it will therefore go for the cheapest sources. If the hon. Gentleman does not understand that, he does not understand economics.

Dr. Lynne Jones (Birmingham, Selly Oak): I have some sympathy with the hon. Lady's concerns about the high value of the pound, and I would like the Government to try to reduce it to a more sustainable level so that we can ultimately join the euro.

My hon. Friend the Member for West Bromwich, East (Mr. Snape) asked for statistics. Yesterday, *The Birmingham Post* printed an article headed "Car production races to 27-year high", which showed that there had been an 11.5 per cent. increase in car exports between 1998 and 1999. Also, the report by the West Midlands group of chambers of commerce suggests that manufacturing prospects are optimistic and that, through investment and action to increase productivity, our manufacturing industry is coping with the high pound. I would like the hon. Lady to acknowledge that that is a tribute to the Government's encouragement of such investment.

[Dr. Lynne Jones]

There is a problem with the pound, and I would like something to be done—

Mr. Deputy Speaker: Order. I must remind hon. Members that the debates are short and interventions ought to reflect that brevity.

Miss Kirkbride: The hon. Member for Birmingham, Selly Oak (Dr. Jones) makes a point that we can all recognise: that a strong pound has a beneficial effect on productivity. That is bearing fruit, but an overvalued pound creates problems. Our balance of trade figures have deteriorated significantly under the Government. It seem reasonable to conclude that the overvalued pound is one of the reasons for that and for the job losses in the manufacturing sector during the past few years. I am sure that the West Midlands CBI and other trade organisations would confirm that.

The Minister must respond to the problem of the overvalued pound, about which I am sure that the Department of Trade and Industry receives many representations. We also want to question her more closely on the award of the grant to BMW for the Rover group, which was announced in June by the Secretary of State for Trade and Industry.

As the Member of Parliament for the area that includes Longbridge, I warmly welcomed the Government's announcement that they were to award £151 million of Government aid to BMW for its investments at the plant. However, in awarding that grant, Ministers should have met the European Union's criteria, because they had to satisfy the European Commission that they had acted properly within those rules. Ministers had to be sure that, without the benefit of state aid to ensure that the jobs remained in the United Kingdom, BMW would have seriously considered relocating the Longbridge plant outside the European Union. Her Majesty's Government had to establish that that was firmly the case before they awarded the grant.

When the welcome award was announced, we all reasonably assumed that the representations, discussions and considerations had been made and that there should be no problem. The fact that the award was immediately followed by speculation that the Commission would launch an inquiry, as I am sad to say that it did in December, raises severe questions about the competence of Ministers' handling of the bid and whether they sought proper reassurances and followed proper guidelines. They would have been fully aware of the European Union's rules.

Mr. Robin Corbett (Birmingham, Erdington): If the hon. Lady is suggesting that there was no contact between the Department and the Commission when the talks were held with BMW, I can assure her that that is not the case. It is routine for the Commission to take a second look at all such grants after the event.

Miss Kirkbride: I would not necessarily dispute what the hon. Gentleman said, but it is not routine for the Commission to launch an inquiry. Of course it considers whether the rules have been complied with, but it does not necessarily launch an inquiry. The hon. Gentleman has missed the point. The inquiry raises a question as to whether Ministers properly complied with the rules when awarding the grant.

Mrs. Browning: In response to the press conference of 23 June at which the announcement was made, the Competition Commission said two days later:

"So far the Directorate-General of Competition (DG IV) has had only one meeting with the UK authorities on May 11th last. Since then, apart from some technical queries, there have been no further contacts."

Does my hon. Friend agree that it is extraordinary that such an announcement should have been made at a UK press conference when there had been only one rather tenuous meeting at which the Competition Commissioner was not even informed of the announcement?

Miss Kirkbride: My hon. Friend puts a strong case based on that further evidence. It seems that Ministers jumped the gun when making an announcement that was extremely sensitive and important to the economy of the midlands. It was up to Ministers to establish that they had followed the rules, to reassure the Commission that they had done so and to persuade it that the award should not be subject to an inquiry. Clearly, that has not happened.

The inquiry adds to the uncertainty at the Longbridge plant. Having had the announcement from Her Majesty's Government in June that the money would be forthcoming, BMW at Rover was set to invest at the end of last year. The bricks and mortar of the factory's rebuilding should have been put in place in November and December, but that has not gone ahead because BMW is waiting to see what happens. That vital investment in the midlands is not being made because Ministers might have acted incompetently in not ensuring that the rules were properly complied with before they made the announcement.

Mr. Snape: The hon. Lady normally has outspoken anti-European views. She would surely have used her newspaper column to denounce Ministers as incompetent in the same way if, last year, they had said, "We would like to give the grant to Rover, but we shan't until we have had the fullest possible consultation with the European Community."

Miss Kirkbride: I think that the hon. Gentleman makes my point; clearly, Ministers jumped the gun and did not get the proper reassurances. It was up to the Government, not the BMW board, to make the case and establish that the rules had been followed. They should have examined Hungary and crossed all the bases, so that the Commission would have had no locus to launch the investigation. That was not done. An investigation started on 22 December and we now face uncertainty and the prospect of no investment in the plant until summer at the earliest and only then if the inquiry does not find against the Government on the award of the grant. That will lead to further uncertainty about what BMW will do.

That brings us up to date. Having announced the launch of the inquiry, we are now waiting to find out what happens. BMW told me this week that it was

optimistic about gaining a preliminary verdict from the European Commission as early as this week. Where do we go from here? The Commission will establish its criteria and assess whether the rules have been complied with. The Government and BMW—as well as other European car manufacturers which also want their say—will then have a chance to make their observations on the findings. That process will take around four weeks, after which the Commission will take another four to six weeks to determine its findings. We are now talking about in excess of two, or perhaps even three, months before we receive a final answer about awarding the grant, which adds yet again to the uncertainty of the process.

I shall be grateful if the Minister would clarify whether the Commission has received all the relevant documentation from the Government to enable it to proceed with the preliminary inquiry. Is she satisfied that the Government acted hastily enough to forward the documents to the Commission to allow it to formulate its conclusions? Time is of the essence. When does the Minister believe that the Commission will reach a verdict, so that we can finally ascertain whether the rules for awarding the money were met?

I affirm the importance of that point. Hon. Members will know that BMW has its annual general meeting in April—approximately the same time that it will announce this year's financial results. We know from press speculation that losses at the Longbridge plant have increased considerably over those for last year. If losses approach the £1 billion figure, as suggested in the press—including *The Birmingham Post*, which is clearly well sourced—it will inevitably cause concern among board members. If the award of the grant is still indeterminate or even if a conclusion has been reached, it will be a moment of great decision for the future of the Longbridge plant. It would help the BMW board if it knew the status of the grant in time for the April meeting, which would clarify once and for all the investment project for the Longbridge group.

I pay tribute to all the workers at Longbridge, who have shown much flexibility and determination to ensure success by operating changes at the plant. I also pay tribute to BMW, which showed good faith in its willingness to invest in the Longbridge plant, which has existed for 100 years. People in the midlands are tremendously proud of the unique Britishness of the Rover car. We very much want operations to continue at Longbridge, but Ministers must now play their part to overcome the sad and unsettling affairs of the past few months.

11.54 am

Mr. Richard Burden (Birmingham, Northfield): I congratulate the hon. Member for Bromsgrove (Miss Kirkbride) on securing a debate on the future of Rover. It is an important issue, as the hon. Lady has shown in her remarks. However, not everyone in the west midlands would congratulate her entirely on her approach. The biggest problem for the Rover group, and the Longbridge plant in particular, in the past two years has not always been what has happened there. The situation has been hyped up and it has had to contend with damaging speculation about what might be going on round the corner.

Speculation affects confidence and sales. I would not dispute the hon. Lady's figures—that 50,000 jobs in the midlands depend on the success of the Longbridge plant. However, we must be careful to ensure that our actions in this place do not add to speculation and uncertainty, and I am not convinced that set-piece debates at this stage are helping to dampen them down.

The hon. Lady raised several questions about the Government's record and the story so far, which deserve an answer. She sought to attribute blame for delays in the granting of European Commission approval for the deal to the Department of Trade and Industry and to my right hon. Friend the Secretary of State who, she alleges, did not prepare the ground before agreeing the deal with BMW. It is a serious charge to assert that Governments do not prepare the ground before taking action that might have European implications. It is particularly serious regarding the Rover group because this is not the first time that European investigations have taken place.

The hon. Lady will know that the Rover group was sold by the Conservative Government to British Aerospace in 1988. In fact, the then Government were prepared to write off the entire debts of the Rover group to the tune of £800 million and then to sell it for £150 million. That deal was questioned in the late 1980s by the European Commission, which found that the Government's actions breached EU rules and demanded a recovery of £300 million-worth of the sweeteners given by the Government to British Aerospace. That whole saga of sweeteners and the Aerospace deal did nothing for the confidence in the Rover group and nothing for the future.

That series of events also led to a National Audit Office report. As we are debating the important role of Governments in these matters, it is worth quoting from that report of 1989. It concluded, after examining the deal:

"the fact remains that the Department's negotiating resulted in British Aerospace paying £150 million for a business which made a profit before interest and tax of £65 million in 1988 . . . and which also had surplus assets and other benefits worth at least £250 million, of which it has so far realised £126 million".

Mr. Tim Boswell (Daventry): Despite the figures that the hon. Gentleman has just cited and the current difficulties of the Rover group, would he agree that the industrial performance of Rover in the decade after the sale was considerably better than in the period leading up to the sale, which shows that it was a positive move?

Mr. Burden: It is certainly true that Rover has progressed, but I would not conclude that the deal was an appropriate mechanism, especially without any tendering, renegotiation or offers to other firms. It was a case of writing off debts of £800 million and selling for £150 million—that is what the National Audit Office report was all about. Many of us believe that the Government could have secured a much better deal for the taxpayer, and it took the European Commission to remind them of it at the time.

I acknowledge that the hon. Member for Bromsgrove was not in the House then. It may even have been before she worked as a journalist for *The Daily Telegraph*. She was, however, in this place during the early part of last year, when negotiations over the current deal were going

[Mr. Burden]

on. As I understand it, the hon. Lady's charge today is that the Government did not prepare the way or do enough, and needed to check up on what was happening. As she rightly said, she and I share that plant. It was therefore important that she and I, as local Members of Parliament, made sure that we knew what was going on.

I was interested to read in *The Birmingham Post* of 19 March 1999 a report about the negotiations that were taking place. At that stage, my right hon. Friend the Secretary of State had made an initial offer of £118 million to BMW in respect of the deal. The quote that the hon. Member for Bromsgrove gave from *The Birmingham Post*—I am quoting from the paper, so it must be right—was:

"I am disgusted. The Government knows that the prosperity of the Midlands depends on the future of Longbridge and to offer almost half the money requested by BMW is an insult to us. Stephen Byers should be on the telephone immediately putting this matter right."

No words of caution there about checking that things were in line with European rules. The hon. Lady's point was simply that BMW had asked for a large amount of money, so the Government should go ahead and pay it. An interesting approach to economic policy—whether it represents the Conservative party's new economic policy I do not know.

Miss Kirkbride: I am grateful to the hon. Gentleman for allowing me to offer a riposte to his fatuous remarks. It is obvious that the Government upped their bid by a further 30 per cent. or more when they offered £151 million. I did not realise that the Opposition's role these days is to ensure that Ministers act competently at all times. I just assumed that the Government knew the rules and would abide by them. I realise now that that was a silly assumption and I am sorry.

Mr. Burden: The hon. Lady has her views on the responsibilities of a Member of Parliament to his constituents and I have my views of what those would have been at that time.

I will move on to what the deal was, what it is and where it goes from here. I have used harsh words about the hon. Lady but I agree with her about the contribution made by the people involved with the plant, especially its employees, and the partnership that they have shown with the company in reaching a ground-breaking deal on working practices, without which we would not be where we are today. All of us should pay tribute to that.

It is a pity—although no doubt it was an oversight rather than deliberate—that the hon. Lady did not pay tribute, as all of us should do, to the local partners who played such an important role in bringing that deal to a successful conclusion. I pay particular tribute to Birmingham city council for its efforts in bringing about an important local element of the deal, to the Birmingham TEC, the chamber of commerce and industry, and to Advantage West Midlands—the regional development agency—which between them were able to put together the package of £23 million that forms an integral part of the deal.

In addition, some £129 million of regional selective assistance was agreed. It is important to put on record what the grant was all about. It was not a grant given because BMW asked those bodies for some money and they said, "Let's pay it." It was not a bail-out. It is important to emphasise that and it is unfortunate that the hon. Lady did not recognise it. It is a deal with clear productivity targets and it is phased over a period. It is about raising skills and about investment by the company itself. As the hon. Lady said, a sum in excess of £1 billion is being levered in through regional selective assistance and the local package. If we add BMW's contribution to the United Kingdom as a whole, there is investment of approximately £3 billion.

The European Commission has chosen to take the issue to a full investigation. I consider that unnecessary. Its decision was made in December and did not follow immediately the submission of the application by the Government and BMW—the Commission had had it for some time, and various questions were asked, and answered. I do not think that an investigation was necessary. When I and Labour MEPs for the West Midlands Simon Murphy, Neena Gill and Michael Cashman met Commissioner Monti in December, we asked him whether the Government had failed to provide information that the Commission had requested. I have to tell the hon. Member for Bromsgrove that Commissioner Monti did not come up with anything on that: he said only that there were still things that the Commission wished to look at. He said that the Government had not failed to provide anything that the Commission had requested of them.

Commissioner Monti decided to go ahead with the inquiry anyway. I do not know whether the hon. Lady has ever attempted to meet the Commissioner, but he made it clear when we met him that he did not see this matter as anything peculiar or as making an exception for Rover. He drew our attention—the hon. Lady, who also presumably takes an interest in the motor industry, will be aware of this—to the fact that inquiries into Fiat and Volkswagen have been launched over deals that involved assistance, although in many respects they were not exactly similar to the Rover deal. Therefore, there is nothing especially surprising about the Rover investigation.

Where I take issue with the Commission—and believe that there is a significant difference between the Rover deal and the Volkswagen and Fiat deals—is that in both the latter cases the money was paid up front, so the Commission's investigation took place afterwards. I do not question the Commission's right to investigate, or the Rover deal itself. What I do question, given that we in Britain have played exactly by the book and—as the hon. Lady said ought to happen—have sought approval before the money is paid, is its decision to investigate after questions have been asked and answered. In my view, that is unnecessary. However, the Commission has decided to go ahead with the investigation. The vital message to the Commission today is that we need a decision soon because that inquiry is about an investment programme to bring a new car to market within 18 months to two years. It is most important that the Commission gets on and makes its decision quickly.

As for the future, the company faces real challenges. A huge number of suppliers in the west midlands and elsewhere depend on Rover group. The hon. Member

for Bromsgrove referred to some of their current difficulties. It is true that the pound is causing difficulties. The hon. Lady would do well to listen to the argument of my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) about what BMW says about that. If, in that context, she honestly believes that sterling should become a sort of hedge currency against a weak euro, and that that would improve the position of exporters in any way, she has a rather curious view of economics.

However, there are things that we can do about suppliers and the component industry. It is important for BMW to understand that it has a responsibility to maintain a healthy supply base in the UK.

Miss Kirkbride: For clarification, although we understand that Labour Members are keen to join the euro, it would help Opposition Members if we could establish the rate at which it would be acceptable for the pound to join. Is it DM3.22, as today, or the DM2.75 of 1997–98? [HON. MEMBERS: "That is a stupid question."] It is a relevant question. I regret that Labour Members do not understand its relevance to manufacturing industry.

Mr. Burden: If the hon. Lady has attended debates in the House, she will know that the Chancellor has set out clearly the criteria that will be important for joining the euro.

Mr. Deputy Speaker (Mr. John McWilliam): Order. A great deal of heckling is going on this afternoon for some reason or another. I ask hon. Members to desist.

Mr. Burden: Where I take issue with the hon. Lady is with her view that there is an alternative, which is to say that we shall rule out entry, and that somehow that will bring down the level of the pound. That is absolute nonsense, but the hon. Lady had a point in what she said about the difficulties faced by the components industry. Practical things can be done to help. That is why I welcome, as I hope she does, the industry forum—a real partnership between the motor industry and the Government. She should welcome the accelerate programme, which is about improving skills and processes in the component industry, to help it meet the challenges ahead.

If the components industry and Rover can meet those challenges, the future will look bright. Three new models were launched at the back end of 1999. As the hon. Member for Bromsgrove said, the Rover 75 has been receiving rave reviews and was last year's car of the year according to *What Car?* The constant speculation about the Rover group's future and issues concerning Commission involvement in car pricing have obviously affected sales. One would not expect otherwise. However, it is good to report that the Rover 75 was the third highest selling car in its class in the second half of last year. Longbridge is already being transformed with investment for the new Mini. Changes in plant have been made to enable it to come on stream at the end of the year.

At Hams Hall in North Warwickshire, BMW is building a new engine plant and in between 18 months and two years there will be a new small to medium car. To enable that to happen, the investment must be unlocked. The European Commission needs to take a decision on the aid package, which I am confident is entirely within European rules, as quickly as possible. I hope that hon. Members will unite in conveying that message to the Commission because Rover is a strategically important industry not just for the midlands and the United Kingdom, but for the European Union. The challenge for the Commission is whether production should stay inside the European Union or should possibly move elsewhere. The facts will, I think, lead to the conclusion that the deal conforms with the rules.

My right hon. Friend the Secretary of State is committed to a bright future for Rover, as am I. Many of my hon. Friends who represent west midlands constituencies have come here today, including my hon. Friends the Members for Redditch (Jacqui Smith), and for Worcester (Mr. Foster). My hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) was here a little while ago, in addition to my hon. Friends the Members for Wolverhampton, North-East, for Coventry, South (Mr. Cunningham), for West Bromwich, East (Mr. Snape), for Newcastle-under-Lyme (Mrs. Golding), for Birmingham, Hall Green (Mr. McCabe), and for Wolverhampton, South-East (Mr. Turner) as well as my hon. and learned Friend the Member for Dudley, North (Mr. Cranston). My hon. Friend the Member for Birmingham, Selly Oak (Dr. Jones) has also been here and we have been joined by my hon. Friend the Member for Stourbridge (Ms Shipley). That shows the commitment of Labour Members of Parliament to the Rover group and the car industry in the west midlands. We are committed to making things work. It is up to the hon. Member for Bromsgrove and her hon. Friend the shadow Secretary of State to decide whether they are equally committed, or whether they want to use the debate to make political points.

12.13 pm

Mr. Ken Purchase (Wolverhampton, North-East): First, I congratulate the hon. Member for Bromsgrove (Miss Kirkbride) on securing the debate. It is an opportunity to rehearse some of the important arguments on which we need to unite in coming months if the future is to be as bright as we would like. However, despite a comprehensive account from my hon. Friend the Member for Birmingham, Northfield (Mr. Burden) other matters need to be given prominence in the debate. The strength of the pound has been mentioned, although no conclusions were reached about how to tackle that problem. It is sensible to think about Rover in terms of what we can see needs to be done.

The considerable rise in car production has been mentioned. It is at a 27-year high. Regrettably, that rise is almost wholly confined to companies other than Rover, whose figures, although by no means disgraceful, have not been contributing in a measured way to the improvement. Why is that? There has been a great commitment to improved productivity at Rover and the new management has offered leadership, which had been absent for many years. Previously, there had been

[Mr. Ken Purchase]

massive under-investment. I can call on my working experience at what is now the Rover group, but was previously British Leyland, in commenting on this matter. Machine tools and much of the kit for producing components for British Leyland were, frankly, dug up from the bottom of the North sea after the first world war. It was appalling equipment. Little or no work was being done on new machine tool technology. At that time, it seemed to be the lean-to car company. No one was prepared to do anything to improve it. Management was as poor as it could be. There was constant friction with the work force. No one emerges from that period with any honour. All the mergers that destroyed distinguished car marques in Britain came to nothing and made things worse.

BMW has brought leadership to Rover and the workers and management have responded well. However, the cost of component manufacture for Rover is much higher than for other major car companies in Britain. That accounts almost entirely for the poor performance. It is higher, first, because of lack of investment. That is serious. I do not know whether even now some of the suppliers are putting the sort of investment into their companies that they should be putting in.

Secondly, the value of the pound and being outside the euro, with no certainty yet of going in, have exacerbated the problem. The hon. Member for Bromsgrove asked whether we could go in at DM3.20. The answer to that must obviously lie in the British economy's performance in the coming two or three years. We have heard Mr. Duisenberg say that if Britain is to find its way into the euro it must do so on the basis of the pound's having been stable against the other currencies for at least two years. That rather rules out a massive devaluation to DM2.50 or DM2.60 as the hon. Lady suggested.

In two years, greater convergence between the currencies may happen. One of the Chancellor's aims is certainly that convergence should be a major test of whether to recommend a referendum on going into the euro. That decision must be made by the British people. Hiding behind a debate on Rover, as the hon. Member for Bromsgrove has done this morning, is not helpful in that regard. She obfuscates the issue by talking of Rover without dealing with the value of the pound. She makes no suggestions about how to bring down the value of the pound. The value of the euro reflects the value of the European economy much more accurately than the pound reflects the value of our economy. We inherited that state of affairs from the Conservative Government—a massively overvalued pound and an underperforming economy. There have been improvements in Rover and in the economy. That matter is crucial to the future of Rover and the car industry in Britain.

Miss Kirkbride: Will the hon. Gentleman give way?

Mr. Purchase: No, because I have only a minute or two left.

The hon. Lady might not have liked my quotation from Professor Sämann, but I could give her more quotations. The chairman of Fiat made a similar case and the chief executive of the Ford Motor Company made virtually the same case. We heard this from Nissan:

"Regarding the UK's entry into EMU, I believe that, the moment the conditions are in place for a successful entry, the Government should take the UK in."

Foden Trucks—a famous name in British manufacturing—has similar sentiments. I think that the shadow Secretary of State referred to Toyota, which was clear on its position having met my right hon. Friend the Secretary of State. It said:

"If there is no change in the long term, then we will have to decide whether even our existing operations"—

let alone expansion—

"should continue."

The situation should be set against the improving performance at Rover due to new leadership and a more inspired approach to work. The work force's agreements, conceding many practices, might have been given more willingly previously had there been a better style and class of management.

We must consider the situation in the context of our position in Europe, on which there is no going back, and the need to make real efforts to ensure that the Chancellor's five principles on entry to the euro are met in the shortest possible period. The decision to enter should be taken by the British public following a proper and reasoned debate, the like of which we have not heard from the hon. Member for Bromsgrove.

12.22 pm

Dr. Vincent Cable (Twickenham): I am one of the few Members in the Chamber who does not represent a west midlands seat. If I did, I would be arguing as other hon. Members are for their constituents and for state support. I sympathise with their approach. However, I do not hold such a seat and so may enjoy the luxury of considering the subject in a wider context.

My first question concerns what is happening in the motor industry. One hon. Member painted a rosy picture of rapid production growth, but we should consider the comments made by the Consumers Association at the weekend. It said that car industry statistics were a little like election results from the former Soviet Union—they were not terribly meaningful. There is an enormous distinction between production, shipment and sales figures.

The car industry's current problems are serious. The core problem, on which the hon. Members for Bromsgrove (Miss Kirkbride) and for Wolverhampton, North-East (Mr. Purchase) have touched, is the significance of exchange rate problems. No less a person than the chief finance officer of BMW is spelling out rather brutally the significance for the industry. He said a few days ago that BMW

"is considering a large cut in the proportion of UK manufacturers' parts for Rover cars while also invoicing existing UK suppliers in euros".

The company is moving, because of the pressure of the exchange rate, to cut back much of the industry on which many hon. Members' constituencies depend. Suppliers are being forced to take risks on the exchange rate.

I was surprised that the hon. Member for Bromsgrove mentioned the exchange rate. The word to describe that is chutzpah. It certainly was cheeky. Some of us have listened to the debates from an economic perspective. I have also understood the Conservative position to be that there is no such thing as an over-valued exchange rate. The exchange rate is what is set in the market, and exchange rate volatility is to be welcomed because that is what the market says. If the hon. Lady is now saying that the exchange rate is too high, how precisely is she proposing that it be stabilised? Those who argue for economic and monetary union membership have an answer—the trajectory may be tricky, but at least they can answer, "You fix the rate." How do you deal with the problem if you do not believe in fixing the rate?

Mr. Deputy Speaker: Order. I have never fixed an exchange rate.

Dr. Cable: I apologise, Mr. Deputy Speaker. I am sure that you have not.

The hon. Member for Wolverhampton, North-East approached the subject more coherently, but raised questions that went unanswered. The exchange rate is at its present level partly because the Government chose, early in Parliament, to duck the issue of seeking an early political mandate. Had they taken that opportunity, the market would have been given different signals and the exchange rate would almost certainly have been trading at a much lower rate.

However, that is history. For the future, we have Mr. Duisenberg's alarming pronouncement. He is taking the hard line that the British are acting from a weak bargaining position as late joiners who will take the conditions on offer. We are now being told that a two-year period will be enforced, meaning that we would be expected to enter in two years' time at the clearly over-valued current rate. In its report last week, the International Monetary Fund showed that a proper equilibrium rate would be DM2.80, which is way below the present level.

If we do not accept that view of the future, the timetable will have to be postponed, with effects on other parts of the car industry. Toyota and others are asking what future they have in the U[illegible]. There is much uncertainty. More than anything else, the debate highlights the huge uncertainty created as a spillover from our not having the EMU entry strategy clarified.

The second issue raised was the Commission inquiry into state aids. I fully sympathise with hon. Members wanting us to get the right result—I hope that we do, too. The Commission's questions about mobility, to use its jargon, are valid. It is questioning whether BMW really had an alternative of going to Hungary. When one studies BMW's published thinking, it is clear that it never seriously intended to do that. Its strategy all along was to be a volume car producer, not to build a branch plant in Hungary. In the long term, its deliberate and systematic involvement with Rover satisfied the strategy. If that was true, British state aid was not needed because its investment was going to proceed anyway. That is the nub of the Commission inquiry. I hope, now that Britain has made the decision, that the Commission finds in our favour. However, it is asking a valid question.

My third point concerns the other Commission inquiry, which has not yet been mentioned, and which has major implications for Rover and the industry generally. It brings into focus a conflict between two Government objectives. It is clear from the Rover decision that the Government are concerned to help the car industry. However, they are also concerned about rip-off Britain, high British car prices and the current block exemption given for the marketing of cars.

From most of the inquiries, the difference between UK and continental car prices clearly benefits not only dealers and car fleet buyers, but the car manufacturing industry. The choice is painful: if we went for cheaper cars for British consumers, there would be a substantial knock-on effect and damage to the industry. I suspect that the authorities can do little about the situation—internet buying is proceeding so rapidly, with so much transhipment of goods, that the car industry's position is being undermined anyway.

The decision has already been made—the Government have committed the money. We hope that the expectations are realised and that productivity improves. However, because of what has happened to exchange rates and because of doubts surrounding the two Commission inquiries, we are led to ask serious questions about whether the continued recourse to large-scale state aid for the car industry is a good use of industrial policy.

12.29 pm

Mrs. Angela Browning (Tiverton and Honiton): I should begin by congratulating my hon. Friend the Member for Bromsgrove (Miss Kirkbride) on bringing the debate to the Chamber. One of our great concerns has been that, although the issue has been in the limelight since the announcement last June, there has been no formal representation by Government to the House. I listened carefully to other hon. Members, who clearly have a genuine constituency interest in the matter. They were mealy-mouthed in their support for my hon. Friend having secured the debate. Any of them could have brought the subject to the House during the past seven months.

The matter is important not only to the midlands but nationally. When the announcement was made, it would have been more appropriate for the Secretary of State to make a statement in the House in June because of the size and importance of the company. That would have allowed hon. Members to ask the many questions precipitated by the announcement. More questions have arisen subsequently.

I believe that one hon. Member, although I cannot remember who, said that he hoped that I would not be party political. Would I be? I draw it to the attention of the Chamber that the first I heard about the Secretary of State's announcement was from a press release dated 22 June, which says,

"Rover deal—Invitation to a photocall."

As a result of the Secretary of State making his announcement in a photo call to the press at 9.30 am, the House was denied the opportunity to ask questions at the outset. I was unable to ask questions from the Dispatch Box, so I followed the route with which I am now becoming only too familiar, which is to table parliamentary questions. Tabling questions to the

[Mrs. Angela Browning]

Secretary of State for Trade and Industry and extracting answers from him is becoming my life's work, so much so that I am tempted to patent it and sell it to Waddington's. However, we all recognise the importance of the announcement, which was welcomed throughout the House.

Mr. Burden: On a matter of accuracy, as the hon. Lady might be aware, the announcement was made by the Prime Minister during Prime Minister's Question Time in the House.

Mrs. Browning: Surely, a proper statement with the necessary time for questions would have been the most appropriate way for the Government to make an announcement. There have been opportunities for the odd oral question, but that is hardly the point. Clearly, when the announcement was made, it raised issues of concern about the Commission's role. We were reassured by the Secretary of State and the Department of Trade and Industry that all would be well, not least because of the concern about mobility which, as the hon. Member for Twickenham (Dr. Cable) rightly said, is at the heart of the matter and of the investigation that has since been carried out by the Commission. On 25 June, a spokesman for the Department of Trade and Industry said that the Department was confident that BMW would be able to demonstrate that the project was mobile. Unfortunately, despite those reassurances, the discussions that were held and the preparations that were made prior to the announcement clearly did not go into the sort of detail that might have avoided the extended delay that now exists.

My hon. Friend has outlined how important the matter is, not only to the 9,000 employees at Rover in Longbridge, but to the many businesses in the midlands and elsewhere that supply Rover. As part of my attempt to get answers from the Secretary of State, I asked him about that matter in a written question. From representations that I have received—not only from small suppliers, but from machine tool suppliers, for example—I know that there is concern that a lot of German equipment will now be used in the factory where, previously, UK suppliers had been involved. Among the questions that I asked the Secretary of State in June last year, I asked him to list the criteria under which Government investment in Rover was expected to meet best value. I also asked him what the impact was likely to be on suppliers. Again, I had to prod for an answer, and only when I prodded by way of a letter in August last year did I eventually receive a reply in writing from the Secretary of State, in September.

One of our concerns is the way in which the Government have handled the information. Perhaps, on this glorious day of 1,000 days, there is an opportunity for the Minister to recognise—

Mr. Purchase: One thousand and one.

Mrs. Browning: I stand corrected if it is 1,001. On this glorious day, we are celebrating an excellent floor cleaner.

The delay is causing uncertainty, adding to the speculation about the future, as the hon. Member for Birmingham, Northfield (Mr. Burden) said, not just for Rover, but for the many other companies who supply Rover. I quoted from Mr. Van Miert's response immediately after the announcement was made in June. We all understand the process, which is that announcements are made before any formal application to the Commission is submitted, but we must consider the time and sequence of events. The fact that the Secretary of State rushed to his photo call when he arrived on a plane from China, where he had received some bad publicity, suggests that the art of the spin doctor was at work. It would be risible, were it not for the fact that when spin doctors take precedence in the timing of such an announcement, the proper procedures are not followed and preparations are not properly made. The correspondence between me and Mr. Van Miert's office just a few days later showed clearly that the Commission would have expected and welcomed more detailed consultation with the Government before the announcement was made. I hope that the Minister will learn the lesson that, in matters of such importance when, some seven months later, so many British suppliers are faced with uncertainty, there is a proper place for scrutiny of such an announcement, and that is in the House following the correct representations to the Commission.

This debate is about the future, which, as we have heard, will not be known for another two or three months. Will the Minister update us all on her understanding of the timetable before us? We all accept that there will be a delay. Clearly, the Commission needs to make its inquiries. However, a timetable would add stability because it would enable people to plan. People find it most distressing if they do not know what the time scale is likely to be. If the Minister is unable to make that commitment today, perhaps she would agree to put the information in the House of Commons Library within the next few days. That information must be important to Rover and it will certainly be important to Rovers' suppliers, from whom I receive an increasing number of letters and who need to make long-term plans. If that information is not forthcoming, the uncertainty will continue.

Mr. Boswell: My hon. Friend has emphasised the importance of clarity in these matters. Could we not take a collective decision on behalf of the Chamber to press the Minister to ensure that the urgency that has been expressed today is communicated to the Commission? We really need to clear this up as soon as we can, in the interests of Rover and all its suppliers.

Mrs. Browning: My hon. Friend is right. We have no choice but to accept that there will be further delay, but if the delay could be timetabled realistically, it would take some of the sting out of the wait. As the hon. Member for Northfield said, BMW has made a commitment and is already building new factories. We should take hope and encouragement from that, but clearly any questions that remain unanswered, especially surrounding the £152 million that the Government have agreed in funding, should be underpinned by a detailed timetable.

In conclusion, there has been much discussion about the high pound. I asked what representations the Secretary of State makes on behalf of key industries and manufacturers—I asked that question in respect of Toyota in particular—because the right hon. Gentleman may have made representations to the Bank of England Monetary Policy Committee on behalf of the car manufacturing industry in the UK. It would be nice to know—if the Minister is unable to reply today, I can table more questions to the Secretary of State because that has a regular slot in my diary—about the nature of those representations. I recall being chided by the Secretary of State for opposing the way in which the Government handed over control of our economy to the Monetary Policy Committee, but if Ministers make formal representations in what is supposed to be a hands-off Government operation, that information should be shared with the House and put on the record.

As for the single currency, to which many Labour Members referred—they are obviously devotees—there is a misunderstanding about who decides at what rate we should enter it. I advise all hon. Members to read, if they have not done so, article 1091(5) of the Treaty on European Union. It spells out that we, the United Kingdom, do not determine at what rate we join the single currency. Member states will decide that by unanimity. It makes sense that they would not set a rate that would severely disadvantage them or advantage us. We are not masters of our own destiny. The treaty makes that clear. In terms of what is and is not a good rate apropos the deutschmark, I remind hon. Members, because it was a stinging experience for those of us who were in government at the time, that we fell out of the exchange rate mechanism at about DM2.75.

12.42 pm

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): I readily congratulate the hon. Member for Bromsgrove (Miss Kirkbride) on securing the debate. This matter is of enormous importance, not only to those who work in the car industry in the west midlands, especially at Rover, but to the future of the car industry in the United Kingdom and the European Union. I am also grateful to you, Mr. Deputy Speaker, for enabling the debate to proceed by ruling that in this Chamber it is Wednesday even though in the main Chamber it is still Tuesday.

Both sides of the Chamber has voiced support for Rover and its work force and management, and for BMW's commitment to that company and those people. There were some well-informed speeches, in particular that of my hon. Friend the Member for Birmingham, Northfield (Mr. Burden), who has for months played an active part in helping to secure the future of the Longbridge plant. My hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase) also made an excellent speech. He referred to the troubled past of Rover, from which it is now emerging.

Rover is a great British brand, but there has been too much talking down of its prospects. I regret to say that even the hon. Lady has participated in that.

Mrs. Browning: I dispute that. The Minister did not read the press release that I issued on the day that the Secretary of State made his announcement, in which I stated:

"I am delighted about the Rover plant in Longbridge and that jobs have been saved."

I made it clear, however, that there would be many questions. The headlines of the press release said: "Good News for Midlands, but there are important questions that need to be answered." I gave my total support.

Ms Hewitt: I was referring to the hon. Member for Bromsgrove, not the hon. Member for Tiverton and Honiton (Mrs. Browning). Perhaps the hon. Lady has forgotten that the right hon. Member for Wokingham (Mr. Redwood), who was her predecessor in the shadow Cabinet post that she holds, opposed state aid. He said that he was not in favour of large public investment to help regions that are hit by job losses and refused to support our decision to give state aid, linked to productivity improvers, to Rover and BMW.

Mr. Snape: Does my hon. Friend agree that at least the right hon. Member for Wokingham has the virtue of consistency, unlike the hon. Member for Bromsgrove who, in her previous incarnation as a reporter on *The Daily Telegraph*, denounced state interference, as she would put it, in industry? As a Member of the House, she has often denounced state involvement in the private sector, except when it benefits her constituents.

Ms Hewitt: My hon. Friend puts his finger on the absolute confusion in the Opposition's economic policy.

It is worth reminding the Chamber of the real successes that Rover is achieving. In the past decade, it has been the third largest British exporter after British Aerospace and BP. The Rover 75 has won a number of awards, both at home and internationally, including the car of the year award from *What Car?* It was also voted world car 1999 by top automotive journalists. Land Rover is an enormous success story. Last year, it increased sale by another 16 per cent. to take it to a record level. The Range Rover was the best selling luxury car after Jaguar in Britain last year. Thanks to BMW's investment of more than £3 billion—there is much more to come—and the commitment of the Rover work force and management, the company's prospects are excellent. We need to understand the debate in that context.

The hon. Member for Bromsgrove and other hon. Members referred to European approval for state aid. There are no rules that require member states to inform the European Commission about proposed investments before they are announced publicly, but it is British Government practice to do that, which is what happened with Rover. Our offer of grant to Rover-BMW was conditional on the securing of European Union approval. That was known to BMW when the offer was made and it has been announced several times publicly.

[Ms Hewitt]

I am in no doubt that, without the offer of support, BMW would have taken its investment elsewhere. It needed to go ahead with the investment for strategic reasons, but it did not need to come to the UK. The prime consideration for BMW was the impact of the additional investment on the company's overall financial position at a time when Rover cars were incurring significant losses and when an alternative economically viable production site in Hungary was an option. I regret that the hon. Member for Twickenham (Dr. Cable) has cast doubt on that position. The substantial information that has been supplied to the European Commission since the aid was notified fully bears it out.

Mr. Burden: It is worth saying that the Hungary option was being seriously talked about a long time before the European Commission decided to examine the issue. On 11 March last year, *The Independent* quoted BMW's industrial relations director as describing the Hungary option as "a serious alternative" to Longbridge.

Ms Hewitt: I am grateful to my hon. Friend, who bears out the evidence that has been submitted to the European Commission.

In December, Commissioner Monti announced that he was opening a procedure on the Longbridge case because of his desire to introduce transparency into all such notification of aid by member states. Rover is not being singled out for special attention. The Commission has announced procedures in other recent cases involving Volkswagen and Fiat. It has said that it will apply the approach in all cases of state aid to the car industry.

We have given the European Commission a great deal of information—more than sufficient to support our case and I am hopeful of a successful conclusion to the review. However, when Conservative Members ask that we now stress to the Commission the need for an urgent decision on the matter, I have to ask where they have been for the past few months. We have consistently stressed to the Commissioner and his officials the need for an early decision on the application so that BMW can proceed with the investment and meet the timetable for the new car. I am pleased to say that Commissioner Monti has given my right hon. Friend the Secretary of State his assurance that the Commission will deal with the matter with due speed. There is no fixed timetable for that process. It is a matter for the Commission, not for the Government.

We shall continue to urge the need for an early decision and we will continue to keep closely in touch with Rover-BMW on the progress that is being made in our discussions with the European Union, just as we keep it in touch with the progress of the European Commission's review. By the time of the next board meeting it will be fully up to date with the status of the review.

I am sure that all right hon. and hon. Members feel as I do—that the European Commission needs to streamline and speed up its decision making. I am pleased that the new president of the Commission, Romano Prodi, and the vice-president, Neil Kinnock—a former right hon. Member of the House—are driving forward a modernisation and reform programme to achieve precisely that. Indeed, the Commission has just launched a review of the motor vehicles framework that will include considering the process and the timetable. Its conclusions are expected by the summer.

Miss Kirkbride: Will the Minister say when her Department last spoke to Commissioner Monti about the Rover deal? As a consequence of that conversation, were her officials assured that the information needed by the Commission to form a view had been handed over by Her Majesty's Government?

Ms Hewitt: As I said, my right hon. Friend the Secretary of State has spoken recently to Commissioner Monti and we are satisfied that the European Commission has more than enough information upon which to base its decision.

My hon. Friend the Member for Northfield and others referred to the Rover supply chain and the uncertainty for many companies, especially those in the west midlands, who have supplied Rover for many years. We must all understand that for Rover to maintain and improve its future competitive position it must have a world-class supply base to match the world-class production facility that BMW will build at Longbridge with its proposed investment.

Throughout the world, not simply in the United Kingdom or the European Union, vehicle manufacturers have been rationalising their supply chain, reducing the number of suppliers that they deal with and trying to secure the economies of scale and technological innovation that can be offered by global suppliers, using the platform now available of intranet and electronic data exchange. Rover-BMW is no exception to that trend. It will certainly mean some difficult decisions, but I am confident that the British suppliers will be able to meet the challenge.

I stress that the rationalisation of the supply chain would take place in any case. The exchange rate issue is only one element of it. Vehicle manufacturing is an intensely competitive sector—that is true worldwide, but it is particularly true in the European market. It means that the car industry, and manufacturing generally, must keep ahead of the game and develop and adopt lean manufacturing techniques and electronic commerce. International comparisons on stock level are a key measure of the success of lean manufacturing and in that respect the United Kingdom's automotive component industry compares well with that of the United States and very favourably with the European industry. That is a testimony to the increasing competitiveness of our supply base.

The Government and the industry know that there is still more to do. That is why we support the industry's efforts to improve its competitiveness through the industry forum that was established by the Society of Motor Manufacturers and Traders, the trade association. That is a unique initiative which aims to

develop and sustain world-leading competitiveness in the UK-based vehicle and components industry, by ensuring that suppliers develop and adopt world-class manufacturing improvement activity and training. Of course, Rover-BMW is closely and actively involved in those important initiatives.

Mr. Dennis Turner (Wolverhampton, South-East): Before the debate ends—

Mr. Deputy Speaker: Order. The debate has just ended. Time is up.

UK Wine Industry

12.56 pm

Mr. Mark Oaten (Winchester): I am pleased to have the opportunity to introduce what I believe to be the first debate in the House on the United Kingdom wine industry for almost 16 years.

I want to make it clear at the start of the debate that I am not a wine-snob; I have never been able to understand those people who can describe wines as being like a walk down a lane in the autumn sunset and so on. Like most hon. Members, I know what I like—[*Interruption.*].

Mr. Deputy Speaker (Mr. John McWilliam): Order. In fairness to the hon. Gentleman, would Members please withdraw quietly if they are leaving the Chamber?

Mr. Oaten: Thank you, Mr. Deputy Speaker.

Like many members of the public I have always had a preconception about English wine and I confess that until recently it was very negative. I was therefore delighted to be able to taste the wines at Wickham Vineyard in my constituency. I was pleasantly surprised that they tasted superb. The owners of the vineyard had arranged a meeting with the owners of other vineyards in the region who raised several issues about the industry with me. I shall use this short debate to try to raise some of them with the Minister.

There are some surprising facts about the United Kingdom wine industry. For example, I had not realised that because of climate changes resulting in hot summers, the south of England might soon become one of the optimum wine-growing regions. Traditionally, southern France and Spain have been ideal areas for growing wines but they may become too hot. Thus, the south of England could be the best area for good wines.

Members may be surprised to know that there about 400 separate vineyards in the UK. That is not bad for a country that supposedly does not produce and make wine. I understand that the royal household toasted the millennium with a United Kingdom wine: Nyetimber, a sparkling white wine that is grown and made in Sussex. Why Nyetimber? Because it is an internationally recognised wine that has won a number of competitions. It won the sparkling wine category at the *Wine and Spirit International* competition, beating 8,000 other wines, including the famous Moët. English wines have much to celebrate. There is clearly potential for the industry to grow, and that potential needs to be realised.

We can take encouragement from what has happened in the world in the past 10 or 15 years. The wine industry is full of success stories about upstarts. Ten years ago, people would have laughed at anyone who said that he was buying wine from Australia, New Zealand, Chile or Argentina, but they have been very successful. Wine growers in those countries have been able to market themselves and have caused the French major anxiety. If we get things right, given the climate changes, there is a chance that in 10 years' time wines from United Kingdom will tell the same success story as those from Australia and New Zealand. The Government could help. I shall suggest ways in which they can do so, to which I hope the Minister will have a chance to respond.

[Mr. Oaten]

European Union laws prohibit us from labelling our wines "quality wines". I shall deal with that and with the use of pesticides and some of the wine industry's concerns about having a level playing field on those issues. I have some questions about the UK licensing laws and the controversial matter of the financial support that the Government can give industry. I want, too, to discuss the positive campaign that the Government could initiate and lead by using more UK wines themselves.

I begin with quality wine versus table wine labelling. At present, a £5 bottle of good UK wine is labelled table wine and a £5 bottle of good French wine is labelled "appellation controleé", which means quality wine. The UK wine industry has rightly asked why it cannot label its wines as quality wines. Although French and UK wines are clearly as good as each other, EU law states that we cannot call most of our wines quality wines because many are produced from hybrid, not pedigree, grapes. A long time ago, hybrid grapes used to have a strange taste, but since then flavours have been modified and perfected, and they now taste just as good as pedigree grapes.

The EU law on labelling is desperately out of date and must be modernised. Pedigree grapes do not make economic sense for the UK wine industry, which must rely on hybrid grapes to survive events such as June mildew. In establishing whether a wine should be labelled a quality wine, the EU must address, not the variety of grape used, but whether the wine tastes good.

Certain other countries are ignoring EU regulations on labelling. Hybrid new world wines that are exported to the UK are labelled as quality wines, but our quality hybrid sourced wine is labelled—one might almost say branded—as a table wine. Something must be done to solve that problem. The Government have tried to help, but they should do more. Their regional wine scheme allows quality UK wines to be called "English counties regional wine", but that is not a great marketing tool with which to take on the rest of the world. More must be done to change EU law, so that our wines can be called quality wines.

There are two ways in which that can be achieved. The first—which I do not recommend, but which the industry wants the Government to consider—is to follow the German Government's example and flout EU laws by allowing our good-quality hybrid-sourced wine to be labelled as quality wine. The second option, which the Minister should consider carefully, is for the Government to give a rock-solid commitment to renegotiate a change in EU law, so that our quality wines can be recognised.

Pesticides and controlling the way in which grapes grow are important issues for the industry. Up to 30 per cent. of grapes are lost each year through mildew. Controlling such losses is clearly essential, because they can devastate businesses in the growing industry. Pesticides to combat problems such as mildew exist and are used by our EC competitors in France and Germany. However, the UK wine industry is unable to use many pesticides because licensing them in this country is too expensive. Licensing the right to use a pesticide can cost a vineyard more than £35,000. Vineyards with small budgets soon discover that such a cost can wipe out the year's profits.

The Government should put pressure on the EC to harmonise EU licensing regulations, so that wine growers in this country can use pesticides that are already licensed elsewhere in the EU. It would be logical for wine growers that have passed EU environmental and safety controls to be permitted to use that licence in this country, rather than go through a separate licensing process which, as I have said, can cost more than £35,000. That would help to provide a level playing field and the necessary tools to overcome problems such as mildew.

I referred to the industry's concerns about licensing laws. If I were a craftsman, I would not stay in my workshop and wait for customers to come to me; I would go out and sell my product. Wine makers are no different, but the licensing laws make it difficult for them to do that. Wine makers want to attend farmers' markets and agricultural fairs. In the past year, the number of town markets has increased and they have proved popular. At any market in France, one sees local wine growers selling their wines and people sampling them. However, our licensing laws make it difficult for UK wine growers to do the same. Even a wine maker who is licensed to sell wine in his own vineyard must apply for a different licence, spend the morning in court and pay extra money whenever he wants to sell his produce at a market. Wine makers with a certain type of licence are sometimes not allowed to sell wine at markets at all.

Everyone wants proper licensee controls to protect youngsters, for example, from alcohol, but there seems to be little danger that licensing laws will be flouted at agricultural fairs or markets by under-age buying. Such markets offer regional wine growers an ideal opportunity not only to sell direct to the public but to influence local businesses and opinion-formers. At the moment, that opportunity is being missed.

The benefits in reforming the law are clear and I ask the Minister to make representations to the Home Office, so that wine makers can apply for a yearly licence that would enable them to attend markets and agricultural fairs. That would be preferable to the overly bureaucratic process of applying for a licence for each event, even where that event takes place monthly.

It is almost lunchtime and I hope that hon. Members will enjoy a sip of wine with their lunch. However, before I conclude, I have a few more points to make about the wine industry. If hon. Members do not know of Wickham Vineyard, which is in my constituency, I invite them to familiarise themselves. Wickham Vineyard supplies the oaked white wine that is available in the Palace of Westminster. I hope that the Minister has tasted it and was suitably impressed. I urge her to encourage her ministerial colleagues to taste English wine—not only wines from my consituency—and to ensure that it is served at official functions. For example, the Department could break with tradition at its next Christmas party and serve UK wine. The Government could ensure that English wine is served at more official civic functions. If the Government were to take that lead, they would boost the industry by showing the world that we are proud of our wine and happy to serve it.

Finally, on the financial support that the Government could give to the industry, they seem strangely unaware of the cross-channel wine trade's impact on UK wine sales. There is a big difference between wine excise duties in the UK and France. In the UK, duty is £1.12 a bottle and in France, it is only 2p a bottle. It is not surprising that, since 1993, when the law was changed, Britons have hopped across the channel and brought back vast quantities of French wine, which I do not doubt was for their own consumption. As a result, UK wine sales have decreased and the impact has been greatest in areas close to the channel tunnel in the south, which is where most vineyards are located. Despite optimism about the industry's potential, one in five vineyards has gone out of business since 1993. Prior to that date and the changes to the licensing laws, the industry was growing.

Is the Minister worried about the channel tunnel trade's impact on the industry? I am not so naive as to suggest that the excise duty, which brings money to the Exchequer, should be reduced. I accept that we must live in the real world, but the Minister must acknowledge that the UK wine industry is suffering as a result of that income. Does the Minister recognise that this is a growing industry that needs our support and does she agree that the Government should consider measures to encourage it?

The Government have rightly provided the cider industry with a considerable subsidy by allowing the first 7,000 litres of cider to be sold excise free. That measure has had a big impact. I have corresponded with the Minister on this issue and I understand that there are technical reasons why the UK wine industry cannot be granted a similar subsidy. However, the principle of Government subsidy for the cider industry, which I support, should, for the same reasons, be extended to the wine industry.

The UK wine industry has shown, through competition, that it can be successful. We know that the climate is changing, and we need to grasp that opportunity. World markets appear to be opening up, and, with good marketing, the public's attitude to wines have changed considerably. They are not now so wedded to the traditional idea of French wine; they are prepared to explore a range of wines from different parts of the country. The industry now needs a kick start and a boost.

I hope that the Minister will address the points that I have made about better labelling, because the UK industry will be held back until we can have quality wine. Until we have a level playing field relating to pesticides, 30 per cent. of crops could continue to be wiped out each year. We also need to address the licensing laws. Above all, I hope that the Minister will use this opportunity to give a commitment that the Government will try to use UK wine more freely in civic functions. I hope that they will also get behind the industry and support a big marketing campaign, so that we can proudly say to the world that our wines can compete, and so that, in 10 years, it will be quite common for UK wines to be up there with Australian and French wines.

1.11 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Ms Joyce Quin): I welcome the opportunity to respond to the hon. Member for Winchester (Mr. Oaten) in this short debate. It is a pleasure to see you, my constituency neighbour in the north-east, presiding over it, Mr. Deputy Speaker.

The hon. Gentleman said that this had been the first debate on UK wine for 16 years. I am sure that he is correct; I certainly do not remember one during my time in the House. I am glad that he has given us the opportunity of raising issues that are of concern to the UK wine industry and its future. The hon. Gentleman's constituency contains vineyards and his county, Hampshire, contains about 10 per cent. of the vineyards in the United Kingdom. I therefore understand his interest in the issue.

The hon. Gentleman mentioned the question of climate. He expressed the opinion that, given the climate changes that we have already witnessed, and those that may happen, the prospects for the UK wine industry will be very different. However, we need to retain a sense of realism. Evidence of the favourability of climate is not so strong. Although the weather has become warmer, those warm days can give way to cold, clear skies at night, especially in the early spring, and frosts have been known to damage the early growth of the vine. The question of climate is not, therefore, entirely straightforward. We shall bear it in mind as we examine the future of the UK wine industry, but it may be too soon to make any definite predictions of how it may affect the industry's expansion.

The hon. Gentleman made the point that we are part of the European Union and its agricultural regime, and that the wine industry must operate in the context of the Community's wine regime. The rules of that regime are complex, and we are taking a keen interest in recent proposals to change it. We are interested in the effects that those changes would have not only on the European Union wine industry as a whole, but on the UK industry and its prospects.

Those complex rules often appear, to both growers and Governments, to have been designed to benefit the larger, more established wine-producing members, sometimes to the detriment of smaller-scale producers and of the UK industry. However, the Government defended the interests of the UK wine industry during this year's review of the wine regime as part of Agenda 2000, and established important pointers for the future.

There will be no changes in the permitted wine-making practices. The present arrangement for enrichment with sugar for deacidification, and for minimum natural sugar levels, will continue. That contrasts with a proposal for reform several years ago, which, if implemented, would have created serious problems for the domestic industry. Equally important is that no ban on new vines will be imposed on the United Kingdom until average production over five years exceeds 25,000 hectolitres a year. Despite the hon. Gentleman's confident predictions, it is unlikely that we shall exceed that amount, given that our present production level stands at about 15,000 hectolitres. That would be a rather dramatic expansion. We are, therefore, glad that our position was safeguarded in the recent round of negotiations.

The hon. Gentleman rightly drew our attention to the matter of hybrids, and their use in the wine industry. English and Welsh producers are penalised because the ban on the production of quality wine from non-pure

[Ms Joyce Quin]

wine varieties—non-Vitis vinifera varieties—will continue. It is also clear that the hybrid varieties in our climate have much to contribute to the success of our industry, as well as being environmentally friendly. The hon. Gentleman was right about the use of hybrid varieties elsewhere in the world.

For those reasons, the Government insisted, and the European Council agreed, that the Commission should finance an independent study into inter-specific varieties, and report to the Council, if appropriate, with proposals for amendment and modification. That report will not be completed until 2003, which sounds like a leisurely timetable. However, one realises that that is not the case when one thinks of the physical requirements of the tests and studies to be carried out in order to provide the database in the European Union that we will be able to use in future.

I commend to the hon. Gentleman the Government's achievement during those negotiations in getting that study under way. Many fierce interests we defended in any negotiation on the European Union wine industry, so agreement on the study was an extremely useful outcome for us. We hope that it will provide the possibility for change.

The new regime, agreed under Agenda 2000, is designed more closely to align production with demand in the European Union. However, it will place no additional requirements on our producers, There are financial schemes available to Community wine producers that have not been available to producers in the UK, but much of that expenditure has been, and will continue to be, on market management arrangements designed to tackle surpluses and chronically low prices in parts of the European Union.

Obviously, English and Welsh wine is not in surplus, and can, and does—in line with the arguments about quality that the hon. Gentleman advanced—command relatively high prices. The decisions that have been made at European level are aimed at a problem that we do not have. Furthermore, member states in which market control mechanisms are in operation have accompanying compulsory requirements, in the form of red tape, that would be inappropriate for our industry, which prides itself on quality and innovation and would not welcome being subject to requirements that are designed to tackle problems that are specific to certain regions of the European Union.

Quality and innovation are the keys to the commercial success of our wine producers, even though the commercial environment in which they operate is demanding. A few years ago, in order to support and encourage our producers, the then Government—I am not making party political points at the moment—introduced a quality wine scheme that promotes high standards through compulsory analytical and organoleptic tests—in other words, professional tests on quality standards.

As the hon. Gentleman said, a similar regional wine scheme, which permits the use of hybrids, was recently introduced. As he expressed some doubts as to the real value of that scheme, I point out to him that it was introduced at the industry's request, and represented a joint attempt by the industry and the Ministry of Agriculture, Fisheries and Food to draw consumers' attention to the variety and quality of our wines. It is better to have that scheme, which covers a variety of areas and kinds of wine, than no scheme at all.

The success of the scheme is monitored by a joint industry and MAFF committee, which meets regularly to discuss and make amendments to the rules in the light of experience, and to consider and evaluate matters such as evolving market conditions. That leads me to the obvious but important point that my Department is keen to work actively and continually with the industry on all the issues that the hon. Gentleman mentioned, in order both to avoid disadvantaging the industry unfairly in Europe and to look at ways of moving the industry forward in future.

It is possible for the wine industry to apply for grants under some of the schemes that the Government have introduced in recent months. For example, UK wine producers have shown some interest in the agricultural marketing scheme. The Government have brought forward similar schemes as part of their proposals for the rural development regulation.

The Government would be able to consider expenditure for the UK wine industry under Community finance for restructuring. However, it would be up to the industry to come forward with a well-thought-out and detailed plan at the appropriate time. Funds are not likely to be large and, as the hon. Gentleman and other hon. Members will know, there is currently huge pressure for available funds from agriculture in general, given the difficulties that are faced by several sectors. Given the nature of that competition, I do not want to sound over-optimistic. However, the possibility exists, and it will be for the industry to consider whether it can take advantage of it.

I shall try to touch on other matters that the hon. Gentleman raised. As he will understand, the level of excise duty is a matter for the Chancellor. Although it is an important issue, we cannot grant producers discriminatory preference on the basis of their location in the UK. We must not fall foul of European rules in that way. Respect for European rules is absolutely crucial at the present time, and I would not want to flout them—as the hon. Gentleman suggested at one point—especially given our difficulties with disrespect for the rules on the part of the French.

Mr. Deptuty Speaker: Order. Time is up.

NHS Complaints

1.26 pm

Mr. Martin Salter (Reading, West): I am pleased to have been given this opportunity to highlight the campaign by my constituent, Mr. Raymond Hook, who is here today, to get to the bottom of the circumstances surrounding the tragic death of his beloved wife, Vicki, on 5 April 1996. In doing so, I shall describe the shoddy way in which Mr. Hook has been treated and the inadequacies of current NHS complaints procedures and, I hope, make a powerful case for the reform of those procedures. I shall also be seeking an assurance from the Minister that she will use her powers to grant the independent medical review for which Mr. Hook has been striving, and to which he is entitled.

Before I continue, I apologise if my delivery is somewhat less energetic than usual. I am suffering from that dreadful flu bug—although not badly enough to prevent me from pressing my constituent's case.

I am aware that there is considerable media interest in the case, and I have been critical of the way in which Mr. Hook has been treated by the NHS. However, I also wish to put on the record my appreciation of the NHS in Berkshire, which coped with unprecedented pressures over Christmas and the millennium period. Those were made worse by the flu virus that I have brought with me today. I have seen a report to the board of Berkshire health authority on its performance over the holiday period, and it makes a mockery of the recent over-hyped scare stories about the NHS that have been appearing in some sections of the national press.

It is worth highlighting three points from the report. First, the detailed planning paid off, and the extra moneys that were made available by the Government were put into primary care, thereby protecting the emergency beds and helping the NHS to cope with the flu outbreak. Secondly, waiting lists were shown to have risen by less than would normally be expected under such circumstances. Thirdly, there was only minimal disruption to the work of the acute hospitals, and they were soon back to carrying out routine elective surgery. That is clearly at odds with the attempts of some of our newspapers to portray our health service as an organisation in deep crisis.

I shall now describe the plight of my constituent, Mr. Hook, and the less than satisfactory service that he has received from the local health authority. Mr. Hook came to see me at one of my regular advice surgeries on 27 March last year, some three years after his wife's death from a brain tumour. Since that time, apart from a period of intense grieving, Mr. Hook has been tirelessly seeking to get to the truth as to why his wife Vicki was not referred by her GP, Dr. Sanders, for a scan in time for medical treatment that stood a good chance of success. He has exhausted all the avenues that are open to him in the face of obstruction and intransigence from the Medical Defence Union and bureaucratic delays, including the unforgivable loss of medical records by the health service management. Mr. Hook has been to the health service ombudsman, who, tragically, could not help. Although his jurisdiction to cover complaints about GPs had recently been extended, it only covered events that occurred on or after 1 April 1996.

The alleged misdiagnosis by Dr. Sanders occurred in January 1996, less than three months short of the qualifying date.

Mr. Hook made his first complaint through the national health service complaints procedure in March 1997, 11 months after his wife's death, and immediately fell foul of the rule stating that a complaint must be received within six months. I do not know how a bureaucrat can be so brutal and heartless as to construct a set of rules that take no account of the depth of grief and loss incurred by someone. It is fundamentally wrong to treat a complaint about plastic surgery in the same way as a complaint about the loss of a life.

After much argument and delay, the objections were overcome and Mr. Hook was offered local resolution. He was told that his complaint would be investigated by the head of the general practice concerned. That led to the second problem—Dr. Sanders was the head of the practice concerned. How could that local resolution be satisfactory? Understandably, Mr. Hook refused local resolution and took his complaint direct to Berkshire health authority. A hearing was established under a convenor in January 1998 to consider an independent review of Mr. Hook's complaint against Dr. Sanders. Despite the ruling that, with hindsight, Dr. Sanders' diagnosis was incorrect, the convenor rejected Mr. Hook's request and he was again referred to the ombudsman. To add insult to injury, Mr. Hook was denied access to the clinical advice that was made available to the convenor. That was monstrously unfair and unjust.

In May 1998, Mr. Hook again wrote to the health service ombudsman outlining the circumstances of his wife's death as he saw them and the failure of Dr. Sanders to refer Vicki to a neurological consultant as a matter of urgency, despite advice from her optician. Tragically, an appointment with a neurologist was received for 24 June 1996, 11 weeks after Vicki's death.

Vicki's medical records for the preceding four years showed constant headaches, blurred vision, double vision, extreme tiredness and the comment "all very bizarre". Despite that, when she visited Dr. Sanders on 12 January, she was told that there was nothing to worry about and that there was only a problem of tunnel vision. During the February of her last year, Vicki's condition continued to deteriorate and she had become incontinent. Dr. Sanders then called in a psychiatrist, who sent Vicki to a psychiatric hospital, which arranged for her to see a consultant neurologist, Dr. Hyam, who immediately arranged a brain scan for the next day. That scan revealed that Vicki had a brain tumour in an advanced state. She was transferred to the John Radcliffe hospital in Oxford and died in the intensive care unit following a biopsy on 5 April 1996. Subsequently, Dr. Sanders told Mr. Hook and his daughter that in his opinion the tumour had been forming over the previous four years and that he would have done things differently with hindsight. At around that time, some of Vicki's medical records mysteriously went missing from the local hospital trust in Reading.

Hopeful that the ombudsman would find in his favour, Mr. Hook was shattered to be told that he was still falling foul of the 1 April 1996 rule. He had been sent, deliberately, round the same circle a second time for no purpose.

Not being someone to give up, Mr. Hook commissioned his own medical report. Having finally obtained the necessary medical records, Dr. Rogers produced a devastating critique of the situation on

[Mr. Martin Salter]

6 October 1998. It claimed that Vicki Hook should have been admitted to a medical ward much earlier and that, if she had been, it was possible that her life could have been saved. Mr. Hook then presented his new evidence to Berkshire health authority in November 1998 in support of his call for a full, independent, medical review. That was rejected and as the local community health council was unable to help and he had exhausted the NHS complaints procedures, his only remaining option was to seek the help of his Member of Parliament.

I have the greatest respect fo the new chairman of Berkshire health authority, Mr. Bernard Williams, but it was he who eventually ruled that Mr. Hook could not have an independent medical review because Dr. Rogers' work constituted a new opinion rather than new evidence and, furthermore, it was felt that such a move would be liable to a procedural challenge by the Medical Defence Union and result in a field day for lawyers. That is a stunning indictment of the NHS complaints procedures.

I have read the recent evaluation of the effectiveness of the complaints procedures, which was published in September last year by the Public Law Project. It provides instructive but unpleasant reading for those who are responsible for the NHS. For example, it criticises local resolution because it lacks impartiality and transparency. It is scathing about the ability to deal with complaints that raise serious questions about performance, conduct or competence, which may place patients' lives at risk. In other words, it is high time that the conflicts of interest and the impression of professional collusion and cover-up were ended. The report calls for greater independence and efficiency in the establishment of independent reviews.

My constituent, Mr. Hook, asked me to make some specific points when pressing for reform of the NHS complaints system. First, time limits should allow for a proper period of grieving. Secondly, local resolution cannot be achieved with an individual GP practice when the complaint involves the head of the practice or anyone in that practice without some independent input. Thirdly, why are people told that they have only six months in which to lodge a complaint, when it took Berkshire health authority 12 months to decide not to grant an independent medical review? There must be an open and transparent appeals process. Fifthly, relatives of deceased patients must be told of their right to see copies of the patient's medical notes. Finally, is it right that the GP who provides the first medical assessment of the complaint may be drawn from the same health authority area?

I want to read a short extract from Mr. Hook's last letter to me, which makes the case for action more powerfully than I ever could. It states:

"I can fully understand why people stop trying to see an independent review with what I have had to go through for the last three years and I feel it would be better if people's hopes of obtaining an independent review were not put up as an option in the first place. This merely adds to the cruelty of the situation.

If you cannot get a review when two medical reports are completely at odds with each other when can you get one? The word 'independent' is wrong as all decisions taken are 'in house' and are not transparent. My advice to anyone contemplating trying to get an independent review is don't unless you are prepared for many brick walls to be put in front of you and a long hard struggle.

Surely the Government wants an N.H.S. procedure that has the confidence of the public—not one that in certain circumstances leaves the bereaved feeling bitter and disillusioned? Please press our Health Ministers to look again into the situation surrounding my wife's death. We cannot bring her back but I don't want others to suffer as I have been made to."

My efforts have merely moved matters to the desk of the chairman of the NHS region and from there back to the new chairman of Berkshire health authority, but to no avail. Mr. Hook's last hope lies with the Minister, and I trust that she will rise to the challenge. I hope that she will use her powers to grant Mr. Hook his independent medical review and change the NHS complaints procedures to ensure that others are not forced to endure the same indignities that have been imposed so unfairly on my constitutent.

1.39 pm

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): I am grateful to my hon. Friend the Member for Reading, West (Mr. Salter) for bringing this case to my attention. I also preface my response by thanking him for his powerful and supportive words about the way in which his local health service has dealt with him in the past few weeks. I offer my sincerest condolences to Mr. Hook for his loss and appreciate that trying to pursue his complaint must have been traumatic for him. I have examined the case and I should make it clear from the outset that he has now exhausted the NHS complaints procedure.

My hon. Friend asked me to use my powers to compel Berkshire health authority to grant Mr. Hook an independent review panel to investigate his complaint further. At the same time, my hon. Friend, using powerful words such as "collusion" and "collapse", said that he wished that the complaints procedure were independent. It is independent in the sense that, as a Minister, I have no powers to order the authority to do anything. The mandatory framework for the NHS complaints procedure is set out in secondary legislation, so it has the force of law. Neither I nor my ministerial colleagues have any authority within that legal framework to instruct the NHS to deal with a particular case in a particular way. That is entirely right and proper.

It is clear from my hon. Friend's remarks that Mr. Hook, having been unable satisfactorily to resolve his concerns through the NHS procedure, approached the health service commissioner—commonly known as the ombusdman. Unfortunately, however, the commissioner could not investigate the substance of his complaint because it related to clinical decisions taken at a time when they were outside his jurisdiction. I can appreciate that this must have been very frustrating for Mr. Hook, but primary legislation, such as that governing the role of the ombudsman, is not generally made retrospective. Inevitably, some people will find themselves on the wrong side of the implementation line.

The ombudsman has some power to be flexible, but only if he has good reason. He will make the decision. He can look at how an NHS body has dealt with a complaint, even if the substance of the complaint is

outside his jurisdiction. I do not know whether Mr. Hook has approached the ombudsman about the health authority's handling of his case, but if he has not, he may wish to consider doing so. I remind my hon. Friend, however, that the ombudsman is not obliged to take up every case that is submitted to him, even when it is within his remit. The ombudsman is entirely—and rightly—independent of both the NHS and Ministers.

I turn to the issues raised in the powerful letter, which my hon. Friend quoted, from Mr. Hook, in which he said that he would not want anyone else to suffer as he had. I want to say something about the Government's initiatives, the NHS complaints procedures and the project to which my hon. Friend referred. We must start by recognising that people who are ill are at their most vulnerable. They have a right to expect the NHS to provide them with the treatment that they need and that is appropriate to their condition. That applies whether they contact their GP or have to stay in hospital. The previous Government left the legacy of a two-tier complaints procedure, which we shall tackle shortly. When dealing with a service that relies heavily on human beings, errors will occur, as none of us is infallible. When mistakes occur, it is our challenge to examine the issues and put in place systems that try to minimise human errors to the lowest level possible. Patients and representatives need to express their dissatisfaction and concerns when mistakes are made.

The current complaints procedure was implemented in April 1996, following a major external review of the previous arrangements, which had generally been accepted as unsatisfactory. The new system—if it can still be called new after four years—has been to develop a mechanism that is basically the same, whichever part of the NHS a patient wants to complain about. It focuses on complaints being dealt with quickly but thoroughly at local level. A wholly new, more independent review of the complaint has been introduced for those cases that cannot be resolved by local action. A non-executive director of the NHS body concerned re-examines the complaint and reaches one of three decisions. I remind my hon. Friend that there is often a presumption that because the convenor is a non-executive director, he is part of the system, but non-executive directors are appointed by the Secretary of State. They are an independent part of a local structure and they are expected to act as such.

If the matter cannot be resolved locally, these non-executive directors may reach one of three decisions. They may decide that more can be done locally and advise accordingly. They may take the view that all that could reasonably be done to satisfy the complainant has been done and that no further action can be taken. Finally, they may decide that the issues can be resolved through a formal investigation by an independent review panel.

These changes represent a major sea change and are simply the beginning of a much wider process. The change that is most marked is in the primary care sector. In the past, GPs and family dentists were used to a system that was constrained by having to consider complaints only in terms of whether the standard terms of service had been breached. That was an adversarial, disciplinary approach that tended to leave both complainant and the individual complained about dissatisfied. Now they are expected to have effective practice-based procedures for dealing with complaints. Understandably, it has taken a while for some practitioners to get fully to grips with the new world.

When a system that brings about such significant changes as this one is put in place, it is inevitable that it is not welcomed across the board. Independent commentators have felt the system to be impartial, which is a good deal better than what we had before. We are aware of the criticisms, some of which have been very public—not least the recent report by the Select Committee on Health, when it inquired into procedures relating to adverse clinical incidents and the outcomes in medical care. We shall, of course, respond formally to the Health Committee.

I draw my hon. Friend's attention to an independent evaluation of the complaints procedure, which is under way. It is a major UK-wide study, it is about half way through its work, and it is looking at all aspects of the system. We need to examine the whole system; it is not piecemeal reform. The study has three key objectives: to highlight barriers to the effective operation of the procedure; to suggest ways of overcoming them; and to identify examples of good practice that can be shared with the NHS as a whole. Again, we want to ensure that good procedures are in place wherever a patient lives. The evaluation project's final report will be submitted to the Department of Health at the end of this year and we shall consider it carefully.

I was particularly encouraged this morning to read the parliamentary briefing issued by the NHS Confederation, which supports the evaluation project and our commitment to a complete and systematic examination of the procedures, rather than piecemeal tinkering at the edges. Such a conservative approach is exactly what we want.

My hon. Friend mentioned the research on the complaints procedures published by the Public Law Project last year. The study focused on the complainant's perspective, whereas one of the key features of our evaluation project is that it will be informed by the experiences of a whole range of people involved in the operation of the procedures. It is worth mentioning, too, that despite the clear statement of consumer focus, the PLP study interviewed only 36 complainants during the two years of its work. Our evaluation will involve literally hundreds of interviews. We welcome anything that will contribute to an informed debate on the issues.

Mr. Salter: Will the Minister deal with one matter that I raised and say whether the current evaluation, which is welcome, will cover time limits for complaints to be received? If not, will she ensure that it does? My hon. Friend said that Ministers have little power to intervene in complaints. Is she saying on the record that no Health Minister has ever intervened and that Ministers have neither the ability nor the power at least to express a view to the chairman of the health authority?

Ms Stuart: I remind my hon. Friend that discretion is already available to investigators. Strict time limits are set for medical negligence cases, but discretion to deal with complaints about procedures is exercised by the ombudsman.

[Ms Stuart]

As to impartiality, we must recognise that, when Government Departments set up independent structures to investigate procedures, Ministers have the responsibility to satisfy themselves that the structures are formed in such a way that they can respond. However, once the process is started in a particular case, it is impossible for procedures not to be properly followed. In this case, the procedures were followed. However, I would like to take it further.

I do not want anyone to be under the impression that we are not deeply committed to improving the system. It is not perfect. It needs improving, hence the PLP evaluation. Despite our feelings that 36 complaints may be a small base, I put it on record that the team is evaluating the report and there have been continued contacts with the complainants.

In the limited time available, I want to be sure that my hon. Friend is aware of the work that goes into reducing the incidence of complaints arising from the practices of general practitioners or doctors working in hospitals. It is important not to focus only on how to deal with mistakes; we try also to ensure that the number of mistakes is reduced. The NHS should function in a way that keeps mistakes to an absolute minimum, and all parts of the NHS should work to the same standards. The National Institute for Clinical Excellence and the national service frameworks will help the NHS to achieve that. Clinical governance, underpinned by a statutory duty of quality, will provide the NHS with the mechanisms for translating national standards into high-quality local services. However, neither NICE nor the Commission for Health Improvement can provide a quick fix.

I want to focus on our work in relation to general practitioners and doctors. To meet the high standards that we expect from general practitioners and doctors, we must ensure that those few who do not work hard and with total commitment—I stress that the vast majority do—are dealt with fairly quickly. Last November, the chief medical officer published the consultation document that began the process, entitled "Supporting Doctors, Protecting Patients". The second part of the title is the most important. The document sets out a new approach to how the NHS and the medical profession deal with poor professional performance.

The document makes proposals in five key areas. First, it suggests better prevention and earlier recognition of poor clinical performance. Secondly, it would require fast and effective action to evaluate emerging poor individual performances by referring them to an assessment and support centre that will advise on appropriate action. Thirdly, it suggests a consistent approach across all grades and types of doctor, including those in primary care. Fourthly, it suggests a closer working partnership between the NHS, the General Medical Council, the royal colleges and other professional bodies. Last, and by no means least, it would require strong patient participation in the new mechanisms. Taken together, those proposals will create mechanisms that will allow problems to be identified quickly, before patients are put at risk, yet provide the necessary help and support for the clinician.

Separate from those proposals, but parallel with them, the General Medical Council has plans to introduce revalidation, to ensure that the continued inclusion of a doctor's name on the medical register represents an assurance that the doctor has kept up to date in his chosen field and remains fit to practice.

I am only too aware that my remarks will have been of little comfort to my hon. Friend's constituent. I acknowledge that. However, it would have been wrong to offer Mr. Hook false hopes, when the fact is that few options are left to him to enable him to pursue his complaint further. Nevertheless, I would not want him to think that his efforts—and those of my hon. Friend, who has spoken on his behalf—have been in vain. The south-east regional office of the NHS executive will be working with the health authority to ensure that the lessons from this distressing case are learned. And there are lessons to be learned. Equally, it is vital that we get to hear about cases like Mr. Hook's.

Mr. Salter: If, as the Minister said, procedures had been properly followed in this case, will she please explain why there are lessons to be learned?

Ms Stuart: Even though procedures have been followed, it does not mean that their implementation cannot be improved or that we should not consider changing the procedures or the framework.

It would be wrong of me to offer hope or to promise something that cannot be delivered, but it is important that cases like Mr. Hook's are brought before such a forum as this, and that we should be able to revisit them. We should not consider only forward-looking complaints procedures, although we recognise that they are not satisfactory. We should look back and revisit the procedures that have been followed.

I assure my hon. Friend that we will give careful consideration to the matters that he has raised today. I would not want him to go away feeling that his time had been wasted. It was a valuable debate, and I am grateful to him and his constituents for being here today.

Question put and agreed to.

Adjourned accordingly at four minutes to Two o'clock.

Westminster Hall

Thursday 27 January 2000

[MR. MICHAEL LORD *in the Chair*]

Prison Service (Northern Ireland)

[*Relevant documents: Fourth Report of Session 1997–98 from the Northern Ireland Affairs Committee on the Prison Service in Northern Ireland (HC 716), the Government Response thereto, Session 1998–99 (HC 299), and the Minutes of Evidence taken before the Northern Ireland Affairs Committee on 27 October 1999, Session 1998–99 (HC 866-i).*]

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Betts.*]

2.30 pm

Mr. Peter Brooke (Cities of London and Westminster): It gives me great pleasure to open the debate on the Northern Ireland Affairs Committee's fourth report of the 1997–98 Session, which was agreed in November 1998. It deals with the Northern Ireland Prison Service, and is the first of the Committee's reports to be debated in this new Chamber.

I am aware that the House of Commons has had a very full meal of Northern Ireland affairs in the course of this week's business. Having been an undergraduate during the Suez crisis, I am conscious of the sense of anticlimax that can arise when pressure eases. In that respect, we have been unlucky in the timing of the debate. I hope that no one who is observing the Westminster Hall experiment will read too much into our comparative exhaustion following our exertions earlier in the week. I appreciate, of course, Mr. Deputy Speaker, that you were very much a participant in those exertions.

Westminster Hall sittings are a modernisation experiment. On a personal level, I remark in passing that, given my representation of the City of London, the debate on Report of the Financial Services and Markets Bill in the House shows the conflict that this new initiative can create between constituency and other responsibilities.

The evidence on which the report is based was taken between April and July 1998, and the Committee reported to the House in November of that year. As the inquiry progressed, it became clear that the Northern Ireland Prison Service would be subject to substantial change, and that the implementation of the Belfast agreement would clearly enhance the scale of those changes. A vital part of our discussions centred on the service's ability to respond. In order to bring the House up to date with developments in the year since our report, the Committee held an evidence session on 27 October 1999, at which it examined the Director General of the Northern Ireland Prison Service and senior colleagues. That evidence is presented to hon. Members today.

I should like to pay particular tribute to our Clerk, Dr. Christopher Ward, who overcame with aplomb the task of seeing our report through its final stages, although having joined us only after we had taken the evidence. I also draw attention to paragraph 9 of the report, in which we pay tribute to our outstanding and authoritative advisers, Professor Tony Bottoms of Cambridge university and Dr. Andrew Coyle of King's college, London.

It is right that I should pay tribute, as did the Committee in its report, to the courage and professionalism over the past 30 years, in difficult and dangerous circumstances, of the Northern Ireland Prison Service. Some 29 members of the staff were killed, and many more injured, in the troubles. The service faced formidable challenges, to which it was fully equal.

Our visit to the Maze prison gave us first-hand knowledge of the considerable psychological pressures placed on the staff by inmates. Sir David Ramsbotham's report on conditions in the Maze prison, which was published as the Committee agreed its report, graphically describes those pressures. However, although the Maze prison garnered the headlines, other prisons—notably Maghaberry, the only other high security prison in Northern Ireland—posed difficulties, and continue to do so.

Now that the management of terrorist prisoners is ceasing to dominate the agenda—although it has not disappeared from it—the service is facing equally difficult challenges of a different nature. We identified several challenges at the time of our inquiry. There was substantial overstaffing in comparison with prison services in other parts of the United Kingdom, partly as a consequence of 10-fold expansion during the 1970s in reaction to the onset of terrorist violence. The overall prison estate is small; there are just four establishments, and one is a young offenders centre. That means that, apart from the Maze, there is only a single high security prison—at Maghaberry. That same site also houses Northern Ireland's only female prison.

We identified the problem of managing terrorist prisoners, particularly in the Maze prison, which houses the majority of adult male paramilitary prisoners. The implementation of the conclusions of the Prison Service review, which reported in September 1997, was expected to lead to substantial cost savings in the medium and long term. Target costs for prisoner places in Northern Ireland are three times higher than in England and Wales.

We identified as a challenge the management of the down-sizing of the service, as terrorist prisoners are progressively released under the provisions of the Belfast agreement, and the consequent restructuring of its operations. We recognised the need to reflect more accurately the balance of the community. At the time of our report, just 6.9 per cent. of those in uniformed and governor grades were Roman Catholic, as against 77.6 per cent. Protestant. While recognising the difficulties of redressing the balance at a time of substantial staff reductions, the Committee considered that a plan to do so should be a priority high on management's agenda.

Our inquiry identified the challenges of improving morale, tackling high levels of staff absence and improving the calibre of the management of the service. The Committee noted that Northern Ireland Prison Service managers had apparently not been able to provide a suitably qualified candidate for the post of

[Mr. Peter Brooke]

director general, or for the key post of governor of the Maze prison. There was also an urgent need to improve training.

The Committee also commented on a number of other areas. They included the practice of integrating sex offenders and other vulnerable prisoners—in contrast to that in England and Wales—which the Committee considered might compromise their quality of life and possibly their safety. We considered the incarceration of a female child in Maghaberry prison—there being no secure unit for females elsewhere—to be outside the spirit of the modern treatment of juveniles, and wanted the situation to be remedied at the earliest opportunity. We also sought changes in accountability, particularly as the service is expected to return to a more conventional role as the emphasis moves away from handling terrorist prisoners. Specifically, the Committee called for jurisdiction over matters of prison discipline to cease to be a responsibility of boards of visitors, for the inspection of the Northern Ireland Prison Service to become a formal responsibility of one of Her Majesty's chief inspectors of prisons and for the establishment of a prison ombudsman for Northern Ireland. Finally, we sought improved links between the Northern Ireland Prison Service and the Northern Ireland probation service.

How did the Goverment respond to the report? In a brief reply sent to the Committee in February 1999 and published in the Committe's first special report last Session, the then Secretary of State announced that the Government "broadly endorsed" the Committee's 20 principal conclusions and recommendations. Only one recommendation was singled out for specific implementation—that relating to the removal of the board of visitors' role in adjudications which, the Secretary of State said,

"will be implemented, as soon as possible, by amendment to the Prison Rules".

I shall return to that recommendation later.

What progress did the October 1999 evidence session reveal in the eight months following the Government's response? I do not propose to go through the evidence in detail, but I shall single out a number of important points.

The closure of the Maze prison is expected in July 2000, assuming that the prisoner release programme continues on schedule. Under the Northern Ireland (Sentences) Act 1998, all but 12 or 13 of the Maze prisoners will be released by then. Indeed, as at 27 October, only 34 per cent. of the total number of prisoners before the commencement of early releases remained—about a third.

However, the reduction in inmates has not been matched by reductions in staffing or accommodation. Five of the eight blocks remain in use and staffing at the prison has fallen by only around a quarter from 1,200 to 900. The director general conceded that the 158 prisoners could be accommodated in two blocks but for the need to keep the various factions separated. The fact remains that, although there may be sound arguments for not disturbing the status quo, the staff-to-prisoner ratio at the Maze prison has risen markedly over the period of the early release scheme, and now stands at 6:1. The director general was aware of no other prison regime with such a remarkably high ratio.

It is clear that the pace of implementation of the Prison Service review has been reduced and that greater emphasis is being placed instead on the staff reduction programme as a means of bringing about cultural change. Under the latter programme which was designed to produce an overall staff reduction of around 1,100—approximately 40 per cent. of the service—by March 2001, one third of the target has so far been met through a combination of selective voluntary early retirement and severance schemes, normal age retirement, and so on. The following phase is an open voluntary early retirement and severance scheme, and it opened in November 1999. I hope that the Minister will tell us how that is progressing, the initial signs of likely take-up, and his assessment of the prospects for achieving all the required redundancies through voluntary means.

The evidence session on 27 October last year revealed a welcome increase in training and good progress in reducing the adverse impact of court escort duties on prison regimes. The Committee also noted the progress on handling vulnerable prisoners at Maghaberry and the effort being put into developing anti-bullying strategies. There has been a drop in absenteeism, but much progress remains to be made in that area, as the service recognises. In particular, the director general hopes that normalisation in the Province will greatly reduce the stress-related element of absenteeism.

One of the biggest challenges facing the service following the closure of the Maze will undoubtedly be the running of Maghaberry, which will then be the sole high security prison in Northern Ireland. In his evidence, the director general described it as

"a very, very difficult prison."

It was not designed for its present use and there is what the director general described as "a fundamental staffing issue" in the relationship between the staff's attendance arrangements and the work that must be done, on which negotiations are in progress with the Prison Officers Association. I hope that the Minister can give us a progress report on those.

Maghaberry will, presumably, also have to accommodate the rump of prisoners from the Maze when that prison closes. Although Maghaberry already houses paramilitary prisoners—transfer to the Maze prison has always been voluntary—it remains to be seen whether its integrated regime will be able to accommodate prisoners who are used to a segregated one.

Maghaberry prison is, in many respects, the cornerstone of the Northern Ireland prison system. It will continue to play a crucial role. There has been a series of disturbing press reports over the past few months about conditions there, and several worrying incidents, such as the recent discovery of an imitation firearm and the apparent use of home-made incendiary devices. There is also an unusually high number of fires in the prison, which are alleged to be resulting in a high level of compensation claims from prisoners. The Minister may wish to say something about those points when he replies to the debate.

The evidence session revealed that there was unlikely to be any material change, at least in the short term, in the religious imbalance in the service. That is unfortunate. With the implementation of the Patten

proposals on the police in Northern Ireland, the Prison Service will look increasingly anomalous. Although I recognise the difficulties of recruiting into a service that is being downsized at the rate which the Prison Service plans, given the lack of recruitment in recent years, some means needs to be found of reducing the religious imbalance and of introducing new blood generally.

One surprise to come from the evidence session was that our recommendation on ending the role of the board of visitors in adjudications, to which I alluded earlier, had not been implemented, despite the Secretary of State's response. Although the director general explained the reasons, it is a fact that that change of policy would not have come to the Committee's attention but for the evidence session. I suggest to the Minister, and to the Government at large, that it would be conducive to good relations between Select Committees and the Executive if Ministers were to take the initiative and inform the Committee as soon as possible when a change of policy impacts on the Government's position on a Committee recommendation.

Whatever I may say about the timing of the debate this week, in other respects its timing is especially apposite, because last month the Secretary of State announced the start of the quinquennial review of the status of the Northern Ireland Prison Service as an agency of the Executive. I hope that those responsible for the review will look closely at the Committee's report and evidence, and will read carefully the report of today's debate. The Northern Ireland Prison Service has given sterling service to the Province. Despite the morale-sapping difficulties that it has faced, its devotion to duty and its security record have been excellent. Whatever further changes the review brings, I have every confidence that the Prison Service will continue to serve the people of Northern Ireland well in the future. I commend the report to the House.

2.45 pm

Mr. Lembit Öpik (Montgomeryshire): During the troubles, 29 members of the Northern Ireland Prison Service were killed. Even during the recent period of relative peace, prison officers have been attacked in their homes. In the period 1996–97, there were 122 reported threats against staff, and 50 officers were admitted to the special protection scheme. People make a courageous choice when they choose to work in the Prison Service. In that context, I shall speak briefly on the general pressures facing the service as well as the specific problems, and on what I hope to see as a result of the report.

As the right hon. Member for Cities of London and Westminster (Mr. Brooke) rightly said, there are huge psychological pressures on prison staff. Personal information on staff members is regularly gathered by the paramilitaries, and has been used to powerful effect by prisoners who remain in close contact with active paramilitary units outside jail. Casual references by prisoners to officers' personal lives induce a sense of menace that is played on by many prisoners. The normal balance of control in a prison can be reversed by prisoners willing to influence staff in that way.

The political climate in Northern Ireland has had a tremendous impact on the way in which the Prison Service there is run. About 500 prisoners are segregated according to political affiliation into five separate housing units. The murder of Billy Wright demonstrates that many prisoners are violently opposed to each other, and are occasionally in a position to do something about it. Once in prison, they are confined to the wing in which fellow members of their organisation are housed. Each wing has its own commanding officer, appointed by the paramilitary organisation to maintain discipline among the ranks of the imprisoned members.

If one steps back to consider that, one sees that it is an extraordinary way to run a prison service. We could analyse the history of how we got to that predicament, which highlights the difficulty involved in moving from the past to the futre. The future Prison Service should be much more in line with mainstream prison systems in the rest of the United Kingdom.

Attempts to treat prisoners as individuals in the Maze have largely been foiled as the prisoners regard themselves as prisoners of war. That has created a different ethos with regard to prisoners' behaviour. They enjoy the support of significant sections of the community, which places prison officers under immense pressure when trying to maintain order. In 1994, the management decided to withdraw staff from patrolling duties in the residential areas of the wings because officers were effectively hostages, unable to enforce orders against the will of organised prisoner groups.

We must bear in mind those general pressures when we consider reform. I shall move on to some specific problems. I shall not repeat the points already made. Low staff morale is a key issue to be faced. The high number of sick days taken is a testimony to the burden of the job. Furthermore, when staff take sick leave, it places more of a burden on those who remain at work.

Job insecurity may also have contributed to the problem. The Good Friday agreement does not make it clear how many staff will be needed or where they will be based, which is probably having a negative effect on morale as well. There is also an imbalance in the composition of staff. Approximately 6.9 per cent. are Roman Catholic, 77.6 per cent. are Protestant and 15.5 per cent. are not categorised. That causes problems that are clear for all to see. Nor is the training programme fully effective. The target of five days per staff member has not been fulfilled: the average is in fact three days.

We have touched on sectarian problems associated with prisoners, but there is also a distribution problem. Although one would normally expect remand prisoners to be detained separately from convicted prisoners, women to be detained separately from men, and juveniles to be detained separately from adults, that is not always possible in Northern Ireland because of the small number of establishments. For example, sex offenders are not separated from other prisoners, and concerns have arisen about bullying and serious ill-treatment. In England and Wales, there are vulnerable prisoner units for sex offenders, although such offenders can be integrated with other prisoners if they wish. In Northern Ireland, the reverse applies. As was said, young female offenders are currently held at Maghaberry in a special centre, but I am concerned that it is not really sufficient.

[Mr. Lembit Öpik]

I referred to the issue of future uncertainty. On 11 November 1998, the Director General of the Prison Service said that the full implementation of the Good Friday agreement could make possible the closure of the Maze prison, to which reference has been made, by the end of 2000. Such uncertainty is giving rise to some specific problems.

Liberal Democrats broadly support the report's recommendations and welcome what the Government have already said, but we have some questions. How will paramilitary prisoners be dealt with after the Good Friday agreement is fully implemented? Has the effect of the Good Friday agreement on the Prison Service and staffing levels become any clearer? Can a timetable be established in respect of changes in numbers? From where will staff be drawn? A specific retraining programme would make a lot of sense, and I agree with what the right hon. Member for Cities of London and Westminster said about providing generous redundancy packages. Similar comments have been made in the past in respect of the police service.

What can we do to raise morale? The changing political circumstances will no doubt help, but the endemic difficulties to which I have referred require specific attention. Should more placement officers from outside Northern Ireland be used in the Northern Ireland Prison Service? There are pros and cons, but it may be a way in which to depersonalise the work by making it more difficult for specific prison officers to be intimidated and influenced. However, political changes may in any case reduce such pressures.

What can be done to ensure that a system of vulnerable prisoner units exists in Northern Ireland? There is a duty of care, and adequate protection from attacks should be provided. I am not suggesting that sex offenders should necessarily be kept completely separate from other prisoners, but we need a clearer strategy. Various tactical decisions have led us to the current position. That is understandable, but perhaps we can take a step forward through this review.

Keeping young offenders in close proximity to adult offenders is probably unwise. Again, we need a clear strategy to ensure that young offenders are treated separately and do not interact with adult prisoners.

The same goes for young female offenders. Could they be held at Hydebank, for example, in separate quarters from the males?

I want to comment on two other issues. One relates to the Maze and the specific procedures for its closure. If normalisation continues, it would be more appropriate to ensure that ordinary criminals are held properly. At the same time, we should begin to address the odd ethos that I have described with regard to the paramilitary organisations.

The second matter is that I hope that all these reforms will be undertaken in the context of full implementation of the Good Friday agreement and the presumed stabilisation of the security situation. I would be encouraged to know that the strategy was a long-term one, perhaps making some assumptions on the way, but assumptions in the context of other pressures and issues relating to the Good Friday agreement.

There seems to be a prospect of a return to a more conventional role for the Prison Service, and it is appropriate that modern systems of accountability should be established. I hope that we shall have assurances from the Minister on that. I must apologise in advance to him for not being able to stay to the end of the debate, for reasons that I cannot change, but I shall read his comments and I hope that he will forgive me for my rudeness in leaving.

I simply emphasise that whatever we do must be in the context of thinking about the long-term normalisation of Northern Ireland and with due consideration for the prison staff, who have unquestionably suffered some ugly treatment in the past.

2.56 pm

Mr. Tony McWalter (Hemel Hempstead): In rising to commend the report, I emphasise particularly the contribution that it has made, and is making, to the process of normalisation to which the hon. Member for Montgomeryshire (Mr. Öpik) referred. The theme of the report is to move from an extraordinary and aberrant Prison Service to one that functions as it does in the rest of the United Kingdom. In many ways, the report ensconces that idea. For example, paragraph 29 refers to bringing the prisons within the remit of the chief inspector. That is an amazing thing to have to say: for the most part, prisons are within the inspectorate and one would not expect a report to have to make that recommendation. However, in order to talk about normalisation, it was right that we should try to identify how extraordinarily abnormal the Northern Ireland Prison Service was. We hope that, as it changes, the past tense will become an ever more accurate way of describing the changes that are taking place.

That extraordinary or abnormal nature comes out in so many ways. The Maze prison is the most appalling place that I have ever visited. I have visited many prisons, in the United Kingdom and abroad, and I have not seen another prison whose landscape was like a moonscape because there was no gardening. There could be no gardening at the Maze because anyone who went out to garden was likely to get killed. That kind of prison regime, under which people had to be confined in concrete quarters, meant that the impression of absolute desolation was very forceful. Yet every person in that appalling place had chosen to go there rather than to Maghaberry, which is a much more conventional and pleasant-looking place, where there are workshops and the normal processes of prisoner education that is rightly obtained in the rest of our prison system. Why would anyone choose to go from Maghaberry, a place which looks as if the inmates have a role to play in shaping it, learning and mixing with other people—awful though all prisons are—to a place like the Maze? The answer was that a substantial number of prisoners in Northern Ireland regarded themselves as freedom fighters. That strong definition, whether on the loyalist or the republican side, was so deeply etched into the system that it was impossible for the prison to be controlled without accommodating it, but the authorities were never explicit about it.

The report talks about the psychological condition of prison officers in Northern Ireland. In my view, it was one of considerable distress, from so many angles. At Hydebank, the young offenders prison, people were

being locked up incredibly early in the evening and suffered all sorts of deprivations on top of those that are normally obtained in our prison system. Why was that? The answer, in short, was because of the Prison Officers Association's bolshy view. It was almost as if, where prison officers could exert some control, they would do so dogmatically, because there was one place where they exerted very little control.

That abnormality in the system made it difficult to imagine how one could address the psychological distress of prison officers. The prison officers at the Maze could not have any sensible interaction with the prison population, because it was so different from the prison populations in the rest of the country. When one visits a prison in Cambridge or on Dartmoor, one meets people who are outside society. Many of them come out of prison to broken marriages, homelessness or the streets of London. When I discussed a particularly difficult prisoner at the Maze with one of the paramilitary commanding officers, as they called themselves, he said, "He'll be all right." I said, "How can you say he'll be all right?" as the prisoner was not long due to be released. The self-denominated commanding officer said, "We'll find him a suitable job." In other words, the person inside the prison was organising the employment of his fellow inmates.

One might think that that is normal, but it is not normal in any meaningful sense. Prisoners do not normally have the capacity to find jobs for other prisoners. That sense of power—that people outside could be required to find prisoners a job, and would find them a job if a word was merely said—was conveyed throughout the system and applied also to other more ominous utterances. If the commanding officer said to a prison officer, "Nice young daughter you've got", the prison officer would not sleep that night, if the remark was made in the context that the prison officer was regarded as having crossed the inmate.

That is not normal, but the effort to move from that to normality required the Government to take the extraordinary steps that they have taken, with the agreement of the vast majority of the people of Northern Ireland, in seeking not simply a different kind of prison system, but a different concordat governing society that then made possible the transition from an extraordinary, abnormal prison service to a normal one.

The Select Committee was grateful that the Government took the recommendations so seriously. I am grateful to my Committee colleagues of all parties, who worked so hard to address the issue. It is not easy for any of us to admit to such a substantial failure in a society of which we are, for the most part, justly proud. When considering the threats and the power of prisoners, we have had to consider the major malfunctions that occurred—I hope that that is in the past tense—in Northern Ireland's society. There is a long way to go, but, although the report is critical, particularly in paragraph 74, of the prison officers, none of us could have done better in the circumstances in which they were placed. They were given an impossible job and many did it with great courage and as much humanity and intelligence as were possible in circumstances that society had made impossible for them.

In commending the report, I hope that the House will note that many of the suggestions are work-in-progress towards normalisation. I hope that issues such as vulnerable prisoner units and more effective treatments and responses to young offenders will be processed. I hope that the Minister will provide the assurance that we want that the process of normalisation will continue apace and that the Prison Service that remains after normalisation will be properly integrated into the United Kingdom prison system.

3.7 pm

Mr. Andrew Hunter (Basingstoke): Inevitably, contributions by members of the Select Committee will be selective and personal. I am pleased to follow the hon. Member for Hemel Hempstead (Mr. McWalter) because I agree profoundly with most of what he said. He referred to "a substantial failure" and I regret to report that, with qualifications, to which I shall refer, that is a valid overall judgment on the situation that we found during our inquiry.

My right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) referred to the courage and professionalism of the Prison Service. I am sure that there is no dissent about the courage, but we must be cautious in what we say about the professionalism. Some of my conclusions during our inquiry—it was reinforced by having spoken to and met many serving Prison Service officers over the years—are that the professionalism is latent, the intention exists, the wish to provide a highly professional service exists, but a combination of circumstances has failed to enable the delivery of that good intention of professionalism. I shall present a brief thesis to illustrate that.

I shall deal first with the paragraphs headed "Management" and then look more closely at the issue of low morale and lack of professional pride in the Prison Service.

Management is the greatest deficiency in the Northern Ireland Prison Service, and we must begin to focus our attention on that. A continuing theme throughout our inquiry was the question mark over the quality of the service's management. Before we began our deliberations, we inherited Mr. Narey's report, in which he described his doubts about the quality of management. He returned to that theme in his oral evidence to the Committee. The prime illustration of the problem, which was mentioned by my right hon. Friend the Member for Cities of London and Westminster, was that the management of the Northern Ireland Prison Service was of insufficient quality to provide a governor of the Maze and a director general of the service.

Her Majesty's inspector of prisons also commented on the need to improve the quality of the Northern Ireland Prison Service's management. We heard powerful evidence to the same effect from the Prison Governors Association and the Prison Officers Association. One of the most alarming features of the evidence received from that quarter was that of the lack of trust and communication between the sectors in the service.

That is why, although I fully endorse and support summary (d), I found it to be a depressing conclusion to have to give. It says:

"There is considerable cause for concern about the ability of the managers in the Service to cope with the demands on the system which likely reforms and changes will require".

[Mr. Andrew Hunter]

I hope that when the Minister responds to the debate, he will assure us that positive steps are being taken to address the quality of management in the Prison Service.

The second point that I wish to make is that without that improved quality of management, the tragedy of today's Prison Service—low morale and the lack of professional pride—cannot be addressed effectively. In paragraph 39 of the report, we state:

"We were unfavourably impressed with the low morale displayed by staff".

That is our abiding recollection of the inquiry. We were preceded by Narey, who, in paragraph 1.21 of his report, described a

"general air of apathy which pervades much of the establishment".

Members of the Prison Officers Association and the Prison Governors Association, from whom we took evidence, spoke of a deep sense of unhappiness among staff. As those of us who have read Sir David Ramsbotham's report know, he found many such instances among the Maze prison staff.

One of the manifestations of that low morale is the abnormally high sickness rate, which is partly a symptom of the acute personnel problems that afflict the service. That factor compounds itself, because absence for sickness increases the burden on, and overstretches, other members of the Prison Service. The hon. Member for Montgomeryshire (Mr. Öpik) referred to the failure to reduce that problem, which was a key target of the latest report.

The Committe found in its inquiry that the first step in addressing the high rate of staff absenteeism is to examine its causes very closely. A degree of communication between management and prison staff is required that has so far been lacking. I acknowledge that management have expressed their written good intentions, but they have not been put into practice. The reality is that it is the responsibility of the highest level of management to deal with staff absenteeism in partnership with relevant staff associations and local management. We are talking about a breakdown in basic management techniques and communication. The matter is urgent and should be given the highest priority.

Mr. Roy Beggs (East Antrim): Does the hon. Gentleman agree that management's perceived make-do-and-mend attempts to come up with a short-term solution contributed greatly to unsatisfactory relationships between management and prison officers? Does he also agree that proper long-term planning was needed, and that the lack of progression in the officer corps through training and expertise to senior management level has reflected badly on management over the years?

Mr. Hunter: The hon. Gentleman is right, as his wide experience in these matters will confirm. Indeed, the Committee received considerable evidence to that effect. The evidence suggested that a full-blown scheme of exchange of placements might help to infuse a wider perspective in the horizons of management and Prison Service officers. I am sure that that is right, but a long look should be taken at establishing a structure and appropriate training that will provide incentives and a clear career path. That is the way to improve quality at every level of the Prison Service.

My last point is at a slight tangent, but I plead justification because it has already been raised in passing by the hon. Member for Montgomeryshire, who spoke for the Liberal Democrats. In the Government's response to our report, the Secretary of State acknowledged that the Prison Service should hold prisoners in "secure and humane confinement". I could not read those words without recalling the events of 26 December 1997, when Billy Wright was murdered in the Maze prison. I acknowledge that that was an isolated incident, but it was surely the most dreadful indictment imaginable of the proposition that the Prison Service is providing secure confinement.

The Minister and I have corresponded about this matter over the months and years, but fears have not been put to rest that it is being covered up behind a smokescreen. The most thorough public inquiry is needed to examine and establish how, in the most secure prison in the United Kingdom—perhaps even in western Europe—a prisoner could be murdered—

Mr. Deputy Speaker: Order. I shall suspend the sitting for 15 minutes.

3.19 pm

Sitting suspended for a Division in the House.

3.34 pm

On resuming—

Mr. Hunter: I had almost completed my remarks, and I shall now do so briefly.

I was making the point that I was profoundly concerned to read in the Secretary of State's response to the Committee the reference to the aim of the Prison Service to hold prisoners in "secure and humane confinement". In that context, I was referring to the murder of Billy Wright on 26 December 1997. It was dreadful that such an event could take place in what is regarded as one of the most secure prisons, at least in western Europe. I used the words "smokescreen" and "cover-up", because that is the perception of a significant number of people.

I shall make my final point on the subject of Mr. Wright's murder.

Mr. Beggs: Does the hon. Gentleman agree that the callous and brutal murder of the prisoner David Keys, not long after that, was equally horrific and that it reflected badly on, and contributed to the loss of morale of, the prison officers charged with providing secure conditions for that prisoner?

Mr. Hunter: I accept that correction from the hon. Gentleman, and I agree that I should have included that case in my comments. It was the other side of an unacceptable coin. Essentially, the same situation arose, involving the objective of the Prison Service to provide secure confinement, although security did not apply to those who were confined.

I come to my final point on that event of 26 December 1997, and the murder that followed soon after. Do not those events—at least in the case of Mr. Wright—suggest either a dereliction and abandonment of duty arguably second to none, or even, as some fear, tacit consent, if not active contrivance? Those questions will remain unanswered unless or until the Government instigate a full public inquiry into the events.

3.37 pm

Mr. Harry Barnes (North-East Derbyshire): The report was issued reasonably recently, yet the developments taking place in Northern Ireland involve such rapid change that almost anything that one says is soon past the point. We are dependent on the Minister to bring us up to date. We have conducted a thorough investigation, with a report published in November 1998, and which started in the previous April; we have revisited the issue since. Nevertheless, changes are taking place of such a dramatic nature that almost anything one says at any stage will be slightly out of date. It is, therefore, difficult to develop a full and proper blueprint.

We have the report dated November 1998, and the Government's quite short response dated March 1999. We then had a session at which people from the Northern Ireland Prison Service returned to us in Committee, and we attempted to find out what had developed since that stage. That matter is also now in front of us. [*Interruption.*] My apologies.

Mr. Deputy Speaker: Accepted.

Mr. Barnes: If I may have a second to attend to my pager, I shall ensure that that does not happen again.

Therefore, it is a rapidly changing scene, which revolves around the Belfast agreement and all the hopes that are pinned on it. The agreement dramatically changes many things in Northern Ireland and has already had a major impact on the Prison Service. A number of people have already been released from the Maze, and equivalent prisoners will in future go to Maghaberry. Therefore, a more normal prison procedure should now obtain and we should not expect to adhere in future to the pattern that my hon. Friend the Member for Hemel Hempstead (Mr. McWalter) described. However, almost no one has an exact blueprint for the future; there is no clear Utopian guide. There are some ideas and suggestions, which I hope are the result of the Select Committee doing its work thoroughly, but neither we nor the Northern Ireland Office, and certainly not the Northern Ireland Prison Service, has yet found the means to resolve the complex problems that we face.

We find an example of the way in which things move in the memorandum submitted to the Select Committee by the Northern Ireland Prison Service. It said that the report produced by Sir David Ramsbotham, Her Majesty's chief inspector of prisons,

"contained 143 recommendations and many helpful and pragmatic pointers for the way forward. However its publication came at a time when the position at Maze was significantly different than at the time of the inspection."

Therefore, things are already beginning to change dramatically.

To some extent that affects the position of the Northern Ireland Prison Service. It has received massive criticism. The Select Committee report was critical of it, and the Prison Officers Association was highly critical of the management. Although changes have taken place in the management, we have had to prod it to produce proposals, but the proposals before us are still not as precise as they should be. In some of the evidence that was presented to us, the Northern Ireland Prison Service was trying to make assessments for the month to come and developments were just around the corner.

The main problem for the Prison Service is the impact of the troubles—the existence of the Maze and the fact that 29 prison officers have been killed. That has led to low morale and low commitment and a high rate of absences, which affect not only the day-to-day working of the Prison Service but its training programmes, because people are missing from training programmes, too. In spite of comparative overstaffing, which has been created by problems in the past and aggravated by the recent release of prisoners, a depressing situation exists. My hon. Friend the Member for Hemel Hempstead described it very well. He said that if a prisoner in the Maze says to a prison officer, "How's your daughter doing?" or asks about something else in his personal life, that will restrain the officer's responses and disturb him considerably.

I had some experience of that when I was in the Maze. My group went to see different groups of paramilitary prisoners. When we visited the IRA section, we talked to the second team for a while, until the first team arrived. When the self-appointed commander and his deputy arrived, it took them a while to work out who we were. After a while, the deputy said, "Ah, you're Harry Barnes." The chill that went down my spine was substantial, he will be pleased to hear. It is easy to understand the response of those who work there daily. I shall not mention the name of the person concerned, but I noticed his release from prison the other day. I am well established and well protected in these hallowed halls, but I am aware that a tremendous impact must be made on those involved in day-to-day operations. There will be knock-on consequences in Maghaberry and elsewhere.

Mr. Beggs: Just to ensure that the hon. Gentleman does not forget his experience, may I ask whether he is comforted by the thought that that individual may soon receive a pass allowing him freedom of access to the Palace of Westminster?

Mr. Barnes: I shall consider that possibility with great interest and try to respond in like kind when I see him in the Corridors of Westminster.

The great problem in the Prison Service, over and above low morale and absenteeism, is overstaffing and the inevitable imbalance in the number of prison officers from the Catholic and Protestant communities. The Select Committee's report touched on that imbalance and the difficulty of tackling it, which is considerable. The Patten report referred to that and future operations.

The Prison Service has 6.9 per cent. Catholics and 77.6 per cent. Protestants, with a rapidly declining need for prison officers following the releases from the Maze

[Mr. Barnes]

and the resulting overstaffing there. The necessary downsizing is made more difficult by moves to correct the balance.

We considered services linked with the Prison Service—for example, cooks, kitchen porters and so on. With the number of applications for those jobs, it might be easier to ensure that there is some movement towards more Catholics being employed. Some attention has been paid to encouraging people to follow up advertisements for employment in those services.

The Prison Service can compliment itself on those numbers having risen recently, but people from the Catholic community who replied to the most recent advertisement for cooks, kitchen porters and so on constituted only 20 per cent. of applicants. That is still much lower than the percentage of Catholics in the general population and the jobs have been re-advertised to try to stimulate more interest.

There are massive problems. For example, there is the problem of the culture in the Prison Service. The attitude of some existing officers may make it uncomfortable for Catholics to apply. There is also a problem for Catholics in their own communities as a result of the feeling that they should not be prison officers. We know about the problems in the police service, which must be even greater in the Prison Service—especially a Prison Service with residual activities in relation to paramilitary provision. The constraints within Catholic communities are considerable. However, civilianisation may offer a hope for correcting the balance at an earlier stage.

In a more general sense, perhaps a number of prison officer jobs should be allocated to back-up provisions in a move towards civilianisation. Such a move, which clearly could take place in Northern Ireland, has already taken place throughout the United Kingdom police force. It may prove easier to attract applications for jobs that are not front-line positions.

Creating posts in the Prison Service so that people will apply for jobs is a considerable problem. The Government must give thought to the available resources and what needs to be done. With regard to the police force, it has been suggested that people should be encouraged to apply for jobs in police forces elsewhere to provide specialist assistance and advice. That approach will have consequences for the Prison Service.

Early retirement, financial provision, back-up assistance, and the relocation and retraining of people who must use their skills in a different setting are matters of great importance, and the financial implications are considerable. The Northern Ireland Office must confront the question of whether extra resources should be found to tackle those problems. If all goes well and powers are transferred to the Executive and the Assembly, the involvement of the Committee and the Northern Ireland Office will decline. However, we hope that that will not result in what has been described as the peace dividend, whereby a certain block of money is transferred and the remainder is not taken into account. Resources should be available to maintain the Northern Ireland police force and Prison Service, both of which are heavily manned.

This should not be seen as a great opportunity for the Exchequer to save money. Instead, we should recognise that those resources are needed as Northern Ireland moves from an exceptional set of circumstances to normality. However, that normality cannot simply be swtiched on; it must be nurtured.

The Prison Service management are now nudging towards many of the ideas on the direction in which matters should move that are given in the documents. I hope that we can lift our analysis by saying that the necessary resources will be provided, so that the proposals that have been made can be realised.

3.54 pm

Mr. Jeffrey Donaldson (Lagan Valley): As a member of the Northern Ireland Affairs Committee, I am conscious of the contributions made by my right hon. and hon. Friends to the report, which forms part of the remit of this afternoon's debate.

It is worth recalling the circumstances that gave rise to the Committee's decision to hold an inquiry into the efficiency and effectiveness of the Northern Ireland Prison Service. The escape of the IRA prisoner Liam Averill from the Maze prison on 10 December 1997 was closely followed, on 27 December, by the murder at the prison of the prisoner Billy Wright. As my hon. Friend the Member for East Antrim (Mr. Beggs) reminded us, that was followed by the murder of the unsentenced prisoner David Keys in the Maze on 15 March 1998.

Mr. John M. Taylor (Solihull): I am following the hon. Gentleman's remarks closely, and I thought that I heard him say that there was an unsentenced prisoner—

Mr. Deputy Speaker: Order. I suggest that the hon. Gentleman addresses the Chair; otherwise, the microphone will not pick up what he says and it will be difficult for me to hear him.

Mr. Taylor: I apologise, Mr. Deputy Speaker. This is the first time that I have spoken in this Chamber and it has a different orientation. Personally, I find it difficult to speak to someone with my back to him.

I understood the hon. Gentleman to say that murder or injury had been inflicted on an unsentenced prisoner in the Maze. I find it surprising that unsentenced prisoners should be held in such a grave prison, with its high-level security and the landscape that was described earlier. Is the hon. Gentleman saying that there are remand prisoners in the Maze?

Mr. Donaldson: I thank the hon. Gentleman for his intervention. It is true that remand prisoners are held alongside sentenced prisoners in the Maze prison. David Keys was a Loyalist Volunteer Force prisoner who was held in the LVF block at the Maze. He was on remand awaiting trial for his alleged involvement in two murders in the village of Poyntzpass. He was allegedly murdered by some fellow inmates belonging to the LVF. It was a sad case.

I say at the outset that I and my party condemn, absolutely and without reservation, the activities of all the terrorist organisations in Northern Ireland. However, that does not mean that we should not be concerned about what happens in our prisons and the welfare of prisoners, regardless of their crimes. Those of us in positions of legislative responsibility have a duty to ensure that their conditions are humane.

However, that duty must be balanced by the need to provide proper security in prisons. Concern about the conjunction of events in the Maze and their impact on security at the prison—and on the security of the wider community—prompted the Committee to hold its inquiry. Those events had a significant impact not only on the Prison Service, but on the wider political process at a crucial time.

The escape of Liam Averill, and in particular the murder of Billy Wright, had a destabilising influence that almost led to a complete breakdown of some of the ceasefires. Prison security is important not only for ensuring that prisoners stay in prison, but for the wider political process.

Mr. Hunter: To complete the hon. Gentleman's line, with some presumption, we are talking of some of the unsung heroes of the peace process.

Mr. Donaldson: I thank the hon. Gentleman. I shall not add to his point.

Prisons and prisoners have been a very important aspect of the wider political process—to the extent, regrettably, that prisoners became a bargaining chip in the negotiations that led up to the Belfast agreement. An early release scheme was introduced, which provided for the early release of prisoners linked to terrorist organisations. I objected to that scheme in principle because I felt that it was wrong to trade prisoner releases for political concessions or political agreement on issues that were not relevant to the prison.

I still cannot understand why one of my constituents, who is serving a life sentence in Maghaberry prison for the murder of his wife, will serve that sentence while prisoners in the Maze who also committed murder have now been released. It is difficult to explain to my constituent why a politically motivated crime is treated differently from a crime with another motivation. That will set a difficult precedent in Northern Ireland if there is a resumption or a continuation of terrorist violence.

Mr. McWalter: The actions of many of those in the Maze prison were heinous, vile and murderous. The difficulty in any society that is experiencing a major malfunction is that, sometimes, some people within it believe that violence is justified in such circumstances to correct the social malfunction.

Whether or not the hon. Gentleman shares that view, he must recognise what one might call the Nelson Mandela objection. That involved someone whom most people would regard as a person of high principle and honour finding himself in a society in which he felt the need to put a bomb on a railway. That is the logic that most people understand. Even if we do not agree that the justification in place X is as worth while as the justification in place Y, nevertheless some people in place X think that it is, which will generate that kind of action. I hope that the hon. Gentleman will agree that the normalisation is important and must be cherished and allowed to progress.

Mr. Deputy Speaker: Order. before I call the hon. Member for Lagan Valley (Mr. Donaldson), may I say that the Chair does not like overlong interventions? I have been tolerant because of the tone of the debate, but such interventions are generally unhelpful.

Mr. Donaldson: Perhaps I am dealing with prisoner releases in isolation, but one difficulty for many people in Northern Ireland is that, while they see a significant concession made to a terrorist organisation, they do not see the reciprocity required if the political process is to move forward. I am not suggesting that prisoners are traded for anything, but if the exceptional circumstances described by the hon. Member for Hemel Hempstead (Mr. McWalter) are relevant, it is time that those organisations that are benefiting from the prisoner release scheme started to deliver on their side, especially in terms of illegal weapons.

The early release scheme has had a major impact on the Prison Service and its complement is now being downsized through the staff reduction scheme. We may well soon see the closure of the Maze prison. The hon. Member for Hemel Hempstead may have been a little uncharitable when he described the prison as a moonscape. It is in my constituency and when I am there I travel past it almost daily. Its architectural design may not be pleasing to the eye, but one must understand that the function of a prison is not to be architecturally pleasing but to secure the incarceration of those placed there by the judicial system.

We are dealing with a particular set of individuals, who have chosen to associate together in terrorist organisations. Measures have therefore been taken—I hope that they will continue to be—to ensure that those prisoners are secured and that their escape is prevented. The Maze prison was often described as the most secure prison in Europe, yet there was a mass escape from it in the 1980s that sadly involved the murder of one prison officer. Subsequent escape attempts were made, and the IRA prisoner Liam Averill succeeded. That escape contributed to the circumstances that gave rise to the inquiry.

Although it may be desirable that prisoners should be able to participate in what might be called normal prison activities, I remind the hon. Member for Hemel Hempstead that, for the IRA, gardening means digging a tunnel. I can understand why the Northern Ireland Prison Service might not wish to encourage that activity. The wider community in Northern Ireland thought that the prisoners in the Maze prison enjoyed a degree of what I might call "luxury".

Mr. Beggs: A holiday camp.

Mr. Donaldson: Indeed, it was often described as a holiday camp. Special arrangements were made for the prisoners to associate in paramilitary groupings and they enjoyed a large degree of freedom within prison confines—and a large degree of control over the prison's day-to-day affairs. We discovered that the officers commanding the various paramilitary factions had an arrangement with the prison governor—they negotiated arrangements for the management of the prison. I have no doubt that that special arrangement gave rise to the difficulties that led to the circumstances that I described earlier.

Rev. Martin Smyth (Belfast, South): Is my hon. Friend aware that one of the prisoners out on Christmas

[Rev. Martin Smyth]

parole enjoyed the Maze so much that he went back before his parole ended? The situation in the Maze goes back many years; I remember having to identify the body of a chief prison officer who had appeared on television to speak of the prison officers' problems in dealing with prisoners under the relaxed regime that politicians had imposed on them.

Mr. Donaldson: I thank my hon. Friend for reminding us that that problem has been going on for some time. As I said, prison matters can have an impact on the wider political process. I think of the hunger strikes in the early 1980s, over many of the issues that have been mentioned which had a serious impact on the political process in Northern Ireland.

I do not want to dwell too much on what has happened. The inquiry and the Committee's report are important because of the lessons that can be learned and how those lessons are applied to the present and the evolving situation in the Northern Ireland Prison Service. If the early release scheme continues and the Maze prison closes, Maghaberry prison will become the main establishment in the Northern Ireland Prison Service. As it happens, Maghaberry prison is also in my constituency; I have a large prison population in my constituency. Although not all the prisoners have their origins in my constituency, many of the prison staff who work in Maghaberry and the Maze live there.

I pay tribute to the staff of the Northern Ireland Prison Service who have, in the difficult circumstances mentioned by members of the Committee, sought to ensure adequate prison security, not only for the effective management of prisons but to protect the wider community. I urge the Government to bring forward their plans, which have apparently been delayed, for the award of a medal to Northern Ireland Prison Service staff to mark their contribution over the recent decades of violence—although I hope that they will not, unlike certain recent awards, be given posthumously. Such awards will recognise the past, present and future contribution of the service.

I am concerned about recent incidents of arson attacks and violence at Maghaberry prison. Elements within Maghaberry—paramilitaries are now there—may seek, through violence and pressure on prison staff, to have imported into the prison the regime that prevailed at the Maze. I urge the Minister and the Government to stand firm against any such move. As I have said, many of the incidents at the Maze, including the escape of Liam Averill and the murder of Billy Wright, were a direct consequence of the regime that was in operation—a regime that hindered effective management and security. It would therefore be a disaster if the regime at the Maze were transferred to Maghaberry. Control must be retained and the governor must be given the resources that he needs to deal with such problems.

One problem that we found on our visit to Maghaberry was staff morale and the alarming levels of staff absenteeism, particularly due to stress-related illnesses. A small amount of manpower in the Prison Service has been freed up by the early release scheme, and some staff have moved as part of the first two phases of the staff reduction scheme, but there is still an excess of staff, exacerbated by the recent closures of blocks in the Maze. If staff are needed at Maghaberry, I hope that the management of the Northern Ireland Prison Service will make officers available to nip problems in the bud so that matters do not become difficult to control. I hope that the management and staff at Maghaberry are given the support that they need to deal with that problem.

I want to add to what my hon. Friend the Member for Basingstoke (Mr. Hunter) said about the murder of Billy Wright in the Maze prison. As a Northern Ireland Member of Parliament, I am not holding a candle for Billy Wright, the Loyalist Volunteer Force, or any terrorist organisation. I have condemned the activities of all such organisations. However, I am deeply concerned about the circumstances surrounding the murder of Billy Wright in the Maze prison. I do not believe that the inquiries conducted either by Martin Narey or by Sir David Ramsbotham got to the core of the issues surrounding that murder. There is public interest in getting at the truth and in understanding the sequence of events that led to the murder. I shall not rehearse those today, but there was a series of so-called coincidences, which facilitated the actions of those who murdered Billy Wright. I accept that they have been apprehended, brought before the courts and sentenced, but that is not the end of the matter.

On Tuesday next week, I and others, acting in the public interest, will visit the Maze prison, together with Mr. David Wright, the victim's father. We shall look at the layout of the prison and discuss with prison management the circumstances leading to the murder. I echo the call of my hon. Friend the Member for Basingstoke for an independent public inquiry into that event. Public interest in this matter will not go away. What is happening is poisoning the atmosphere, especially in Portadown. I return to the link between what happens in the prisons and the wider political process, which has the potential to unravel much of the progress that has been made. The Government need to look again at that issue.

Mr. Beggs: Does my hon. Friend agree that many prison officers sincerely harbour deep suspicion about the circumstances leading to that murder? They want a full public inquiry into the tragedy.

Mr. Donaldson: I thank my hon. Friend for that intervention. He is right; I have talked to prison staff, some of whom were there on the day of Billy Wright's murder and were peripherally involved in the investigation. They are deeply concerned about what happened and believe that the good name of the Prison Service in Northern Ireland needs to be cleared on the events surrounding the murder of Billy Wright. It is crucial that the Government deal with the issue now by establishing an independent public inquiry. If that happens, we shall get at the truth of the matter once and for all.

The past 30 years have been difficult for the Northern Ireland Prison Service. I, and others, have often criticised it for inefficiencies and mistakes that have had serious consequences in the wider community, but I have also paid tribute to the staff who have worked in very difficult circumstances. Through my involvement in the Committee inquiry and my continued interest in the prison service, I have gained a better understanding of the difficulties and challenges that it faces. It is healthy

that we, as elected public representatives, have a better understanding of the issues. At the same time, we believe that the conjunction of events that led to the inquiry must never happen again. We ought never again to have to face the committing of a murder in one of our prisons. I hope that the lessons that we have learned will be applied, that proper, effective security measures will be implemented, as the Government have promised, and that there will be no more escapes. If those important things can be achieved, the work of our Committee will have been worth while.

4.20 pm

Mr. Roy Beggs (East Antrim): Much of what I wanted to say has already been covered, and I do not want to prolong the debate any more than necessary. Will the Minister tell us the Government's proposals to retain experienced prison staff from those currently employed in Northern Ireland prisons? There has been much talk about the excellent redundancy package that is offered to induce early retirements from the Royal Ulster Constabulary, but there has been much less comment on the package offered to prison officers. I, too, pay tribute to the service that they have provided to all the people in Northern Ireland over many difficult years. I also pay tribute to the support given by the wives and families of prison officers. There have been times when much more could have been done to assist those who were forced to leave their homes and buy more expensive properties elsewhere. In having to move for their own safety because of intimidation and terrorism, they suffered considerable financial loss as well as psychological strain, stress and upheaval. I hope that due consideration will be given to a proper package to encourage the take-up of early retirement.

I accept entirely the remarks of colleagues about the need to create facilities for a much more balanced work force in the Prison Service. However, for as long as paramilitary organisations refuse to decommission or to break down paramilitary structures, further effort will be made to establish paramilitary control in Maghaberry and elsewhere. The closure of Maze prison will not see the end of paramilitary influence.

We need to be able to expect from Prison Service management and, indeed, the Northern Ireland Office, greater influence and increased resources to ensure better training for those in prison, so that, when they have completed their sentences, they can move back into society with less risk of reoffending and returning to prison.

The Select Committee on Northern Ireland Affairs has done a great service. I pay tribute to all our colleagues from the mainland for the time, consideration and thoughtfulness that they put into the preparation of the report. I hope that the Minister will even be able to give us a fuller response than the somewhat short one that we received from the Secretary of State.

4.24 pm

Mr. John M. Taylor (Solihull): I shall add a brief word on behalf of those on the Conservative Front Bench.

I congratulate my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke), who chairs the Committee and who opened our proceedings so excellently. I also congratulate all members of the Committee on the report.

I was suprised when my right hon. Friend mentioned the remarkable staff-to-prisoner ratio at the Maze prison. I nearly intervened on him, but before I did so he said that he also regarded it as remarkable, which made my point. As the hon. Member for North-East Derbyshire (Mr. Barnes) said, we are making our observations against fixed time lines which have passed and in an atmosphere of enormous change. That atmosphere was alluded to in the Secretary of State's response to the report.

I echo my right hon. Friend's reference to the devotion to duty and security record of the Prison Service in Northern Ireland, and add my praise and respect for its work in adversity.

I have been profoundly impressed by all the speeches that I have heard today, none of which was remotely a clone of any other. The nature of comment has been extraordinary and eclectic, which has given me a remarkably vivid view from different positions of the state of the service. I shall underline the paradox of my position. I was concerned by the misgivings of my hon. Friend the Member for Basingstoke (Mr. Hunter), not least about morale and absenteeism, but at the same time, paradoxically, I found myself sympathetic to the hon. Member for Hemel Hempstead (Mr. McWalter), who asked rhetorically whether any of us felt that we could have done any better.

Relatively new as I am to my brief, I have found today's proceedings most informative. I have been impressed by the work of the Committee, and await the Minister's response with interest.

4.28 pm

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): The hon. Member for Solihull (Mr. Taylor) does not have to wait too long.

The right hon. Member for Cities of London and Westminster (Mr. Brooke) clearly and precisely set out the range of issues that were required to be considered by his Committee, and he rightly paid tribute to the members of the Committee and the officials who served it. He also correctly put the debate in the context of what has been a busy week for Northern Ireland business. We have had a good attendance in the Chamber, and many thoughtful and useful contributions to the debate. I shall deal with the one jarring note—the tragic murder of Billy Wright—in due course.

I am sure that I speak for my right hon. Friend the Member for Redcar (Marjorie Mowlam), who was the Secretary of State when we gave evidence to the Committee, when I say that we always received an effective grilling. It was always courteous, however, which helped the Committee to arrive at conclusions. The report is a constructive and perceptive document. It correctly identifies the strengths and weaknesses of the Northern Ireland Prison Service, and we are acting on its comments. Where strengths can be strengthened and weaknesses need strengthening, we have done that with vigour, as I shall elaborate.

When the director general, Robin Halward, met the Committee in October in a follow-up session, he discussed the developments and follow-on that he had

[Mr. Adam Ingram]

initiated along with the senior management team, and identified where progress had been made in relation to the report and its conclusions. This afternoon, I shall not cover that ground again but shall touch on it tangentially and elaborate on how we have progressed since then.

The job of a prison officer is, at the best of times, difficult, as has been borne out by the contributions that we have heard today. It demands patience, understanding and an ability to withstand the sort of pressure that most of us would hope never to be placed under. What is true in England, Scotland and Wales is even more so in Northern Ireland, where, as the right hon. Member for Cities of London and Westminster, among others, mentioned, 29 officers have been murdered, and many more have been injured over the past 30 years. I share in the tributes that have been paid to those officers and their families. Those officers made significant sacrifices, and their families must live with the tragic consequences. As hon. Members have said, such threats continue, and we should pay tribute to those officers who continue to serve in those difficult circumstances. They, as part of the overall delivery of governmental services in Northern Ireland, have made a major contribution to what we all hope will be the beginning of a new, peaceful future for Northern Ireland.

The hon. Member for Lagan Valley (Mr. Donaldson) referred to the possible award of a Prison Service medal to those who have served. That will be a matter for the body responsible for such issues, the committee on the grant of honours, awards and decorations. As that body must consider the application that will be made, it would not be appropriate for me to comment now on the outcome of its deliberations. However, the hon. Gentleman's point was well made, and the proposal is progressing through the Government system, in full consultation with the staff associations responsible for those who serve in prisons.

The provision of a better service cannot be achieved in a vacuum. The Northern Ireland Prison Service and I value the fresh perspective that the Northern Ireland Affairs Committee has brought to our work and our objectives for the future. The Northern Ireland of two years ago, when the Committee began its inquiry, is a world away from the Northern Ireland of today. For the first time in a generation, Northern Ireland has an Executive, elected by and responsible to all the people of Northern Ireland, and we have the best chance yet to secure a genuine and unbreakable peace.

The Northern Ireland Prison Service, too, is experiencing unprecedented change. The early release of paramilitary prisoners has markedly changed the size and composition of the prison population, and peace will ask different questions of the Prison Service of the future. It can begin to focus on running a normal prison regime, if such a thing exists. It can break free from its traditional role of a bulwark between segregated groups of paramilitary prisoners, and it can play a more positive role in delivering broader criminal justice objectives, helping to reduce crime and the fear of crime.

The Northern Ireland Affairs Committee began its inquiry in the aftermath of the Good Friday agreement, when it became apparent that future staffing levels would have to drop by about 40 per cent. The Committee faced a barrage of questions from staff, who had real concerns about their future. That was reflected correctly in the report and was mentioned in today's debate. That period of uncertainty obviously dented staff morale.

In many ways, the Northern Ireland Prison Service was the first part of the jigsaw of putting together the changes initiated by the Good Friday agreement, which has had a major and significant impact. We have had to work hard since then in three areas to make a real difference—first, on staff management, development and morale; secondly, on some specific operational matters; and, thirdly, on inspection and accountability arrangements.

Before I say more on that, however, it is appropriate for me to deal with the tragic murder of Billy Wright and the points raised by the hon. Members for Basingstoke and for Lagan Valley. It is worth putting the matter in context. Two major inquiries into the running of the Northern Ireland Prison Service, primarily into the running of the Maze prison, resulted from that murder. The coroner also commented on it in his judgment, although it was not as a result of a full police investigation. More important, however, the Royal Ulster Constabulary undertook a thorough investigation of those events, which resulted in three people being found guilty of the murder.

I have had to meet Mr. David Wright, Billy's father. Mr. Wright is also in correspondence with me and with my right hon. friend the Secretary of State. We have had to deal with that man's grief, which is genuine. He has lost someone close, and he carries that loss with him. We have explained to Mr. Wright that, if he has new evidence, he should bring it forward by whatever means he wishes—through Ministers, through his own Member of Parliament, or more appropriately, through the RUC.

Members of Parliament may call for a public inquiry, but an inquiry would interview people who would tell it things that could have an impact. I would ask them to take that information to the RUC. They should not use the forum of a public chamber to debate the matter, as it might encourage people to think that substantial evidence was available where none exists. If there is evidence, we want to know about it. If new evidence could lead to new lines of inquiry by the RUC, it should be made available. Saying that we have not got to the bottom of the matter could be seen as a criticism of the RUC. The RUC carried out the usual thorough investigation.

Mr. Donaldson: The right hon. Gentleman misunderstands what we are driving at when we call for a public inquiry. I acknowledged that the individuals involved in the murder have been prosecuted by the RUC and that meetings have been held with the RUC to discuss the evidence in that case. However, the circumstances that surround the events that led to the murder of Billy Wright are important. I speak not only about the apprehension of those who committed the crime, but about getting to the truth of how that crime was facilitated and by whom. For instance, how did the two guns arrive in the Maze prison? I could ask many other questions, but I do not want to incur your wrath, Mr. Deputy Speaker. I hope that the Minister

understands that matters beyond the simple question of prosecution are of public interest and can be properly satisfied only by an independent public inquiry. Our purpose in raising the matter today is to give weight to that call. It is not a mere ritual.

Mr. Ingram: I do not want to get involved in the detail of that debate. However, people who demand public inquiries into such events usually say that there has been collusion between the RUC and the Army, or between unknown individuals somewhere in the system. The evidence obviously has to be significant before we embark on such action. We have examined the information that Mr. David Wright has given to us and that has been given to the RUC.

What happened in the case is established not by politicians or Ministers sitting in judgment, but by people who have investigative capabilities. Our advice is that the evidence that has been produced is insufficient to take us forward in that regard. If the hon. Members who are raising the issue have substantial evidence, they should make it available. It is easy to say that there is evidence or that there are questions to be asked—of course there are questions to be asked. There are probably questions in every murder inquiry that do not get answered. For example, it was never established how the weapon was brought into the prison. That was subject to investigation. If the allegation is one of collusion—that the people in the Prison Service somehow colluded in the murder—the evidence for that should not be passed to me as a Minister. If that is done, I am prepared to accept it but will immediately pass it on to the RUC. I urge other hon. Members to do the same. Such matters should be put into the process so that they can be properly investigated.

A request was made to me for Mr. Wright to visit the Maze next week, and we were able to facilitate that. I hope that that can be done quietly and without publicity because my assessment is that Mr. Wright is still carrying much grief and hurt. I would hate to see people exploiting that for their own purposes, as tends to happen—I do not make that charge against hon. Members who raised the subject today.

I was dealing with the three areas that we felt had to be examined. The first was staff. The prisoner release scheme prompted a fundamental reassessment of future prison staffing levels, and the staff reduction programme was launched in December 1998. To date, 210 staff have left the service and we expect some 1,100 staff to have left by the end of March 2001. The final date for applications to the scheme was 21 January this year, and we have received more than 900 applications. Consequently, I am pleased to say that there will be no need for compulsory redundancies, which is a significant achievement.

The right hon. Member for Cities of London and Westminster asked about the phasing of the measure and how it would be achieved. I shall not go into that, because it is an issue for management to handle through their dealings with prison staff associations. If further information can be provided on phasing and its likely progress as we move through the process, I would be happy for it to be given to hon. Members. The way in which phasing has been handled, given the numbers that have left and the number of applications received, has been a significant achievement. It is a significant achievement for the Prison Service management, as the high take-up showed that they got their strategy and their figures right, avoiding the need for compulsory redundancy. It is also significant for prison officers, who have been able to stay or leave, depending on what is best for them. We obviously owe an enormous debt of gratitude to the service and commitment of those who are leaving.

The question of religious imbalance has been raised. It is difficult to achieve religious balance, given the major downsizing taking place. The hon. Member for North-East Derbyshire (Mr. Barnes) gave accurate figures on the scale of take-up. Every effort is made to tackle the issue, but there are few opportunities for engagement and we are, as ever, dependent on people taking up those opportunities. Even with all the encouragement and positive spin of advertisements to persuade people from the minorities to apply, there may not necessarily be a willingness in their communities to serve in the Prison Service. My hon. Friend the Member for North-East Derbyshire made that point.

Mr. Barnes: Is it considered too early for the hoped for take-up of such jobs by people from the Catholic community? The peace process is at a difficult stage, and people wonder what will happen. Once it has changed the nature of Northern Ireland politics, it may become more natural for them to take up jobs in and associated with the Prison Service and the police. Targeting the Catholic community might work much better in those circumstances.

Mr. Ingram: The answer to that is broadly yes. We always have to be conscious of laws promoting positive discrimination. Laws have been changed to facilitate such an approach, not only for the Prison Service but for other aspects of the Northern Ireland economy. We all hope that Northern Ireland will become a normal society. As it does so, the climate will change and people in those communities will have the freedom to participate in the responsibilities of the state that they have not had hitherto. They will do so without the threat hanging over them of having to move home or of their families being ostracised. We hope that a normal society will evolve and, meanwhile, we will encourage the best take-up that we can from minority communities. However, we should bear in mind the fact that there are few opportunities for that to happen during downsizing.

Those who stay in the Prison Service in Northern Ireland will face new challenges and priorities. Its director general, Robin Halward, and his team have taken a fresh look at the service's mission statement "Visions and Values". It has made what it calls a future positive programme that will allow everyone to contribute in a positive way to personal development, to consider what contribution individuals can make to the development of the service and to share their views with colleagues. Everyone staying in the service will have the opportunity to participate in that programme.

We have already taken great strides to meet concerns about staff training. I am pleased to report an increase in overall levels of training, most notably in raising professional standards and developing management skills. That returns us to some of the points raised in debate. Seven hundred staff from all levels are engaged

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in national vocational qualification accredited programmes. Almost 600 are signed up for or are already participating in management skills programmes.

By April, we should have exceeded the service's target of five days of training and development per officer. The hon. Member for Montgomeryshire (Mr. Öpik) said that he could not stay for my response, but he pointed out that the average number of days allocated for training was much less than that.

Those significant improvements were rewarded when five of the Prison Service's six establishments achieved Investors in People accreditation: its headquarters, training college, Magilligan prison, Maze prison and the young offenders centre. Maghaberry prison will be assessed once recent changes have bedded in. Even with that level of progress, the service will not rest on its laurels. The successes are a platform from which we are dedicated to building continuous improvement.

The management of staff absenteeism remains a primary objective of the Prison Service. We engaged management consultants to analyse our systems and recommend improvements. Those consultants found that core absence management procedures are sound, but that weaknesses exist in implementation and information gathering. In his evidence session, the director general advised the Northern Ireland Affairs Committee of the achievements of the project team that he has created to improve attendance management. By 31 December last year, the overall number of operational days lost due to absenteeism had dropped by almost 16 per cent. compared to the previous year. We aim to achieve an overall reduction of 30 per cent. from the 1998–99 baseline by March 2001.

The second group of anxieties that have been expressed in the debate and are detailed in the Committee's report relate to operational issues. The report raised a number of issues relating to prisoner accommodation and the maintenance of a full and varied regime. The closure of the Maze prison and the overall management of paramilitary and reoffending paramilitary prisoners will require a great deal of attention in the coming months, and perhaps for even longer. Full implementation of the Good Friday agreement should make it possible to close the Maze by the end of 2000. It could probably be achieved in the summer, depending on the circumstances that develop over the coming months. We are planning its smooth rundown. As the nature of the prison population changes, and as part of the overall review of the prison estate, the service is taking a fresh look at the maintenance of good order and prison discipline in all circumstances.

One priority will be to minimise the threat of bullying and intimidation without isolating people. Vulnerable prisoners in Magilligan prison are housed together in one unit with people who are not a threat to them. We plan to extend that arrangement to Maghaberry.

Like the Committee, we are worried about the fact that female juveniles are held in the young offenders wing at Maghaberry prison. The Northern Ireland Office review of the juvenile justice system is due to report shortly, and will offer solutions to what we all know is a difficult problem. Although I cannot say what those solutions will be, we have taken the matter on board and are conducting a thoroughgoing review of it, which will be issued shortly. That will then be subject to further consultation. I shall ensure that the Committee receives a copy of that report.

The Committee's report urged that operational constraints, in particular court escorting duties, should not be allowed to disrupt the delivery of a normal prison regime. A courts escort group, which was established in September 1999, allows prison governors to plan staffing levels without having to cope with the unpredictable demands made by the courts, which lead to disrupted regimes. We have begun to tackle that problem, too. In its early days, I visited the group, which generated a lot of enthusiasm on the part of the officers involved, and was beginning to show results even then. Once we are able to evaluate the benefits in staff management and financial terms and, if possible, for the RUC, which has been involved, we shall inform the Committee.

In addition, a video-link project is being piloted between the young offenders centre and the magistrates and Crown courts in Belfast. It enables remand inmates to participate in pre-trial and remand hearings and bail applications without leaving the centre. Again, I visited that project in its early stages, and I have been advised since that it is working successfully. In many ways, we are ahead of what is being done elsewhere in the United Kingdom. Perhaps we should proclaim that more, but it is another example of substantial success. We intend to extend that project to Maghaberry later this year. Maghaberry will demand a great deal of attention in the coming months. The complex population mix and the difficulties involved in maintaining a full regime at all times have recently led to several unacceptable incidents.

My primary concern is the maintenance of security, good order and control, and I have every confidence in the ability of the Prison Service to manage and, where possible, prevent such incidents. The present staff shift patterns and sick absences have militated against the full range of prison activities, and that sometimes results in reactions within the prison. We are currently involved in negotiations with the Prison Officers Association to overcome those problems. In addition, we are looking at ways to introduce an entirely new visits system, which will guarantee booked visits and enable prisons to establish better visitor identification, searching and drugs control procedures. The system will be piloted at Magilligan prison from this March.

As a next steps agency, the Northern Ireland Prison Service is due to carry out a quinquennial review, as the right hon. Member for Cities of London and Westminster said. That will represent a welcome chance to evaluate the service's performance since it became an agency in 1995. It will determine whether agency status is the best method of operation and, if so, critically examine the relationship between the agency, the core Department and me, as the responsible Minister, in the form of a revised framework document. It will allow the service to appraise its key performance indicators and key targets in light of a changing prisoner population and closer collaboration with other parts of the criminal justice system. The review was launched in late 1999 and a wide-ranging consultation exercise has begun. I apologise if hon. Members have not received that

information—we will keep them apprised of the situation as it develops. We want to involve all interested parties, including hon. Members from Northern Ireland who have an interest in the matter. An emerging findings paper will be issued in spring of this year, and we hope that the review will be completed by the summer.

I turn to the third set of issues that have been raised by the report and by hon. Members during the debate. Those relate to accountability, inspection and working arrangements with the probation service. Work is in hand to meet the Committee's worries about accountability and working arrangements with the probation service. I cannot yet give any firm indications about the precise mechanisms, because that is part of the on-going criminal justice review. That review is due to be published in the near future, and obviously any suggestions that it makes in respect of this and other issues will be subject to full consultation. It will highlight the relevant matters for the benefit of hon. Members. The Northern Ireland Affairs Committee has drawn the criminal justice review group's attention to the links between the Prison Service and the probation service, and it is therefore aware of that interest.

In the meantime, we are making important progress in other related areas. The Committee recommended that we should formalise the arrangements for the inspection of prisons by Her Majesty's chief inspector of prisons. I, as the Minister, and the Prison Service value our close links with the chief inspector, and share the Committee's desire to place them on a more formal footing. We have written to the Home Office and the chief inspector to take forward that recommendation.

In October, the Committee raised the lack of substantive progress on the removal of boards of visitors from the prison adjudication function. I can report that we have given boards of visitors an undertaking that we will take away that responsibility and are working towards a target date of April this year. That is an ambitious target—but important, none the less—because replacing this responsibility raises difficult issues for both for us, in the management of the Northern Ireland Prison Service, and the Home Office. We need to get it right, not least in the way in which it is conditioned by the European convention on human rights. We must ensure that we have proper systems to guarantee the safety of staff, to allow a governor to take appropriate action to maintain good order and prison discipline and to guarantee the rights of prisoners. My officials are working closely with the Home Office on those matters.

The Northern Ireland Affairs Committee recommended the establishment of a prisons ombudsman, either specifically for Northern Ireland or linked to another jurisdiction. I agree with the Committee that the resolution of prisoners' complaints through the courts is over-used, costly and often inappropriate.

The Prison Service has undertaken a fundamental review of grievance procedures and is examining the case for an ombudsman. We shall draw on experience in England, where arrangements are being reconsidered, and in Scotland, which has a system of prison-based committees. The Northern Ireland Prison Service hopes to finish gathering evidence in the coming weeks. It will then consult interested parties before moving forward. We shall, of course, keep the Select Committee informed of developments.

It is worth recording that the Prison Service already has well-established links with the probation service, both operationally in prisons and at senior management level. We continue to consider ways of improving and developing services. During recent months, both services have been working jointly to improve management and supervisory arrangements for life sentence prisoners. They are working with other statutory agencies to develop joint protocols for the assessment and management of sex offenders. At the end of last year, both services worked together on the hosting of a European conference on prisoner reintegration. They are trying to draw on wider international experience of such delicate and difficult matters.

The report of the Select Committee was a helpful reminder that in difficult circumstances we are, at least, moving in the right direction. Where we fell short, the Select Committee did not spare us. We took a long, hard look at where we must improve. Sometimes, we cannot implement measures immediately, but it is better to examine the matter to get it right so that it will last beyond the immediate future. We have studied all the conclusions carefully and are working hard to implement them.

The report and our debate today focus a critical eye on what we are doing with the Northern Ireland Prison Service and will make it a stronger and more vital organisation. The Select Committee's critical comments and examination, and the way in which the director general, with his senior management, follow the recommendations will make the Northern Ireland Prison Service a better service in the months and years ahead. Much will depend on the sort of society in which it exists. We all want a different and better society than we have had in the past 30 years.

Question put and agreed to.

Adjourned accordingly at two minutes past Five o'clock.

Westminster Hall

Tuesday 1 February 2000

[MR. MICHAEL LORD *in the Chair*]

Anti-Social Behaviour Orders

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Touhig.*]

10 am

Mr. Vernon Coaker (Gedling): Thank you, Mr. Deputy Speaker, for the opportunity to speak on a problem that we all recognise as one of the most serious facing many of our constituents—anti-social behaviour. Constituents come to my surgeries and those of many hon. Members with all sorts of problems involving anti-social behaviour.

The Crime and Disorder Act 1998 provided a range of new orders for tackling anti-social behaviour. One is the anti-social behaviour order, the purpose of which is to allow the police and local authorities to deal effectively with people who persistently seriously harass, alarm and cause distress to others. The local authority or the police may now apply to a magistrates court for an order to protect people from those who persistently make their lives a misery. The police and local authorities asked for that power because there was a gap in the legislation and they wanted it filled. They needed a quick and effective measure to tackle such behaviour, so the Government responded and provided the new laws.

We have all had constituents coming to our surgeries with horrific stories. What do they ask for when they come to see us? They want the opportunity for themselves and others to live peaceful and law-abiding lives. The anti-social behaviour order has teeth, so ordinary people do not need to take the action that they may feel too intimidated to take. It can be taken on their behalf, so they can remain anonymous and avoid further intimidation. One of the most appalling aspects of anti-social behaviour is that many people feel intimidated and unable to seek redress through the law. I have had people in my surgeries saying that they hoped no one saw them come in. The purpose of the orders is to remove the fear of intimidation by providing an opportunity for professional witnesses to be involved.

I am sure that most hon. Members could list a catalogue of experiences, and I shall give one or two examples of unacceptable behaviour that must be dealt with. I emphasise at the outset that, although I shall refer to experiences from my constituency, the vast majority of my constituents in Gedling in Nottingham are peaceful and law-abiding and want action to be taken against what is a very small minority. If I were to name any constituents who had experienced such behaviour, they would worry about being identified in a local newspaper report. Therefore, I must speak in general terms to demonstrate the scale of the problem. One constituent was persistently harassed, threatened and physically abused by a neighbour. Indeed, at one point the neighbour seemed to be taking pot shots at my constituent with an air rifle. It is difficult to believe that such things happen, but unfortunately they are all too common.

In my constituency, groups of youths gather every evening in a children's playground that is surrounded by houses. They drink, urinate on the swings and fornicate on the slide. Anyone who tries to reason with them is verbally and physically intimidated. Why should those who are going about their everyday business or watching television in the evening have to deal with such problems, only to be mooned at by young people? We seem to underestimate the extent to which people are intimidated by such behaviour. Youths have also been riding bikes around the corridors of an old people's complex in my constituency with bats in their hands. One can imagine the terror that that provokes. They stand in the streets and drink, throw stones at windows and act in a threatening and intimidating manner. Moreover, there are numerous examples of neighbour nuisance. People carry on unlawful activities without planning permission and carry out all manner of repairs in their garages at all times of the day.

Of course, I complain to the police and local authorities about such behaviour. They take action, and the behaviour stops—for a few days or a week. However, as far as ordinary people are concerned, an end point is never reached because no one is ever held accountable and punished. They also feel that parents are failing to accept responsibility for the behaviour of their children. Most of such offenders are young, and we must ensure that they do not get away with their crimes and that their parents are also held responsible. We are talking about not petty or trivial crimes, but the sort of crimes and anti-social behaviour that people experience in their communities and about which they want something done. My constituents express fears not about major crime—important though that issue is—but about the behaviour to which I have referred.

People often feel that, in trying to deal with such problems, they are coming up against a brick wall. The local authority tells them that it is a matter for the police, and the police say that it is a matter for the local authority. As a result, people feel that nothing can be done and nobody is responsible.

Anti-social behaviour must be dealt with quickly and firmly. I have urged Gedling borough council, in conjunction with the police, to use anti-social behaviour orders to deal with the many cases that have been brought to my attention. The Crime and Disorder Act 1998 has encouraged local authorities, the police and housing departments and agencies to work together. It has changed the culture, which is a major plus.

Gedling borough council has had a crime reduction strategy during the past two or three years, and has set itself high targets in priority areas such as domestic burglary and working with young people. It has tried to provide additional facilities such as shelters and basketball courts, and has carried out liaison work with the Guinness Trust—a local partner—to try to discourage vandalism. In addition, council officers have spent a considerable time in liaison meetings with the police, as part of their work against anti-social behaviour. There is a community safety partnership that encompasses Gedling borough council, Nottinghamshire county council and the Nottinghamshire police, assisted by the health authority and the probation service. Gedling borough council and Nottinghamshire police do good work together—the encouragement of such collaboration is one of the most positive aspects of the Crime and Disorder Act 1998.

[Mr. Vernon Coaker]

Despite the appalling behaviour that I have outlined—and the appalling behaviour described by other hon. Members in their constituencies—not one anti-social behaviour order has been implemented in my constituency, even though great consideration has been given to the idea.

Mr. Nick Hawkins (Surrey Heath): Has the hon. Gentleman had the opportunity to study the *Hansard* report of the Committee stage of the Crime and Disorder Bill, when the complexity of the anti-social behaviour order provisions was discussed at length? Opposition Members were worried that that complexity would lead to great difficulty in using those orders in practice. Does he agree that the Opposition were right on that point?

Mr. Coaker: This is an important debate, and we need to try to build a consensus and a way forward. Indeed, my right hon. Friend the Home Secretary has written to local authorities and chief constables to ask them what practical problems exist in relation to the implementation of anti-social behaviour orders. Later in my remarks, I shall refer to one or two of the problems that local police and authorities have drawn to my attention. It is important that anti-social behaviour orders are implemented. They are good things, and any difficulties or problems with their implementation should be brought to the attention of my hon. Friend the Minister so that a way forward can be found. That is the point of today's debate. It is in all our interests to tackle the kinds of behaviour that I have mentioned. No doubt the hon. Gentleman's constituents have told him about such behaviour.

As I said, not one anti-social behaviour order has been implemented in my constituency. The latest figures show that only 10 have been implemented nationally. That is of concern to my right hon. Friend the Home Secretary, and my hon. Friend the Minister will probably want to comment on it.

In Nottingham, the city council has made a 14-year-old boy the subject of an anti-social behaviour order. One order has therefore been implemented in the greater Nottingham area. It is amazing to think that that young man had been convicted 55 times in the past two years on charges including theft, taking vehicles, robbery, burglary, handling stolen goods and motoring offences. Many people have asked me why it has taken two years for an anti-social behaviour order to be applied, or for the law to deal with somebody who is clearly terrorising a neighbourhood. People are staggered by it, and, in all honesty, I find it difficult to provide an answer. One would have thought that at some stage, even if an anti-social behaviour order were not appropriate, another care provision—or criminal provision—should have been appropriate. However, the use of the order sent a powerful message to that local community and to many others across the greater Nottingham conurbation. I hope that it is the first of many such orders.

The important factor is that the young man's breaking of the order meant that he had committed a criminal offence and was put into secure accommodation. Consequently, the people who had been terrorised began to experience some peace in their communities. People continually complain to me that we appear to be more concerned about the human rights of those who commit offences than those of the victims who are being terrorised. A better balance is needed.

I want more use of these powers by local authorities and the police, because people all over the country want an end point to the problems that they face through tougher, quicker action and zero tolerance.

To refer to the comments of the hon. Member for Surrey Heath (Mr. Hawkins), the lack of use of anti-social behaviour orders has been a matter of concern for my hon. Friend the Minister and my right hon. Friend the Home Secretary. Many hon. Members will have seen the Home Secretary's letter to all chief executives of local authorities, which was copied to chief constables, asking them to detail their problems in implementing the legislation and encouraging them to start to use the orders to deal with anti-social behaviour.

The letter makes the important point to which I referred at the beginning of my remarks, asking those concerned to tell the Home Secretary if there are problems in implementing the orders. It also states that the Government will consider the possibility of amending the legislation. In the spirit of trying to draw a consensus, we need the orders and partnerships to work, because they are for the benefit of our constituents.

I draw to my hon. Friend the Minister's attention a couple of matters that the police have raised with me about the anti-social behaviour order. They sometimes find its requirements to be too bureaucratic and complex—more complex, in some circumstances, than those of previous public order legislation. A case conference and other consultations have to take place before the application for the order, and a great burden of evidence is required. In the interests of a quick and efficient process, we had all hoped that would not happen. The weight of evidence that is required is often so off-putting that the police and local authorities decide that they cannot obtain it, and therefore cannot pursue an order because it would be thrown out of court. Another problem that has been relayed to me is that it is necessary for witnesses to attend court at the application stage, which is conducted under civil law. The police in my constituency tell me that the courts require that evidence be given at the application stage in the presence of the suspect. One of the greatest problems in tackling anti-social behaviour is the intimidation that people often feel, and one of the intentions of the legislation was to help to overcome that problem.

Will my hon. Friend the Minister use this occasion to remind the police and local authorities that anti-social behaviour orders are not a measure of last resort and that they are fully consistent with human rights legislation? If used quickly and effectively, they can nip problems in the bud. They can prevent serious offending and lawlessness arising from minor matters, if those matters are dealt with strongly and sternly, straight away.

I often seem to be in a minority with some of my opinions, but I believe that we ought to be very hard on people the first time that they do something wrong, rather than wait for them to commit a lot of offences and

then be hard on them. If they then continue to offend, they really do need help, because the vast majority of people will learn from being punished at the outset.

Will the Minister comment on the effectiveness of parenting orders? Many people feel that parents should have a greater sense of responsibility. It could be very effective if the police sometimes took people home in the back of a patrol car and said to their parents, "Do you realise what your son or daughter has just been doing?" I have been horrified at some of the things that my son and daughter have done, but I have tried to deal with it. All parents know that teenagers are not easy to deal with. However, some parents abrogate all responsibility for their children's behaviour.

I believe that 10 is too young for child curfews, which are part of the consultation process. Will the Minister consider extending the provisions to encompass older children? I would prefer a minimum age of 16.

As the hon. Member for Colchester (Mr. Russell) will no doubt point out, not all young people are involved in anti-social behaviour. I do not want to give the impression that they are. Many young people belong to uniformed organisations such as the Scouts and the Guides, and they are great. Many also take part in charity work. The problems that we are discussing do not affect the vast majority of young people. I recently spoke to sixth form students at Christ the King school in my constituency as part of UNICEF's "Put it to your MP" day. They were as concerned as anyone else about anti-social behaviour in their area, because the vandals have often vandalised the facilities that they want to use, such as youth clubs. Those students asked me what could be done about such anti-social behaviour, because they were worried about it and wanted it to be dealt with.

The Government have laid the foundations for crime reduction. They have established numerous crime reduction partnerships across the country, made huge investments in closed circuit television, made available crime-fighting funds to boost police recruitment and improved police communications. Alongside the introduction of anti-social behaviour orders, there are provisions for a radical overhaul of the youth justice system, fast-track punishment for persistent offenders, final cautions and referral orders with youth offender panels—the last of which is being piloted in Gedling.

In addition, there are measures to tackle the causes of crime—including the new deal for communities and the new deal for the unemployed—and measures to tackle social exclusion and truancy in schools. The Government have provided a framework for crime reduction within which we can start to tackle the problem of anti-social behaviour. That problem affects all of us. The police, local authorities, housing and health authorities, the Government and councils need to work together at local level to tackle the problem. We need to encourage a society that recognises and respects the rights and responsibilities of individuals and promotes a sense of community.

Anti-social behaviour orders are a highly effective approach that could make a huge difference to the victims of anti-social behaviour or harassment by neighbours. This important issue affects the lives of many of our constituents. An appropriate framework exists, but we should consider whether improvements could be made to it. Our constituents deserve a better deal from the anti-social behaviour orders, which should be used more frequently. The Government have given local authorities and the police significant powers, and they should use them to protect our communities from a small anti-social minority.

10.25 am

Mr. Bob Russell (Colchester): I congratulate the hon. Member for Gedling (Mr. Coaker) on raising this important subject. The examples that he gave from his constituency are, sadly, repeated in virtually every constituency in the country.

I stress a point that the hon. Gentleman made near the end of his speech: that the vast majority of young people are not guilty of anti-social behaviour—it is a tiny minority who give the rest a bad name. The examples that the hon. Gentleman gave—we shall doubtless hear more examples from others—show that the Government's anti-social behaviour orders are not working, although they were contained in flagship legislation. It is not clear whether six or 10 orders have been served nationwide, but either way the total is minute. The expectation was that the Government would be tough on crime and tough on the causes of crime, but they have not been.

The Liberal Democrats do not oppose the anti-social behaviour orders in principle and we did not vote against the legislation, but we and the Conservatives raised several concerns when it was passing through the House. For example, we were concerned that the standard of evidence was too weak. The Home Secretary has written letters to local authorities and police chiefs urging—indeed, begging—them to implement this flagship legislation, but the fact that only 10 orders have been served confirms that the legislation is too weak. The fact that the associated criminal sanctions are severe may explain why there is reluctance to impose more orders. Some civil liberty groups have claimed that mixing civil and criminal standards means that the anti-social behaviour orders may breach the European convention on human rights.

Liberal Democrats have raised concerns about the wide definition of anti-social behaviour, which includes harassment, alarm and distress. A letter that was published in yesterday's *East Anglian Daily Times* appeared to some to incite the pro-hunting lobby in East Anglia to descend on and protest outside my home. Would not that letter cause harassment, alarm or distress to my family and my neighbours? It was written not by an ordinary member of the public, but by the chairman of the Colchester Conservative association, who is involved in our democratic process.

Liberal Democrats and Conservatives raised the possibility that merely eccentric activities that are peculiar to individual minority ethnic communities could be perceived by some as involving anti-social behaviour, although there would be no public interest in taking legal action. The Government argued that proper guidance would be available and that there was no danger that eccentric behaviour would be targeted—so morris dancers are safe. Furthermore, ASBOs were designed partly to respond to people who were causing harassment, alarm or distress to ethnic minorities.

[Mr. Bob Russell]

We did not believe that ASBOs should be the first port of call for the police and local councils, as the hon. Member for Gedling emphasised. The orders are serious and should be a last resort. The Government gave those assurances in Committee. We also wanted assurances about the use of the orders in cases involving young people.

Since ASBOs were introduced, some people have tried to highlight the Home Secretary's embarrassment that they have not been widely used. Whether the numbers involved are six or 10, either way they are not large. ASBOs were a high-profile plank of the Home Secretary's law and order agenda to crack down on anti-social behaviour, and were presented as part of the Government's zero tolerance approach. According to the Home Office, the threat of an ASBO is a good deterrent. That is difficult to measure or prove, although it is bound to be true to some extent. However, we continue to face the midnight do-it-yourself building workers and ghetto blasters into the early hours of the morning.

The hon. Member for Gedling referred to anti-social behaviour in children's playgrounds. A tiny minority cause a lot of distress to a lot of people and unfairly tar all young people with the same brush. One response from the Home Secretary was to blame wealthy liberal lawyers with no experience of what it is like to live in areas with anti-social behaviour for undermining and criticising the measures.

My party does not oppose the orders in principle. We warned that they might raise unrealistic expectations, and what we have heard today, as well as evidence from the Home Secretary, confirms that. Local councils and the police may be reluctant to request such strong orders, and the courts may be reluctant to issue them. The Home Office should revisit the legislation and consider what improvements might be made. Furthermore, it is entirely inappropriate to blame lawyers for expressing their anxieties about the human rights implications. The Government should have been more careful in drafting the orders.

We must also take into account what has happened in the past two years. We face a scene of police cuts throughout the country and particularly in my county of Essex. On the plus side, we have heard good stories about local authorities such as Gedling district council, to which I would add Colchester borough council, which installed closed circuit television security cameras with minimal support from the previous Government, the funds having been largely raised locally.

The involvement of young people is vital. If the Government want their joined-up thinking to be taken seriously, it is not good enough constantly to harp on about raising academic standards and about school league tables, because that gives the message that young people who are not academically gifted are of less worth to society. That message is being sent out, albeit unintentionally, and all three political parties are to blame.

A further problem is the playing down of sport and activities for young people. I invite the Minister to conduct a three-month experiment. Every young person entering a young offenders institution should fill out a simple questionnaire on whether they have ever been a member of a recognised, but not necessarily uniformed, youth organisation, and if so, which ones and for how long. We could then ascertain whether a pattern can be discerned of young offenders coming from a background in which youth organisations have played no part. Investing in our young people at an early stage will result in there being less anti-social behaviour as they hit their teens—or, indeed, even younger.

Finally, Mr. Deputy Speaker, we should not put anti-social behaviour orders in a compartment on their own. There is a lot more to the matter, including education, youth movements, and sport and leisure activities. The problems highlighted by the hon. Member for Gedling apply throughout the country. If we can achieve the consensus that he called for, the Government will be able to deliver on the expectations that they raised two or three years ago.

Mr. Barry Jones (in the Chair): Order. Members will wish to know that the House has ordered that a non-regular occupant of the Chair in Westminster Hall should be addressed by name and not as Deputy Speaker. My name is Mr. Jones.

I now call Mr. St. Aubyn.

10.35 am

Mr. Nick St. Aubyn (Guildford): Thank you, Mr. Jones. May I be the first Conservative Member to congratulate the hon. Member for Gedling (Mr. Coaker) on his display of new Labour machismo on the fight against crime. However, I am sure that he, like me, is sometimes disappointed in the Government's response.

I wondered this morning whether the hon. Gentleman was applying for a job in the Whips Office, to help deal with a delinquent element in the Labour party. He spoke eleoquently about the crime on some estates in his part of the country—a problem that is shared by other areas, even Surrey. I represent the people of Guildford, and my hon. Friend the Member for Surrey Heath (Mr. Hawkins) and I both know that our county does not suffer problems on the same scale as other parts of the country, but we certainly have a problem. Also as a former London councillor I know how difficult such problems can be for neighbours and others who suffer as a result.

The Government talk about crime with a forked tongue. At the same time as talking tough about anti-social behaviour orders, they allowed into the country last week one of the most anti-social people in the world. Mr. Tyson was convicted and sent to prison for a terrible crime and his record in the boxing ring is little short of disgraceful—so much so that many people thought that he should have been banned from boxing for life, as he nearly was. Allowing such a person into the country was a retrograde step. Banning him from entering the country would have done as much good as 100 anti-social behaviour orders and would have sent out a clear message to those who might otherwise be tempted to regard him as a role model.

I wish to concentrate on the orders as they were originally intended to be applied to disaffected youth. The Home Office guidance stated:

"Applications may routinely be made for the middle and older age groups of juveniles and young people (e.g. 12-17 year olds) as experience has shown that such individuals may commit serious acts of anti-social behaviour without adult encouragement or involvement."

That group was to be targeted by the ASBO, and we heard that curfews would be imposed on teenagers who caused disruption in a neighbourhood. According to a survey undertaken by the BBC last September, not only have no curfew orders been imposed under ASBOs, but, as the hon. Member for Gedling said, we are aware of only 10 orders having been made at all. The strategy has failed.

The Government have also been reluctant to implement provisions introduced by the previous Government that might be more effective against anti-social behaviour. For example, the Government have been asked several times to introduce the remand provisions of sections 152 and 158 of the Housing Act 1996. In July, Ministers told the House that they were in discussion on the matter with the Lord Chancellor's Department and that they would inform hon. Members when they had reached a decision. So far as I can tell, no decision has yet been reached. I hope that the Minister will tell us when those provisions will come into force.

The previous Government made a great deal of progress in giving local authorities powers to deal with anti-social behaviour on council estates. The Housing Act 1985 strengthened powers of eviction and gave local authorities the powers to bring in byelaws that might control anti-social behaviour. I have already mentioned the 1996 Act, which introduced powers to bring injunctions against anti-social behaviour. It also introduced introductory tenancies, whereby tenants are in a sense under review for the first year of tenancy. They have been used by up to half our local authorities.

In that context, what do ASBOs add to the fight against anti-social behaviour? Before any such measure is judged, we must ask what the sanction is if the order is ignored. It is severe. The Home Office guidance on ASBOs states:

"Breach of an order . . . is a criminal offence triable either way with a maximum penalty on indictment of 5 years in prison."

Even for the language of new Labour machismo, that sounds over the top, and that is the problem. The sanction is far too strong to use against teenagers who display anti-social behaviour. It is not credible to threaten children of 15 or 16 with being sent to prison for five years. The sanction is not workable. Therefore, local authorities are put in the invidious position of invoking an order that may then be ignored and are left in a quandary as to what to do if the process is discredited. Sometimes they hold the order like a sword of Damocles over the youths, while knowing at the back of their minds that using it is a high-risk strategy with that group.

Mr. Coaker: The hon. Gentleman is making a point about the deterrent involved in someone breaking an ASBO. The example that I gave about a youth in Nottingham—I appreciate the fact that there are not many such examples—was that the ASBO was broken and, as that was a criminal offence, the youth was sent to a secure unit. I cannot remember how long he was there, but it was a huge relief to local people. It showed the effectiveness of the sanction, and in my view acted as quite an effective deterrent in and beyond the local community.

Mr. Barry Jones (in the Chair): I remind hon. Members that interventions must be brief.

Mr. St. Aubyn: I take the hon. Gentleman's point. I was about to say that, in extreme cases, there may be a justification for removing someone behaving anti-socially from a locality. That is surely a feature of the powers given to local government in recent years.

If the hon. Gentleman will let me, I shall draw a parallel between the use of ASBOs on estates and exclusion orders in schools—an issue that the hon. Member for Don Valley (Caroline Flint) and I considered in detail when we served on the Select Committee on Education and Employment. We examined the subject of disaffected children, the group that our debate on ASBOs is about. We made some interesting findings. The fifth report of the Committee from 1997–98 says that

"they are predominantly male . . .; they are drawn disproportionately from African-Caribbean backgrounds; children looked after by local authorities are disproportionately represented; they include a high proportion of young offenders; many are likely to come from difficult and disrupted family backgrounds; they frequently lack self-confidence and self-esteem; they tend to have few 'basic skills; many have emotional and behavioural difficulties; there is a high prevalence of risk-taking behaviour, for instance in relation to smoking, substance abuse and early sexual activity."

That group is also more likely to be among those who behave in an anti-social manner on the estates where they live.

We felt that to exclude this type of child from school was not necessarily the right response. Clearly it is necessary, particularly when a school is failing and must be turned around, to make dramatic changes, among which may be a need to exclude the most disruptive pupils. That is very much in the school's interests, and we must keep the interests of the majority of children in mind in such cases. However, unless we are, in parallel terms, talking about a failing estate, one wonders whether excluding a child from an estate is the right response. We know that taking children out of the normal family environment can be harmful, and that children in care have low educational attainments, as the report has identified. That places them on a cycle of low achievement and dismal prospects, which may be with them for the rest of their lives.

We must look at alternative strategies for the council and housing estates where this problem is prevalent. Like many local authorities, Guildford borough council has not used ASBOs. However, in the last 18 months it has appointed a nuisance investigation officer to deal with these cases, who typically deals with one case a day. That is the type of mediation role often needed, not just for juveniles, but for other disputes on estates. Mediation provided by a specified officer of the local council or an outside mediation service may be more effective in bringing home to those concerned their responsibilities, although we must always accept and require that other sanctions are necessary and should be available.

The sanctions of the introductory tenancy and the ability to evict a perpetrator are powerful and should not be ignored. Nor should the sanctions of the

[Mr. St. Aubyn]

injunction or the use of byelaws, but we need a more imaginative response to disaffected children that involves other Departments. What discussions has the Minister had with his former colleagues in the Department for Education and Employment? Many disaffected children find that the academic rigour of a GCSE course is simply not for them; in many cases they may not have attained the basic skills necessary to achieve a result on such a course. Alternative strategies for them must be developed, particularly for those aged 14 and over.

There is good evidence that children over 14 who are put into a more adult environment—for instance, at their local further education college—may strive much harder when given the responsibility that such an environment requires of them. Indeed, if they are given work places, they may get to know role models, the slightly older people in that workplace, whom they can see have money in their pockets and a future—something to which they can aspire if they can attain basic skills and put them to good use. It is about setting the right example, which goes back to my earlier point about the incident last week. The ASBO's scope is therefore extremely limited.

We could also look at the overall design of estates. When I was a councillor in Paddington, I sat on a housing committee that visited some of the failed estates built in the 1960s and 1970s, which had often failed partly because of the way in which they had been designed. The belief was that long corridors of communication at every level of the flats would engender social cohesion, but, unfortunately, they simply provided the criminal element on the estates with a ready escape route. When we visited the Mozart estate, we decided to do some basic redesign. Many long walkways were bricked up, creating smaller clusters of accommodation and, therefore, a greater sense of identity among council tenants. That went some way towards improving behaviour on the estate.

I would welcome the Minister's comments on how ASBOs and other powers can be brought to bear on those who have exercised the right to buy on council estates. Some tenants in my constituency are complaining about a neighbouring family that has exercised the right to buy and is exhibiting anti-social behaviour towards those around it. The council has found that its powers are more constrained than if the family were still a tenant of the council.

We need a clear view from the Minister of what other action he will take on remand orders and on making agents of the law-enforcement process more aware of ASBOs. In July, the hon. Member for Battersea (Mr. Linton) suggested a training programme for magistrates on the implementation of ASBOs, and a national demonstration project was proposed, which the Home Secretary described as

"an excellent idea, which I shall pursue."—[*Official Report*, 12 July 1999, Vol. 335, c. 16.]

Will the Minister tell the Committee today, six months later, what the Home Secretary has done about a national demonstration project to highlight the advantages of using ASBOs?

As I said at the outset, it is difficult to know what is happening behind the machismo and new Labour spin. How serious are the Government about tackling the real problems? The evidence from the hon. Member for Gedling is that not enough is happening. That, ultimately, is the fault of the Government.

10.51

Caroline Flint (Don Valley): I congratulate my hon. Friend the Member for Gedling (Mr. Coaker) on securing the debate. I had not intended to speak, but I was moved to do so by the contributions from my former colleague on the Select Committee on Education and Employment, the hon. Member for Guildford (Mr. St. Aubyn), and from the hon. Member for Colchester (Mr. Russell). The charge that the Government are not addressing the needs of young people and those who are disaffected with the activities of the majority of young people, whether sport, youth activities or attending school, is astonishing. The Government have put more money into education, starting with the early years, to assist such children. There is a sure start programme in my constituency, which is aimed at families with children under four. We know that disaffection, unfortunately, can start as early as that. In the past few days, my right hon. Friend the Secretary of State for Education and Employment has stated that opportunities should be examined for vocational education with a less academic strand for 14 to 19-year-olds. The hon. Member for Guidlford and I discussed that in the Select Committee, which recommended that the Government should consider such opportunities.

Exclusion has been considered. My authority has one of the highest exclusion rates in the country, and that is in a predominantly white area where less than 1 per cent. of the community comes from ethinic minorities. In the Doncaster area we are considering the introduction of learning mentors, different ways in which to keep young people in school, even if they are not in the same classroom as everyone else for part of the day, and how we can tackle disaffection among young people. There are real problems in some of our communities and not just on council estates. In some mixed tenancy communities, harassment and intimidation occur daily and do not arise only from young people. Anti-social behaviour orders apply not only to young people, but to grown-ups who make people's lives a misery day in and day out.

I am worried that individuals and departments in the local community may thwart the purpose of the orders and the way in which they can be coupled with other opportunities to tackle issues relating to intimidation and harassment. There is evidence of non-compliance, even if it is well intentioned. Everyone must abide by certain laws and certain ways of treating each other, whether in the family, the community or the country. Most of the population, for most of the time, abide by the rules that we, as a community, decide that we should have. Jean-Jacques Rousseau said that people could do whatever they wanted as long as it did not harm anyone else, which, in some sense, is a philosophy by which we tend to try to run our lives.

Some people in our community, however, have not been brought up to obey any rules about how they should live. Children are brought up with no parameters of what is right or wrong, against the law, legal, or of the right way to behave towards an elderly lady walking down the street, an Asian family living in isolation, or their fellow human beings. That is a sad reflection on

our time. We need to establish parameters, whether in school, where there is a set of rules about how pupils should behave, in the wider community in terms of policing, or in quality of life and how we live with our neighbours. We need to say, "There is a line over which we do not accept you can go." Anti-social behaviour orders have a role to play in that.

Despite all the good intentions of the Government, the direction that they want to give, and the opportunities that they want to provide—for goodness sake—to people at the sharp end who have to pick up the pieces for victims of behaviour that threatens so many people's lives, the orders are not being used. I have had separate discussions with my local authority and the police about that. Some crime and disorder partnerships spend a long time talking about and creating bureaucratic protocols, but, when push comes to shove, and something needs to be done, no one wants to take responsibility. Alternatively, one part of the partnership might not want to take responsibility. I urge my hon. Friend the Minister to give closer consideration to what is blocking the achievement of our aim of creating a safer and friendlier community.

I am interested by the comments about the design of estates, and the environment in which we live. There is no doubt that some estates almost invite crime. Motor bikes can zoom across them, and people can carry drugs from one estate to another to escape the police; they can move around at will. There is also no doubt that an environment in which everything is falling down is not a pleasant place to live. I read in my local paper this week that the Government have released further money from the sale of council houses to help to improve estates. With that regeneration money, there is no doubt that the Government aim to tackle that aspect of people's quality of life. However, it would be a crying shame and a waste of funds if we were to spend good taxpayer's money on rebuilding and refurbishing estates that the minority of people who cause mayhem tore down again. In 10 years' time, we would have to inject more money to refurbish estates and redecorate houses, and to make those communities look nice. Looking nice is not enough; there must be a community pact about the way in which people behave and treat each other. That is part of the jigsaw in which anti-social behaviour orders are meant to work.

It saddens me that councils often claim that they have no powers over private tenants. In my constituency, there are a number of communities in which mixed tenure is common. People own their council houses, and have private landlords. Getting private or absentee landlords to take responsibility for tenants has been a special problem. If these orders should have been applied anywhere, it is in that area. I am sad to say that that is yet to happen in Don Valley.

I have spoken with passion on this matter, because I care about young people and I care about disaffection. A multi-strand approach is necessary, but, at the same time, children and adults need to know that there is a proper way to treat people in the community. Creating such parameters may be our last chance to tell young people what is right and wrong before they move on to crime. I speak as an hon. Member who has in my constituency three prisons and one of the best young offenders establishments in the country.

10.59 am

Mr. Nick Hawkins (Surrey Heath): I join in congratulating the hon. Member for Gedling (Mr. Croaker) on securing this debate on a subject that concerns us all and on the persistence with which he has pursued this issue. This is not the first time that he has discussed this matter—he asked questions about the orders last year, on 11 June, on 16 June at column 161, on 12 July at column 15 and on 1 November at column 57. He has constantly held the Government to account and he has a record to be proud of. My hon. Friend the Member for Guildford (Mr. St. Aubyn) said that he suspected that the hon. Member for Gedling might be auditioning for entry to the Whip's Office. However, the hon. Gentleman said that when he advances the views that he expressed today he normally finds himself in a minority of one. If he talked to Conservative Members more often, he would find that his views were widely shared, and he might discover that he had found his political friends.

Under this Labour Government, Oppositon Members often feel like Cassandra crying in the wilderness—we predict the effect of Government legislation, but Ministers do not listen to us. It is rare for Opposition Members' comments in Committee to be found to be accurate so quickly after the introduction of an Act, but that has happened in this case. The concerns that we raised in Committee about workability have been echoed by Labour Members, including the hon. Members for Gedling and for Don Valley (Caroline Flint).

I served on the Standing Committee that considered the Crime and Disorder Bill, and it is interesting to revisit that debate. The concerns that were raised this morning by the hon. Members for Gedling, for Don Valley and for Colchester (Mr. Russell) were raised in Committee by Opposition Members. Labour Members might be shocked to re-read that debate, especially in view of the Pepper *v.* Hart decision, which means that Ministers' observations in Committee can be cited as an indication of the intended purpose of an Act.

The then Home Office Minister, the right hon. Member for Cardiff, South and Penarth (Mr. Michael), who now spends his time in the Welsh Assembly, made it abundantly clear—this may come as a shock to the Labour Members who have spoken today—that the legislation was not intended to deal with young or juvenile criminals. He said:

> "First, in respect of juveniles, I must make it clear that they are not the main targets of these orders. Their use against juveniles . . . would be exceptional. They may be used because the juvenile is one of several members of a family involved in a pattern of behaviour. . . . An order would not be issued in isolation, but as part of an attempt to tackle the general problem."—[*Official Report, Standing Committee B*, 30 April 1998; c. 51.]

My hon. Friends the Members for Hertsmere (Mr. Clappison), for Woking (Mr. Malins) and for Gainsborough (Mr. Leigh) and I pointed out in an extensive debate that the proposal was completely at odds with announcements that were made by the right hon. Member for Blackburn (Mr. Straw) before the general election, when he said that such orders would tackle youth crime. After the general election, when he had become Home Secretary, he foreshadowed what became the Crime and Disorder Bill in many speeches

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that he gave about tackling youth crime. My hon. Friends and I said in Committee that the legislation was an over-bureaucratic response that would not deal with the problem. A mere 18 months later, Labour Members are now saying that there have been only 10 such orders in the country. The hon. Member for Don Valley spoke in evocative terms of there being too much bureaucracy and talk—

Caroline Flint: Perhaps I should clarify my remarks. I said that, on the ground, the Government's policy is being thwarted by a tendency towards over-bureaucracy, not by a lack of willingness to enforce such orders. The problem lies not with the Government, but with the way in which the policy is being implemented.

Mr. Hawkins: I understood what the hon. Lady said. The underlying point of her speech, which she has ignored, is that the legislation created the bureaucracy. It was the Government who introduced an overly complex way in which to bring forward such orders. Hon. Members need not take my word for it. Sir Jeremy Beecham, who is not a known Conservative supporter, has written in *Criminal Justice Management* about the small number of orders. He said:

"There are two main reasons for this—the highly complex nature of getting one in place",

combined with the belief that an order should be seen very much as a last resort. In that article, Sir Jeremy, who is chairman of the Local Government Association and a well-known Labour figure in local government circles, talks about the difficulty of getting clearance from a council department:

"there are all the problems of court procedures. Councils are rightly concerned about protection for witnesses in these cases ... with the Orders being carried through the Magistrates courts there is no protection for them"—

and no protection for witnesses—

"once the hearing is started."

Sir Jeremy, who, as I said, is a leading Labour figure in local government, and who is talking about his own Government's orders, continues:

"What we now have is a situation where the law does not solve the problems it was supposed to. There has been criticism that it hasn't been thought out on a practitioner's level."

Indeed. There was criticism from the Opposition Front Bench when the orders were debated in Committee.

Yet again, the Government's proposals are based on good intentions. We all know that anti-social behaviour is a huge problem, as this debate has demonstrated. Since being called to the Bar some 20 years ago, I have had extensive experience of prosecuting such cases in the courts. The Opposition pointed out during the passage of the Crime and Disorder Bill that it introduced a procedure so complex that it would not work. No less a figure than Sir Jeremy Beecham now says that it has not worked—a point repeated by Labour Members today. We have been proved right in only 18 months.

As we all know, the road to hell is paved with good intentions. The Government have failed to understand that we must listen to those at the sharp end. For a procedure to work in the criminal courts, it must have one cardinal virtue: it must be simple and straightforward, and must ensure that decisions can be taken quickly and simply. Instead, the legislation has imposed a requirement for long and complex discussions between local authority departments and the police. As the hon. Members for Colchester and for Gedling pointed out, all the agencies that must implement the provision have good intentions, and we are not criticising them. However, the provison is not working—and I am not alone in saying that. As chairman of the Local Government Association, Sir Jeremy Beecham talks to local authorities across the country and he, too, is saying that it is not working. The Government must revisit the problem and think again.

The hon. Member for Colchester is right to say that we are talking about only a minority of young people and problem families. If my hon. Friend the Member for Guildford and I have the opportunity to revisit the problem after the next general election, when I hope that a Conservative Government will be elected, we will ensure that a simple procedure is put in place. When this over-complex and over-bureaucratic legislation is replaced, decisions about such prosecutions should be put purely and simply in the hands of the police, because the bobby on the beat on the problem estate knows the nature of the difficulties.

I do not for a moment suggest that employees of local authorities should not also be involved—they can give the police evidence about the difficulties that a problem family is causing to local authority staff. Usually one finds that such a family causes problems for every agency with which it comes into contact. However, if the decision to prosecute simply rested with the police—after all, that is the way in which the courts have traditionally worked—it would not be necessary to have umpteen meetings involving representatives from all the relevant departments of the local authority. There should be a straightforward decision to prosecute so that the matter can be brought to court.

The legislation should be amended so that it is targeted at the areas where many of the problems arise, especially in respect of young hooligans. As the hon. Member for Gedling pointed out, such cases often involve gangs of youths—yet the Minister says that the orders were not intended to deal with juveniles. Quelle surprise, therefore, that they have not been used to deal with the kinds of abuse the hon. Gentleman described.

This valuable debate has revealed, beyond peradventure, the need for the 1998 Act to be amended to deal properly with the problem. It is not only the anti-social behaviour orders, but the child curfew orders, that have not been used.

The hon. Member for Gedling referred to a case that occurred near his constituency in Nottingham, about which I have some press coverage. The newspaper states that Councillor Colin Chapman, the leader of Nottingham city council—

Mr. Coaker: Graham.

Mr. Hawkins: I beg the hon. Gentleman's pardon. I am merely reading from the article.

Mr. Coaker: We cannot believe everything we read in the papers.

Mr. Hawkins: That is true. The newspaper has failed to get the hon. Gentleman's local council leader's name correct, which is extraordinary. Perhaps he is not even a household name in his own city.

Councillor Chapman said:

"People are fed up with children like these getting away time and again".

I congratulate people in cities such as Nottingham on the hard work that they have done in trying to find a way through the bureaucratic maze. They have not found it easy. If the article is to be believed—I should point out that it is from *The Guardian*, so perhaps it is not surprising that it got the name wrong—the council leader said that three similar cases were being prepared. That would mean that only four cases were in progress. Sadly, I am sure that there are far more problem cases than that in a city the size of Nottingham, and simpler legislation must be introduced to deal with them.

I have a cutting from the Glasgow *Herald* about a case in Edinburgh that involved a complaint relating to full volume blasts from Celine Dion, Shania Twain, The Beautiful South and Aerosmith. Although it may be enormously enjoyable to listen to those groups at normal volume, when they issue from a ghetto blaster at full volume, repeatedly disrupting neighbours' lives, that is bound to cause a major problem. I know from my practice at the Bar and from dealing with surgery cases that the broadcasting of very loud music late at night by problem families causes enormous upset and distress, especially to the elderly and families with young children.

The case in Liverpool that involved one of the first anti-social behaviour orders received a great deal of publicity, and was met with a rather hysterical reaction on the part of the Home Secretary. He blamed the fact that so few orders were being imposed on trendy civil rights lawyers who, having defended such people, jumped into their BMWs and went back to leafy suburbs where they did not have to suffer from anti-social behaviour. That caused a huge row in the legal and civil liberties press. The director of Liberty, Mr. Wadham, who was involved in defending the lads from Liverpool, pointed out that he was not at all prosperous and did not live in a leafy suburb.

Mr. Coaker: Does the hon. Gentleman accept that there is a genuine feeling that the human rights of people who have perpetrated crimes are sometimes given more importance than those of the victims, who are the majority?

Mr. Hawkins: I entirely agree with the hon. Gentleman, but the situation is extraordinary when the director of Liberty can write to *The Guardian* attacking the Home Secretary. The fact that the Government are being attacked from the right and left and by their own Back Benchers shows what a mess they have got themselves into. In summary, they have got it all wrong. The legislation is not working. It must be torn up. The Government must start again or, preferably, a Conservative Government will have to come to the rescue and sort out the mess.

11.15 am

The Minister of State, Home Office (Mr. Charles Clarke): I commend the hon. Member for Surrey Heath (Mr. Hawkins) on his most entertaining contribution to the debate but, more important, I congratulate my hon. Friend the Member for Gelding (Mr. Coaker) on his outstanding speech and on introducing such an important debate. I wish to highlight four of the points that he made. They are powerful and should dominate our thoughts. First, he said that we are talking not about all young people, but about the small minority of those who are anti-social in character. Our discussion should not be thought to cast doubt on the behaviour of young people in general, a statement echoed by the hon. Member for Colchester (Mr. Russell).

Secondly, my hon. Friend rightly put at the centre of his speech the issue of intimidation. Violent, physical and mental intimidation is the core of anti-social behaviour. An entire neighbourhood can be oppressed by the activities of a small group of people. We must change the balance between the intimidator and the intimidated, and the 1998 Act was designed to achieve that aim.

Thirdly, my hon. Friend drew attention, as did Opposition Members, to the need for tougher and quicker action—a point that reverberated around the Chamber this morning. Fourthly, he referred to the vicious circle of "Not me, guv". In the past, various agencies, whether local authority housing, social services or the police, have said, "It is not my problem to sort out, it is the other one's problem." The core objective of the legislation under which ASBOs were established was to end that culture and to say that it is the responsibility of us all to work together and deal with such problems, whether strategically in the sense of crime reduction partnerships or through specific relationships with particular agencies. That is one of the reasons why I reject the suggestion of the hon. Member for Surrey Heath. Returning to a culture of zero partnership in such situations and simply leaving such matters to the police would be a retrograde step. After consideration, the hon. Gentleman may agree that such a move would be ill advised.

I commend the remarks of my hon. Friend the Member for Don Valley (Caroline Flint), especially her emphasis on the need to establish a culture that addresses such issues more effectively. By that, she meant a culture among people in which personal relationships are based on respect and trust rather than on intimidation and fear. There must also be a culture in all the agencies of the state, whether local government or the police, that says that they are about solving such problems rather than thinking that they will go away by some means that does not involve actively addressing them.

I really have only one response to make to the hon. Member for Surrey Heath. He said that the problem was very difficult. He was right. We are talking about changing culture and behaviour patterns. We face the choice of whether to address that difficulty and try to solve it or just to sit back, say that it is too hard to deal with and leave it alone. The order filled a gap that had been left in the legisation by the previous Government. We accept that the problem is difficult, but we want to have a go at cracking it, rather than simply say that it is too hard a problem to solve.

Although it is entertaining to revisit the Committee debate—it helps parliamentarians to understand the broader context, as the hon. Gentleman intended—the Conservatives must answer a central political question. They must choose between having a go at solving the

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problem and deciding that it is too hard and that they cannot deal with it. I suggest that the hon. Gentleman has chosen the latter course.

Mr. St. Aubyn: The Housing Acts 1985 and 1996 contain powerful provisions to deal with the problems described by the Minister. Why have the Government not yet implemented the remand provisions of the 1996 Act?

Mr. Clarke: I shall come to that in a moment. It was a legitimate point, and I intended to commend the hon. Gentleman for raising it in his speech—but not for the other points that he made.

At the moment, we do not collect figures for the number of ASBOs in force nationally. The order was implemented on 1 April 1999, and we estimate that between 20 and 25 orders are now in force, rather than the six or 10 that were mentioned earlier. The figures are moving forward and we want to encourage that. They operate in areas as diverse as Somerset, Liverpool, Derbyshire, Worcestershire, Blackburn, Coventry, London, Suffolk, Newcastle, York, Huddersfield and Nottingham. Expertise in those areas is building up.

I have to tell the hon. Member for Colchester that his town does not feature in that list. The hon. Gentleman said that he was not against the legislation in principle. I suggest that he ought in principle to be for it, and that he should encourage his friends on Colchester council to operate it. I know that he has great influence on the council, and I hope that he will consider urging his friends to put Colchester on the list. A shift in stance from not being against the legislation to being for it might be beneficial to his constituents and to everyone in that area. It might even help the Liberal Domocrat party's electoral chances, although I have no desire for that.

To our knowledge, only two of the 20 to 25 orders have been breached. In Newcastle, a defendant was imprisoned for 28 days and breached the order again on the day of his release. He was sentenced to two months imprisonment on 27 January for that second breach. The sanction bites when ASBOs are breached. In Nottingham, not far from the constituency of my hon. Friend the Member for Gedling, an order was granted in December against a juvenile aged 14. The order has allegedly been breached, and the defendant is now on remand awaiting trial for that breach. I understand that the trial will take place in March.

Derbyshire was included in my list. It is worth quoting from an article published in *Police Review* by the officer in charge of the case in Derbyshire, Chief Inspector Royston Smith. He wrote:

"The neighbours have stated that it was a triumph of the community working together to fight off the bullies who destroyed their quality of life . . . as a result we were able to protect the civil liberties of the peaceful, law abiding majority who were at risk".

That is the view of the police officer in Derbyshire who dealt with the problem; it is a testament to the impact that the legislation can have when it is effectively applied. I congratulate the Derbyshire police force and the local authorities.

It is not only a question of successful legal action being taken. The metropolitan borough of Liverpool successfully applied for the first two orders. Over the past year, Liverpool has dealt successfully with more than 100 cases of anti-social behaviour, but only two have resulted in orders. I emphasise that although we need tough sanctions, our aim is to stop the anti-social behaviour. That is the purpose of ASBOs, so Liverpool's experience is encouraging.

Mr. Hawkins: The Minister has given us quite a lot of detail about how many orders have been imposed and where. I am slightly puzzled, because, in answer to the written questions that I cited, he said that information on the number of ASBOs granted or in progress was not held centrally. Do his answers today mean that such information is now held centrally and that we can ask further questions? If not, will be consider whether it should be?

Mr. Clarke: I think that I said—I believe that the record will sustain this—that we still do not collect evidence centrally. We do, however, collect the details as far as we can.

The hon. Gentleman has a valid point. As part of the process, which I shall explain in a moment, I am prepared to consider whether data should be collected centrally, assisting not only the House but the rolling out of the whole programme.

Several red herrings have arisen on what ASBOs might cover. The hon. Member for Colchester mentioned Conservatives, hunters and morris dancers. It is not currently our intention that ASBOs, which deal essentially with anti-social behaviour on estates, should apply to those areas. The hon. Member for Guildford mentioned Mike Tyson; as far as I know, the Home Secretary, who considered many issues to do with Mike Tyson, did not consider whether an ASBO was an effective technique for dealing with him. There has even been a suggestion that the problem of Leylandii hedges be dealt with by ASBOs—an eventuality that the Home Office was able to prevent. We are talking about the sort of intimidation and anti-social behaviour that my hon. Friend the Member for Gedling raised; that is the key aspect of the whole programme.

Several hon. Members correctly said that a wide range of measures are available. The hon. Member for Guildford (Mr. St. Aubyn) mentioned introductory tenancies, for example, which is an excellent idea that is being actively considered. The hon. Gentleman and my hon. Friend the Member for Don Valley also raised the question of school exclusion orders, and parenting orders were mentioned by my hon. Friend the Member for Gedling. The range of options available to address the issues are under active consideration. We have not yet come to a view on the specific measures that the hon. Member for Guildford mentioned but are still discussing the best way to proceed. However, this point was legitimate and we are actively considering whether specific measures should be brought forward from the armoury of available measures. The hon. Gentleman also mentioned mediation. As a result of ASBOs, mediation has been able to work in several other specific ways.

It is critically important to develop a better use of ASBOs. That is why we have planned a series of meetings over the coming months to discuss the experience of those at the sharp end, to use the words of

the hon. Member for Surrey Heath. My hon. Friend the Member for Gedling is right: we want to learn the weaknesses in the structure in order to improve it and ensure that it moves forward. We also want to develop standard protocols, so that the wheel is not continually being reinvented, and to develop proper training and guidelines. We need to do better in those regards and are committed to doing so.

I shall deal with the several specific points that were raised. First, lawyers have raised several concerns about human rights. Apart from the rhetorical point on whose human rights are really at risk—on which I agree entirely with my hon. Friend the Member for Gedling—the Government strongly believe that there is no human rights implication in the use of ASBOs that should in any way inhibit their use. That is the legal advice we have received, and it is our considered opinion. Those who argue that there is a serious human rights issue that should inhibit the use of ASBOs are, in my view and that of the Government, wrong.

The charge that the ASBO is too complex and bureaucratic was well made. However, apart from the fact that it is a two-stage process, we do not believe that it is unduly complex. It is in two stages because that enables us to address the issue at the first stage and does not immediately criminalise people. A civil remedy is provided at the first level. However, we are prepared to look at the precise way in which it operates to consider whether it can be made more effective. On the requirement, raised by my hon. Friend, for witnesses to attend court, the ASBO is a civil order and hearsay evidence can therefore be used, under section 1(2)(a) of the Crime and Disorder Act 1998 which deals with someone who is "likely to cause" harassment. It is for the courts to decide whether to accept such hearsay evidence, but the Home Office view is that such evidence is acceptable, thereby circumventing the need for physical attendance at court.

It has been suggested that the burden of evidence may be too heavy. Obviously, the amount of evidence required will ultimately depend on the court and the circumstances of the case. The police are aware that evidence needs to be proved only on a balance of probabilities. That is an important consideration. It is clearly in the interests of victims of anti-social behaviour for good quality evidence—

Mr. Barry Jones (in the Chair): Order. We must now move to the next debate.

Magistrates Courts (Devon)

11.30 am

Sir Peter Emery (East Devon): It is good to see you in the Chair, Mr. Jones, and I am delighted that you will be presiding. I initiate the debate today because of the terrifying effect that may result from the Lord Chancellor's wish to save money by closing magistrates courts throughout the country, and especially in Devon and Cornwall. Lay magistrates, supported by justices' clerks, are best placed to provide local justice in courts throughout the country. However, judicial functions are increasingly being compromised by administrative expediency and financial cuts. That is unacceptable to the public, court users and the cause of justice.

Magistrates courts are managed by locally based magistrates courts committees of local magistrates selected by a selection panel of local magistrates. The committees act under the Police and Magistrates' Courts Act 1994 and the Justices of the Peace Act 1997.

The Devon and Cornwall magistrates courts committee is responsible for the proper and efficient operation of courts in Devon. It must determine not only the overall operation of justice but how many courthouses are necessary and what other accommodation, urban and rural, is required. In so doing, it acts in consultation with the relevant authority that makes money available for that work—in this case, Devon county council. The committee must operate within "the guidelines"—the diktat—of the Lord Chancellor's Department, which is trying to save the Government money.

The Lord Chancellor is obviously out of touch. When I complained about the centralisation of the youth court, which is to be removed from Axminster and sent to Exeter, he wrote:

> "The magistrates Court Committee has no proposals to close Axminster or any court house in Devon and Cornwall."

Hon. Members might assume that that was written months or even years ago. The Parliamentary Secretary will probably have been supplied with the letter. On 22 November last year the Lord Chancellor was trying to fob off Members of Parliament in that way, when he must have known that his instructions to the magistrates courts committee would effect such closures. It is equally interesting that only last week the Parliamentary Secretary said in this very Chamber:

> "The essential feature of local justice is that magistrates live or work in the locality."—[*Official Report, Westminster Hall,* 25 January 2000; Vol. 343, c. 34WH.]

The current approach of saving money through the Lord Chancellor's edict will result in exactly the opposite.

Closing the magistrates court at Axminster, which would require people who have been charged to appear in Exeter, is similar to closing a magistrates court in West Ealing and making people go to a court in Reading. That would be mad, and it is equally mad to expect those in the Axminster area to travel to Exeter for justice. What I am saying is not a foolish assumption—it has already happened. The youth court previously in Axminster has been transferred to and centralised in Exeter.

Mr. John Burnett (Torridge and West Devon): As usual, the right hon. Gentleman makes a powerful

[Mr. John Burnett]

speech. He knows Devon and Cornwall well, Mr. Deputy Speaker, and knows that there are countless such examples. Does he agree that it is ludicrous even to suggest that people from Okehampton should travel to Barnstaple for those purposes, and that the proposals are short sighted, unlikely to provide any savings and inimical to access to justice?

Mr. Barry Jones (in the Chair): Order. I should tell hon. Members that the House has ordered that people such as me should be addressed by name, not as Mr. Deputy Speaker. My name is Mr. Jones.

Sir Peter Emery: So far as "local" is concerned, I shall quote from a letter from a well-known solicitor in my constituency, Mr. Colin Chesterton. He wrote to me after seeing the Lord Chancellor's letter in November and said:

"What we now have is the worst of all worlds, with cases being heard in the wrong place for the wrong reason. To describe Devon Magistrates Courts as 'locally managed' is a bizarre use of the word local. Devon and Cornwall is a 'region'. It is worth remembering that Axminster is equidistant from Penzance as it is from London. I take it that it is not proposed that somebody from Axminster should have a say in whether South London Magistrates Courts should do Youth Courts work. I am sure that those in the Lord Chancellor's Department are very clever, but geography is not their strongest suit. They could also brush up on their English and the use of the word 'local'. Unless of course they think we can be fobbed off with platitudes about what is really local decision making."

Let me come to the major worry. The magistrates courts committee has proposed that 10 of the 17 courts in Devon should be closed. Those are: Axminster, Exmouth, Kingsbridge, South Molton, Tavistock, Teignmouth, Tiverton, Bideford, Okehampton and Newton Abbot. Exmouth, the second-largest town in the county of Devon, is to have its court closed. Does that really make sense to its population? It is a tragedy for local people and is typical of the Government's lack of attention to the requirements of the countryside.

Mr. Nick Hawkins (Surrey Heath): As my right hon. Friend is aware, the problems that he referred to are happening throughout the country. Does he share my concern that we are seeing an enormous centralising tendency in which everything local is subsumed to the diktats of the Treasury?

Sir Peter Emery: It is really a tragedy. In the long term, we will see local magistrates being taken over by stipendiary magistrates as part of the centralisation.

One of the major factors understood by everyone with experience of magistrates courts is that local magistrates know the people in their locality. They are most likely to know the local rogues and malcontents, and transferring them to centres a considerable distance away from their locality will soon mean that that important local aspect of justice is lost. To expect justices of the peace sitting in Exeter to have the knowledge of the local justice of the peace sitting in Axminster is nonsense. What is more, it is likely that people living 30 miles from the court will think twice before taking on the responsibility of becoming a local magistrate. Local people will not come forward.

I turn to the problem of getting respondents to a court many miles from their home. In an urban area, one can jump on a bus, or in London one can take the tube. There are no tubes in Devon or Cornwall, and the bus services in many country districts are so infrequent that it would be difficult, if not impossible, for some people to get to court by 10 am. People living in Beer, Branscombe and Seaton have a limited bus service, and would have to take the bus to Axminster and the train to Exeter. That is immensely time consuming and incurs considerable cost. Moreover, as one of my solicitors pointed out, they may not be able to get back home that night, which would mean finding a bed in Exeter.

Will the Minister tell us how much the Lord Chancellor's Department is trying to save by these amalgamations? I have heard that it is £225 million. I do not know if that is correct, but I would like a figure to be given to us in the debate. Even if the figure is that high, is it not well worth the Government's while to spend such an amount to ensure local justice?

May I analyse some of the effects of the closures of local magistrates courts? I take Axminster as an example because I know it well, and because it is illustrative of the other towns to which I have referred. Once Axminster court closes, it will lose its county court and its tax commissioners hearings, and we shall no longer have coroners' inquests. The probation service will have no office in which to meet its clients on neutral ground anywhere nearer than Exmouth, which could be difficult for female probation officers dealing with male sex offenders. That will be made worse by the announcement that the Exmouth court is to close, so the probation service in Exmouth will have to move to Exeter as well.

Local papers will be unlikely to report petty crimes, as they would if they were dealt with locally, because they will be dealt with in the two major courts in Exeter, with each court often handling 50 cases a day. Local papers will probably report only serious crimes, which is not much help to the elderly who are worried about crime. They would see papers carrying only stories about rape, murder and so on, instead of run-of-the-mill cases such as shoplifting and motor offences.

The Devon and Cornwall constabulary has confirmed that Axminster police station is to close. At the moment, we have a courthouse. Costs of about £7,000 will be incurred to make it comply with disability requirements. East Devon district council, realising the need to keep the local court, has offered to pay half that amount, even though there is no obligation for it to do so. If the courthouse is to disappear, the capital cost of any future replacement would be such as to make its reconstitution unlikely. It is interesting to note that the capital cost of the courthouse was written off many years ago.

I am worried that there has been no proper cost benefit analysis of the closure of this court. The Government do not know how human rights legislation will affect the operation of local courts. Perhaps the Minister will enlighten us on that? I am told that it will increase the work load in magistrates courts. It is nonsense to have the wholesale closures of courts and the loss of their existing facilities, if their work is to be expanded.

I return to the question of getting people to court. I have checked the following times this morning to ensure

that they are correct. The people now served by the Axminster court in the villages of Hawkchurch, Dalwood, Branscombe, Chardstock and Membury have buses only once a week—Tuesdays or Thursdays—at only one time, which varies from 1.35 pm, 10.30 am, 12.45 pm, 9.10 am and 10.30 am. I suppose that the Government do not have to consider people living in those areas.

That is a major error of judgment by the Lord Chancellor, who should know better. He is there to defend justice, not to attack it. Undermining local justice to save a relatively small amount of money is a threat to local society, completely misunderstands the problem of those who live in and around the countryside. The Government should know better.

11.45 am

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): It is a pleasure to see you in the Chair this morning, Mr. Jones. It is the first time that I have been required to answer a debate such as this in my capacity as Parliamentary Secretary. I look forward to returning on future occasions, as I am sure that hon. Members will return to this subject.

Last week, I congratulated the hon. Member for West Suffolk (Mr. Spring) on securing a debate on similar issues. I now congratulate the right hon. Member for East Devon (Sir P. Emery) on securing this debate and allowing us to return to these matters. He has demonstrated the importance of the subject. The right hon. Gentleman made a most interesting speech, making many serious points well, expressing his constituents' concerns and demonstrating the local strength of feeling about this matter. It may help if I set out the current position in Devon and Cornwall.

Devon and Cornwall magistrates courts committee, which came into existence on 1 April 1999, undertook a review of all aspects of the service to decide how best to fulfil its statutory duty. As I said last week, it is sensible and rational for these reviews to take place, and the Government expect no less of committees discharging their responsibilities. In conducting reviews, committees must have regard to the level of service that they seek to provide across the area as a whole. They cannot look at any one part of their area in isolation.

The committee has begun a consultation exercise on its proposals to develop the service over the next five years. The consultation period does not close until 7 April. The right hon. Gentleman will appreciate from previous debates that at this stage any matters in connection with the proposals are for the Devon and Cornwall magistrates courts committee to address.

Mr. Burnett: Will the Minister tell the House whether there are any instructions from her Department, as alluded to by the right hon. Member for East Devon (Sir P. Emery), in relation to cost savings or overall budgets for Devon and Cornwall?

Jane Kennedy: Having anticipated that those issues might be raised, I shall come to them shortly.

As I was saying, these are only proposals: the end result will not necessarily be the closure of 13 courts. The courts committee will carefully consider the results of its consultation exercise on 13 April, when it next meets.

The Government already encourage courts committees to extend their consultation processes wider than is required by section 56(1) of the Justices of the Peace Act 1997. They usually consult more widely than only among their paying authorities. Consultees typically include magistrates, the staff, the police, the probation service, the Crown Prosecution Service, Members of Parliament and professional users of the courts. Devon and Cornwall magistrates courts committee consults far more widely than the statutory minimum.

If a magistrates courts committee makes a determination to close a courthouse, the paying authority has the sole right of appeal to the Lord Chancellor against the proposed closure. I assure hon. Members that we give detailed consideration to the case that is presented when an appeal is made, and we shall do in this case, should the paying authorities appeal.

Sir Peter Emery: Is the Minister saying that the Government will make available to the local magistrates courts committee the same amount of money that it has had in the past, and that it therefore does not have to close anything because it has the necessary money? Surely closures occur because the committees do not have the funds.

Jane Kennedy: Proposals to change the way in which courtrooms are distributed are not normally cost driven, but are informed by the requirement of the magistrates courts committees to provide modern court services that meet the needs of court users. I shall come to that issue in a few minutes. I shall keep my eye on the clock so that I make sure that I respond to the points that the right hon. Gentleman has raised.

All the points made by local representation, the paying authority and hon. Members are listened to carefully. Travelling time, cost, convenience and accessibility to the courts are points frequently raised with the Department. Right hon. and hon. Members will be heartened to learn that not all appeals are dismissed by the Lord Chancellor.

The right hon. Gentleman raised the issue of statutory responsibility, which, as he said, is set out in the Justices of the Peace Act 1997. No instructions from the Lord Chancellor order that a court should proceed along a certain route, or that decisions should be driven by cost. I hope that I have reassured the right hon. Gentleman on that point. As I said last week, when he was present, magistrates courts committees are made up of local magistrates, selected by a local panel. We must remember that "local" means different things to different people: for some it means the town, for others the village and for others the magistrates courts committee area.

I want to spend a moment describing the functions of the magistrates courts committees and those elected to serve on them, so that hon. Members are aware of their responsibilities. The changes enacted by the previous Government were designed to make the committees more effective as management boards and to extend the range of skills available. The Government did not envisage individual benches of magistrates no longer having a say in the management of the courts in their area, but saw individual members being selected on the

[Jane Kennedy]

basis of the skills and abilities that they could bring to the area as a whole. The committee's function can best be summed up by repeating what Lord McIntosh of Haringey said during the passage of the Access to Justice Bill:

"The committee is there to decide strategy and set standards and to monitor and be accountable for implementation and achievement.—[*Official Report, House of Lords*, 28 January 1999; Vol. 596, c. 1265.]

One way in which to modernise and improve the service would be to transfer the work load to better equipped centres. Local magistrates who form courts committees have local knowledge, and are best placed to decide how to make the best use of all their resources. Only when a decision is challenged by the paying authority does the Lord Chancellor become involved. The Government believe that those arrangements are working well and that committees are comprised of those who can best serve the needs of the area as a whole. It would not be consistent with our aim to modernise the service if we were to return, as has been suggested, to a system of geographical representation that may serve the interests of individual benches rather than the magistrates courts overall.

It is crucial that the committee should be able to plan strategically for the whole of its area. I can only reiterate that it is entirely for local magistrates courts to make any decisions on the number and location of courthouses, in consultation with the relevant paying authorities—in this case, Cornwall county council, which is the lead authority, Devon county council, Torbay unitary council, Plymouth unitary council and the Council of the Isles of Scilly.

Those matters lie solely within the responsibility of local magistrates courts committees. When resources are tight, it is up to the local committee to manage within available resources. However, the central council of magistrates courts committees has produced a good practice guide on the subject of court closures, and the Government encourage magistrates courts committees to follow that advice.

I turn to funding. I am sure that hon. Members are aware that the Government provide 80 per cent. of the revenue grant to magistrates courts committees and local authorities contribute 20 per cent. Individual committees are given an annual allocation, but it is left to each committee to determine how best to use the funds to provide services, including courthouses in each area.

I was asked last week about the funding formula. We are reviewing the mechanism for allocating grant to magistrates courts committees. One of the issues that is being considered is whether there should be a sparsity factor to reflect higher costs associated with providing services in generally rural areas. We expect to finalise that review in time for the financial year 2001–02.

The right hon. Member for East Devon asked about amalgamations. In the long term, it is reckoned that amalgamations will save 6 per cent. of the budget of a magistrates courts committee overall. Consultants were commissioned by the previous Government to look into proposed amalgamations at Birmingham, Coventry and Solihull. Efficiency savings are not just cost savings. They include improvements in the court service delivered to court users, as I discussed at length last week.

Dealing with Devon alone, prior to the amalgamation with Cornwall, in cash terms the total revenue resources available increased by £220,000 in the four years to 1998–99. We are not discussing an issue that is being driven by costs and cost savings. We are discussing issues that the magistrates courts committees must decide, bearing in mind their local information and experience, and bringing that to bear on the services that they provide to the court users and to the delivery of justice in their locality.

Sir Peter Emery: The Minister is being most helpful and I know that she is trying to assist me, but I shall come to the nub of the matter. Will the Devon committee receive this year the same amount in the 80 per cent. that comes from the Government as it received last year, although presumably with a 3 per cent. increase for inflation?

Jane Kennedy: I hope that the right hon. Gentleman will allow me to write to him in reply to that question, because I do not want to mislead him.

Mr. Burnett: Will the Minister also extrapolate the projections for the two following years and send me a copy of the letter?

Jane Kennedy: I shall be happy to send the hon. Gentleman a copy of my letter to the right hon. Member for East Devon.

The right hon. Gentleman asked me about the Human Rights Act 1998 and I have only a few minutes left. He will be pleased to learn that the Government are considering the whole question of ensuring that magistrates courts premises provide, as far as possible, facilities that are compatible with the European convention on human rights. I do not anticipate any closures resulting directly from implementation of the 1998 Act on 2 October this year. However, magistrates courts committees may need to apply a higher threshold than now when considering, for example, the standard of custody, interview and witness facilities that are required in courthouses. When the viability of rural courts houses is assessed, many factors need to be taken into account, including the provisions of the Human Rights Act 1998. Our overriding concern must be to provide facilities that can deliver the required service at an acceptable standard. We must take a pragmatic—

Mr. Barry Jones (in the Chair): Order. We must now move on to the next debate.

Ambulance Service

12 noon

Ms Joan Walley (Stoke-on-Trent, North): I am glad to have this opportunity to discuss best practice in the ambulance service, which has an excellent record in Staffordshire, where my constituency and that of my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) are located. I also speak as someone who avidly watches "Casualty" every Saturday night.

A "Panorama" investigation that was broadcast on 17 January raised important questions about training, the pre-emergency hospital care that is available throughout the country and the management of the national health service ambulance service. That programme, which was criticised for concentrating on six incidents that I shall not discuss, shed a spotlight on wider issues, including the differences in ambulance services and training and response times between regions. I hope that we can discuss those matters constructively. The Government need to consider their response to the disparities in standards and performance that the "Panorama" programme highlighted.

I want to put Staffordshire's record straight and to discuss with the Under-Secretary of State for Health, my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), whether Britain can benefit from my county's best practice and what best practice should be applied throughout the country. Ministers recognised in paraliamentary answers that were given to me in February 1998 and to my hon. Friend the Member for Staffordshire, Moorlands in July 1998 that the Staffordshire ambulance service is a beacon. My county's approach should be in the main stream. My county's performance could help the Government to develop new standards.

Service provision in Staffordshire will be subject to an independent audit by the Sheffield university medical care research unit. We shall know, when that audit is published, whether the practice in Staffordshire could help to influence ambulance service provision. When we need an ambulance, it is important that we get it quickly and that it has a suitably qualified and experienced crew. I pay tribute to the work of paramedics and ambulance service crews across the country. We must ensure that they receive appropriate training and management and that they have career prospects that will help them to deliver the services that the public want.

What scope is there for ensuring greater standardisation of best practice? I want to ensure that there is a higher minimum standard; I do not want to stifle local variations and regional differences, which contribute to the overall performance of the ambulance service. That higher minimum standard would ensure that regional disparities were better understood and resourced and that all services were levelled upwards. Paramedics are about to become a state-registered profession run by a board that will operate under the Council for Professions Supplementary to Medicine. What progress—I ask this in a spirit of constructive criticism—has been made in that regard? Will the new way of organising paramedics in the ambulance service contain sufficient powers to ensure that they can do the job that the public expect them to do?

I turn to the training of paramedics. I do not doubt their commitment and dedication, but do we offer enough? For example, compared to the training offered by other countries, or that offered to military technicians in our defence services, we could perhaps offer more. The standard of paramedic training in the United Kingdom is far below that required for emergency medical technicians and paramedics in the United States, Canada, Australia, New Zealand and South Africa. We must consider best practice not only across the country but internationally.

We must also consider national funding, and the structures and mechanisms that are needed to improve training. How is that process being reviewed? I am slightly worried by research conducted at Sheffield university, which suggests that there is a detrimental variation in treatment offered by ambulance crews.

Should not greater attention be given to various clinical protocols throughout the country? On the "Panorama" programme, Barry John, who is chairman of the Ambulance Service Association, admitted that some services do not use best practice at the moment. We must ensure that the association is able to achieve best practice.

Some counties authorise certain life-saving drugs and others do not. Paramedics in some counties are trained in life-saving techniques and others are not. Is there any longer an excuse for such variations? In the light of the fact that three counties that have different protocols have merged to form an east midlands trust, the time has come for a national minimum standard.

Does the Minister agree that now is the time to rethink the new targets that will be linked to core prioritisation by April 2001? I recognise that progress has been made, but core prioritisation studies and the achievements revealed by Department of Health statistics make it clear that not all pilot projects have met the new national standards. New priority dispatch ambulance performance standards have been adopted. The aim is that 75 per cent. of category A calls—emergencies—will be responded to within 8 minutes, and 95 per cent. of all other calls will be responded to within 14 minutes. However, in adopting those standards and targets, are we not going backwards? Only Staffordshire ambulance trust has met them.

We should examine best practice and assess whether it can be applied elsewhere. We should consider implementing a system of modelling that has helped to identify peak demand areas and plan staff deployment, thereby providing better standards across the country. We should learn lessons from that, and from the target response times that have consistently been met during the past four years. I am worried that we are adopting a two-tier response system. Two out of eight pilot ambulance services have been unable to meet their targets. Time must be taken to assess that problem before further progress can be made.

During the time remaining, I shall focus on achievements in Staffordshire. Of course, we have wonderful crews and paramedics, a good working relationship with Staffordshire's Members of Parliament, input from trade unions and an enormous

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amount of community liaison work taking place every day throughout the country. I refer particularly to the 40 automated exterior defibrillators that we have in Staffordshire, and I support *The Observer* campaign for more defibrillators and put in a request for at least two more in north Staffordshire.

Under the Staffordshire partnership, about 1,000 pupils every year are trained in first aid by the ambulance trust. The lunchtime for lifeline programme offers training in first aid for those in industry and other workplaces. Above all, Staffordshire's records and response times far exceed those of anywhere else in the country and if we can achieve them, why cannot other places do so?

I pay tribute to the work that has been done to win Staffordshire a beacon award. The award is a standard of excellence for the retirement and retention scheme, which enables those ambulance workers who cannot continue working full-time to return, but to work different hours. That is an example of good personnel work. I also congratulate the Staffordshire ambulance service on winning a charter mark award for providing quality services.

All those factors can be linked to the modernisation programme that the new Labour Government want to put into place. I would be the first to accept that we cannot always get it right. Certainly, Staffordshire has had problems with the health authority's specification for its patient transport service, and it has proved difficult to meet response time targets. However, the new system that Staffordshire is modelling would benefit the rest of the country. I would like to see much closer links between hospitals and general practitioners and GP trusts. If a new category of beacon award is wanted, the North Staffordshire hospital trust primary group, which is seeking trust status, could act as a pilot scheme.

The time is now right to take stock and scrutinise. Above all, it is time to involve the professionals, the managers and the unions, who work so hard for the ambulance service. I invite my hon. Friend the Minister to visit Staffordshire. We have been visited by ambulance service personnel and Ministers from all around the world, most recently from New South Wales. I would be very happy if a member of the new Labour Government could visit Staffordshire and discuss those matters in detail with Staffordshire's Members of Parliament.

12.12 pm

Charlotte Atkins (Staffordshire, Moorlands): I congratulate my hon. Friend the Member for Stoke-on-Trent, North (Ms Walley) on securing this important debate, and thank her for allowing me a little share of it. As my hon. Friend said, Staffordshire ambulance service has achieved outstanding results. What surprised me about the "Panorama" programme was the reluctance of the service nationally to explore the reasons for Staffordshire's success. It is no surprise to Staffordshire's Members of Parliament, but it must be incomprehensible to many others.

The changes in Staffordshire were brought about with considerable angst. Inevitably, staff were reluctant to be thrown out of their comfortable ambulance stations, but the results speak for themselves. Ultimately, all ambulance staff want to perform at their best. They are professionals who want to see a job well done.

We have a national health service that has national standards and national training courses. Why do we not have a national ambulance service? As we saw on "Panorama", different ambulance services make different drugs available. Each service purchases its own ambulances. That purchasing policy produces no economies of scale, and some services have made bad mistakes. There seems to be little exchange of ideas when it comes to choosing the right vehicles for such an essential job.

As my hon. Friend suggested, the most significant factor for patients is the absence of nationally funded training. Each ambulance trust has to fund its own training. Staff have to pay back their training costs to the trust if they leave the job. I cannot imagine nurses having to pay back the costs of their training when they find new posts at other hospitals. That might not be a problem if, as the "Panorama" programme suggested, training for paramedics lasted only six weeks, but it does not. Initially, basic grade ambulance technicians have six weeks' training, after which they work with an experienced person for one year. The technicians are then tested on their confidence and undertake practical and written tests. After a further two years, all prospective paramedics must pass a stringent examination before being accepted for training. Only then do they undertake six weeks' introductory training. They have also to undergo a series of study days during the following year.

Prospective paramedics are accepted as qualified paramedics only when they pass written and practical examinations. They are tested by consultants in hospitals. They must then undertake regular refresher courses. Training is rightly an important part of the ambulance service, because lives are at stake. Because trusts have to fund their own training budgets, training inevitably becomes squeezed. I have received complaints that ambulance staff have had problems being accepted on paramedic courses.

Ambulance services provide additional facilities. Because of its rural nature, Staffordshire, particularly my constituency of Moorlands, developed the first responder scheme. Trained volunteers are on call to provide initial support and assurance to people within their own communities before the ambulance arrives. That can be vital in isolated rural areas, especially in the winter when it can be extremely difficult to reach houses and farms. Such services must rely on the generosity of local vehicle dealers to provide suitable transport. Since 1991, Staffordshire has had an air ambulance service, which can ensure that patients arrive at the north Staffordshire trauma centre quickly enough to have a real chance of survival and a speedy recovery. However, that service is having to raise £120,000 just to build a new helipad outside the accident and emergency department. For it to operate, it needs sponsorship on a daily basis. As we enter the 21st century, is that the right way forward for a modern ambulance service? I think not. I should be grateful to receive my hon. Friend's response.

12.17 pm

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): I congratulate my hon. Friend the Member for Stoke-on-Trent, North (Ms Walley) on securing the debate today, not least because she has had a longstanding interest in the performance of her local ambulance trust. I understand that she met my predecessor in 1998 together with the chief executive of the trust. She raised several issues, as did my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins), referring to the "Panorama" programme, the training of staff and regional variations. Lessons are being learned from what is happening in Staffordshire. I shall come on to core prioritisation and explain how it will not create a two-tier system, but allow us to prioritise. I agreed some time ago to visit my hon. Friend's constituency in Staffordshire and I shall be delighted to see what is happening there for myself.

Today's debate is very appropriate, because the ambulance service is at the cutting edge of the patients' experience in what are often life-threatening circumstances. The Government's commitment to a fair, fast and efficient service will be tested to its limits. We must consider what is happening to ambulance services in the context of the whole modernisation programme, which also covers NHS Direct and what is being done in accident and emergency departments to enable patients to receive a seamless service.

Training standards are important. The public expect a prompt response by skilled assistants when they call an ambulance in emergencies or life-threatening situations. That applies whether the response is from a conventional two-man ambulance or a lone paramedic in a fast-response vehicle.

It is also important to recognise that for some patients, particularly in cases of coronary heart disease or a stroke, the clinically based eight-minute recommended response time—Staffordshire is currently the only trust that meets the target—is extremely significant for recovery and long-term prospects. For that reason, we are keen to encourage every ambulance trust in the country to examine its practices. Such systems as Staffordshire's first responder scheme are also particularly helpful in rural areas.

I spent last Friday in an ambulance because I thought that I should know what I am talking about. That experience brought home to me how challenging the eight-minute response is. However, it is not just about making a rapid initial response; we also need trained control room staff and facilities so that vital advice can be given to the crew as they deal with the patient from arrival and during the journey to hospital. The evidence on what should and should not be done in the pre-hospital phase of an emergency is significantly lacking. That is a major obstacle that must be recognised. However, we have put into place clinical audits and research to devise the best model for the patient.

The Government modernisation agenda is based on improving our standards and service delivery on the basis of clinical evidence. That is also our approach to the ambulance service.

Ms Walley: As we are about to start the next round of the comprehensive spending review and the modernisation programme for the NHS is such an important part of that, does my hon. Friend agree that we should press the Chancellor to ensure that ambulances feature significantly in the NHS modernisation programme, with ring-fenced money to enable them to play their part in the integrated whole of the NHS that we know and love?

Ms Stuart: We all know that the comprehensive spending review and manager negotiations are complicated and tricky, but I assure my hon. Friend that, as part of my ministerial responsiblity, I will fight my corner as best I can.

Having looked at the general concepts, I turn to the example of Staffordshire. Ministers have frequently been accused of ignoring Staffordshire. That is far from the case. Not only is research being conducted by Sheffield to consider Staffordshire in its regular visits, but some of the lessons that we have learnt from Staffordshire are already being implemented. However, it is important that we have a clear picture of why things work in Staffordshire and, more to the point, of what can be transferred. I was interested to read this morning's parliamentary briefing from the NHS Confederation, which largely welcomes what we are doing. It states:

> "It is important not to assume that good practice can necessarily be transferred without adaptation from one location to another. We must therefore be quite clear where Staffordshire is succeeding."

I emphasise that Staffordshire has been at the cutting edge in technological development and has generously shared its experience with other services.

My hon. Friend the Member for Stoke-on-Trent, North mentioned targets. The current target is to respond to 75 per cent. of category A—immediately life-threatening—calls within eight minutes. Staffordshire has shown significant improvement in its handling of such cases, which has resulted in improved patient outcomes. Some of Staffordshire's radical and innovative measures have benefited the local population. That should be recognised.

Staffordshire and others are implementing more efficient services in several areas. One is improved dynamic location practices. I am sure that many of us have sometimes seen an ambulance waiting in a lay-by and wondered what it is doing. It is there deliberately—as part of a system of predicting demand patterns. Extremely successful statistical models are in use, so in Staffordshire ambulances stand by at the best locations in relation to expected demand patterns. Something similar is the case for improved relief levels. Having staff on call so that they can be brought in to meet unexpected peaks in demand has been effective, but is extremely demanding on the staff. There is a danger that they feel that they are on call for 24 hours.

Much the same applies to improved activation times, which require better control room procedures, preparation of crews and ambulance availability. All that cuts vital seconds in those essential fast response times. There must also be improvements in the matching of resources to demand, which means flexible rostering to ensure that the shifts match expected demand levels. It is only sensible to use the staff available most efficiently.

My hon. Friend the Member for Stoke-on-Trent, North fears that core prioritisation may lead to a two-tier system. We must recognise the great variation in the

[Ms Stuart]

kind of calls that ambulance crews receive in a day. Any system must ensure that the most urgent calls—those when response is clearly critical within eight minutes—receive the first priority. Some calls—those in category C, for example—allow huge scope for NHS Direct to use a second stage of triaging to assess appropriate response levels. I assure my hon. Friend that core prioritisation is not a means by which we intend to create a two-tier system, but simply a means to ensure that the response is appropriate to the need.

We shall have the report on the research in Staffordshire by the end of the month, and it is important that we learn from it. I would like to make a couple of brief remarks about state registration and training. My hon. Friend wanted to know about the board, which I understand met for the first time yesterday. We are delighted that is up and running. My hon. Friend the Member for Staffordshire, Moorlands is right to believe that "Panorama" misrepresented the amount of training involved. Comparisons have been made with America, but gunshots and stabbings, which are common critical injuries in that country, require different kinds of response.

I would like to ensure that we all leave the debate with a recognition that ambulance facilities are part of our emergency service. The development of NHS Direct, ambulance facilities and accident and emergency facilities will provide important services. The failure of the vast majority of ambulance trusts to meet some response targets requires us to consider closely how we deliver the service. A patient needs a speedy response from the right people and to be taken to the right hospital at the right time. Staffordshire is giving us a good lead on how we should develop that.

Similarly, we will ensure that patient care is improved by considering how staff are used while the patient is in transit. We shall introduce state registration for paramedics and ensure that the people who respond to calls are appropriately trained and continue to be trained. We should also recognise what a difficult job those in the ambulance services have—a job in which demand is continually increasing. They make life-and-death decisions 24 hours a day, 365 days a year and have had responded to around 3 million calls in the past year. However, there is no room for complacency. We must consider the needs of rural and urban areas, and above all ensure that we respond in time when clinical conditions are the relevant indicators, especially for an eight-minute response time.

Pig Industry

12.30 pm

Miss Anne McIntosh (Vale of York): I am grateful for the opportunity to initiate an Adjournment debate on the crisis in the pig industry. This is my debut appearance in this Chamber. Today's debate is especially timely, because it coincides with the National Farmers Union annual conference. Pig farms face unprecedented hard times and a complete lack of sympathy and understanding of the crisis in the countryside from the Government. That was displayed most recently by the Prime Minister this weekend, although he was, perhaps, slightly more sympathetic in his speech at the conference today. I invite the Prime Minister, as part of his tour of the countryside, to visit the Vale of York, meet local pig producers and witness their plight for himself. A glimpse of the reality in North Yorkshire would quickly change his tune.

The British pig industry is the innocent victim of the bovine spongiform encephalopathy regime. Simply removing meat and bonemeal articles from the animal food chain adds a cost of more than £5 per pig. Prices in the United Kingdom are depressed, as the Prime Minister today recognised. We face cheaper imports and a strong pound. The Government have failed to pay agrimonetary compensation for the high pound and the weak euro.

In addition, on 1 January, the UK unilaterally imposed a sow stall-and-tether ban. All other European Union countries, including our main competitors, Denmark and Holland, will face the ban only six years hence, on 1 January 2006. The cost to the UK producer of that one measure alone is estimated to be £220 million. That is unfair, and puts UK producers at a competitive disadvantage, as Dutch, Danish, Belgian, French and German producers are not expected to comply.

As a result, pound for pound and kilo for euro, British pork prices will increase, and the price of continental competitive imports will be reduced. Those disadvantages are aggravated by the increasingly strong pound and the crippling additional costs of implementing the European Union integrated pollution prevention and control directive, which will have a singularly negative impact on the UK pig industry. Early conservative estimates suggest an initial start-up cost of £18,000 a farm, and annual running costs thereafter of £6,000, equating to £1,200 a day, which will add an extra £2.50 to the production of each pig in this country. The annual cost of implementing the integrated pollution prevention and control directive in this country alone is estimated to be £13 million.

A three-pronged attack is the very least that the Government should consider. A one-off Treasury grant should be made to pig producers in order to restructure the pig sector—not to subsidise pig farmers' incomes, which is strictly forbidden under EU competition rules. The Prime Minister invites pig producers to diversify, but how can they afford to do so in the present crisis? They merely want a Treasury grant on a strictly comparable basis to those provided in other EU countries, such as the Belgian national aid provided to restructure the market in the wake of the dioxin scandal.

The aid scheme that pig farmers envisage would offset the cost of BSE-related measures that have been imposed on the pig industry on public health grounds. There was a general belief, which the Government encouraged, that the Commission received such a package from the Government last year. I received a letter from the European Commission dated 11 November last year, formally notifying me that no such package had been received. A gentleman whom I am sure the Minister knows extremely well, Mr. Legras, the director general for agriculture, wrote:

"The services of the Commission are aware"—

perhaps more aware than the Government—

"of the difficulties confronting the pig sector in the UK and informal contacts have taken place between my staff and the British authorities to discuss what form an aid might take. At the present time, however, we have not received from the UK any formal notification of proposals to grant aid.

In order to be acceptable any aid must of course meet the conditions laid down by the Treaty. In particular, the aid should facilitate the economic development of the sector. Aids which are simply intended to offset trading losses are in principle not acceptable under the Community rules."

There has been some movement today. BBC News Online states that the Prime Minister said in a speech to the National Farmers Union conference this morning that he

"did not rule out the possibility of cash help for the beleaguered pig industry"

and was

"prepared to listen to ideas."

However, he went on to say that

"while investment could help, it had to be tied to long-term change and reform."

Commissioner Franz Fischler, in correspondence with pig farmers nationally, had indicated that such a package would be favourably viewed, provided it did not cause distortion to the market. In his letter of 9 December 1999, he set out the acceptability of state aid being granted to compensate British pig producers for higher production costs for pigmeat resulting from restrictions on disposal of offal. In the past, such aid from the UK to pig farmers was authorised by the Commission under article 87(2)(b) of the treaty, as an exceptional occurrence intended to make good the damage caused by the BSE crisis. If the Government are to reintroduce such aid, they must prove that the losses that are being incurred by UK pig producers are the direct result of an exceptional occurrence recognised by the Commission, and are not due to other factors.

I am dwelling on the matter in some depth because I was a trainee in the Commission's competition directorate, and perhaps more familiar with the terminology than are many hon. Members. In his letter of 9 December, Commissioner Fischler set out an alternative head of aid. He stated that aid to facilitate development of the pig sector must be justified under article 87(3)(c) of the treaty—that is, to help to restructure the industry to meet changed market conditions.

There seems to be some convergence between the Prime Minister's hopes and aspirations for pig farmers and the requests that pig farmers wish to submit to the Government. I fully accept that aid that is simply intended to offset current trading losses is unacceptable. Given the exceptional circumstances that those in the pig industry have endured for at least the past six months, I make a plea to the Minister—and, through her, to the Prime Minister—to demonstrate the Government's big heart by making a one-off payment to the industry, subject to the European Commission approval that I outlined. That would enable pig farmers to deal with the unprecedented and uncompetitive conditions that they face, satisfy EU criteria and give pig farmers a means of earning their living, now and in future.

Mr. John Swinney (North Tayside): Will the hon. Lady give way?

Miss McIntosh: I welcome the support of the hon. Gentleman, and that of other hon. Members who are here, but unfortunately he did not advise me or the Minister that he wished to intervene.

Will the Government be big-hearted and brave-hearted enough to show an understanding of the crisis and of the despair in the countryside? That would be very welcome in the Vale of York and elsewhere. Today, the Prime Minister invited farmers to diversify, but they simply do not have the funds to do so.

Today's speech by the Prime Minister suggested that there may be some movement in favour of positive animal welfare-friendly labelling. That was welcome. If pork is imported and processed here, the label should say so. Marking the country of origin of pork would assist consumers in choosing which meat to buy. If it does not meet this country's stringent animal welfare criteria, the label should say so, and consumers should be allowed to decide for themselves. Cheaper pork of inferior quality, which is produced under less humane conditions that do not meet our animal welfare specifications, could be introduced.

Working within the parameters of agenda 2000 and the new objective 2 funding I accept that objective 5b status has gone. The possibilities of rural development funds will apply increasingly in the future. North Yorkshire qualifies for a generous allocation of new objective 2 funding. I hope that all hon. Members can work together to ensure that objective 2 benefits North Yorkshire and other regions that have been badly affected by problems in the pig sector. I hope that consideration will be given to certain aspects of rural development policy, and especially to areas threatened by abandonment. I hope that we make an imaginative application of the limited funds available.

I shall now conclude to allow other hon. Members to speak before the Minister's reply. I urge the Minister to agree that there is a crisis in the countryside, and nowhere more visibly than in the pig sector. I invite the Minister to work closely with the pig industry to agree a one-off grant of assistance with the approval of the European Commission. That is not a novel idea; it was successfully pursued by the Irish Government in June 1998, the Belgian Government in July 1999, and the

[Miss McIntosh]

French Government, who submitted a £17 million application this year. Farmers in the Vale of York have been heavily involved in the application to the Government, and I would like to pay tribute to Stewart Houston, who farms at Thornborough in Bedale. He said:

"The industry believes we can put forward a scheme for support which is legal and operable and which Brussels would support."

I therefore urge the Government, and the Minister, to save our pig industry and show their human face in recognising the plight of the countryside in general, and of pig farmers in particular.

12.41 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Ms Joyce Quin): First, I congratulate the hon. Member for Vale of York (Miss McIntosh) on securing this debate on an important subject. She referred to the importance of the industry to her constituency and to her part of the world, of which I am well aware. That is because I have visited the area on a number of occasions, and because of the way in which she and other hon. Members, including some of my hon. Friends, have raised these issues in recent weeks and months. I am also aware not only of the number of pig farmers in her area but of the related pig processing industries and of the work involved in delivering pigmeat and pork products to our supermarkets.

I share the hon. Lady's concern about the pig industry and I hope that, on some points at least, I can respond in a positive manner. I believe that the Government have done a great deal in recent weeks and months to address concerns in the pig industry, although it is true that some of the ideas that have been put forward are difficult to implement. The hon. Lady and I will be especially aware of the reason for that, as we have both been Members of the European Parliament and know the European Commission and the European system. Some of the constraints in agricultural sectors do not receive high levels of intervention and market support. The pig industry, of course, does not come under such provisions. The hon. Lady also referred to certain significant events, especially the annual conference of the National Farmers Union, in London, and the Prime Minister's speech to the NFU this morning.

The pig sector is in serious difficulties; there is no way of disguising that. It is acknowledged by hon. Members on both sides. Although the industry has had to contend with peaks and troughs on many occasions in the past—the cycle of the pig industry is well known—the current crisis is deeper and we must take certain special factors into account.

Miss McIntosh: As the Minister said, pigmeat is not a supported sector in the European Union. Would it not be appropriate for the Government to look kindly on the provision of one-off aid? Most of the cost to the pig industry has been imposed by the ban on sow stalls and tethers, by the IPPC directive and by the so-called BSE tax.

Ms Quin: In responding to the hon. Lady, I shall mention each specific sector in turn. The Government have proposed specific schemes in recent months, notably the agricultural development scheme. Furthermore, in December the Minister of Agriculture, Fisheries and Food made an announcement about the future direction of agriculture under the rural development regulation.

An important aspect and asset of that development regulation is that it is a way of helping sectors not traditionally supported under the common agricultural policy regime. We welcome the flexibility in the rural development regulation to look at all sectors of agriculture and not only those that have traditionally received a great deal of public support through the common agricultural policy. That point needs to be placed firmly on the record.

UK pig producers contributed to the production increases in Europe in 1996 and 1997. In 1998, our pigmeat production reached a level not achieved for many years. However, when prices started to fall, producers here responded in the way in which they always have, by cutting back on production. That would normally have resulted in shortages of pigmeat, which would in turn have resulted in higher prices. That did not happen for a number of reasons. Production continued to rise in some countries, and, even now, after nearly two years of crisis, production levels in countries such as Denmark, Ireland, the Netherlands and France have only just started to fall. Consequently, large quantities of pigmeat are available on the market at very low sterling prices. The hon. Lady mentioned the problems for pig producers caused by the high level of sterling and the low level of the euro during the past year.

UK production still attracts a premium, and we are still net exporters of pork. It is important that those calling for disruptive action against legal imports should bear that in mind, as they may not realise that any retaliation would affect many pig producers still exporting pork products.

Mrs. Teresa Gorman (Billericay): Can the Minister confirm that the competition from abroad is not subject to the same humane restrictions that are imposed on our pig industry? Will she also confirm that, since those restrictions are imposed by our own Government's requirements, there is a strong case for the industry to be given special support?

Ms Quin: I shall come to those points, which the hon. Member for Vale of York raised in her speech.

Mr. Swinney: I wish to develop the point raised by the hon. Member for Billericay (Mrs. Gorman). Will the Government consider raising consumer awareness of the higher quality of produce created in this country? That would enable shoppers to make a more discerning choice between pigmeat produced here and imports from overseas that may be of inferior quality.

Ms Quin: That is an important point on an issue on which we have been active for some time. I hope, if time permits, to list the initiatives that we have taken in that direction.

The industry in Britain faces problems that our competitors in the European Union and the rest of the world do not. There is no doubt that the BSE crisis has caused the pig industry difficulties. Ironically, at the beginning of the crisis the pig industry, which the hon. Member for Vale of York described as an innocent victim, was an innocent beneficiary. As we know, for a considerable time there was much lower confidence in beef, and many consumers switched to pork and pigmeat. We are all glad that British consumer confidence in the beef industry has been restored, but that has involved a switch in consumption back to beef, which has added to the pig industry's difficulties.

The BSE crisis also resulted in strict health controls that are not mirrored in other countries. There has been a great deal of discussion with the European Commission to look at ways of assisting the industry to combat the effects of the BSE tax, as the pig industry has started to call it. Indeed, the hon. Lady referred to what my right hon. Friend the Prime Minister said in his speech to the NFU this morning about the pig industry.

However, the hon. Lady did not give a fair account of our contacts with the Commission. She quoted a letter that she had seen from the European Commission. Another from Commissioner Fischler to the head of the NFU confirmed our contacts in the autumn. However, even that letter did not convey the whole picture, because I had meetings with the National Pig Association in December, and further contacts took place subsequently between the United Kingdom permanent representative in Brussels and various Commission officials.

My right hon. Friend the Minister of Agriculture, Fisheries and Food, the Minister for Agriculture and Rural Development in the Northern Ireland Executive and I met Commissioner Fischler only a week ago, at the time of the Agriculture Council in Brussels, specifically to talk about the pig industry. There have been a number of contacts and we continue to be willing to work with the industry to find ways forward, but the rules cause difficulty. I do not want to be partisan, but in many ways it is a pity that the effects of the BSE crisis on the pig sector were not identified in contacts with the European Commission at the beginning of the crisis in 1996. As a result, it has been much more difficult to argue for aid subsequently, as it was not part of the crisis measures relating to BSE that were introduced at the beginning.

Miss McIntosh: Will the Minister give way?

Ms Quin: I am sorry, I shall not give way, because I want to refer to some important issues that the hon. Lady raised.

The consumer is a significant factor to take into account. In an intervention the hon. Member for North Tayside (Mr. Swinney) referred to the quality and standards of our pigmeat production, and the hon. Member for Billericay (Mrs. Gorman) talked about our animal welfare standards. As we are part of the European market and net exporters of pork, we cannot and do not want to take illegal action against imports. However, although the animal welfare regulations, which are important in the pig sector, were introduced with cross-party support in the House—one of the colleagues of the hon. Member for Vale of York, the hon. Member for Boston and Skegness (Sir R. Body), introduced them in 1991—if we are to introduce stringent and welcome animal welfare regulations, it is sensible to agree them as soon as possible, at least at European level. If we impose stricter, although welcome, standards on ourselves, given European rules, our producers may find themselves with higher costs than our competitors. I welcome the fact that the laying hens directive is an animal welfare regulation that we are taking via the European route, rather than simply via the national route. It is important to bear that in mind.

We have taken a lot of action on misleading labelling. Labelling is crucial, as the hon. Lady said. I commend the work of our verification officer in the Ministry of Agriculture, Fisheries and Food and Mike Roper, who has been working with supermarkets, caterers and retailers to tighten the labelling on British pork and has worked for wider recognition of the quality and welfare standards of our own product. I believe that we have made progress in recent months. During my ministerial visits to supermarkets and retailers, I have been conscious that the pork quality mark is being used more often and that consumers are more aware of the issues than they were. However, a lot more can be done.

At the National Farmers Union conference this morning, my right hon. Friend the Prime Minister said that the Secretary of State would announce a change in the guidance on country of origin marking to avoid consumers being confused by misleading labels and to give them genuine choice. Consumers have no choice if they are misled by wrong information on labels. Consumer choice is precious and we want to advance it. In his speech this morning, my right hon. Friend the Prime Minister gave an example and said that the changes being introduced will mean that Danish pork can no longer be labelled "British" or "Produced in Britain" simply because it had been cured here. We are aware that people believe that it is wrong to label something as having been made in Britain, if only the packaging or the final part of the process is dealt with here.

In response to an intervention, I referred briefly to the agricultural development scheme and the possibilities under the rural development regulation. The agricultural development scheme initially provided £2 million, which has been used by the pig industry to introduce some interesting and worthwhile applications that have been approved. I pay tribute to the work done by Ladies in Pigs—an organisation that has been active in drawing the attention of consumers to our quality standards and providing them with information when they are shopping about labels and the importance of our standards on pork and pigmeat. I am pleased that a successful project under the auspices of the National Pig Association has been approved under the agricultural development scheme. It involves an interesting innovation in training in the pig sector.

Discussions with the industry continue on how to use additional marketing promotional money for the pig sector, particularly in support of a welfare-linked promotion campaign, which is relevant to the points made by the hon. Member for North Tayside in his intervention.

[Ms Quin]

A number of initiatives show that the Government want a thriving and prosperous pig industry. No Government have a magic wand to make that happen. Pig production is a global industry, but it has tremendous marketing opportunities based not just on the price of the product but on quality and the methods used in production. I believe that our industry can put itself into the position to provide that.

It being One o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 2 February 2000

[MR. MICHAEL J. MARTIN *in the Chair*]

Military Exports

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Touhig.*]

9.30 am

Dr. Vincent Cable (Twickenham): I express my appreciation through you, Mr. Deputy Speaker, for Madam Speaker's having given me the chance to initiate the debate, which is topical on two levels. First, the systems of the Export Credits Guarantee Department are currently being reviewed. Secondly, it is topical in terms of the debate on the arms trade. There have been recent controversial cases involving Indonesia, Zimbabwe, Pakistan and other countries. The debate provides an opportunity to bring the two issues together.

I wish to argue that the use of the ECGD to support British arms exports undermines our ethical foreign policy, that it is a bad use of taxpayers' money, that it undermines development and that it adds unnecessarily to the shroud of secrecy that surrounds Government business. I have agreed a division of labour with my hon. Friend the Member for Richmond Park (Dr. Tonge); I shall concentrate on economics and my hon. Friend will concentrate on ethics, in which she is much better qualified than I am.

I shall start with an anecdote. Almost exactly 25 years ago, I was a Foreign Office official in the Latin American department. I was a first secretary, and much of my time, along with my colleagues, was spent running round worrying about General Pinochet and the chaos in Argentina. Among other things, the British arms industry was very active selling goods to Latin American Governments, who were mainly dictatorships. On one occasion, I think that it was Yarrow which was in the middle of trying to secure a large contract with Ecuador. I was approached by the Ministry of Defence and the Department of Trade, which thought that it would be a good idea if the Foreign Office lobbied the Treasury. The Treasury had dug its heels in and said, "We are not willing to give export cover through the ECGD for Ecuador."

I sent what I thought was a rather convincing minute to the then Foreign Secretary, now Lord Callaghan, which included phrases that I thought would appeal to a Labour Foreign Secretary. It was all about jobs on the Clyde. Somewhat to my surprise, he sent a rather curt minute, which read, "I am sorry but I have absolutely no intention of writing to the Treasury on this matter. I think that it is a bad use of British taxpayers' money to be suggesting that it should be used to subsidise toys for admirals in Ecuador." I felt rather snubbed at the time but I think, on reflection, that it was an extremely wise judgment and one that increased my respect for Lord Callaghan.

Many of the arguments of those days reverberate today, and essentially they are the arguments that I am advancing. The context is one in which the arms industry is a relatively small but quite important part of Britain's export business. It makes up about 2.5 to 3 per cent. of it. However, it has a much larger profile in terms of the ECGD. When I was involved, it was about 10 per cent. of ECGD business, and that continued throughout the 1970s and 1980s. In the 1990s, it increased to more than 20 per cent. Last year, more than half the business written by the ECGD involved the armaments trade. It has become extremely important.

The key factor is that, however we dress up the language, the trade is subsidised. It is often said that the ECGD operates on a self-financing basis, but, in underlying economic terms, it does not. It is important to set out the reasons for that, and I rely quite heavily on some very good analytical work done by the centre for defence studies at the university of York, by Professor Keith Hartley and Steve Martin among others. The point they make is that taxpayers' subsidy for arms exports through the ECGD consists of various elements. One is an interest subsidy, which operates in some instances. There is a difference between the interest rate paid by the customer and the interest rate charged by the banks, and the ECGD covers that difference.

In addition, and probably more important, the ECGD provides political risk insurance. There is a market for such insurance, but, in many instances, the cost would be prohibitive. In effect, the ECGD provides a subsidised rate.

Another perspective is public investment. If London Transport or the Post Office were borrowing money for a new investment, the Treasury would expect them to earn a return of about 6 per cent. in real terms. The ECGD is not expected to earn that return. Instead, it is expected to break even. With a little work on a calculator, it is clear that the present value of a loan—it is the difference between a 6 per cent. return and a nil return—can be substantial when large sums are involved.

That is a generous interpretation, because the public accounts show that the ECGD is not even breaking even. Last year, there was a net deficit of £217 million. The Government's three-year public accounts projections include an expected deficit of more than £800 million in 2001-02. We are talking about something that is clearly sub-economic, and that applies to the armaments business in particular.

Attempts have been made—I have referred to the York economists—to quantify the cost to the taxpayer. The figures are obviously imprecise because there are no definitive numbers, but the economists have come up with figures that seem plausible. They have estimated that about £240 million a year is the cost to the taxpayer of arms exports alone, within the ECGD's portfolio. They have taken account of the losses over the past 10 years and applied 30 per cent. of them, which is the estimate of the rough proportion of arms business to the total. Having thought about the figures, I find that estimate rather conservative. For example, 40 per cent. of the ECGD's outstanding debts stem from arms business. Therefore, 30 per cent.—

Mr. Gerald Howarth (Aldershot): The hon. Gentleman has initiated an extremely important debate and I am sorry that I was not present at the beginning of his remarks. It is extraordinary that there are no Labour Members present apart from the Minister, who looks bereft.

[Mr. Gerald Howarth]

I trust that the hon. Gentleman will not examine only one side of the balance sheet. Will he look at the other side too? That would show that, without these defence exports, Britain could not afford to buy equipment for its armed forces that had been manufactured in the United Kingdom. The economies of scale would be such that it would be prohibitively expensive.

Dr. Cable: The hon. Gentleman is correct in an economic context. I accept that. There is a balance of views in terms of reducing the cost of procurement, to which the hon. Gentleman has correctly pointed. There are also debits which I have not mentioned. There are many Ministry of Defence costs involved in the selling process. Much equipment should probably have been bought abroad on economic grounds, but it is manufactured here because of the support that the industry receives from the arms export business. The York studies to which I have referred suggest that, when all the economic factors are taken into account, including the important point that the hon. Gentleman has raised, the outturn is a substantial negative.

Mrs. Angela Browning (Tiverton and Honiton): Does the hon. Gentleman agree that there is a slight distortion in the statistics inasmuch as, for 1998-99, the figures show that more than half of ECGD funding was defence related? However, that was a one-off because it was the result of the Asian financial crisis. When account is taken of a longer period, we see that the average annual funding is about 13 per cent. When we talk about percentages and what is funded via the ECGD, recent years have shown blips and distortions, which perhaps give a rather different picture from the norm.

Dr. Cable: There are blips and distortions, which is why I said a few moments ago that I would not regard the figure that I quoted as a mechanical slide-rule projection of what will happen in future.

It is useful, however, to think about some of the reasons that might trigger future defaults. I had not seen the detailed figures until I prepared for the debate, but a large part of British outstanding export credit debt is owed by Indonesia. That arises from the Hawk contract, which involves £750 million. About £50 million of that has already been written off. I understand that the Indonesians are continuing to service their interest. It is not difficult to imagine circumstances in which the Indonesian political environment might completely unravel. We know that there is a virtual civil war in several parts of that country. I can envisage circumstances in which all the outstanding debt would have to be written off.

A large part of the lumpiness to which the hon. Member for Tiverton and Honiton (Mrs. Browning) refers relates particularly to contracts with Saudi Arabia and Brunei. It may be that, in 10 or 20 years' time, those countries will be stable and continuing to pay their debts. However, one of my last jobs in the oil industry before entering Parliament was to examine the public finances of Saudi Arabia. It was not a terribly happy scene. The Saudis have enormous private assets overseas, but their public sector financing is vulnerable. I shall be surprised if they remain solvent for the next five or 10 years, particularly if the oil market becomes adverse to their interests. There are blips—the hon. Lady is right—but it would be unwise to be complacent about the ECGD's capacity to continue to have its debts serviced.

In addition to taxpayer costs, there are a couple of other reasons why one should worry about this part of ECGD business. One is the impact on development. Even someone as hard-headed as Mr. Camdessus of the International Monetary Fund has argued that it is undesirable for western countries to use the ECGD, or a comparable export credit agency, to provide debt-related financing to many developing countries. The simple reason is that they acquire a fixed interest obligation, not a productive asset.

The logic of that is accepted by the Chancellor of the Exchequer. Under the Mauritius agreement, the Government have agreed that export credit guarantees for armaments will not be applied to, I think, 63 developing countries; initially, it was 40.

Mr. Gerald Howarth: The hon. Gentleman raises an interesting point. Is he aware that the Chancellor's much vaunted ethical dimension to export credits is totally, utterly and completely meaningless? Of the 63 countries that he says will no longer be eligible for credit guarantees in respect of defence exports from this country, only one has received ECGD defence credits since 1987: Kenya, which accounted for, I think, £60 million. It is complete and absolute nonsense. The Chancellor is posing as a friend of the third world. It is totally hypocritical.

Mr. Deputy Speaker: Order. It would be easy for the hon. Gentleman to get into the debate without long interventions. They are not helpful.

Dr. Cable: I was aware that most of the countries were off cover. I had not realised that the position was as extreme as the hon. Gentleman describes. He makes a valid point. If the Chancellor accepts the logic of withdrawing export credit cover for armaments to low-income countries, why will that not be applied to all low-income countries, including those on cover? Indeed, why will it not be applied to all developing countries? All sorts of inconsistencies are creeping into the admittedly more developmentally minded approach that the ECGD has adopted under the Government.

There are all sorts of anomalies, which the Minister could perhaps explain. For example, as of the end of last year, all exporters have been required to fill in a questionnaire on environmental sustainability, but armament exporters are spared that chore. Why? If it is a serious restriction, why will it not be applied to them?

In addition to the cost to the taxpayer and the impact on development, export credit guarantee support of arms exports creates an additional tier of secrecy in a part of Government that should be more open. The ECGD annual report of 1997-98, when about one quarter of British exports through the ECGD were armaments, devoted two and a half paragraphs to arms exports. That was rather less than was devoted to a public transport project in Panama. Last year, when the share of arms in the ECGD's portfolio grew to 50 per cent., the coverage in the annual report contracted to two lines. That is absurd.

Many Members who table parliamentary questions often find that the answers are cryptic in the extreme. It is an area of secrecy, which is not necessary. Major General Sharman, chairman of the Defence Manufacturers Association, has said as much. He sees no reason why there should not be much more openness.

The Minister may be able to explain why it is not possible to break down—perhaps he will—British arms exports through the ECGD by country and by contract. Why cannot we be told which British companies benefit, in order of merit? There is an assumption that British Aerospace benefits most, but it would be useful to know. Why can we not know? Can we not be given a breakdown of the business by country, by contract and by sums of money? Can we not be given a breakdown of the debt outstanding to the ECGD by country, by project and by sums of money? All that would help us to understand what is going on. The fact that we are not given that information, or not given it easily, creates an impression that something is going wrong, when it may not be.

The conclusion is that continuing to support arms exports through the ECGD is unattractive. There is quite wide political consensus on that point. A short time ago, we tabled early-day motion 191, which 95 Members have supported, most of them Labour Back Benchers. On the other side of the political spectrum, one of the most scathing and penetrating criticisms of the way in which the ECGD operates was provided by the hon. Member for Chichester (Mr. Tyrie), as he now is, who was special adviser to two Chancellors and who exposed many of the arguments that I have advanced.

Moreover, one of the most articulate criticisms of the use of the ECGD for export credit cover is provided by the free market economist Sam Brittan, who clearly believes that people who believe in competitive markets should not support the practice. Across the spectrum, there is growing criticism of the practice.

The Parliamentary Under-Secretary of State for Trade and Industry (Dr. Kim Howells): Is the hon. Gentleman referring to Sam Brittan's article in the infamous free market *New Statesman*?

Dr. Cable: I was, but before Sam Brittan defected to the *New Statesman*, he was saying much the same thing in the *Financial Times*. I do not know his politics, but I have read his eloquent writings, which are very much in a free market vein and with much of which I agree. My point is that the criticism is eclectic. It is not driven from any particular standpoint.

I go over some of the arguments that are advanced for not stopping the practice. The first is about jobs. There is, of course, a compelling argument here. None of us wants to be flippant about people's jobs. It is estimated that roughly 150,000 jobs, mainly in the aerospace industry, are effectively subsidised by ECGD export credits for arms: roughly £2,000 a job. It is not clear why those jobs should be subsidised, rather than others. We go back to the argument about why we have such selective intervention by the taxpayer, but if the Government feel that a particular segment of manufacturing industry needs public support—perhaps it does; perhaps there is a special argument about capital goods, although I am not sure what that is—why can that not be dealt with by developing the civil side of the ECGD business instead?

If the Minister talks to the Confederation of British Industry or the Engineering Employers Federation, he will find much frustration—it relates partly to the point that was made by the hon. Member for Aldershot (Mr. Howarth)—that many countries are currently off cover. A good recent example was a big public transport contract with Iran, which other export credit agencies were willing to support and the ECGD does not. If there really is a feeling that the ECGD should be used to promote British exports and jobs in that sector, why can that not be done by rebalancing the portfolio in favour of civil products?

Mrs. Browning: The hon. Gentleman will have noted with some interest—which is why I am surprised at his last comment—the third report of the Select Committee on Trade and Industry on the future of the ECGD. One of its conclusions states:

> "Some suggest that defence exports close out other exports; we have received no evidence to indicate that ECGD is biased towards defence-related exports, nor that there is a substantial default rate."

Dr. Cable: As the hon. Lady implied in the first sentence of her quotation, there is a debate as to whether there is a real opportunity cost. It is an open debate. As there are well-developed lines of communication with the big armaments exporters such BAe, it is easier to continue to support the arms business. Of course it receives much political support as well through Ministers and intergovernmental relationships, but I should have thought that, with a major effort, there is no reason why the balance of the portfolio should not be shifted and why dependence on arms export trade should not be reduced.

The next argument advanced could be encapsulated in the question, "Why should Britain do it on its own?", and in the belief that, if it is a desirable policy, we should do it as part of a multilateral initiative. There is some sense in the argument. However, I sometimes fail to understand why we take the view that we should not stop harming ourselves unless other countries agree to do the same. It is a fallacy pervading much of trade policy.

In many respects, the Government have given the lie to that argument in their debt relief initiatives. British Governments—not only the current one, although the current Chancellor has done much very good pioneering work on debt relief—including the two previous, Conservative Chancellors, have gone out on their own on debt relief for low-income countries. It is part of the multilateral initiative that we should relieve debt before other countries do so, and we implicitly accepted that, by our writing off some of our debt, the Japanese, the Germans and the Americans might recover their debt rather sooner. Therefore, if policy is right, it is better to implement it both unilaterally and multilaterally. I argue for doing both in parallel.

Some people argue that there are countries that, for perfectly good reasons, want to acquire our armaments, and that there are perfectly good reasons for letting them have them. I am not a pacifist and see good reasons why many developing couples might wish to arm themselves.

India, for example, is a democratic country—at least as democratic as we are—and is well run, with a relatively successful economy and a reasonable standard

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of governance. It is threatened from at least two directions and might wish to acquire British arms. However, if it does wish to acquire British arms, there is no reason why it should not buy them on the market. If we want to help India as a developing country, we could help it through the aid programme. There is no justification for keeping the ECGD's role in all of this as a disguised way of helping India or other worthy developing countries to acquire the armaments that they need for their defence.

I believe that Britain should cease to provide ECGD credit cover for armaments by phasing it out. We should do so on our own, but simultaneously try to develop a multilateral initiative. I hope that, as a first step in the debate, the Minister will open up the whole subject and lift some of the secrecy enveloping it.

9.52 am

Mr. Gerald Howarth (Aldershot): I am delighted to speak in this debate, although I have to confess that initially I had not intended to do so. Last week, I saw on the Order Paper that the hon. Member for Twickenham (Dr. Cable) had been successful in securing this debate, on an extremely important subject, and so it did not come as a complete surprise to me.

I was very interested in the hon. Gentleman's comments. He comes from an oil background and will know probably better than I that Britain's most important and largest defence export arrangement is the Al-Yamamah contract with Saudi Arabia, which is based substantially on the oil market. It is a complicated transaction, but essentially involves defence exports for oil. My view of the contract—to which I shall return later—is not as pessimistic as his, as I think that there are important lessons to be learned from it.

My background, before being elected to the House, includes 12 years in international banking. I now represent the Aldershot constituency, which includes Farnborough, where the headquarters of what we now have to call BAe Systems are located. Formerly, the company was known to us all as British Aerospace, and I suspect that—despite the efforts of the company's management—it will continue to be called British Aerospace.

Nevertheless, BAe Systems is not only Britain's most important defence contractor, but is now the third largest defence contractor in the world. It is therefore an extremely important company not only to my constituency, but to the whole of the United Kingdom.

My association with British Aerospace goes back over many years, but was particularly close when I was in the City, in international banking, and acutely aware of the importance of defence exports. I had discussions with British Aerospace about various projects on which it was seeking to secure support.

I am bound to tell the hon. Member for Twickenham that he is living in cloud cuckoo land if he thinks that there is a realistic prospect of withdrawing ECGD support for export sales without a markedly damaging effect on Britain's most successful manufacturing industry—the aerospace industry. The reality—as was brought home to me every time I discussed these matters with British Aerospace and other defence contractors—is that other defence manufacturers around the world enjoy the support of their domestic equivalent of the ECGD, whether it be COFACE, in France, or the American organisation, the name of which I cannot remember—

Dr. Cable: Ex-Im bank.

Mr. Howarth: No; it might be federal military sales. In any case, United States industry benefits from the financial support of the United States Government.

I therefore tell the hon. Member for Twickenham that—however much I am impressed by his adherence to free market economics, which is a belief not always expressed by Liberal Democrat Members; I certainly welcome the philosophy that he has expounded—the practical reality of the world in which we live is that if we withdrew support, we should be doing great damage to our own defence manufacturing base, which is a very important component of the United Kingdom.

The hon. Gentleman lightly dismissed defence manufacturing as 2 to 3 per cent. of Britain's economic activity, but the fact is that it employs 400,000 people in the United Kingdom.

Although the Minister is not supported by a great many other Labour Members today, he is a formidable man in his own right and is worth 10 of his Labour colleagues. I have no fear that he will not be able to rise to the challenge that he has been offered by the hon. Member for Twickenham. Nevertheless, the truth is that many Labour Members represent constituencies in which defence contracting is a very important component. I am honestly surprised that none of those Labour Members are participating in this debate, because they are always evident in the House for Defence Question Time.

How do I address you, Mr. Chairman?

The Chairman (Dr. Michael Clark): I am just discussing that very point, Mr. Howarth. I think that it would be correct if you called me Dr. Clark.

Mr. Howarth: I am delighted to be guided by you, Dr. Clark. Now that I know how properly to address you, I shall continue.

For an hon. Member who, like me, was elected to the House in 1983, rested between engagements—between 1992-97—and returned to the House in 1997, to the most privileged seat to which I could ever aspire, Aldershot, home of the British Army and birthplace of British aviation—I think that I am a round peg in a round hole—one of the most astonishing and fascinating features of being in the House is to see how the Labour party has changed.

Dr. Clark, you will remember that, when you and I were first elected to the House, ranged against us were all those Campaign for Nuclear Disarmament people, beating swords into ploughshares. What are we faced with today? We are faced with one Labour Member after another standing up and demanding that the Government buy bigger and better weapons, preferably from their own constituency.

Mrs. Browning: I totally agree with the point that my hon. Friend has just made. However, perhaps he will add a caveat—that among the Labour Members of the European Parliament, perhaps in the person, for example, of Mrs. Glenys Kinnock, we hear the old Labour-CND message still coming through.

Mr. Howarth: My hon. Friend is right. I gather that the Labour Members of the European Parliament are part of what is called the Socialist group. That word has been expunged from the new Labour dictionary, so what they do is probably a source of discomfort to the Prime Minister and the other promoters of new Labour. I suspect that you will call me out of order, Dr. Clark, if I carry on with that argument.

There has been a fascinating change in this country. There is a consensus on the importance of defence and defence exports. There are three reasons why defence exports are not just good for the United Kingdom, but essential. Those reasons go beyond the desire to protect 400,000 jobs in the UK. I made that point to the hon. Member for Twickenham because I felt that he was belittling the contribution of defence contracting to the United Kingdom's industrial base; but I am not in the business of giving subsidies to keep jobs in a particular sector. That would be inconsistent with my philosophy and that of my party over the past 20 years.

The first reason is that, without defence exports, we could not afford to buy domestically produced aeroplanes, missiles, heavy artillery and similar equipment, because there would be no economies of scale. I shall illustrate that with one example. As the country wrangled over what was going to succeed the Tornado combat aircraft—we now know that it is to be the Eurofighter—there was serious concern at British Aerospace, because the production run was coming to an end with nothing to put in its place. What happened? The Al-Yamamah contract with Saudi Arabia provided a large enough order to keep the production line open. Saudi Arabia then made an attrition buy—a technical expression in the trade for replacing lost aircraft that crash, fall out of the sky or are shot down—of a further 12 Tornado aircraft. That kept the production line going until the Eurofighter—or the Typhoon, as we now call it, which is a much better name—came on stream.

If we had simply relied on domestic demand for Tornado aircraft, the unit cost would have been prohibitive. The Public Accounts Committee would have said that it was ridiculous and that we should have bought some other aircraft off the shelf, such as the F16 from the United States. That would have left us dependent on the United States for the supply of critical equipment and would have cut us off from the supply of the next generation of combat aircraft. As a result of the defence export services provided by the Ministry of Defence and the fantastic effort of the Government—even the Foreign Office—and industry coming together in concerted UK activity, we were able to sell Tornado aircraft to Saudi Arabia, bringing the unit costs down and keeping us in the business of producing high-tech combat aircraft.

The second reason why defence exports are essential is that they help our foreign policy objectives. Supplying our friends with military equipment is a practical way of demonstrating our support. That is not a euphemism for propping up corrupt regimes. Few countries can match our commitment to liberty, our devotion to democracy and our belief in fair play. Few countries play cricket and even fewer play cricket like we do, unfortunately. Other countries fall short of the standards that we set.

Defence exports help us to influence events in critical parts of the world. This Government, like their Conservative predecessors, are keen to demonstrate Britain's influence in the world. The Prime Minister is extraordinarily keen to play soldiers around the world. I do not object to the principle of that, although I have some doubt about his motives. By supporting defence exports, we are able to make friends and influence events around the world. Some of the key countries to which we export, such as Malaysia and Saudi Arabia, are very good allies of the United Kingdom. Defence exports help to strengthen those ties.

The third reason is that defence exports enable us to exert further influence. If we supply critical defence equipment to a country where the Government change and the new regime behaves unacceptably, those exports give us a hold over them. I am astonished that, while the Foreign Secretary trumpets an ethical foreign policy, when he had the chance to influence events in Indonesia and Zimbabwe, he signally failed to do so. There has been a huge amount of wringing of hands over Indonesia, but the Foreign Secretary has allowed the Hawk contract to go ahead. In my view, last year was the time to say, "No more." That would have enabled us to exercise influence, but the Government chose not to do so.

It is appalling that the Government will continue to supply Hawk parts to Zimbabwe—a country that, in the league table of corruption and incompetence, must surely be if not at the top then at least in the top 10. The idea that we have an obligation to continue to supply spare parts to the disgustingly corrupt and incompetent Mugabe is profoundly offensive. The Government should have said, "If you go ahead and nationalise the land of white farmers in your country, do not expect a single spark plug for any of your Hawk aircraft, 'cos we ain't gonna supply it. Talk some common sense and run your country in a proper fashion and we will resume the supply."

Dr. Howells: I agree with much of what the hon. Gentleman says about Zimbabwe. I was there recently and saw the appalling politically motivated spiral of decline in a country run largely by incompetent people. However, I have figures showing that between 1987 and 1994 the previous Government supplied Zimbabwe with £61,584,983 of defence of equipment. Did the Conservatives see the decline coming, or was the Government of Zimbabwe okay in those days?

Mr. Howarth: I shall probably surprise the Minister by saying that I would not have done that had I been a Minister, but, as he probably knows, I have a slightly different view of Zimbabwe. I think that it should still be called Rhodesia. I find it ironic that people should complain about the current system there or make excuses for Mugabe when some of us remember the days

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when it was properly run. In those days, there was freedom for those who were law-abiding and the country was prosperous.

Dr. Jenny Tonge (Richmond Park): Will the hon. Gentleman give way?

Mr. Howarth: I think I know what the hon. Lady is about to say.

Dr. Tonge: I am sure that the hon. Gentleman does. Some time ago, during a debate on Sudan, the hon. Member for Louth and Horncastle (Sir P. Tapsell) said that it used to be a great country with "the blues ruling the blacks". Is the hon. Gentleman suggesting that we should take back all the old British empire countries and run them directly from London? Would that please the hon. Gentleman?

Mr. Howarth: The hon. Lady poses an interesting question. To be quite candid, the answer is, in part, yes. It is a complete absurdity for us to imagine that we can continue in the present fashion, where corrupt and incompetent dictatorships around Africa continue ruining the lives of their people and demanding money from the international community, from agencies such as the International Monetary Fund and from us. However, that is a subject for another debate.

I shall conclude, as I know that my hon. Friend the Member for Tiverton and Honiton (Mrs. Browning) has some important remarks to make. I have given three reasons why it is absolutely essential that we recognise the role of defence exports. It is a most honourable profession that greatly benefits the British people, British industry and the countries that we support.

In regard to the Al-Yamamah contract, having been the parliamentary private secretary to Baroness Thatcher, I do not think that people recognise just what a fantastic deal that was. The personal chemistry between the noble Lady and King Fahd of Saudi Arabia was probably responsible for securing more jobs than any other contract in the history of these islands.

In answer to the hon. Member for Twickenham, who based his remarks principally on the role of ECGD, I would be most reluctant to withdraw from the British defence industry the availability of ECGD support. It would make us totally uncompetitive overseas, so we would be cutting off our nose to spite our face.

I was amazed to hear the Chancellor of the Exchequer trumpeting the announcement that 63 countries would be denied the availability of ECGD support for defence exports, when only one of them had ever benefited or was likely to benefit anyway. I found it extraordinarily—

Mrs. Browning: Bogus.

Mr. Howarth: Exactly. I look forward to hearing the Minister's reply to the debate. I am sure that he will agree that it is important for the United Kingdom to continue to support our defence industry, which not only generates jobs and wealth, but is a source of tremendous innovation and excitement.

10.14 am

Dr. Jenny Tonge (Richmond Park): First, I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on his success in introducing an Adjournment debate on this important subject. Last week, I tried to get a debate on arms exports and an ethical foreign policy, so I shall concentrate rather more on the ethics, which I consider to be an even more important subject. I congratulate my hon. Friend on his excellent and well-informed speech.

I was also interested in the speech by the hon. Member for Aldershot (Mr. Howarth). I see the beginnings of an entirely new Conservative party policy. The shadow Cabinet has been reshuffled and now the hon. Gentleman is proposing not only that we pull out of Europe, but that we break our ties with the United States and re-form the British empire. I expect his next proposal will be that we send an expeditionary force to Washington.

Mr. Gerald Howarth: I thank the hon. Lady for giving way. How on earth can she make those assertions on the basis of what I said? I made no suggestion that we should cut ourselves off from the United States—far from it. I made no remarks about withdrawing from Europe or re-establishing the British empire. I simply said that one or two countries could well benefit from the expertise that we used to give them and under which they flourished.

Dr. Tonge: The hon. Gentleman must realise that I have every right to extrapolate his ideas and develop them.

The Chairman: Order. This is not a debate about empire. Will hon. Members please get back to the subject in hand.

Dr. Tonge: I apologise, Dr. Clark. I could not resist making that point.

I have do not have the background to speak on the economic arguments in relation to the ECGD and arms exports: my profession is the medical profession, which has been severely humbled in recent days. My only connection with the subject is that, until a few years ago, there was a big British Aerospace factory—which used to be the old Hawker factory—in the Richmond Park constituency. So my interest is not a current one.

I understand the economic argument that has been made for arms exports and the arms industry. I am not a pacifist; I do not want to stop arms exports. I understand that they are part of the real world. However, I question some of them—especially those that are supported by export credit guarantees—that involve countries whose economies may be in a parlous state or unstable. Suppose that the export credit guarantees are never paid off and the arms sales result in an extremely expensive war—they did in the case of Iraq—and a military campaign to which we have to contribute; and suppose that our Government have to provide humanitarian aid and then development aid to rebuild a country that has been destroyed by war. In such cases I question the economic arguments advanced by the hon. Member for Aldershot. They may be good in

the very short term, but ultimately it seems to me a crazy policy which places a heavy burden on the British taxpayer.

Let us consider the jobs argument. Of course there would be job losses if the arms industry contracted, but if we cut out only the part of the industry that supplies arms under export credit guarantees, it might not affect such a large proportion of total arms exports. People who work in the arms industry are generally highly qualified and employable. Every year, hundreds of thousands of people change jobs or retrain, so I do not find the jobs argument insurmountable.

Mrs. Browning: The hon. Lady will know that I represent a seat in Devon and that military issues are of great importance in the south-west. I remind her that for many years I have listened to the right hon. Member for Yeovil (Mr. Ashdown), who has Westland Helicopters in his constituency. The helicopters produced there are used both for peaceful and for military purposes. The right hon. Gentleman advocated a rather different view of job losses at Westland and in the west country.

Dr. Tonge: So would many Members with arms manufacturers in their constituencies, but, at some point, we shall have to bite the bullet. People in many industries have to consider retraining. One example is the farming industry, on which the hon. Lady used to speak on behalf of her party. I do not see why the arms industry should be immune. I would also remind her that my right hon. Friend the Member for Yeovil (Mr. Ashdown) is no longer our party leader and is quite entitled to express his opinion.

The other argument advanced by the hon. Member for Aldershot—the old adage that if we do not do it, someone else will—was ably dealt with by my hon. Friend the Member for Twickenham. Sometimes, we must take a lead on these issues. We took a lead on debt. Indeed, the previous Conservative Government took a lead on debt, which was followed up by the Labour Government. Both British Governments in recent years have spoken and acted honourably on debt. Why can we not do the same in relation to the arms trade? Why can we not take the lead? No wonder this country does not know where it is going if we cannot make a stand occasionally.

The Government have made some fine attempts to give moral leadership. I was in the Locarno room—a wonderful place—in the summer of 1997, and found it difficult to control my emotions as the Foreign Secretary described his new foreign policy with its ethical dimension. He told us how the world would be changed and that Britain would be a good boy after all.

On many occasions, I have heard how passionately the Secretary of State for International Development feels about the prevention of conflict and about the need to restrict arms sales to countries which are unstable or are in need of development. I suspect that she is frequently overruled.

Dr. Howells: As the Minister who has to sign off all the arms export deals that we send out—and I have been in this job since a year ago last July—I point out to the hon. Lady that there has never been one on which we have not consulted the Foreign and Commonwealth Office and the Department for International Development. We have done that for every export and have never received one—

Dr. Tonge *indicated dissent.*

Dr. Howells: The hon. Lady may shake her head, but I am the guy who has to sign off those exports. Never once have we received from the DFID or the FCO an objection to anything that we have signed.

Dr. Tonge: I thank the Minister for that intervention, but I was really referring to the annual report on arms sales. During the last Session, I was a member of the Select Committee that reviewed the annual report. I think that some arms exports to Eritrea were refused by the DFID, but that was overruled by the Department of Trade and Industry—or whoever it was. The Minister is not correct. Decisions are overruled. Indeed, when the annual report on arms exports is produced, the Secretary of State for International Development does not sign that report as other Ministers do, even though she is a member of the Government.

Dr. Howells: I have learned much since I entered the Government about how difficult and complicated government is. Surely, the hon. Lady must realise that, as the DTI is responsible for sponsoring exports, one Minister has to sign them off. There cannot be an arrangement whereby every Minister in every Department signs off every export contract. That would be nonsense. Surely the hon. Lady has enough experience to understand that.

Dr. Tonge: I do indeed understand the point, but in the context of the Government's declaration that they would have a foreign policy with an ethical dimension, and that they would adhere to the UK and the EU code of conduct on arms sales. I shall explain how they have not done so. I stick to my guns: whichever Minister signs off the sales, he or she should take into consideration the opinion of the Department that is concerned with development and the prevention of conflict. If that is not done, there will be more trouble for this country and more expenditure in the long term.

Dr. Howells *rose—*

Dr. Tonge: I shall not give way again, because I want to make progress.

I refer to the Government's response to the International Development Committee's report on conflict prevention. I was a member of the Committee. The report included the recommendation that

"the Government extend indefinitely its moratorium on the use of export credits for unproductive expenditure and urge the Government to exert further pressure for the adoption internationally of such a commitment."

The Government responded rather cryptically:

"The Government welcomes the Committee's support for the Mauritius Mandate"—

to which my hon. Friend the Member for Twickenham referred.

"The Government remains committed to limiting our export credits to Heavily Indebted Poor Countries"—

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the hon. Member for Aldershot pointed out that that was no great matter—

"to those for productive expenditure."

The Government were not upholding the foreign policy with an ethical dimension about which we had heard so much. They were not even upholding the commitment not to sell arms to countries where there was an identifiable risk that the equipment might be used for internal repression or for aggression against another country. I shall return to that matter later in my speech.

This foreign policy has been trampled over by the Government's response to arms exports—whether or not they are supported by export credit guarantees. The Government have recently stated that they would not resume the sale of arms to Pakistan—everyone agrees that Pakistan is extremely unstable and no one knows how matters in that country will progress—but they will consider each sale case by case. They get themselves out of the hoop in that way.

As we have already heard, the decision has been taken to resume selling arms to Indonesia, when that country is subject to huge internal upheavals. We have not yet sorted out East Timor; East Timorese refugees are still being held in West Timor and are not being allowed to return home. All that is happening, and even though the Indonesians have not paid off previous export credits, we are selling them more equipment—presumably backed by more export credits.

Three quarters of the countries in sub-Saharan Africa are engaged in armed conflict, or are confronted by a significant threat from armed groups. Arms exports to the region almost doubled last year. Excluding South Africa, spending on arms in sub-Saharan Africa increased by 14 per cent., at a time when the region's economic growth rose by less than 1 per cent. in real terms.

There are at least 11,000 Zimbabwean troops in the Democratic Republic of Congo. Zimbabwe, Namibia, Angola and the President of Congo are all fighting a war against Rwanda, Uganda and the Congolese rebels. There is a terrible mess in the Democratic Republic of Congo, and Zimbabwe is involved in it.

The estimated cost of the war for Zimbabwe is £1 million a day. That is in a country whose economic situation is regarded as extremely serious. The country is heavily in debt. There are record levels of unemployment; the inflation rate is 57 per cent; and an AIDS epidemic has reduced life expectancy to less than 50 years. Despite all that, we are selling arms to Zimbabwe. As the hon. Member for Aldershot said, what a foolish decision that was.

Furthermore, to return to the Minister's point, those sales are not compatible with the European Union code of conduct to which we have signed up. Both in criterion 4 and criterion 8—I carefully dug them out last night—we fail vis-a-vis Zimbabwe. We are not obeying the code of conduct by resuming arms sales to that country. Whither, then, our ethical foreign policy?

When are the Government going to regain the moral leadership of which we had such high hopes early in this Parliament, for goodness sake? Are we to go on indefinitely feeding wars and human misery? Will that new foreign policy with an ethical dimension never be reinstated?

One of the researchers reminded me of some lines from Milton's "Paradise Lost":

"So here the Archangel paused,

Betwixt a world destroyed and a world restored."

I want to see a world restored for the sake of my children and my grandchildren. I feel strongly about that. I am not a pacifist, but I want the world restored. To do that, we must bring back the ethical dimension that the Government have lost. We can make a start by stopping the subsidy on arms exports.

10.30 am

Mrs. Angela Browning (Tiverton and Honiton): May I say how pleased I am to contribute, on behalf of the Conservative party, to this debate? Clearly, matters have been raised over which we must accept that there is a philosophical divide. There is a difference between the views of the Liberal Democrat speakers and those that I shall set out and the points made by my hon. Friend the Member for Aldershot (Mr. Howarth). Quite where the Minister stands remains to be seen, but I shall leave him to make his case.

On 27 July 1997, the Secretary of State for Foreign and Commonwealth Affairs said:

"The Government is committed to the maintenance of a strong defence industry, which is a strategic part of our industrial base, as well as of our defence effort."

Those sentiments were also underlined in the strategic defence review, which said:

"The British defence industry is outstandingly successful and a vital national asset."

In the recent defence White Paper, the Government committed themselves to

"ensuring the survival of a successful British defence industry".

The hon. Member for Richmond Park (Dr. Tonge) is clearly disappointed with the Labour Government. I do not want to say too much about that because it is for the Minister to respond to her disappointment. However, from the statements that I have quoted, the Government appear genuinely to want to support our arms industry. They realise the economic and strategic importance of defence manufacture in this country, and we wholeheartedly agree with them on that. However, I agree with the hon. Lady in that those statements do not relate to statements made elsewhere about a so-called ethical foreign policy, particularly as it relates to arms. I shall come to that point shortly.

The defence industry is important. I listened carefully to the hon. Lady when she said that she was not a pacifist. However, if her argument were taken to its logical conclusion, it would surely lead not just to the withdrawal of Government financial support through export credit guarantees, but to this country's not supplying arms at all. Who finances arms sales is an academic issue if one's philosophical position is that it is bad to supply arms to certain countries or to supply certain types of arms.

Dr. Tonge: On a point of explanation, I made no suggestion that we could not sell arms to countries such as our fellow members of the European Union or to

stable countries in the rest of the world. My point was that we should adhere to the European code of conduct on arms sales and not sell arms to unstable countries or when they could be used for aggression or internal repression.

Mrs. Browning: The principle of where the arms are sold must be taken into account and it is, indeed, taken into account through the licensing process. However, the hon. Lady will recall, as I do only too well, that, at times of conflict in our own lifetimes, we have sold arms to some of our nearest and dearest neighbours only to find them used against us. Her proposition is no guarantee that there would not be what she would regard as unfortunate recycling or that we would not be the target of our own bullets.

As a percentage of gross domestic product, the United Kingdom has the world's second largest defence industrial base, employing—and this is important—355,000 people, who make up approximately 10 per cent. of the UK's manufacturing and industrial work force. That translates as 11 per cent. of the country's industrial and manufacturing output, equating to 50 per cent. of the aerospace and shipbuilding manufacturing that takes place in the UK and 40 per cent. of the electronics industry.

I declare a constituency interest. Electronics companies in my constituency supply the defence sector and they are at the cutting edge of technology. I have had no hesitation in supporting the work that they do and their attempts to bid for contracts. I have given them my full support.

The primary function of the defence industry is to supply military equipment to the UK armed forces. Problems with supply of essential war material during the Falklands and the Gulf wars have underlined the importance of an adequate domestic defence industrial base. However, the industry cannot be sustained by Ministry of Defence procurement alone; exports are essential to its survival. In recent years, defence exports have been a British success story, with the UK regularly taking more than 20 per cent. of the world defence export market. Defence exports reduce the MOD's procurement costs by allowing longer production runs and lower unit costs.

At this stage, I wish to point out that Members who are interested in defence matters are concerned at reports about the standard of equipment that has been supplied to our armed forces. Cost is a factor, but the quality of what we provide to our armed forces is of primary importance.

The commercial exploitation levy adds between £350 million and £400 million to the defence budget. More importantly, a third—approximately 130,000—of defence industry jobs depend on exports, with more than one third of production going abroad.

It has been alleged that the defence industry receives an unfair preference when it comes to ECGD cover. The most often cited figure is the one that I gave to the hon. Member for Twickenham (Dr. Cable) in an intervention. The 1998-99 figures shows defence cover at more than half the total of ECGD funding for that year. That figure, as we know, was the result of the Asian financial crisis and it is important that it does not distort the figures for previous and subsequent years in which cover dropped to as low as 13 per cent. The average figure for defence cover in the period 1988-89 to 1998-99 is just under 28 per cent. The Select Committee on Trade and Industry concluded that there is

"no evidence to indicate that ECGD is biased towards defence-related exports".

Other countries provide far greater assistance for their defence industries. Both France and Germany provide direct financial assistance to their defence companies and both countries are far more generous when it comes to export cover. My hon. Friend the Member for Aldershot was right to mention the United States. Defence procurement and the provision for defence manufacture in the United States is important and we must bear in mind the huge global market in second-hand defence equipment that comes from the United States. In itself, that has an effect on the price of defence procurement around the world. However, the United States helps its exporters with long-term subsidised loans as part of the foreign military sales scheme.

Dr. Cable: Is the hon. Lady advocating that we try to match such contributions or does she agree with her parliamentary colleague who was the special adviser to the previous Prime Minister and who said:

"It is illogical to indulge in a competition to give away our own exports through an auction of subsidies . . . companies should reduce costs and make themselves competitive, not rely on state aids."

Does the hon. Lady agree with that?

Mrs. Browning: Given my earlier remarks about the primary importance of defence manufacture to underpin our domestic requirements, if taxpayers' money has to be used to underwrite the guarantees through the ECGD, I thoroughly support its use. There is no doubt about that. We did that in government and we shall continue to support its use. We must consider the sector and its strategic importance to the UK's military and defence provision.

Mr. Malcolm Savidge (Aberdeen, North): The hon. Lady referred to what happened under the previous Government, but am I not correct in thinking that, in 1997, the bad debts to the ECGD included military support that had been given to China, Indonesia, Iraq and Nigeria, which at the time was under a dictatorship? When she says that she is happy for taxpayers' money to subsidise the defence industry, does she not feel at all uncomfortable with those examples?

Mrs. Browning: No, I do not. Although I do not have to hand detailed information about every one of those countries, I do not agree with the hon. Gentleman for the simple reason that, under the process by which ECGD cover is given, at the time when the cover is underwritten and signed off as the Minister described, every grant is considered on its merits and the balance of risk. The nature of the scheme means that there will be times when that risk is such that the Government have to step in. That is a matter of balance.

[Mrs. Browning]

I refer the hon. Gentleman to the third report by the Select Committee on Trade and Industry on the future of the Export Credits Guarantee Department, which covers that matter in detail. It is not over-critical of the process.

Mr. Gerald Howarth: Is not the answer to the question asked by the hon. Member for Aberdeen, North (Mr. Savidge) that he has selectively listed countries that have at some time been in default, whereas many other countries that have been beneficiaries of defence exports for which ECGD credit has been available have continued to honour their obligation, and their premiums are helping to defray the cost of meeting the credits on those countries that are defaulting?

Mrs. Browning: My hon. Friend describes the process correctly. As I said at the beginning of my speech, there is a philosophical divide. If one is opposed per se to public money underwriting or providing a safety net for such transactions, clearly one will not find any formula under which those transactions are acceptable. That is what divides us in the Chamber today.

Mr. Savidge: I am not talking about being opposed per se to subsidising our defence industry. However, many people in this country might feel slightly unhappy if they knew, for example, that we had subsidised Saddam Hussein's military build-up. That is why I chose the countries that I mentioned in my intervention. I could have listed other countries, and many people in Britain would be disturbed to find that taxpayers' money was being used to subsidise the build-up of those countries' military might.

Mrs. Browning: The hon. Gentleman will know the history of the situation as well as anyone else in the Chamber. When those arms were sold, the political situation, particularly between Iraq and Iran, was very different from the present situation. He cannot expect any Government, of whatever political persuasion, to second-guess what might happen several years later as a result of a change in political leadership or situation.

Dr. Howells: In response to the point made by my hon. Friend the Member for Aberdeen, North (Mr. Savidge), I have been reliably informed—I hope this helps the hon. Lady—that there never was any ECGD cover for defence business in China or Iraq.

Mrs. Browning: I am most grateful to the Minister. We could make a very good team on this subject, and I offer him my services unreservedly in case he ever needs to call on me as a running mate in future debates on the matter.

Export sales have helped the UK to retain essential capabilities at a time of a huge defence budget reduction and a reduction in the defence equipment market overall. The ECGD's work to underpin strategic industries in this country is extremely important.

It has been argued that the ECGD is not the right organisation to evaluate the development or ethical implications of defence exports. It does not have the expertise or the staff to carry out the necessary background research. That was recognised by the International Development Committee, which said:

"Criticisms of arms exports to particular countries and of the application of human rights criteria are being considered in detail"—

in the course of its inquiry. It continued:

"ECGD should not have to second-guess or duplicate the system for the scrutiny of export licence applications."

We agree with that. Legitimate ethical and other matters should be considered in the scrutiny of licence applications, and they are not the primary responsibility of the ECGD.

The Conservative party is committed to a strong defence industry. We are conscious of the need to consider the impact of defence exports, particularly in the developing world, but such consideration can best be done through the licensing process, not through the deliberations of the ECGD.

The debate overall has clearly concerned a division between the Liberal Democrats and their friends in the Cabinet. I say to the Minister that, although the debate has clearly arisen from a philosophical divide, we, too, are concerned about the way in which the ECGD operates within the DTI.

I draw the Minister's attention to two points from the third report of the Select Committee on Trade and Industry. It says:

"There is some evidence of a lack of joined-up thinking between ECGD and parts of the DTI."

I do not know when the Minister intends formally to respond to the report. The report also states:

"One ex-underwriter stated that 'ECGD services are little understood within DTI and FCO'".

Those are criticisms by a Committee of the House, which has studied the matter in great detail. We want the ECGD to work effectively and to continue to underwrite risk, particularly in this important sector.

I should be grateful if the Minister, in his concluding remarks, assured us that those matters are being addressed and gave us a little more detail about how he evaluates the views of the Ministry of Defence and his Department in supporting our defence industries. My hon. Friend the Member for Aldershot and others have outlined what seem to be bogus remarks from the Foreign Office about the Government's so-called ethical foreign policy.

10.47 am

The Parliamentary Under-Secretary of State for Trade and Industry (Dr. Kim Howells): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing this debate. We have heard interesting observations. I shall try in the few minutes left to answer some of the major questions, but first I must underscore the points made by the hon. Members for Tiverton and Honiton (Mrs. Browning) and for Aldershot (Mr. Howarth) about the importance of the sector.

As someone who has lived through the death of a large industry—the coal industry—I know that such transformations are extremely difficult. A decade and a half later, we are still suffering the problems of transition. There is also a read-across, which no one has mentioned; for example, the ability to manufacture advanced aircraft has a read-across to civil aircraft.

I do not know whether the hon. Members for Twickenham and for Richmond Park (Dr. Tonge) are opposed to the production of civil aircraft. I do not know whether the Greens have leaned on them to that extent, or whether they have modified their policy. I should like to hear about that.

There has always been a read-across between industries. That is clear when one considers the great aircraft manufacturers, including Boeing and, in this country, British Aerospace. The Government are not about to surrender that industry, and we do not need to.

I want to clear up a couple of important points made by the hon. Member for Richmond Park in her passionate plea. No hon. Member, whether Liberal, Labour or anything else, has a monopoly on feeling passionate about the world being reconstructed rather than destroyed. I have young children, and I do not want them, or anyone else's children, to go through another war. The very notion that the Government's policy is contributing to an escalation of conflict in the world flies in the face of events.

I do not know who has been spinning against the DTI over recent months, but it irks badly. I notify all Departments of all licence applications that I receive. If those Departments want to comment on them, they can do so. I take no decision on any contract unless the Foreign and Commonwealth Office and the Ministry of Defence have seen it. If the Department for International Development also wishes to comment on any licence application, it can do so.

It is untrue, for example, that DFID's advice on Eritrea licences was overruled. In the Government's response to the International Development Committee report, it is clearly stated that DFID's advice was not overruled on the cases identified by the Committee. I reinforce that point. The hon. Member for Richmond Park did not want to give way to me on that point, which was interesting. Perhaps she does not want the facts to get in the way of good rhetoric and a passionate story. If I were signing off deals that clearly breached human rights issues, and so on, I would find it very difficult to live in my house. My wife would know about it very quickly; the hon. Lady is not the only one to feel such passion.

Dr. Tonge: Will the hon. Gentleman confirm that the Foreign Office and the Department for International Development have never had reservations or objected to the granting of a licence that the DTI has then overruled?

Dr. Howells: If there are disagreements between Departments on any licence application, the matter goes to ministerial level and stays there until there is agreement. That is the way in which such matters ought to be sorted out: it is joined-up government and takes account of all the difficult issues concerning present, likely and marginal conflicts that are awkward to judge. The hon. Lady should have the good grace to understand that. She shakes her head, but clearly does not want to hear the truth. Very often, as politicians, we do not want to hear the truth, but I have just given it to this Chamber. DFID's advice is never ignored. I do not know who has been spreading the word that it has. I thought that it was perhaps from our own ranks, but it might be from the Liberal Democrats.

We have heard a great deal about the burden that the ECGD places on the taxpayer and the ways in which it is having to carry much of the finance that is made available to cover exports. That is not our reading of the situation. As the hon. Member for Twickenham said, there is a break-even clause. In fact, we expect ECGD to do a good deal more than break even.

I turn to the basis of the hon. Gentleman's case: the study at York university. The study was based on information that was several years out of date; made some heroic assumptions; averaged ECGD claims and assumed that defence business was in proportion, country by country, to civil business—but it was not. Past major claims markets, such as Nigeria, Poland and Brazil, involved very little—none in the case of Poland—defence business. Furthermore, in being so out of date, the study failed, in using the figure of £239 million, to take account of either the £1.6 billion received by ECGD in recoveries over the past three years or its vastly improved performance over the best part of the past decade. That is a very important point.

Let me now address the question whether ECGD gives defence business priority over other businesses. The decision on whether ECGD provides cover to a country is based on a risk assessment. If that assessment is favourable, cover is available on a first come, first served basis to all eligible exports, whether civil or defence. There have been no instances of defence business crowding out civil business. That point must be made, and clearly.

Two years ago, the Chancellor of the Exchequer announced that ECGD cover should be available only to 41 heavily indebted poor countries—HIPCs, as I learned last night—for exports that support their economic and social recovery and development. On 11 January, he announced the extension of the productive expenditure criteria—a wonderful phrase—to a further 22 countries. The UK's unilateral stance on the policy has not to date been followed. The hon. Member for Richmond Park should take that into account as well. She paid some tribute to it, but far from enough.

Mr. Gerald Howarth: The Minister is extraordinarily brave to deal with this subject. What prospect has the UK ever had of selling arms to Vanuatu?

Dr. Howells: The hon. Gentleman is quite right; he can have a poke at that one. Let me give him another. One of the countries on the initial HIPC list that I saw last night is Vietnam. That country very badly needs some arms to protect its exports and imports from pirates, gun-runners and smugglers. Are we to deny Vietnam exports? Of course we cannot. The country is on the list; the system is complicated: it is not black and white, as the hon. Members for Richmond Park and for Twickenham implied it was.

I am afraid that such real situations occur all too often in this world. I am not about to refuse to sign off such an agreement if it means that heroin will pour into this country from places such as Vietnam because it has been denied the ability to defend its trade, towns, estuaries and rivers from smugglers and pirates.

In the three remaining minutes, I shall turn to the two circumstances in which ECGD cover is denied. Under UK policy, those circumstances are, first, where it is

[Dr. Howells]

clear that exports of particular goods should not be made to a country, and, secondly, where a country is assessed as unlikely to be able to pay. Any extension of those categories risks imposing our own views on other sovereign nations—an important point that nobody has mentioned in today's debate. Export credits are not aid but commercial loans that we expect to be paid in full and on time. It is not right for us, as a rich and powerful nation which is able to defend itself, to tell others who have a right to self-defence and security and can afford to pay that they cannot spend their money on those things.

Why does the ECGD rely so heavily on export licensing? If the UK decides that certain goods should not be exported to a country, the policy is enacted through the export licensing scheme. The presence of a valid export licence is a condition of ECGD cover. If a licence has been granted, the Government have no objection to the export and there is no reason for ECGD cover to be withheld.

I shall finish on the following point because I know that the next debate is about to begin. The Secretary of State for Trade and Industry set up a review last year into the ECGD's mission status. It is expected to be concluded around Easter. I shall ensure that the views that have been expressed in this debate—a very useful debate—are put to that review. I do not wish to prejudge its outcome. I very much hope that hon. Members present will contribute to it because it is valuable and timely.

10.59 am

Sitting suspended.

European Union Development Fund

11 am

On resuming—

Mr. Tony Worthington (Clydebank and Milngavie): This debate is timely, for two reasons. First, we now know the new structure for development within the European Commission: the former Danish Development Minister, Poul Nielson, is, by and large, the Development Commissioner for the European Union. In theory, that is a great improvement on the previous structure, whereby all sorts of Commissioners appeared to have responsibility for development in various parts of the world. The new arrangement should not only ensure consistency in the implementation of development policy in different parts of the world, but make it easier to tackle the issue of coherence between development policies and other community policies such as those on trade, agriculture and foreign policy.

However, the role of the External Affairs Commissioner, Chris Patten, needs to be explained. It is reassuring that he is well known to the House and that he has a development background in this country; but the confusion of external affairs and development has held back development, both in this country—under the previous structure whereby the Overseas Development Administration was part of the Foreign Office—and in Europe. Let me give an example. In May 1999, the Council of Ministers, the European Parliament and the Commission—that is, every part of the EU structure—reached agreement on the European Community budget. However, the agreement on the external budget did not acknowledge the EU commitment to tackle poverty in developing countries, even though that is prioritised in the EU's development co-operation objectives set out in the Maastricht treaty.

The second reason why the debate is timely is the successful conclusion of negotiations on the Lomé convention. I believe that this is the first opportunity that the Minister will have had to address hon. Members since the successful conclusion of the renegotiated Lomé agreement; I congratulate him on his role in that respect. I hope that he will take this opportunity to point out the gains to be derived by developing countries from Lomé. It is a great relief that Lomé did not become caught up in the Seattle debacle, although, at some stage, Lomé will have to be superseded by an arrangement that is World Trade Organisation-compliant. It is interesting to note the different scales of the publicity given to the successful conclusion of the Lomé negotiation and that given to events in Seattle.

The importance of the debate arises from the fact that 30 per cent. of our own aid money—British aid—is distributed by Europe; that figure has increased from 12 per cent. in 1980. The proportion of aid for which the EU is responsible has been rising all over Europe as the amount of aid has fallen. Because, by international treaty, we are pledged to give a certain amount to Europe and because Europe has been so inefficient in spending effectively, the fall in the sums devoted to aid—not in this country, but elsewhere—has been even more catastrophic. Sixty per cent. of development assistance in the world is given by the European Union, either collectively or by nation states. There is not the slightest

chance of the world community meeting its ambitious anti-poverty targets—on reducing poverty and establishing universal primary education and universal access to reproductive health services—by 2015, unless Europe gets its act together. Up to now, the record has been very unsatisfactory and has cheated the poorest people in the world.

European Union development funding has been criticised for a multitude of reasons. First, there is no sense of co-ordination: there are multiple outlets for development or external assistance. Will that now stop? Secondly, there is confusion between development purposes and external affairs: EU activity has not been focused on poverty, and that trend has increased in recent years. Thirdly, there are huge delays between commitment of expenditure and its disbursement. If people are told that they have the money, they are well advised not to hold their breath while they wait for it; if they do, they might pass on before they receive it. That is not satisfactory.

Fourthly, there has been a substantial underspend, so that the large falls in aid that have occurred in recent years—not in this country—are made even worse by the sums committed not being spent.

Fifthly, the Commission and its staff have lacked the capacity or skills to disburse large sums of money, but have refused to decentralise to local offices. According to ActionAid, the European Union has only two gender experts and one education expert. How on earth can they deal efficiently with hundreds of projects? All that adds up to gross inefficiency, a lack of strategic vision, and a rising demand to return aid to nation states if matters do not improve. If matters do improve, there is a case for a large role for the EU. If European aid were administered effectively, everyone could gain.

Let me explore each of the issues that I have listed. What is the thinking behind the new European Union structure and what commitments has the new Commissioner given to improvement in terms of the focus on poverty? Development assistance is not skewed to the poorest countries, and that trend has been worsening. The most recent figures indicate that, leaving aside the special circumstances of the former Yugoslavia, the countries that receive most European aid are countries such as Morocco, Egypt, Tunisia, Jordan. Those are Mediterranean middle-income countries, not the poorest countries in the world; aid to sub-Saharan Africa barely registers.

There appears to be a chronic underfunding of Asia—the region in which the highest numbers of the poorest people live: 73 per cent. of the world's poorest people live in Asia. However, the European Union does not have a spending package spread over several years for Asia, unlike its programme for the countries covered by the Meda programme—measures to accompany the reform of economic and social structures in the framework of the Euro-Mediterranean partnership—or for sub-Saharan Africa. Instead, the EU budget for Asia is a yearly budget, which becomes squeezed.

What can the Minister tell us about the Meda programme for the Mediterranean and middle east, which ought to be reduced if the EU development budget is to be poverty focused? That programme also ought to be reduced because it underspends and the resources could be used elsewhere: in 1997, only 64 per cent. of allocated Meda funds were spent. I understand that Meda is being renegotiated and that a conclusion will be reached within the next few months. What stance are the British Government and other Governments taking on that failure to focus on the poorest countries in the world and on the inefficiency of the Meda programme?

What steps are being taken to make a much clearer division between development assistance and external assistance? That is a serious issue. The UK and the EU vote funds that are intended to contribute to the achievement of international targets on cutting poverty. That money should be spent on the poorest people in the poorest countries; unfortunately, much of it has been used for other political purposes. Some of those purposes have worthy goals on which money should be spent, but they should not be called development purposes. Let me quote a couple of examples. It is right that those countries that want to join the EU should be helped to adjust. Large funds have been made available through the Phare programme of Community aid for central and eastern European countries, and through the Tacis technical assistance programme for independent states of the former Soviet Union and Mongolia. Those countries trying to adjust their agriculture should be assisted through agriculture funds, which form the largest part by far of the EU budget. The money that we allocate to development should not be used for those purposes.

Similarly, in the case of the Meda budget, money is used to reduce immigration from the Mediterranean countries into the EU. That is understandable from the viewpoint of countries in southern Europe, but, again, it is not a development priority—it is a political goal.

What assurances can my hon. Friend the Minister give that, under the new structure, there will be a more scrupulous definition of development? I have no doubt that the importance of development and the quality of aid have been enhanced since the Department for International Development was established and escaped from the preoccupations of the Foreign Office. We should seek to achieve the same kind of independence in Europe.

Over the years, a surprisingly small amount of European Union aid has been allocated to social sectors such as health and education. Rising sums have been allocated within the EC, but we would be deluding ourselves if we thought that that has meant increased commitment to development for the poorest people in the poorest countries, both because of the underspending on those programmes—allocated resources budgeted by the member states but not used in that year by the Commission have led to a loss of resources for overseas development assistance amounting to 3 billion ecus per year—and because of the diversion of those funds to political funding, rather than development funding.

Although it is quality that matters, I welcome the assurance of the Commissioner that the next European development fund will allocate more to health care and that, as was stated in a letter to the Danish family planning association, there is likely to be an increased role for the European Union in the matters of reproductive health and population aspects of the third world. However, despite changes in policy rhetoric, more than 60 per cent. of Commission development

[Mr. Tony Worthington]

funding is still spent on infrastructure projects—projects that may well be attractive to EU countries because of the money that they bring to European firms.

There are further important issues. I noted in the Lomé agreement negotiated by my hon. Friend the Minister that there were provisions to suspend development assistance where there was substantial corruption in the recipient country. That is a bold step forward and a welcome one. Can my hon. Friend give us more details?

Was there agreement within Lomé, and elsewhere in the EU, that there should be much more decentralisation of decision making to country offices, to end the appalling delays between the commitment of funds and their distribution? What progress is being made to end aid tying? I believe that there are substantial differences of opinion between member countries on this issue. Aid is given, with the specification that it must be spent on personnel or firms in the donor country.

At the ministerial summit meeting—presumably of the G8—in Okinawa, a move to untie aid is on the agenda. Will the EU agree that that should occur? Will we press for the untying of aid? Are we winning the struggle to ensure that aid is made more effective and that the needs of the recipients come first?

The EU development fund has tended to be project rather than strategy oriented. What steps are being taken to improve the quality of the work and the monitoring of that work? European development fund activities have tended not to be transparent, and not to involve the local community and civil society. What proposals are there for greater transparency and for capacity building and ownership to be at the centre of development?

I welcome the proposals that there should be short-term measures within Lomé to help countries whose revenues suddenly fall for reasons such as a collapse in commodity prices. That will be an improvement on the previous arrangements, such as Stabex—the stabilisation of export earnings. I particularly welcome the European Union commitments to providing duty free access to its markets to virtually all products from the least developed countries by 2005 at the latest. It is good that that will go ahead, despite the collapse of Seattle.

I should be grateful if the Minister would share his thoughts with us on how he sees Lomé gradually being integrated into the WTO world, as it must be, and if he would tell us more about European development funding and the changes that he helped to negotiate.

11.15 am

Mr. Christopher Chope (Christchurch): The hon. Member for Clydebank and Milngavie (Mr. Worthington) has delivered a serious indictment, but he is dreaming an impossible dream if he believes that the situation can be resolved. If the past is used as a guide to the future, the prognosis is grim. I am surprised that he has not called for the repatriation to our own country of decision making about the overseas aid budget.

We are speaking of British taxpayers' money. When we in the House could decide on expenditure and hold Ministers to account, we had much greater control over that money and could ensure to a much greater extent that it was well targeted and well invested.

Mr. Worthington: Does the hon. Gentleman agree that there was less money every year?

Mr. Chope: As the hon. Gentleman acknowledged, what is important is not the amount of money, but its effectiveness. Throwing money at a problem is not the same as solving it. More money is going into aid through the European Union, but, as the hon. Gentleman said, it is not achieving the desired results.

I agree wholeheartedly with comments made by the Secretary of State, for International Development particularly in her speech on 28 July last year. She called for a number of changes. I shall not recite them all, but one of her most important points was that we need a more effective poverty focus in allocating resources. She pointed out that the share of European Community assistance going to the poorest countries had fallen from 75 per cent. in 1987 to 50 per cent. in 1997, and said that that was a scandal. I agree. She said that she found it impossible to reconcile EU policy statements on poverty.

Mrs. Cheryl Gillan (Chesham and Amersham): I thank my hon. Friend for giving way and hope I that am not interrupting his train of thought. What is his opinion of the intervention by the hon. Member for Clydebank and Milngavie (Mr. Worthington)? I have a table produced by the Department for International Development, showing the share of the DFID budget channelled through the European Community between 1980 and 1997. The hon. Gentleman is wrong. It was only in four years that the amount dropped. In the remaining years between 1980 and 1997, the amount of aid money going from Conservative Governments to the EC programme rose. Has my hon. Friend seen that table?

Mr. Chope: I have not, but I am grateful to my hon. Friend for drawing it to the attention of a wider audience. I, perhaps naively, took at face value the assertion made by the hon. Member for Clydebank. My hon. Friend has told me in no uncertain terms that I was at fault for doing that.

Mr. Worthington: So that we may draw the matter to the attention of an even wider audience, my point is that, when the Conservative party came into office, we were giving 0.51 per cent. of our gross domestic product to overseas development. When the Conservative party left office, that was down to 0.26 per cent. Because of the way in which the funds are disbursed, that would mean a larger amount going to Europe, but less going to the bilateral programme.

Mr. Chope: I recall that, when the Labour party was in opposition, it made all sorts of rash promises about increasing the proportion of gross domestic product that would be spent on aid. Those promises were never fulfilled to the people who were taken in by them.

Dr. Jenny Tonge (Richmond Park): I cannot refrain from putting in my oar. Does the hon. Gentleman agree

that neither the Conservative Government nor the Labour Government made significant progress towards the internationally agreed 0.7 per cent. of GDP for international aid? Many of our Scandinavian partners have achieved that target.

Mr. Chope: The hon. Lady speaks for the party whose commitments to spending taxpayers' money know no bounds. She enthusiastically represents a party that believes in much higher personal and corporate taxation. I disagree with her about that. The money that taxpayers already contribute to aid programmes should be spent more effectively.

In her speech last July, the Secretary of State said that the United Kingdom, with Ireland, the Netherlands and Sweden, had asked the Commission to introduce proposals to increase the proportion of EU assistance to low-income countries every year from 2000 to 2006, reaching 70 per cent. by 2006. I hope that the Minister will tell us whether he is satisfied that that objective will be achieved.

The Secretary of State made approximately 10 recommendations in her speech. Her final recommendation was for a formal, published annual report. She said:

"The Commission should prepare a detailed, comprehensive report each year providing analysis and information on the EC's role in international development and detailing progress against agreed targets. Virtually all development agencies, from the World Bank to bilaterals and NGOs already do this. The report should cover all the external assistance programmes, and how our trade, investment and wider policies are contributing to our development goals. I would like the new Commission to agree to publish the first such report next year."

The need for such a report is apparent, not least because of the European Court of Auditors' continuing evidence of money going astray and not being accounted for, and non-compliance with the Commission's procedures.

Hon. Members who had the chance to peep at the *Official Journal* for 3 December 1999, which details the Court of Auditors' annual report for the financial year 1998, would have read a strong condemnation of the way in which the European Commission has run the programme and continues to fail to fulfil successive promises, made year after year, to try to put its house in order. My patience is running out. That is why I began my remarks by saying that we are dreaming an impossible dream if we believe that the Commission will provide an aid budget that is as effective as the budget that we could provide if it were under our control.

I shall not refer in detail to the range of criticisms and recommendations in the European Court of Auditors' report, but I shall provide a flavour of it. Paragraph 60 states:

"The Court has repeatedly drawn attention to the need for adequate accounting standards, policies and procedures to be established and consistently applied. The Commission continues not to apply consistently its accounting principles, which are explicitly mentioned in the financial statements and the accounting plans for the sixth, seventh and eighth EDFs."

What a serious indictment of the arrangements. That abuse has continued for years.

Paragraph 64 states:

"The accounts are qualified due to both the absence of a table of revenue and the incompleteness of the table of debts despite the disclosure of this information being defined in detail by the Financial Regulations"—

which are set out in a series of articles—

"and furthermore in respect of the errors arising from the issues dealt with in paragraphs 65 to 67."

Paragraph 85 states:

"For 1998, even though the situation had improved since 1997, there was a significant incidence of formal errors across most instruments of the EDF."

Paragraph 79 states:

"Contrary to Article 311(1) of the Lomé IV bis Convention, the Commission did not appoint the Chief Authorising Officer of the eighth EDF, who is responsible for managing the resources of the EDF, until July 1999. This leads to a situation where all actions taken in 1998 which were to be taken by the Chief Authorising Officer, as well as those to be taken by all persons acting under subdelegation of powers, are not covered by the formal authorisation."

If Ministers or civil servants came before the Public Accounts Committee and admitted such errors, they would be forced to resign. I have described an intolerable position. The Commission remains arrogant beyond all bounds and takes the European Court of Auditors' criticisms inappropriately lightly. I hope that the Minister will explain why he has confidence, which I do not share, that the Commission will put its house in order.

The *Official Journal* for 29 September contains a special Court of Auditors report, numbered 499. That report gives many specific examples of non-payment or misappropriation of money that was allocated to the development programme for needy countries. I commend all those who naively believe that there is a way forward with the European Commission to consider those examples.

The Parliamentary Under-Secretary of State for International Development (Mr. George Foulkes): I am intrigued by the hon. Gentleman's line. He says that he has no confidence in the new Commission. He will recall that the old Commission resigned and was replaced. Does his lack of confidence extend to Chris Patten, a former Conservative Development Minister, who was very effective?

Mr. Chope: I do not totally lack confidence in him. However, the burden of my comments is that the system is so riddled with corruption that even someone as able as my noble Friend Lord Patten will be unable to cope with it.

Mrs. Gillan: Neil Kinnock, who is vice-president of the Commission, recently said that there was a new sense of responsibility in Brussels. Does my hon. Friend believe that the reports to which he referred are embarrassing to the vice-president of the new Commission?

Mr. Chope: Certainly. In my enthusiasm for Chris Patten, my former right hon. Friend, I ennobled him. I am sure that he will be ennobled in due course. That will be warmly welcomed by hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) and me, if not by Labour Members. I hope that my admiration for the new Commissioner is not in doubt, but I despair that even he, with all his talents, will not be able to change the system. Doing that is of paramount importance.

[Mr. Chope]

I hope that the Minister will explain why he retains such confidence in the system, and why he does not believe that it would be far better if provision for aid was repatriated to this country so that the House could control it.

11.29 am

Dr. Jenny Tonge (Richmond Park): I congratulate the hon. Member for Clydebank and Milngavie (Mr. Worthington) on securing this debate. The issue is serious and deserves much more airing than it has received. However, the debate is developing into the usual scene—the Euro-sceptics descend, like a pack of hyenas on a corpse, as soon as anything bad is said about Europe. It is a sad little pack of hyenas this morning, but they are doing quite a good job. The matter is also of great interest and concern to the Europhiles, among whom I count myself. As a Liberal Democrat, I am a great supporter of the concept of the European Union.

Mrs. Gillan: I think that the hon. Lady would agree that it would be wrong to keep quiet when one reads such headlines as "Brussels wastes £18 million in Ivory Coast aid fraud". Also, she should withdraw her remarks about those who are anti everything about Europe and her description of my hon. Friend the Member for Christchurch (Mr. Chope) and me as hyenas. I hope that she understands that it is our right and duty to speak out against fraud and wastage, in particular when it involves money that is to go to the poorest people.

Dr. Tonge: I thank the hon. Lady for her intervention. I described the Euro-sceptics descending like a pack of hyenas upon the corpse. If she wants to include herself in that description, she can, but I did not necessarily intend her to be a part of it.

I said that the matter was also of great concern to Europhiles. I am concerned and worried about the issue. The hon. Lady knows, because she has heard the story before, although I am going to repeat it, that my introduction to the problem was as a member of European Standing Committee B when it discussed a Court of Auditors report on European Community development aid to South Africa. I think that the hon. Lady has a copy.

I remember telling the Committee that I had sat down the night before with a glass of wine to read the report, expecting to be asleep in five if not 10 minutes. I did not take it seriously. However, I became crosser and crosser as I progressed through the report, which was a ghastly tale of inefficiency and ineffectiveness.

Given my medical experience, I was particularly affected by the fact that, in 1994, a lot of money had been earmarked for an HIV-AIDS prevention project in South Africa, but, by 1996, none of that money had been touched—the project had not even got off the ground. Now, the HIV-AIDS infection rate in South Africa is 25 per cent. One wonders how many of the present cases were due to that two-year delay—I expect that it would be several thousand in that part of Africa. That was disgraceful. That is one small example and we have heard many others from the hon. Member for Christchurch (Mr. Chope), who has obviously done his homework well.

I have three questions. First, should we be spending one third of our aid budget on European aid, which goes to Europe to be spent with that from other European countries? The argument is always that it probably is a good idea because some projects are best done with small amounts of money by individual countries working alone, others are done much better by larger organisations such as the World Bank, the International Monetary Fund, the African Development bank or whatever, but European countries pooling together can be much more effective for some other projects than one country working alone. Therefore, we must agree than an argument can be made for effective European aid and working together.

My second question, with which the hon. Member for Clydebank and Milngavie dealt well, is whether development aid is going to the right countries. The most up-to-date chart that I could find gives EC development aid by income group for the countries that receive European aid. In 1986-87, 50 per cent. of European aid went to the poorest countries but, by 1997-98, only 35 per cent. went to such countries. In 1997, Morocco was the biggest recipient of European aid, which had far more to do with French politics than with alleviating poverty.

The White Paper on the aims of development, which has never been debated but which was published by the Government in 1997—[HON. MEMBERS: "It has been."] I do not think that we have debated it, but the aim was to relieve poverty—the number of people living in poverty was to be halved by 2015. The European Union made a commitment to tackle poverty in the poorest countries, but it is not included in the Commission's Agenda 2000 proposal; nor is it in the financial outlook for 2000 to 2006. It seems to have been dropped altogether. However, I understand that that commitment to the relief of poverty was in the Maastricht treaty. I want to know where it has gone. The Minister must answer that question.

The Commission's agenda makes no reference to people living in extreme poverty, 75 per cent. of whom live in Asia; nor is there any reference to sub-Saharan Africa, which includes two thirds of the least developed countries. The emphasis has been switched to Europe's near neighbours: central and eastern Europe, the old Soviet bloc and the southern Mediterranean. We must try to bring the agenda back to the alleviation of poverty and the poorest people.

My third question is, is EU aid efficient? I do not need to reiterate that matter. I have seen an example in which it was wholly inefficient and the hon. Member for Christchurch gave us many other examples, so it clearly is not.

We should consider those questions and suggest solutions. First, we must have some sort of assurance that European aid has to be refocused on the least developed countries. The non-governmental organisations are suggesting that 70 per cent. of the financial perspectives—in the external actions budget—should go to the least developed countries. Our Government should be pushing for that.

Also, we must ensure that humanitarian emergency aid, which is always needed somewhere, is not reduced. We must keep up our contributions to such aid and it must be adequately protected in those financial perspectives to meet all the United Nations appeals for relief, which happen every year, year in and year out.

My third suggestion is that the three directorates in the European Union that all deal with development issues cause terrible confusion and delay. Problems are tossed between the directorates. They must be streamlined into one and I think I see the Minister assuring me that they have been.

Is monitoring and reporting back sufficiently frequent and accurate? Do we know where the money is going? The report by the Court of Auditors that was considered in the European Standing Committee that I mentioned—some of us were members of that Committee—was for 1986 to 1996, but we were discussing it three years later at the end of 1999. That is no good: that is not the efficient monitoring of projects. It is ridiculous. We need to monitor the situation on a yearly or even a six-monthly basis.

Furthermore, if aid is to be combined and the money is to come from all the countries in the European Union, one member country could be targeted as the lead country for a project. It could be financially responsible as well as responsible for setting up the project, taking it through and reporting back to the EU and member states on how it was progressing. I do not see any other way to manage projects efficiently. A key group of people has to work on them and be in overall control. At the moment, the system is chaotic. Having a lead country for every project would help considerably.

If the present muddle continues and, in three years, another European Standing Committee B is considering another Court of Auditors report and we are all sitting around stroking our beards and agonising about how inefficient things have been, I for one will begin to think that we should indeed suspend our contributions until the European Union can get its act together.

11.39 am

Mrs. Cheryl Gillan (Chesham and Amersham): I congratulate the hon. Member for Clydebank and Milngavie (Mr. Worthington) on obtaining a debate on this worthwhile subject, and my hon. Friend the Member for Christchurch (Mr. Chope) and the hon. Member for Richmond Park (Dr. Tonge) on their contributions.

I am delighted that our proceedings are being observed by the Chairman of the Select Committee on International Development, my hon. Friend the Member for Hertford and Stortford (Mr. Wells), who has joined us from Select Committee business, which shows how important the subject is, particularly to Conservative Members, although hon. Members on both sides of the House show a great deal of interest and concern for the subject.

The hon. Member for Clydebank and Milngavie did not roll over and take an ameliorating line with the Minister, and I was delighted to hear him pose many questions to which I hope the Minister will reply. I am sure that the Minister is delighted to have such a generous amount of time in which to deal with the serious issues that have been raised. That commonality is to be welcomed, but there are some hard questions to which he must respond. This is a probing debate, in the spirit of a probing amendment.

I have the most sympathy with my hon. Friend the Member for Christchurch, who made a valuable contribution. He described the hon. Member for Clydebank as dreaming the impossible dream. Like him, I too, am surprised that the hon. Gentleman stopped short of calling for the repatriation of funds. The hon. Member for Richmond Park certainly gave the impression that she was calling for the repatriation of funds, or moving towards calling for that as a result of the evidence that she had received.

Whether our contributions to the EC have diminished or decreased over the years, they remain high. The expenditure profile of total contributions to the EC range from £533 million in 1997-98 to £760 million in 1998-99 and £750 million in 1999-2000. Of that total, the European development fund received £137 million in 1997-98, £228 million in 1998-99 and just under £250,000 in the current financial year. As the hon. Member for Clydebank said, those are sizeable sums. They have risen from 12 per cent. to more than 30 per cent. as a proportion of the total aid spend. Such sums must be effective and properly scrutinised.

I understand that the United Kingdom has a backlog of payments for Stabex under the EDF totalling about £65 million, which I believe it has been agreed with the Commission will be paid over future years. I should be grateful if the Minister would give us an update of the position and fill us in on that particular annotation.

The Department produced a document entitled "Working in Partnership with the European Community, in December 1998, which I read with care, and with some of which, like others, I can agree. It states:

> "DFID wishes to strengthen its collaboration with the EC in order to improve the quality and effectiveness of efforts to promote international development."

No one can quarrel with that. However, I hope that the Minister will tell us how DFID has strengthened its collaboration with the EC and what progress has been made on that valuable aim, where that has taken us and how it has manifested itself.

The document also states that

> "patchy implementation of project cycle management techniques impairs the quality of the Commission's programmes. These difficulties are reinforced by inappropriate staffing, and systems which centralise most authority in Brussels. It is important to note that weaknesses in the EC's programmes arise partly from constraints imposed by member states."

Will the Minister update us on what action has been taken to remedy the inappropriate staffing, who has been moved on, retired or fired, who has been taken on and with what expertise, what detailed constraints have been imposed by member states and what efforts have the Government made to persuade other member states to change those constraints? What success have the Government had on that agenda? There is no doubt that the difficulties and the lack of accountability are causing great concern, as has been reflected in all of today's contributions.

My hon. Friend the Member for Christchurch referred to the recent Court of Auditors' annual report, published on 3 December 1999, and I make no apologies

[Mrs. Cheryl Gillan]

for doing the same. I see the Minister nod. I hope that he does so because he is intimately familiar with the document. I assume great knowledge on his part and I am sure that I am not mistaken.

I am extremely concerned by that report, including the Commission's responses, which overall give the impression of much complacency. What action has the Minister taken following receipt of that report? What are his views on the Commission's responses and what does he see as the way forward to deal with an increasingly difficult problem?

Chapter 2, paragraph 7, on technical co-operation, states:

"In 1996, the Court carried out an audit of technical cooperation activities . . . the results of which were communicated to the Commission by early 1997."

More alarmingly, the report said:

"In the follow-up inquiry, carried out on a number of aspects of technical cooperation, it was found that in most cases the problems identified earlier were still persisting."

Obviously, no effective action has been taken in that case.

Mr. Foulkes: Will the hon. Lady tell me again what year that was?

Mrs. Gillan: The report was published on 3 December 1999 and I was referring to chapter 2, paragraph 7, on technical co-operation. The audit was carried out in 1996 and was communicated in 1997, but no action was taken. I hope that the Minister will be able to allay my fears on that.

Similarly, paragraph 23 on regional co-operation under the sixth EDF, states:

"Nothing had been done in response to the Court's observation that a report needs to be submitted to the discharge authority every year on the overall implementation of regional cooperation and on the state of progress of and adjustments to the RIPs."

I hope that the Minister will also address his mind to that comment and consider whether any action that he has taken could result in an improvement in performance in that area.

Paragraphs 30 and 31 relate to putting works contracts out to tender. Paragraph 31 is a short simple sentence, but it reflects the worsening performance of the organisation. It states:

"The Court has not obtained any information which indicates improvement in this area."

Despite criticisms and constructive suggestions, there have been no improvements. That, Mr. Deputy Speaker, seems to be a pattern that is being constantly repeated.

The Chairman (Dr. Michael Clark): Order. It is pleasant to be called Mr. Deputy Speaker, but I am not an appointed Deputy Speaker, although Mr. Winterton, who follows me, is. Therefore, while I am in the Chair, it would be better to address me by my name.

Mrs. Gillan: I apologise, Dr. Clark. I thought that you had been elevated to great station. I shall continue to refer to you by name.

My hon. Friend the Member for Christchurch pointed out the qualifications of the audit, but it is worth looking at the summary of the Court of Auditors report. No table of revenue was included and the table of debts was incomplete, despite being an explicit requirement of the financial regulations. He referred to two other matters: in respect of the eighth EDF, the chief authorising officer as well as all persons with sub-delegated powers had acted without being covered by formal authorisation and the audit showed a significant number of formal errors. In addition, the audit showed a high incidence of failures to comply with regulations affecting the assigned funds of the eighth EDF and often indicated both a failure properly to apply control procedures and—where no direct effect on the amount involved in the transaction was identified—formal errors. The court's audit again revealed a significant incidence of formal errors affecting the primary commitments and continuous substantive errors, as evidenced in the summary.

What sort of confidence can we have in an organisation that is responsible for taking taxpayers' money and distributing it on their behalf to the poorest around the globe when an audit report carries such severe indictments? I said in an intervention that we have a duty to challenge what happens when we see headlines such as "Brussels wastes £18 million in Ivory Coast aid fraud". A newspaper reports that, according to a document seen by it,

"up to 37 times the market price for health equipment such as stethoscopes and baby scales"

was paid. The document is highly critical of the European Community team that was in-country, but none of its members will face disciplinary action.

I hope that the Minister will tell us whether he has called for a full investigation and disciplinary action and his reaction to what has been described as a scandal that

"represents the worst single abuse of aid funds in European Union history."

These events are embarrassing for the new Commission vice-president, Neil Kinnock, who only a couple of weeks ago promised a "new sense of responsibility" in Brussels spending. What is the Minister's assessment of whether this matter could lead to further resignations of Commissioners? After all, 20 resigned last March after disclosures of fraud and mismanagement. The report goes on to say that local companies in the Ivory Coast had for almost a decade

"routinely over-billed and produced false bills"

without Brussels noticing. Most of the missing money was intended to boost the African state's health sector. Perhaps he will join me in condemning that corruption and give me the reassurance I need that he is hot on the trail of rooting out such examples of fraud and corruption.

I have obtained a list, which runs to 12 pages, of projects that are in line for future funding from the EDF. I am sure that the Minister is familiar with them and hope that he will tell hon. Members—perhaps not during the debate, but by placing evaluations in the Library—his view of the individual projects that have been suggested. Following reports such as the audit to which I have referred, there will be a great deal of concern about the way in which money is spent. We need to know our own Government's attitude towards the

proposal to spend 18 million euros on environmental and human resources development programmes in Fiji. Those programmes may be worth while, but I want our Government to make a detailed evaluation of all projects that are suggested, whether for Jamaica, Kenya, Mauritius, Mauritania, Mali or Mozambique. I hope that he feels able to respond on each project, stating our Government's view on whether it is worth while.

In a speech on 28 July 1999, the Secretary of State said:

"The question is always, will the money be better spent directly by member states or through the EDF. The EDF money is not additional. If the instruments of the EDF are ineffective it is obviously better spent directly by member states."

I hope that the Minister will tell us to where the Secretary of State's thinking has moved since she made that speech. Is she now of the view that the instruments of the EDF are ineffective and does she believe that the money would be better spent directly by the member states? She went on:

"I want to hear the EC praised for its speed and efficiency, not criticised for delay and bureaucracy. I want to be confident that the quality of all the EC's programmes will be lifted up to the standard of its best ones."

Sadly, those are impossible dreams and that has clearly not happened with the EDF.

I shall be generous with the time that I leave for the Minister. We need to know what steps have been taken to establish real accountability and his assurance that the fine words, which have been echoed by him and the Secretary of State, are being followed through with action. We need greater transparency and we must ensure that the money that the British taxpayer gives to Brussels to spend on the poorest in society is spent effectively, not wasted in fraud and corruption.

11.57 am

The Parliamentary Under-Secretary of State for International Development (Mr. George Foulkes): This is my first opportunity to reply on behalf of the Government to a debate in the new environment of Westminster Hall, which takes some getting used to as we have seen this morning. This is also my first debate under your distinguished chairmanship, Dr. Clark, and it is a great privilege to participate. I have known you for many years and co-operated closely with you on all-party matters.

Other hon. Members have referred to my hon. Friend the Member for Clydebank and Milngavie (Mr. Worthington) as the hon. Member for Clydebank, but I am able to pronounce his constituency perfectly and can give him his full title. Like others, I congratulate him not only on obtaining the debate, but on seeking it in the first place and on the commitment and concern he has shown over many years. I am glad that he is a member of the International Development Committee. Its Chairman—the hon. Member for Hertford and Stortford (Mr. Wells)—is also present and I am sure he agrees that my hon. Friend makes a significant and positive contribution. For the benefit of readers of our proceedings, I should say that he is nodding.

In Lisbon last week, I had the pleasure of attending the informal meeting of Development Ministers—the informal Development Council—which focused principally on the role of the European Union in security, democracy and development in Africa. All the discussions and all the other Development Ministers present reminded me once again of not only the importance but the current weaknesses, of EU development assistance, which have been eloquently described by others. I notice that hon. Members quoted extensively from the Secretary of State's speech, so I am sure that they will acknowledge that the Government have been on the job on this matter. The hon. Member for Chesham and Amersham (Mrs. Gillan) referred to that. Above all, we focused on the steps that need to be taken to maximise the potential of all the European Union programmes to eliminate poverty. That potential is there, but it needs to be realised, as the Government recognise and have for the two and a half years of their lifetime.

Mrs. Gillan: I assure the Minister that I am not going to become part of a mutual admiration society. I quoted from the Secretary of State's speech because I wanted to know what progress had been made. Hon. Members need to know that this is not all hot air.

Mr. Foulkes: Hon. Members will know what progress has been made when I can make progress with my speech.

I remind the hon. Lady that our White Paper was the first development White Paper for more than 20 years. In all the years of their existence, the last Government never produced one. In our White Paper, we said that the single biggest challenge the world faced in the new millennium was that one in four of our fellow human beings was living in extreme poverty. That is an awful indictment.

In a series of United Nations conferences in the last decade, all the Governments of the world have committed themselves to a series of targets for poverty eradication. We cannot alleviate awful, grinding poverty by sticking plaster will help. Such poverty must be reduced, and ultimately eradicated. The main goal is to halve the proportion of the world's population living in such abject poverty by 2015. Associated targets include universal primary education, access to basic health care and reproductive health care for all, and sustainable development plans, including commitments to reverse the loss of environmental resources in every country.

Those targets were agreed in all those international conferences. It is this British Government who have taken them off the shelf, dusted them down and placed them at the forefront of our policy. The contents of our White Paper have been taken up by other countries throughout the world.

I remind the hon. Member for Richmond Park (Dr. Tonge) that a statement made in the House of Commons on 5 November 1997—I hope that she was present—provided an opportunity for all sorts of questions to be raised about the White Paper. There have been opportunities to discuss it throughout the

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country in various forums, and it has been discussed in the Select Committee. We have not shrunk from discussing the White Paper and all its aspects, including international development targets, either in Parliament or outside.

Dr. Tonge: Does the Minister recall that, at the time of the statement to which he referred, the Secretary of State assured me that the aims of the White Paper were fully supported and applauded by every Department?

Mr. Foulkes: Absolutely. I shall follow that up shortly.

The international development targets are practical and achievable, but to achieve them we need to generate the political will, mobilise the resources and adopt the right policies, not just in this and every other bilateral donor country but internationally. My right hon. Friend the Secretary of State made an announcement last week—she was going to do so in oral questions, Mr. Deputy Speaker, but you and your colleagues managed to ensure that that was not possible—[HON. MEMBERS: "Not true."] She therefore made the announcement in the form of a written answer. She said that the Government planned to produce a second development White Paper—as I said, none were produced in the lifetime of the last Government—that would place the challenge of globalisation at the heart of our development policy. There would be no change in direction, but our work would feature a greater depth and more detail. I hope and expect that there will be a great deal of consultation before and after the publication of the White Paper.

My hon. Friend the Member for Clydebank and Milngavie emphasised the importance of European Community development assistance to meeting the challenges that I have described. The statistics speak for themselves, and are worth repeating. The EC is the world's second largest multilateral donor, spending approximately 5 billion euro each year. Together with the bilateral programmes of its member states, the European Union provides two thirds of global development assistance. That is a formidable amount. Through our Department, the United Kingdom contributes about 15 per cent. of EC aid resources, which, as my hon. Friend said, take up about 30 per cent. of our budget.

Incidentally, the percentage was agreed at a European summit in Edinburgh, where I received my university education, in 1992. It was not my party that was in power at the time.

Let me tell the hon. Member for Christchurch (Mr. Chope) that—as my hon. Friend pointed out—in 1979 United Kingdom development assistance amounted to 0.52 per cent. of gross national product. Under the last Government, it fell to 0.26 per cent. What the hon. Gentleman does not realise is that it is now on its way back up, surely and steadily. It is now at 0.28 per cent., and we intend to go even further. The hon. Gentleman is out of date in that regard, and I regret to say that some of his other comments were based on out-of-date facts and perceptions.

Mr. Chope: Will the Minister tell us the Government's present target for aid as a percentage of gross domestic product? Does it differ from the pledges given before the last general election?

Mr. Foulkes: We have adopted the United Nations target of 0.7 per cent. of GNP, and we aim to move towards that figure steadily. Indeed, we have already done so: each year we have shown that we are moving up. We shall move up next year and the year after that, and throughout the 15 or 20 years of Labour government.

Mrs. Gillan: Obviously the Minister is backing his commitment to move towards the 0.7 per cent. target, but he must surely agree that the words he utters are meaningless unless he gives us a timetable. Will he put us all out of our misery, and tell us in which year the Labour Administration will achieve the target? We need to know the year now.

Mr. Foulkes: What a familiar question. I could have predicted it. I did not have it written down, but I had it in my head.

Of course we will achieve the target as quickly as possible, and the fact is that we are already moving up. I can tell the hon. Lady that, if we had continued at the level established by the last Government, by 2020 we would not be spending anything on development assistance.

If we are to meet the international development targets, we must deploy the full potential of the international system, and that includes the European Community. As everyone has said, however, the effectiveness of EC development assistance is far below its potential. Independent evaluations have highlighted a range of problems. Too much effort has been focused on spending and input, and not enough on achieving an impact and monitoring it. The Community lacks an overall and coherent development policy, which means that decisions have no clear development focus. As a result, a decreasing share of EC development assistance has been going to the poor countries—54 per cent. in 1997, compared with 75 per cent. 10 years earlier.

The hon. Member for Richmond Park asked for a target. We accept that a minimum of 70 per cent. should be our target for assistance to the less developed countries: that is what we are achieving in Britain, and we want to increase it. Most other member countries are doing the same, and we think it sensible for the EC to adopt that policy.

The major recipients of EC aid, which a decade ago were the poor countries in Africa and Asia, are now—as the hon. Member for Richmond Park pointed out—the better-off countries of the southern Mediterranean, and poverty has not diminished in those poorer countries. These trends seriously impair the EC's contribution to the international poverty eradication strategy.

There have been references to the report of the European Court of Auditors. We welcome the report. The Court of Auditors is a good and careful watchdog

and monitor of what is happening with the expenditure of the Commission and what is happening in the Community. It makes valuable recommendations for improvements. We need these criticisms to highlight weaknesses and to enable us to know what we have to tackle. It is wrong, however, to say that it is only in the Commission that there is fraud or misappropriation that needs checking.

For example, the Public Accounts Committee discovers certain things that are happening in the United Kingdom from time to time. France, Germany and other member states have not been without their own problems. The Europhobes, who are so paranoid about Europe, think that things go wrong only within the European bureaucracy, but they go wrong within member states.

It has been said that given what has been revealed in the Court of Auditors report, the members of the Commission should resign. That is precisely what they did, in an entirely unprecedented act. The entire Commission resigned following scandals and revelations. It was the right decision. A new Commission was appointed, which gives the EU a chance to make radical improvements to its development programmes, which we believe it is starting to do.

There have been two main changes. First, instead of five Commissioners responsible for different aspects of development, there are now only two. That is a great improvement. The two are Poul Nielson, the former Danish development Minister, who is now the Commissioner for Development and Humanitarian Aid, and Chris Patten, a former Conservative development Minister, who is the new Commissioner for External Relations. We welcome the simplification and we welcome also the two appointments for the personal qualities that each individual brings to the job.

Mrs. Gillan: Will the Minister give the House his view on whether anybody should take responsibility for the £18 million that has gone missing in the Ivory Coast? I hope that you will think, Mr. Deputy Speaker, that this is a good time to raise the issue. I would like the hon. Gentleman's comments on Georgio Cocchi, who runs the Ivory Coast desk in Brussels, who has said that £18 million

"is a negligible amount, you must remember that it forms part of a budget of around £70 million annually."

Does the hon. Gentleman agree that it is a serious amount, and that people must be held accountable and removed from their positions if they cannot account for £18 million?

Mr. Foulkes: I intended to mention the matter later but I shall do so now. I raised the matter at the Development Council meeting at Lisbon. Poul Nielson told me that the money has been returned and that the matter has been and is being dealt with.

Poul Nielson is responsible for development issues worldwide and Chris Patten is responsible for political relations world wide. As we know from our own experience, successful development policy depends on having a clear and strong development focus, and then working closely with our colleagues who are responsible for political relations, trade policy and international finance, for example. It is what we describe as coherence.

Both Poul Nielson and Chris Patten have stated publicly their commitment to poverty eradication. I know that they work closely together, and that is essential. Although Poul Nielson has global development responsibilities, direct control of non-Lomé aid and the programmes for central and eastern Europe, Latin America and Asia are with Chris Patten. However, both Commissioners are determined to tackle the procedures for implementing the Community's programmes, which remain slow and inefficient. They are reviewing all of the arrangements that are currently in place with a view to improving them.

Mr. Chope: The Minister asserts that as a result of the resignation of the previous Commission, everything is now hunky dory. How is that consistent with the Commission's complacent reply to the special report No. 4/99 of the Court of Auditors, which was published on 29 September 1999, which states:

"The Commission considers that its financial management information system provides all the necessary information"?

It goes on to make a complacent statement.

Mr. Foulkes: I did not say that everything is now hunky dory. I said quite the reverse. I said that things are improving but much more needs to be done. I will continue saying that.

That brings me to the second main change following the appointment of the new Commission—the commitment to reform. Chris Patten and Poul Nielson can make some progress within the systems for which they are directly responsible, but some changes must be made throughout the Commission. That is why Neil Kinnock's proposals for reforming the financial and staff management of the Commission are so important and need to be implemented. We need fundamental changes in financial procedures—such as delegation of authority to local officers and more rational audit arrangements—that will improve financial responsibility and cut unnecessary delays. It is not enough to design good aid programmes if they are delivered too late to address the problems that they are meant to tackle. The hon. Member for Christchurch cannot say that I am claiming that everything is hunky-dory.

We also need fundamental improvements in staff management in the Commission so that it can develop the skills that are needed to design and deliver modern aid programmes. The Commission needs to be able to meet the standards which other developing agencies, including my Department, have set. I tell the hon. Member for Richmond Park that we have seconded 20 officials to the Commission to help to improve its efficiency and effectiveness.

The new Commission is a crucial opportunity for improvement. The key Commissioners have strong development backgrounds and the Commission as a whole is committed to reform. We support it and urge it to carry this reform through as quickly as possible. However, we are not complacent. Change is always

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difficult and our job is to scrutinise the Commission's actions as much as its words, and to maintain the pressure for the improvements that we all know are needed.

It is important to recognise, however, that the Commission, member states and the European Parliament share responsibility for past failures due to the pressure to reach spending targets irrespective of impact, the pressure to spend in the spheres of interest of individual member states and procedural constraints that make it impossible to respond quickly and efficiently. We, too, share the responsibility for making improvements. As the House and the Select Committee on International Development know, the Government have been working with the Commission and other member states to improve the quality and effectiveness of EC development assistance. My Department published a strategy paper—it has not been much quoted and I hope that Members have read it—on this issue in December 1998. My right hon. Friend the Secretary of State set out a number of proposals in a speech in Brussels last July. I know that Members have read her speech because they have quoted from it. We have made some progress in achieving our objectives, but there is still a long way to go.

I agree that we must all work strenuously to secure a clear development policy for the EU which is focused on poverty eradication, and not on using precious aid budgets for political gestures, as has been done in the past. We must all work to equip the Commission with the skills and the systems that it needs to manage the EC aid budget properly, and to deliver real change on the ground in poor countries. We must all work also to co-ordinate more effectively our development programmes—that applies not only to the EC but to World bank and bilateral programmes—in a way that puts the needs of developing countries first, rather than the short-term interests of companies and contractors in our own countries. We will take on board the suggestion of the hon. Member for Richmond Park about one-country lead. That has already been considered by the European Community and it is something that we would like to consider. I am grateful to her for raising the matter.

We must seize every opportunity to maximise the contribution of EC development assistance to the goal of poverty eradication. One such opportunity is to redress the imbalance in non-Lomé EC aid. European Union Foreign Ministers agreed last July that the Commission should table proposals for the overall allocation of the EC non-Lomé aid budget across the various regional spending programmes for the next seven years. That is a great improvement. It would allow Ministers to discuss EC development priorities as a whole. Without these proposals, regional allocations will be agreed individually and there will be no improvement in the EC's poverty focus. First come, first served is a bad method for setting a global policy. We are asking the Commission to come up quickly with proposals for an overall examination of the EC's development spending.

Hon. Members have mentioned the disproportionate amount of EC aid that goes to richer countries. EC Mediterranean programmes, known as MEDA, warrant particular attention, as my hon. Friend the Member for Clydebank and Milngavie said, as they receive one of the largest allocations of aid commitments. However, as Commissioner Patten has acknowledged, the Commission has been unable to spend, and the recipient countries unable to absorb, more than an embarrassingly small fraction of those commitments, thus locking funds that could have been spent on more poverty-focused programmes in Asia and sub-Saharan Africa. That matter is being looked at.

My hon. Friend rightly asked what the British Government and other member states are doing to reduce MEDA funding. As our objective is to increase the proportion of EC aid to the poorest countries, we believe that MEDA funds should be reduced. We have argued and are arguing strongly for improvements to the development quality of MEDA programmes. Several other member states share our concerns and support us, particularly Sweden, the Netherlands and Germany.

My hon. Friend rightly objects to the move by the Commission to use MEDA funds to combat migration. That is not a proper use of development money. I assure him and other hon. Members that we are opposing that strongly within the EU Councils. Again, we have support from other member states. We are arguing for any such expenditure to be excluded from all development budgets.

As I have said, instead, we need a comprehensive development policy for the Commission that commits us to working with the international community to meet the development targets. The policy should therefore focus on poverty eradication and should call for a coherent approach across all EC policies, including international trade, agriculture, fisheries and others, so that they do not undermine the EU's development policy. Commissioner Nielson is due to table a draft development policy next month for discussion with EU member states and with civil society. That is a big step forward. I hope that Members realise that and that strong voices, here and elsewhere, will scrutinise the Commission proposal in detail.

We need the underpinning structure and procedures in the Commission, so that it can implement our policy effectively and efficiently. Whatever the successes of EC aid in the past, they have been overshadowed by the appalling delays in implementation. The effect has been to minimise the impact of European aid and has led some developing countries even to reject EC money.

My hon. Friend raised the issue of aid untying for the least developed countries. Discussions on that are continuing in the OECD development assistance committee. A large majority of DAC members are agreed on measures to be taken. However, one or two members still have reservations. I assure him and other hon. Members that we will continue to work for agreement at the DAC high-level meeting in May. It will then be possible to report to the G8 Okinawa summit, as

he requested, that a successful outcome has been reached, in line with the wishes expressed at the two previous G8 summits.

Mr. Worthington: The key issue is the definition of development. My hon. Friend may not be able to give the answer today, but if there is to be purity and quality in European development, external affairs and development will have to be separated. It is legitimate, for example, to support the middle east peace process, but that should not be categorised as development. Will there be a redefinition of what in the European budget counts as development money?

Mr. Foulkes: That is exactly the sort of comment that can be made in the consultation on Poul Nielson's paper. We will examine that matter.

I come to one of the more positive stories of EC development assistance—there are positive stories—the successor to the Lomé convention. I thank my hon. Friend for his kind remarks about my small part in it. Negotiations are not quite complete. They started in 1998 and were almost concluded last December, but, as I speak, Ministers from African, Caribbean and Pacific countries as well as the EU are meeting in Brussels to tie up the loose ends of the new convention. I hope that it will be agreed today and tomorrow.

As hon. Members know, Lomé is a unique collaboration, covering trade, development and political co-operation between the EU and the 71 ACP countries. The current negotiations mark the most important revision of the convention since its inception nearly three decades ago. The Select Committee on International Development looked at both Lomé and the general EC budget spending on development in 1998 and made a number of helpful recommendations. The Government have been pursuing those and other points in the negotiations.

I am pleased to report significant improvements in the new convention, which will benefit developing countries. They are a direct focus on poverty elimination as the convention's overriding objective; reform of the financial management of the EDF; abolition of the complex and slow procedures—I expect a cheer—notably Stabex and Sysmin, which will be replaced by a new system to provide support to countries whose development efforts are compromised by a downturn in export revenue; and more up-to-date management of development assistance.

In exchange for those improvements, there will be an ample replenishment of the EDF. The importance of good governance is highlighted by making it a "fundamental element" underpinning the new convention. Civil society's role in the convention has been enhanced. For the first time, it will be possible to take action in cases of severe corruption. That could include suspending countries from the convention and will work in the same way as for breaches of the convention's "essential elements"—human rights, democracy and the rule of law. So far, under that rule, development assistance has been partially suspended for four countries that have suffered coups d'etat.

I hope that hon. Members will agree that those are significant steps forward, which have been agreed by the British Government, who have pursued recommendations from the International Development Committee, argued the case effectively in Brussels, secured the agreement of other countries, and worked effectively within Europe as a powerful voice.

The new convention, necessarily, does not detail how development co-operation will be implemented. That is the function of a separate agreement between EU member states, which we shall discuss over coming months. We will push for increased decentralisation of authority from Brussels to improve the speed and quality of delivery.

I know that the Commission, which is well aware of current problems, wants to do that, too. We will continue to encourage the Community increasingly to provide its assistance in the context of government-led, joint-donor programmes, rather than stand-alone projects.

One of the most important aspects of the new convention and the one that has involved the most difficult negotiations is a new trade deal that maximises African, Caribbean and Pacific countries' access to the EU market, while promoting their gradual integration into the global economy. The preferential trading arrangements will be maintained until 2008, after which new World Trade Organisation-compatible arrangements will come into effect. Those will be free trade agreements between groups of ACP countries and the EU, but they will initially allow mainly non-reciprocal access to the EU market. To allow ACP countries time to adjust, fully reciprocal free trade would not be expected until probably 20 years from now.

One of the British Government's concerns in the negotiation has been countries that are not able to join those free trade areas in 2008. Two important commitments have been secured. Lesser developed countries—the poorest countries—will benefit from the EU's commitment to allow duty-free access for, effectively, all their products by 2005. For other, more developed countries, the EU has undertaken to examine all possibilities to provide a new, WTO-compatible trading framework with benefits equivalent to those under the current convention.

ACP and EU Ministers have agreed that the EDF will be used to make a substantial contribution to the heavily indebted poor countries initiative. A total of 1 billion euro from previously unspent EDF funds is being made available for debt relief for the poorest and most indebted countries in Africa. It is an ill wind that blows no one any good.

The Chancellor of the Exchequer and the Secretary of State for International Development have been leading the world in debt cancellation. The money released must be used for poverty eradication, education, health, water and sanitation.

[Mr. Foulkes]

This has been a good debate. I hope that hon. Members will agree that the Government are moving in the right direction—the direction that all hon. Members who spoke in the debate have encouraged us to take.

Peach Report

12.30 pm

Mr. Andrew Dismore (Hendon): I should preface my remarks by declaring an interest, as a solicitor—but I am sure that my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department will be pleased to know that I have no immediate plans to apply for judicial appointment. I suspect that my right hon. Friend the Lord Chancellor would be unlikely to appoint me even if I were to apply.

I certainly do not intend to repeat arguments that I have made before—on what has become quite a well-worn issue—in debates on the Access to Justice Act 1999 and, in the past year, on the number of judges, but it is important that we should put Sir Len Peach's report in context. The context includes the need to maintain judicial standards and to maintain impartiality and independence, particularly with the advent of the Human Rights Act 1998 cases that are likely to be appearing before the courts: cases on devolution; the increasing use of judicial review; straightforward political cases, such as that of Pinochet; and wider issues of judicial interests dealt with recently by the Court of Appeal.

We have to try to obtain a more representative Bench, reflecting society. It is a disgrace that, currently, only seven of 98 High Court judges are women, and that none of them are from an ethnic minority background. Since May 1997, of the 85 judges appointed, fewer than 10 per cent. were women, and only one judge was from an ethnic minority background. There is also a real disparity in appointments between solicitors and barristers.

Against that background, we shall have to do much to restore public confidence. Public confidence is currently at an all-time low, as evidenced by last year's research by the Nuffield Foundation showing that the general public view judges as being overwhelmingly out of touch.

I certainly welcome the establishment of the inquiry by Sir Len Peach into judicial and Queen's Counsel appointments. The Lord Chancellor must be congratulated on making the report possible—although the inquiry will have to be given two, rather than three, cheers. It is a pity that Sir Len's terms of reference did not include an opportunity to examine some of the more structural and fundamental problems in appointments. Nevertheless, I very much welcome Sir Len's work and the opportunity that I had to meet him and contribute my views to the debate.

The scope of Sir Len's report is important. For the first time, there was a clear recognition of the distinction between the skills needed for advocacy and those needed to be a judge. I was very pleased to read the comments of my right hon. Friend the Lord Chancellor, in his press notice, welcoming Sir Len's report:

"the best advocates do not necessarily make the best judges. Today's judges need to be able to meet the demands of managing cases and to have the personal skills needed to run a court, as well as being first-class lawyers."

My right hon. Friend went on to say:

"The skills and experience needed to be a judge may perfectly well be shown by a successful litigation solicitor as by a leading advocate".

I should add parenthetically that, in the new world of the Woolf reforms and the new civil justice rules, I suspect that, certainly when it comes to case management, solicitors may have more of the required skills than barristers do.

As for Sir Len's detailed recommendations, he starts off by tackling the most contentious issue: secret soundings. I know that my hon. Friend the Minister denies that secret soundings exist—he said so in answer to a parliamentary question; he prefers a rather longer definition of the process—but, perhaps simply as shorthand, I may use the term. I think that we agree on what we are talking about, even if we do not necessarily agree on the terminology.

Sir Len has not tackled secret soundings head on, but operated within the context of his terms of reference. Nevertheless, he has presented some ideas to mitigate some of the worst effects of the process—or as he describes it, to level the playing field—by suggesting that applicants could nominate their own referees, whose opinions would be weighted accordingly in the overall scheme of things. It is also important that secret soundings documentation will now concentrate much more on the skills requirement of the post, rather than on hearsay gossip, as previously feared.

I was very pleased to see Sir Len taking on some very experimental and far-thinking ideas—particularly his suggestion to establish an assessment centre, where putative judges could be interviewed, and where there could be group exercises and discussions, such as in-tray equivalents, tests, presentations and the need to train assessors for those purposes.

I particularly welcome Sir Len's proposal on psychometric competency testing, to ensure that those whom we appoint to judicial office are temperamentally suited to the position. As one who has occasionally appeared in cases in which I may have questioned the judge's personality, I very much welcome the proposal. Moreover, as one who made the suggestion to Sir Len, I am pleased that he has taken it on board.

I ask the Minister whether the Government will take on board the suggestion to establish assessment centres and testing. If they accept the suggestion, when will centres be established?

I have long advocated the establishment of a judicial appointments commission, as has the Labour party, over the years, in various policy documents. I am therefore pleased that Sir Len is proposing establishing a commission for judicial appointments. However, it is not exactly what I had in mind, and I concur with the Law Society's views on the matter. The commission should have the role of making or recommending appointments to full-time and part-time judicial posts. Commissioners are to be involved in replacing the lay element and in auditing processes. They are also to serve on selection panels, and to be involved in the important function of handling grievances and complaints.

Nevertheless, the fundamental problem with the current system which Sir Len identified remains: the lack of confidence felt by many people in the overall system, notably the consultation system and the judiciary's dominance as consultees.

Sir Len also recommends that the commission should supervise the selection process for silks. It is not quite clear whether the Lord Chancellor will take on board that recommendation, bearing in mind that he has immediately accepted the other recommendation. If selection of silks is to be supervised by the commission, it would be useful to know whether the commissioners will be in place for this year's silk round, to provide that additional safeguard.

I was very pleased to see that Sir Len paid great attention to the need for appraisal and self-appraisal by judges. He said—and I agree:

> "There is general agreement that the transition from barrister or solicitor to judge is one where training and development is necessary".

Sir Len places particular emphasis on development of tutor judges.

Sir Len also praises the experimental scheme on the Wales and Chester circuit. I pay personal tribute to my hon. Friend the Minister, who has taken great interest in promoting that initiative. I shall be very interested to hear whether he will take on board Sir Len's recommendation that there should be a national roll-out of the scheme, and, if so, when he thinks that that might happen. My experience in private practice is that appraisal and self-appraisal—being on both the receiving and dishing-out ends, though that may be putting it too strongly—are a very useful process, both for personal development and for the career development of oneself and one's staff.

We should not confine appraisals to part-time judges and new appointments, but should find a way of extending the process to more of the current full-time judiciary. I realise that there may be constitutional objections to such a proposal, and I am sure that there would be objections to it by individual members of the judiciary who may not have undergone the process when in practice; but we should at least give more consideration to the proposal.

I am concerned about Sir Len's views on equal opportunity, particularly in relation to gender and race. He identifies many of the problems very well, but does not necessarily propose the right solutions. He mentions the excellent work done by the joint working party on equal opportunities in judicial appointments and silk, and it would be very helpful if the Lord Chancellor's Department responded in detail to that body's 42 recommendations, some of which were dealt with by Sir Len.

I think that, initially, we should try to address the issue by extending parts III of the Sex Discrimination Act 1975 and the Race Relations Act 1976 to appointments to the judiciary and Queen's Counsel. My right hon. Friend the Home Secretary has said that forthcoming legislation on the public sector will be extended to include indirect discrimination. It would be very worth while if such provision were extended also to those appointments.

I also welcome the commissioning of research by Dr. Kate Malleson into some of the factors that impact on applications from women and ethnic minorities. Perhaps my hon. Friend could give us a progress report on that research and tell us whether it will be made public when it is finished.

We tend to overlook discrimination on disability grounds, but it is taken up by Sir Len. I should have focused on it more in the general contributions that I have made in previous debates. Sir Len recommends

[Mr. Andrew Dismore]

that the Department's informal guidelines be made public. I hope that my hon. Friend will confirm that he accepts that.

Sir Len also identifies the problems facing practising solicitors applying for judicial appointments, particularly part-time appointments, which are essential to allow the putative judge to get a taste of what is involved and to see whether they are up to the job. Solicitors face various practical hurdles with such part-time appointments, primarily owing to the need to maintain a practice and all the overheads that go with that. One's partners do not always welcome a request to be away for a few days at a time. We need to find ways of overcoming that problem.

I am also concerned about Sir Len's comments about the appointment of Queen's Counsel. My views on the subject are widely known and I do not want to rehearse them in detail. Sir Len repeats a suggestion previously made by others—that silk

"could be replaced by professional recognition based on seniority or personal contribution assessed within the representative legal institutions themselves."

That might be a preferable way forward. I am afraid that Sir Len does not tackle the related equal opportunities issues, but we should do so. Some of the recommendations about the judiciary could also apply to the assessment of silks.

I am also concerned about the heavy emphasis on fee earnings, without the balancing factor of pro bono work. Sir Len recommends that a table of fees for successful candidates be published annually. I have achieved that through parliamentary questions over the past couple of years. If the Lord Chancellor's Department does not publish the information in another way, it can expect further parliamentary questions from me.

I welcome Sir Len's report as a contribution to the debate. It is a pity that he was not able to carry out a root and branch investigation into the issue and come up with more fundamental conclusions, but the report is a worthwhile effort to improve the existing system. It may not be an overflowing cornucopia of structural solutions, but the Peach report is at least a modest fruit bowl, with some plum ideas to improve the existing arrangements. It stresses the qualities required of judges and proposes more balance for the consultation arrangements.

Sir Len has come up with some excellent ideas for experimentation to improve the assessment and appraisal system and has strengthened the lay element through the judicial appointments commission—sorry, the Commission for Judicial Appointments. I am not sure why the language has been changed. Perhaps it is to draw a distinction with the wider public debate. He has recognised many of the equal opportunities issues, even if he has not necessarily come up with solutions. The report provides a base that I hope can be used in future to lead to more fundamental root and branch reforms.

12.43 pm

The Parliamentary Secretary, Lord Chancellor's Department (Mr. David Lock): I congratulate my hon. Friend the Member for Hendon (Mr. Dismore) on securing the debate and on all his work over the past few years in bringing this important issue before the public and ensuring that we have a vigorous debate on how our judges are selected and on the merits of the status of Queen's Counsel. He knows that the Government do not entirely agree with his views on the best way of organising those important matters, but we are very grateful for his diligent and assiduous work in ensuring that they remain at the forefront of public debate.

Judges perform a vital role. They are a crucial element in a society that depends on the rule of law. In arbitration, judicial review or damages cases, judges make important decisions that can directly affect the lives of citizens. Therefore, the appointment of judges cannot be left to chance. The judicial appointments process must be capable of identifying the best candidates through fair and open procedures and it must reinforce the principle of judicial independence.

There have been many developments in the judicial and QC appointments processes in recent years, in particular the move to open competitions for most appointments. I know that my hon. Friend and others have strongly welcomed that. The Lord Chancellor is constantly seeking to improve the procedures. In July 1999, he asked Sir Leonard Peach to examine them, to see if any further steps could be taken to improve their openness and accountability. Sir Leonard was given unfettered access to the procedures and to individual records, and he held 40 meetings with groups and individuals to obtain a range of views. He has had a long and distinguished career in personnel at the highest levels and brought his unrivalled experience to bear in his scrutiny of procedures. Until recently, he was Commissioner for Public Appointments. In that role, which was independent of the Government, he monitored, regulated and provided advice on departmental procedures for ministerial appointments to various public bodies. We were confident that he would apply his objectivity and expertise and provide an impartial assessment of the judicial and QC selection procedures.

The Lord Chancellor warmly welcomed Sir Leonard's report when it was published on 3 December 1999 and said that he would act promptly on the central recommendation of appointing a Judicial Appointments Commissioner and would consider Sir Leonard's further recommendations in detail, along with other comments and reactions to his report.

Sir Leonard highlighted the potential confusion between appointment as Queen's Counsel and appointment to the Bench. The Lord Chancellor welcomed Sir Leonard's clear distinction between the criteria for QC and judicial appointments. The rank of QC is awarded to the leading junior advocates of the day, including solicitors. The Lord Chancellor readily acknowledges that the best advocates do not necessarily make the best judges, as my hon. Friend has said. That was made expressly clear in the press notice that accompanied the report.

Today's judges must be able to meet the demands of managing cases and need the personal skills required to run a court, as well as being first-class lawyers. In the past, there may have been too great a tendency to promote the best advocates from the Bar to the Bench, without paying sufficient attention to the possibility of promoting others of equal skill and competence who

undertake slightly different functions in the legal system. The skills and experience needed to be a judge can be found in a successful litigation solicitor as well as a leading advocate. That has already been proved by the appointment of solicitors to the Bench. The Lord Chancellor wants to appoint the judges with the best potential, regardless of whether they come from the ranks of barristers or solicitors. I am grateful for the opportunity to make that clear.

My hon. Friend has repeated his concerns about what he calls secret soundings. He suggested that Sir Leonard did not tackle the issue head on. I must respectfully disagree; he looked at it carefully. I do not like the expression "secret soundings". I understand the concerns, but it would be more accurate to talk about confidential assessments of a candidate's suitability. Sir Leonard acknowledged that the consultation process is controversial, but, having looked at it in detail, he said:

"as an experienced selector, my conclusion is that to abandon the consultation process would be a neglect of a valuable input into the assessment."

I stress that it is one part of the assessment and is not conclusive. The system has been approved and enhanced by the report and the Lord Chancellor is committed to retaining that part of the process. He is reassured by Sir Leonard's view.

Assessments are provided in confidence, but that is an inevitable part of any high-level appointments process, whether to the Bench or to other high-level positions. Candidates for the judiciary are told which judges and members of the profession will be consulted and are asked to name others who can assess their suitability. I welcome that development, as does my hon. Friend.

The assessments are provided in writing and are now made against the criteria for appointment. The Lord Chancellor requires consultees to be objective in their assessments and to provide evidence to support them. He disregards any comments that do not appear to be based on that approach and no one person's assessment is or could be decisive. There is nothing to prevent consultees from volunteering information directly to applicants about the assessments they have made of them, but that must be a matter for the consultee alone to decide.

We must accept that in any open competition for judicial posts, more people will be unsuccessful—and therefore to some extent disappointed—than successful. Unsuccessful candidates are able to talk to officials in the Lord Chancellor's Department who will give feedback on the assessments made. The feedback includes, on a non-attributed basis, information about matters contained in the assessments. If the candidate was interviewed, the feedback will also cover how he or she fared in the interview. It is important to note that many candidates take up that offer, and last year about 500 feedback interviews were conducted. Sir Leonard Peach found the feedback system to be "a remarkable feature" and "most impressive". I hope that my hon. Friend—who is also learned—will accept that that is an important part of the confidential assessment process.

Sir Leonard also says that there needs to be confidence in the relevance of the information being provided and that it is based on evidence and not on hearsay. Although that is the aim—and assessments from consultees are already sought on forms which ask for ratings against the criteria and for narrative evidence—Sir Leonard advises on improvements to the system. The Lord Chancellor is happy to take those on board promptly.

My hon. Friend rightly mentioned the additional recommendations for a one-day assessment centre and certain psychometric tests. The recommendations are that we pilot a one-day assessment centre and that psychometric and competence tests be commissioned. The Lord Chancellor intends to take forward those two recommendations together. He appreciates that an assessment centre is to some extent the Rolls-Royce of selection methods and recognises that to set up a one-day pilot assessment centre where psychometric and competence tests will form part of the selection process will be a considerable step forward, entailing considerable effort. None the less, it is important to get it right and we do not envisage being able to take assessment packages off the shelf. Appointing for judicial office is a unique and important function.

The assessment centre, as envisaged by the Lord Chancellor, will have to be tailor made for judicial appointments, so there will have to be a considerable amount of work over the next one to two years to set up the pilot. However, I can assure my hon. Friend that the matter is being taken forward.

The Lord Chancellor has accepted in principle Sir Leonard's proposal that there should be a Commission for Judicial Appointments. He envisages appointing this year a first commissioner, who will be supported in due course by a team of deputy commissioners. The commissioners will be drawn from a range of backgrounds and the commission will undertake the tasks outlined by Sir Leonard.

I can tell my hon. Friend, as he raised the matter specifically, that this year's silk round—that is, those who are to be notified at Easter this year—will not have the benefit of the Commission for Judicial Appointments, but we hope that all open competitions for the judiciary later in the year and next year's silk round will have the benefit of the commission.

Mr. Nick Hawkins (Surrey Heath): I thank the Minister for giving way. Will he confirm that the terms of reference of the judicial appointments commissioners will be published and that it is his and the Lord Chancellor's wish that there will be no element of political correctness or any artificial concept of gender and ethnic balance? We want the very best people for all these appointments. Will that be clearly set out in the judicial appointments commissioners' terms of reference?

Mr. Lock: I can certainly assure the hon. Gentleman that the terms of reference for the Commission for Judicial Appointments will be published. As for political correctness, I assure him that we are looking for the best candidates for the judiciary and those candidates will be drawn from those who apply.

I accept that we have only 10 women on the High Court Bench. To some extent, that is a reflection of entry into the legal profession some 20 to 25 years ago, retention within the legal profession, and the processes of advancement within the private legal professions that have brought about the circumstances where those who

[Mr. Lock]

apply with suitable experience and eminence come from a relatively limited pool. However, as I said earlier, the Lord Chancellor remains concerned that that group should be identified according to their true characteristics and experience of judicial office, which is much wider than just the best advocates appearing on the front row in the courts today. I hope that that will expand the pool and result in more people applying.

Mr. Dominic Grieve (Beaconsfield): Will the Minister give way?

Mr. Lock: Certainly.

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. Although the Minister can indeed give way, in such a debate as this he is under no pressure or obligation to do so as it is a debate between one hon. Member and the Minister. However, as the Minister has given way, I hope that the intervention will be brief.

Mr. Grieve: I shall indeed be brief. Will the Minister confirm that the statistics available would suggest that the pool is expanding and that, for instance, the number of women who are likely to be eligible to apply for the judiciary will be much larger than it was 25 years ago and is increasing?

Mr. Lock: I can certainly confirm that the pool is expanding. Hon. Members may be interested to know that there are now one solicitor, 10 women, but unfortunately no High Court judges of ethnic origin. At the lower levels, the figures are more encouraging. Of 634 appointments filled by means of open competition in 1998-99, 23.5 per cent., or just under a quarter, were women; 5.4 per cent. were of ethnic minority origin; 46.4 per cent. were solicitors; 37.1 per cent. were junior barristers; 5.7 per cent. were Queen's Counsel and 10.9 per cent. were non-practising lawyers. Although there is a good spread across judicial appointments generally, I accept that we still have work to do at senior levels.

My hon. Friend has raised a large number of issues and I anticipate having to write to him on those that I do not have time to cover. I am happy to confirm that the Kate Malleson research into race and sex discrimination, which covers an important matter, is due to be published this month and of course will be made public.

My hon. Friend also referred to appraisal—an important but delicate issue. The pilot in north Wales involving deputy district judges is impressive and appears to be going well, but it would not be appropriate to roll out any pilot until we were confident that we had managed to assess its full impact and learned lessons from it—otherwise it would not be a pilot.

I can assure my hon. Friend that we approach appraisal very much for the benefit of the people being appraised and not as a quasi-disciplinary stick to be held over part-time judges as a reason for not appointing them. It is all part of the process of ensuring that we get the best judges available for our courts. Appraisal issues in respect of the full-time judiciary are very much more delicate and must, in essence, be a matter for the judges themselves, without straying into their judicial independence. As my hon. Friend realises, I am sure that there are delicate issues of constitutional propriety involved.

In essence, Sir Leonard's report gave the team in the Lord Chancellor's Department very good marks for their work. He said that the overall impression of the Department's work was one of thoroughness, competence and professionalism. However, there are clearly areas where we can improve and we are grateful to Sir Len for highlighting them. The work will be carried through quickly and thoroughly. It is a very important area and we must make sure that we get it right. I am grateful to my hon. Friend the Member for Hendon for introducing the debate and I hope that I have answered many of the points that he has raised.

Energy for Democracy (Serbia)

1 pm

Mr. Bowen Wells (Hertford and Stortford): I quote from a fax sent by Ms Emilja Kiel to the UK Committee for Peace in the Balkans, made available to me by the hon. Member for Halifax (Mrs. Mahon). The fax states:

"Yesterday in Belgrade a baby girl of six months died of cold. She was a Serbian Kosovo refugee whose parents along with a group of other Serbs from Kosovo found shelter in the ruins of a (NATO bombed) concrete factory."

The family of the little girl had been ethnically cleansed from Kosovo and left unprotected by NATO and the United Nations. At present, Serbia and Kosovo are covered in snow, with temperatures down to minus 20 deg centigrade; that is to be expected each year in that part of Europe and is thus predictable. Indeed, it was predicted by the Select Committee on International Development in our report on Kosovo. The situation was not unforeseen.

The European Union imposed sanctions against Serbia during the bombing, including a ban on oil exports that it has steadfastly refused to lift since the bombing ceased. Council regulation No. 2111/1999 of 4 October confirmed the prohibition of the sale and supply of petroleum products.

The EU has knowingly deprived Serbia of the capacity to keep its people warm. It has thus endangered the lives of young children and the elderly by exposing them to hypothermia. That was a deliberate EU policy, supported by the UK Government. We have bombed Serbian power stations and oil refineries. By bombing the bridges, we have blocked the main supply line—the Danube.

The objective—although it was steadfastly denied—was to depose President Milosevic and his party from office in the former Republic of Yugoslavia. However, the EU action has had the opposite effect. NATO and the EU are blamed for the suffering of all the people of Serbia and the estimated 900,000 refugees in Serbia—100,000 of whom have been ethnically cleansed from Kosovo.

Cynically—or perhaps from feelings of guilt—the EU decided to launch a programme entitled Energy for Democracy, supported by the UK. The programme is described as humanitarian and is thereby exempt from the EU's own sanctions.

I remind hon. Members that humanitarian aid must have two characteristics. The first is that it must be administered impartially to all people in need regardless of whom they support. Secondly, those who administer humanitarian aid must do so with the consent of all authorities on all sides of a dispute. The obvious example is the work of the International Committee of the Red Cross which, without such an agreement, would be unable to operate on both sides in a conflict or dispute.

One definition of the objective of humanitarian assistance states that it should be

"to prevent and alleviate human suffering, to protect life and health and ensure respect for the human being. This definition provides for protecting and re-establishing livelihoods, not just saving life . . . From this follows the principle of impartiality: humanitarian actors should not discriminate as to nationality, race, religious beliefs, class or political opinions; resource allocation being guided solely on the basis of needs of individuals, prioritising the most urgent cases of distress."

The principle of independence follows from that:

"The ability of humanitarian organisations to operate legally and safely in a conflict situation is determined by their ability to demonstrate their independent character. Actual and perceived involvement of a donor government in the workings of international humanitarian organisations potentially compromises this independence."

We offend against those principles of humanitarian aid. In particular, the Energy for Democracy programme offends against them on almost every count. It aims to supply 350 tonnes of heating oil to two Serbian towns—Nis and Pirot. That was the first part of a 4.4 million euro project to supply the cities until April this year. The reason that those two cities were targeted was that their mayors did not support the Milosevic Government. NATO and the EU wanted to demonstrate to the people of those cities that NATO cared for them and that the alliance's quarrel was only with the Milosevic Government.

I might have some enthusiasm for the objective of subverting Milosevic, but that NATO action cannot be called humanitarian. It is partial and it is not administered with the agreement of the authorities in Serbia. It is certainly not impartial; nor is it independent.

Where does the money come from? After much research, I found that it was provided from the European development budget, to which the UK Government make a significant contribution—as the Chamber has already discussed this morning. The appropriation comes from a budget designed for the reconstruction of parts of former Yugoslavia—later Kosovo.

The appropriation of such money for bluntly and blatantly political purposes is almost certainly illegal. It will have to be referred to the Court of Auditors, which has, sadly, become accustomed to the gay abandon with which the European Commission spends our money on projects that are unauthorised by this Parliament or by the European Parliament.

If we are sincere about trying to help Yugoslavia in its reconstruction, we should ensure that all those who have suffered from the Milosevic regime and the NATO bombing have sufficient heating oil to keep them warm this winter. That would be a truly humanitarian and magnanimous gesture to the people of Serbia. It might begin to heal some of the wounds and begin the reconciliation and reconstruction necessary for the achievement of the just Balkan settlement for which our Prime Minister agreed to bomb Serbia—one of his major aims in the war against Serbia. However, this partial, illegal and cynical gesture of the Energy for Democracy programme is more likely to exacerbate the hatreds and jealousies within Serbia and against the EU and NATO.

I ask the Minister of State to answer the following questions. First, why have the Government not tried to lift the EU sanctions on heating oil supplies to Serbia? Is it because we are acting as the poodle of the United States in those matters?

Secondly, why have the Government agreed to break their own sanctions by supplying heating oil to Nis and Pirot? Thirdly, how can supplies of heating oil to those

[Mr. Bowen Wells]

cities be justified as humanitarian aid when no such supplies are provided to the rest of the Serb population and when they do not have the approval and agreement of the Serbian Government?

Fourthly, what assessment was made of the likely reaction of the Serbian Government of President Milosevic to the initiative? Fifthly, why did the United States refuse to support the Energy for Democracy scheme? Sixthly, how do the Government justify the use of aid money, voted for the reconstruction of the former Republic of Yugoslavia, for blatant, cynical, political blackmail?

The Government claim to have won the war against Serbia by bombing that country. They are certainly losing the peace by such ill-considered, blatantly political, possibly illegal schemes as the Energy for Democracy programme. A Government who were truly pursuing a humanitarian aim would support France, Greece, Italy and other EU nations in lifting EU sanctions for the whole of Serbia, and in permitting the supply of heating oil throughout Serbia on humanitarian grounds during the extreme weather conditions that are always experienced in the region at this time of year. That would prevent the black market and the entry to Serbia of Russian-supported oil supplies via Hungary and Romania. The distribution of those supplies is of course controlled by President Milosevic—thus increasing his grip on power and his ill-gotten wealth.

1.9 pm

The Minister of State, Foreign and Commonwealth Office (Mr. John Battle): We thank the hon. Member for Hertford and Stortford (Mr. Wells) for initiating the debate. I was tempted to say "again", because we discussed the matter during the debate on Kosovo in which our colleague my hon. Friend the Member for Halifax (Mrs. Mahon) also took part.

The hon. Gentleman is the most appropriate Member to raise matters of humanitarian aid and assistance and to remind us of what the term may mean in practice. He has a long and honourable record on, and experience in, overseas aid and development matters. He speaks on them with a disinterest and seriousness that sets an example so I take seriously his contribution to our deliberations on the topic. I shall do my best to reply to the 10 or more questions that he asked.

In this short debate, we do not need to go over the cause of the traumas in the Balkans or the role in Serbian history of Slobodan Milosevic. I want to approach the subject from another angle and to point out that, on the figures for gross domestic product, Serbia is the poorest country in the whole of Europe—it is now poorer than Albania. Given that Yugoslavia was one of the wealthiest countries in the socialist bloc in the 1980s, we must focus on what has happened, why it has happened and on the future and rebuilding. In that spirit, I shall try to address the issue of how people keep warm in winter and the relationship between fuel supplies and sanctions.

I want to say something elementary about the difference between the central and eastern European countries that emerged from the Soviet bloc in the first half of the 1990s and Serbia under the direction of Milosevic. In a sense, the essential services, commodities and state monopolies were used to secure the loyalty of his key supporters in the Socialist party of Serbia, the SPS.

Let me provide a practical example. The present boss of Jugopetrol, which controls the import and distribution of oil and oil derivatives on a national basis is a man called Dragan Tomic. He is also the Speaker of the Serb Parliament and, of course, a key figure in the SPS. Basically, he has been put in charge of the oil industry as a reward for loyal service to Milosevic and he is now making—I dare suggest—massive profits from the sale of imported oil and petrol. He does not use the prescribed channels and state petrol stations, in which the price is set by the Government, but uses the black market to provide him with his profits. That is a key fact. The problems of the Serbian economy relate not just to analyses of economic mishandling, but to such direct manipulative interests.

In the short time that I have left, I shall discuss the Energy for Democracy programme. That European Union programme was first proposed by an independent group of Serb economists, the G-17 group, in the summer of 1999 in the aftermath of the Kosovo conflict. Its idea was for the EU to show its solidarity with the people of Serbia—as opposed to the regime—by donating mostly heating oil to Serbian towns, which were expected to struggle to provide sufficient heating for their citizens through the current winter. The idea was taken up by the member states of the EU and turned into an official EU programme in the autumn of 1999. The United Kingdom played a supportive role and it helped the G-17 group to visit several European capitals, including London, to explain and spell out its ideas. We have since supported that programme.

The programme began in November 1999 with the pilot project towns of Nis and Pirot, and I emphasise that it was a pilot. The towns have received regular tankers of heating oil since December and the EU is now switching to rail transport to improve the speed and reliability of the deliveries. Supply has been running behind schedule because of administrative difficulties, but, by the end of January, those towns had received more than 2,000 tonnes of heating oil.

One misunderstanding about the Energy for Democracy programme needs to be cleared up. It is not designed to compensate for a shortage of oil in Serbia; it is designed to compensate for a shortage of money to buy that oil. That difference is crucial. In other words, the municipal authorities that have been the beneficiaries of the Energy for Democracy programme have always been free to import oil and oil products from certain neighbouring countries or from further afield, but they have not had the money to do so. The programme involves the donation of heating oil.

Mr. Wells: The Minister referred to the towns' capacity to buy oil, but would they not have to buy it outside the European Union, because the EU has imposed sanctions against the supply of oil to Serbia? Is that not right?

Mr. Battle: The hon. Gentleman has put his finger on the precise point, so I shall try to spell out where supplies

come from and where the EU anticipates that they will come from. I hope that that will become clear. However, if the hon. Gentleman wants to press me on the matter, I shall be more than happy for him to intervene again.

The EU oil embargo on Serbia has been changed specifically to allow the sourcing of oil from EU countries for the Energy for Democracy programme. In practice, however, imports have all come from refineries in Macedonia. Had the municipal authorities been given adequate funding by central Government, they could simply have bought oil supplies from domestic suppliers or imported what they required for their needs from Macedonia or perhaps Bulgaria.

The hon. Gentleman asked on whose authority the EU introduced sanctions on the Federal Republic of Yugoslavia in 1998. It did so on its own authority using the established procedures of the EU common foreign and security policy and the competences vested in the EU by the treaty of Rome and subsequent treaties. The sanctions included the specific oil embargo on the Federal Republic of Yugoslavia. In September 1999, the oil embargo was lifted in respect of Montenegro and Kosovo.

From the very outset, a humanitarian exemption was written into the EU oil embargo. That still applies. In other words, any organisation that wants to import oil or oil products into Serbia from a member state of the EU may do so, having submitted an application to the European Commission explaining that the oil is for humanitarian purposes. I hope that that goes some way to answering the hon. Gentleman's question. Such imports have taken place in at least one case.

The Belgrade office of the United Nations High Commissioner for Refugees applied to import 40,000 tonnes of heating oil from Germany, and this application was approved on humanitarian grounds. It is possible for oil to be bought from European countries, and approval is a relatively simple process. Any international humanitarian organisation operating in Serbia is free to follow that route. I hope that my answer goes some way to allaying the hon. Gentleman's worst fears. It can happen, it does happen and it can continue to happen.

I stress that the EU has not broken its own sanctions, as the hon. Gentleman put it. Apart from the humanitarian exemption that is written into the embargo, the EU has also changed the text of the oil embargo regulation to allow EU companies to supply oil under the Energy for Democracy programme. In practice, however, the heating oil supplied by the EU has been purchased from Macedonia for reasons of efficiency. Macedonia and other neighbouring countries, such as Bulgaria, do not have national restrictions on selling oil to Serbia. The EU oil embargo applies only to EU member states, and to those associate member states that choose to affiliate themselves to it.

The EU anticipated that the Energy for Democracy programme would be vulnerable to administrative obstruction by the Serbian authorities. That was the primary reason for beginning the programme with a pilot project of just two towns. As we suspected, the Serbian authorities made life as difficult as practically possible on the border, and we discussed that here in our previous debate on the subject. There were blockages, but they did not persist, not least because of local popular pressure. The delay of more than two weeks that the first consignment suffered has not been repeated. The first trucks were greeted with cheering in Nis and Pirot, and Milosevic has not dared to make himself even more unpopular by restricting or blocking the import of heating oil—it is getting through.

I am glad to say that, contrary to some reports, the United States has offered political support for Energy for Democracy. Indeed, in the autumn Mrs. Albright mentioned in public that she hoped that the programme could be extended to the town of Cacak. The US has been supportive of the programme during the EU's discussions with the US and Yugoslav opposition in the so-called trilateral process. Cacak became the third town to benefit from the programme when Norway decided to support Energy for Democracy with a programme of deliveries of heating oil.

Apart from the Norwegian bilateral contribution, Energy for Democracy has been funded by the European Commission from the Obnova regulation budget, which exists to fund projects in the Federal Republic of Yugoslavia. Obnova is not a budget for classic humanitarian aid, as it has been defined by the hon. Gentleman. The EU's aid programme in Serbia is run through the European Community humanitarian office in Belgrade, which has not been involved in Energy for Democracy. The humanitarian office is responsible for Serbia's and Montenegro's share of the total regional allocation for south-east Europe in 1999 of 378 million euros.

Energy for Democracy is humanitarian in motivation, but it is not classified as strict humanitarian aid, as the hon. Gentleman spelled out. Imports of heating oil by the municipalities in question are treated as straight commercial transactions. The municipalities pay the customs duties, and the external suppliers invoice the European Union direct. I am glad to say that the UK's Crown Agents have been involved in the logistics of operating Energy for Democracy.

The humanitarian dimension of the programme is obvious: the imports of heating oil have been used to keep residential accommodation, schools, hospitals and municipal facilities warm through the depths of the winter in Nis and Pirot. Not all dwellings in those towns are connected to the municipal heating system, but most citizens will still have benefited. I understand that the Norwegian programme in Cacak and the prospective EU programme in Kragujevac will concentrate on schools, hospitals and similar institutions. In an ideal world, we would be supplying fuel for warmth to the entire population of Serbia, but clearly we have to prioritise.

Mrs. Alice Mahon (Halifax): How does one prioritise when a child is dying in a bombed-out concrete factory? How does one say that one town cannot have oil while another town can? That is not humanitarian, and I am shocked that my Government are going along with something as obscene as deciding who lives and who dies in Serbia.

Mr. Battle: I defer to my hon. Friend's insistence that we keep people's names and faces in front of us so that we do not make judgments that put people's lives on the line. However, there are practical problems.

[Mr. Battle]

Not all dwellings in my hon. Friend's town of Halifax have heating connected to a central system. That technical difference is important because we have chosen towns where an oil-fired municipal heating plant is the key source of heating. Unlike Britain, the former Soviet Union has combined heat and power systems that work. That means that if we put oil in the central boiler, all flats are heated. That is not the system in Britain, where we would have to heat houses and flats on an individual basis with a separate fire. Not every house has a chimney, so we could not supply coal to every house to keep it warm.

Technical challenges are posed by the heating systems, so there is not a deliberate decision about who lives and who dies. We have chosen towns where a working oil-fired municipal heating plant is the key source of heating or where other facilities need oil for generators. Provision is linked to the location of the generators; it is not done house by house.

There are three reasons why we have so far limited the programme also to municipalities run by the parties of the democratic opposition. First, they are much less likely to be corrupt than municipalities run by the SPS and its allies. Secondly, opposition-run municipalities have been the subject of systematic discrimination by the central Serbian authorities, which have limited their funds and done everything possible to damage their standing in the eyes of the electorate. Those towns are usually last on the list for the distribution of Serbian state oil supplies.

Thirdly, the regime-linked municipalities have largely refused to co-operate with Energy for Democracy. A questionnaire sent out by the Association of Free Towns and Municipalities asking for technical details of their heating systems for the Energy for Democracy programme was ignored by every SPS and allied town.

On the general international humanitarian effort in Serbia, I can confirm that the International Committee of the Red Cross and Red Crescent, the UNHCR, UNICEF and others are active in Serbia, with our support, along with numerous other charities and non-governmental organisations. The Department for International Development works alongside and maintains close links with the UN agencies and other bodies. The UNHCR has supplied some 40,000 tonnes of oil to Belgrade and the whole of Serbia, while Energy for Democracy has supplied 2,000 tonnes. The UNHCR has therefore been providing the bulk of the supplies. We have supported those programmes.

Mr. Wells: Why, then, do not our Government support the lifting of sanctions, at least on oil for heating, throughout Serbia?

Mr. Battle: The block sanctions remain for the whole of Serbia. This is an exception which means that we can get energy through, but we have to choose where it goes. I set out the three reasons why it is not apposite to send oil everywhere—it would be lost in the corrupt system and would not reach the people who need it, to whom my hon. Friend the Member for Halifax referred. That is why we focus supplies on two particular towns.

The EU General Affairs Council, which met on 24 January, concluded:

> "In the light of the latest positive developments and of the outcome of the pilot project in Nis and Pirot, the Council invited the Commission to prepare the extension of the Energy for Democracy initiative, as suggested by Serbian opposition forces after the Berlin trilateral meeting of 17 December 1999."

As I said, the Commission plans to start with the town of Kragujevac. The other towns identified as immediate priorities are Novi Sad, Sombor, Subotica and Kraljevo.

The humanitarian exemptions written into the EU sanctions regime on Serbia and the EU's commitment to the Energy for Democracy programme have shown that we care about the fate of the ordinary people of Serbia and are not indifferent to their plight. Thankfully, the threatened humanitarian disaster did not transpire this winter—action was taken to pre-empt it—but we have no illusion about the economy of Serbia, which is in a bad state.

As I said at the outset, Serbia is now the poorest country in Europe. Living standards have plummeted. All that can start Serbia back on the path of economic recovery is a change in the regime and a strategy for the nation's well-being. There is not much evidence of that. Those factors were the source of the conflict in the first place. The Energy for Democracy programme is a small but serious effort to ensure that the poorest and hardest hit do not always pay the highest price.

Taiwan

1.30 pm

Mr. Tom Cox (Tooting): At the outset I declare an interest as the co-chairman, along with the hon. Member for Macclesfield (Mr. Winterton), of the all-party British-Taiwanese group. We are an active group. We have an excellent relationship with His Excellency the Taiwanese representative to the United Kingdom, Mr. Loui Tzen, and his colleagues in London.

Taiwan and the UK enjoy an excellent relationship. Taiwan has been and is a major investor in this country, locating some of the most modern industrial enterprises here. With such investment have come some of the most advanced technological developments and many jobs throughout the country. One has only to speak to hon. Members to hear of the respect in which those companies are held by their work forces and local communities.

There are excellent commercial and financial arrangements between our two countries: 80 per cent. of Taiwan's European investment is in the UK. The British-Taiwanese business council is a very active organisation which discusses trade between our two countries. It held a major conference in London in January. More than 70 constituencies contain a company or companies of Taiwanese origin. That shows Taiwan's involvement in this country.

Yesterday, I showed around the House a group of young Taiwanese diplomats who are on a year's study at Oxford. Given that there were no financial restrictions on their studies, they could have chosen to go to any country. Each year, a further 13,000 Taiwanese students study here.

Taiwan has a population of 21 million and one of the strongest economies in the world—at present, ranking 15th strongest. Against that background, it is appropriate to highlight the call on the British Government and their people to support Taiwan's application for observer status in the World Health Organisation.

As a major world economic power, Taiwan has an excellent health service. Its doctors and nurses have trained or studied in some of the world's major medical schools. One of the most modern hospitals in this country, St. George's, Tooting, in my constituency, was recently visited by the Taiwan Health Minister, himself a doctor. It soon became clear in discussions during that visit that Taiwan's wide range of medical and health services are equal to anything in the United Kingdom. Despite such quality, it is not a member of the World Health Organisation. Let us be frank, that is not because of its medical standards, but because of political attitudes. In my view and that of many others, that is totally unacceptable.

I chair the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe. In Strasbourg last week, we discussed a report on European health policy, which I have with me today. The debate highlighted how much the Council of Europe's 41 member states appreciate the opportunity to meet and discuss relevant health issues and progress in treatment and research. Taiwan seeks such involvement in WHO, which would enable its medical professionals to share their knowledge and skill with their international colleagues.

As Taiwan does not have WHO observer status, it cannot discuss wide-ranging and often complex technological developments or disease control with WHO members. It can neither obtain information on new health care and policies by working directly with WHO and its members nor take part in seminars or training programmes that are organised by WHO. How can that be realistic or fair?

Governments are not always those with skills for or the sole agents of world health developments. The medical profession uses its skills to build health policies, sustain health activity and broaden health strategies, which we all know are wide ranging and affected by economic and social behaviour and scientific and technological development. Countries such as Taiwan want to exchange skills and to learn about other countries' medical developments. Such exchange, above all else, is the role of the World Health Organisation—and why Taiwan seeks observer status in it.

This country enjoys excellent medical services, but we share our skills, learn from other countries and are actively involved in WHO. So many of the developments that we talk about have been made as a result of international co-operation. We have been able to progress our skills in the fields of primary health care, vaccines, AIDS and HIV, family planning, health insurance policy, health information and expenditure and immunisation through co-operation with other countries. We have been able to work together to promote health and the welfare of people not only in this country but world wide. That is what Taiwan seeks in observer status.

In recent years, Taiwan has sent more than 400 medical personnel, who work in different areas of health care, to countries such as the United States of America, the UK, Japan, Australia and New Zealand for advanced health and medical training. On that ground, Taiwan is more than worthy of WHO observer status.

The case that I have presented is very strong, but support for Taiwan's application can be found in organisations that are far more influential. A letter dated 12 January from Professor Vivienne Nathanson, head of the professional resources and research group of the British Medical Association, states:

"It would certainly be desirable for the medical profession in Taiwan to enjoy the advantages offered by links with the WHO, and we should therefore certainly support its application for observer status."

That is a very powerful endorsement which cannot easily be ignored.

The other comment I wish to quote is drawn from a document of the 106th Congress of the United States of America, dated 6 January 1999 and headed "Concerning the participation of Taiwan in the World Health Organization". It states:

"The World Health Organization . . . set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people . . . Taiwan's population of 21,000,000 people is larger than that of three-fourths of the member states already in the World Health Organization . . . Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the

[Mr. Tom Cox]

eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to be rid of polio and provide children with free hepatitis B vaccinations . . . The World Health Organization allows observers to participate in the activities of the organization . . . In light of all the benefits that Taiwan's participation in the World Health Organization could bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization."

That is a powerful recommendation and expression of support for Taiwan.

What is the view of the British Government? We have a good relationship with Taiwan, whose people have brought great benefit to the United Kingdom. I have quoted correspondence that clearly supports Taiwan's request for observer status within WHO. Does the UK support that request? If we do, what shall we do to support Taiwan in the coming months before the next WHO meeting in the Geneva? If we do not, will my hon. Friend the Minister clearly state the reasons in his reply? In my view and that of many others, Taiwan should be supported in its request. Taiwan and its many friends here in the UK Parliament, in business and in the financial community in this country, will be greatly interested to learn of the views of the British Government and their attitude to Taiwan's request for observer status within WHO.

1.43 pm

The Minister of State, Foreign and Commonwealth Office (Mr. John Battle): I am grateful to my hon. Friend the Member for Tooting (Mr. Cox) for having raised the subject of Taiwan and its relationship with the World Health Organisation. He is well known and rightly respected for the disinterested fashion in which he draws attention to Taiwan and ensures that it is not forgotten by the House of Commons. His efforts and his serious interest in Taiwan are appreciated.

Although there are obvious political constraints on our relationship with Taiwan, I fully agree with my hon. Friend that we need to take Taiwan seriously. I assure the House that the Government do so and that we are looking for ways to strengthen and develop that relationship. I welcome and fully concur with my hon. Friend's remarks on the excellent state of relations between Taiwan and Britain. I hope that we can continue to build on that.

It is fair to say that the question of Taiwan's relationship with WHO, or with any other international organisation or element in the international community, cannot be considered without taking into account the complex issue of Taiwan's international status and the effect that that has on Taiwan's ability to play a fully recognised international role. The whole international community, not only the UK, are involved in that issue.

The House will be aware of the UK Government's formal policy on the status of Taiwan, which was laid down in 1972 when the UK upgraded relations with the People's Republic of China to ambassadorial level. In a joint communique agreed with the Chinese Government and announced on 13 March 1972, the UK Government of the day stated that the UK recognised the Government of the People's Republic of China as the sole legal Government of China, and acknowledged the position of the People's Republic of China that Taiwan is a province of China. That remains our policy and forms the foundation of our dealings with Taiwan.

It follows that the UK has no formal political or diplomatic relations with Taiwan. That is not an unusual or unique position; it is shared by most other countries in the world, including our European partners and other close partners such as the United States. Although the precise formulation may differ slightly from one country to another, all have adopted a similar view and operate under similar constraints in their political dealings with Taiwan and its authorities. Only a handful of countries currently afford full diplomatic recognition to Taiwan as the "Republic of China". That position is unlikely to change significantly in the near future.

Taiwan's lack of widespread international recognition has obvious consequences for Taiwan's aspirations to membership of international organisations, especially those, such as WHO, whose membership is limited to states. As neither the UK nor the United Nations, where the People's Republic of China has had a seat since 1971, recognises Taiwan as a state, it follows that we cannot support Taiwan's membership of international organisations that only states may join.

However, we are keen to find creative ways in which Taiwan can play a role in the international community, consistent with our policy on recognition while allowing Taiwan's commercial and economic significance and its medical expertise to be properly reflected and embraced by the international community. For example, we look forward to Taiwan joining the World Trade Organisation, under the right terms, in its capacity as the customs territory of Taiwan, Kinmen, Matsu and Penghu.

Although there are constraints on the extent to which we can develop a political relationship with Taiwan, in many other respects—including, but not solely, trade and commerce—we are trying to build a strong and fruitful relationship with Taiwan and its people. As my hon. Friend said, Taiwan has a vibrant, powerful economy: it is the world's 14th largest trading entity and its transformation from an almost entirely agrarian economy to a leading industrial economy is phenomenal—one of the economic miracles of Asia. Its economy is shifting to new technologies to become a high-tech knowledge-driven economy of the future. Taiwan is at the leading edge.

We have a long history of trade and economic relations—and personal relations—with Taiwan. I am grateful that my hon. Friend has shown people around the House to make sure that those personal relationships deepen. That and his showing a representative of Taiwan around a hospital in his constituency are much appreciated. In the past decade, with one or two blips such as in 1998, during the Asian financial crisis, our exports to Taiwan have shown a steady upward trend. The 1999 figures will show a slight recovery: although they will not achieve the £1 billion of exports that we achieved in 1997, there may be a marginal increase on 1998 levels, which shows that the tide is turning.

Imports from Taiwan are now well over twice the level of exports and are rising steadily. As my hon. Friend spelt out, Taiwan is an important investor in the United Kingdom. We are pleased that Taiwan sees Britain as a gateway to Europe. We have attracted almost 85 per cent. of Taiwan's total investment in the European Union. Major developments include the Chung-hwa picture tubes factory in Scotland, which was opened by Her Majesty the Queen in October 1997. That brought 3,000 new jobs to Scotland and is the largest single Taiwanese investment in Europe. We want more investment from Taiwan. At the same time, we are substantial investors in Taiwan and we are working to support British investors there. The Government are keen to promote those activities. The British trade and cultural office in Taipei, our unofficial representation there, is specifically tasked to support British trading and business interests.

We encourage private ministerial visits to Taiwan by Ministers whose responsibilities lie in areas in which our links with Taiwan are strong. The Minister of State, Scotland Office, my hon. Friend the Member for Cunninghame, North (Mr. Wilson), who was the Minister for Trade at the time, visited Taiwan last year. The present Minister for Trade, my right hon. Friend the Member for Sheffield, Central (Mr. Caborn), will visit Taiwan in two weeks. We want to keep ministerial visits, although they are private, as continuous, close, personal links with Taiwan, and we hope that there will be many more such visits in both directions in the future.

The relationship is far more than simply commercial. It is not based solely on trade and commerce. My hon. Friend spoke eloquently about medical exchanges and the development of Taiwan's medical contribution internationally. I welcome his words and look forward, as he does, to deepening those highly professional exchanges. I welcome the fact that the Taiwanese Minister for Health was one of the first senior Taiwanese visitors to this country since our Government took office.

Britain and Taiwan have much to learn from each other in medical practice and training, and that is precisely the sort of exchange that we should develop, so that we can learn from each other, to mutual benefit and the benefit of our planet. We are eager to promote people-to-people exchanges in education, culture, science and medicine.

As my hon. Friend said, Taiwan is a highly educated society which places a high value on education at all levels. We are pleased that the UK has been an important destination for Taiwanese people who want to study abroad. There are 15,000 Taiwanese studying at British universities and other institutes of further education in Britain. They are most welcome. They bring new perspectives to our institutions. They make a contribution; they do not just study, collect information and go away again. They help to transform the environment in which they are studying. According to the latest figures, more than 50,000 Taiwanese tourists came to Britain in 1997. Such exchanges are important and help to bind us together.

The key question posed by my hon. Friend was Taiwan's relationship with the World Health Organisation. He made an eloquent case expressing the desire of the Taiwanese authorities to gain observer status at WHO. It is no part of my purpose to deny the strength of those feelings or to question them. We believe that, wherever possible and appropriate, Taiwan's aspirations should be considered sympathetically.

However, the political realities and China's likely objections cannot be ignored and wished away. Taiwan's health care is undoubtedly of a high calibre, as befits a highly developed economy such as that of Taiwan. It is therefore no surprise that the medical profession in Taiwan should seek to be associated with the World Health Organisation, one of the world's principal medical forums, and that there should be strong backing in parts of the international medical community for contacts with Taiwan. The House and my hon. Friend are aware of the practical problems.

I have outlined the problem of Taiwan's membership of international bodies whose membership is limited to states. One possible way forward that has been canvassed is for Taiwan to seek observer status. Some organisations, including some non-governmental organisations, are already observers. There is no formal mechanism whereby entities that aspire to such status may apply to become observers. I believe that I am correctly informed that Taiwan has not applied for such status.

I understand that the director general of WHO has discretion to confer observer status on a non-state entity where its participation would be non-controversial. She has not done so to date, but there is no harm in considering that as a possible way forward.

The only route to the attainment of observer status is for a proposal to be made in favour of the aspirant by a full member of the World Health Organisation at the annual meeting of the World Health Assembly. It is open to the Taiwanese authorities to pursue that route, as they have done for a number of years. Any application put before the assembly's general committee stands to undergo rigorous examination by all member Governments, including the Chinese. If Taiwan and China could agree between themselves on suitable conditions for Taiwan's entry, that would ease the process considerably.

I hope that I have made it clear in response to my hon. Friend's passionate and well-reasoned case that our Government are fully aware of the medical work undertaken in Taiwan, and of the importance that Taiwanese authorities attach to the possibility of Taiwan's playing an international role within WHO. We hope that a satisfactory solution can be found.

We cannot be starry-eyed and simply wish our way into the future. There are practical and political obstacles on the way, but we should do our best to set out the case and to enable negotiations to take place, so that the medical expertise that exists in Taiwan can be afforded its true status and recognised internationally, and so that Taiwan can make an international contribution, which could be to the benefit of the whole of humanity.

Question put and agreed to.

Adjourned accordingly at three minutes to Two o'clock.

Westminster Hall

Thursday 3 February 2000

[SIR ALAN HASELHURST *in the Chair*]

Children's Social Services

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Dowd.*]

2.30 pm

The Minister of State, Department of Health (Mr. John Hutton): When my right hon. Friend the Chancellor of the Exchequer introduced his Budget statement in March he said that children form 20 per cent. of the country's population but represent 100 per cent. of its future. I think there is common agreement that tomorrow's prosperity will be built on the success and skills of today's children. That is why the Government are committed to ending child poverty within 20 years, and are modernising services for children and their families at every stage of their lives. All children should be able to develop confidence and a sense of responsibility for themselves and for others. The most vulnerable children need protection, care and the best possible chance of success throughout life. Every child deserves the opportunity to live in a stable and safe environment, to enjoy the best physical and mental health possible, to thrive at school and to make a successful transition to adulthood.

The Government have a strong belief that the children of today will shape tomorrow's society. That means that every single one of us has an interest in making sure that children thrive, and are helped to grow up into healthy and socially responsible adults. Children thrive best in a stable family environment. Families are, therefore, the core of our society. In recognition of that, we gave a commitment in our manifesto that we would uphold family life as the most secure means of bringing up children. In doing so, we have focused on five key areas.

First, we are improving family prosperity, through the tax and benefit systems such as, for example, in-work benefits. Secondly, we are making it easier for families to balance work and home—through the development of family-friendly employment policies, and a national child care strategy to expand the provision of early years care and education. Thirdly, we are reducing the risks of family breakdown. Fourthly, we are ensuring that all parents have access to the advice and support that they need to raise their children successfully through our sure start programme, and other initiatives. Finally, we are tackling the more serious problems of family life, such as domestic violence, juvenile offending and teenage pregnancy. Action is under way to tackle each of those issues.

Tackling child poverty is also a priority for the Government. Poverty is complex. Of course family income and prosperity are crucial, but it is also about poor housing, poor health and poor education. It is also about a lack of opportunity as a child and the lack of a job as a parent. There is a poverty of expectation that leaves many jobless parents expecting no better for their children than they have experienced themselves. Desperate situations can often lead to desperate measures: alcohol, drugs, domestic violence and crime. Many of those factors are closely interlinked. Together, they create a crushing spiral of disadvantage—one that all too often persists throughout people's lives.

Many of these children and families will need the specialist care and involvement of professional social services. Some children need to be protected by social services. Some need the local authority to take on a parental role for them. Whatever their difficult and traumatic experiences before being taken into care, children who are looked after by local authorities are entitled to the same opportunities as all children. They are entitled to a good education, to the health care and other specialist help they need and to consistent support, advice and practical help to guide them into adult life. The majority are in care not because of what they have done, but because of family breakdown. These are children with real potential and talent, and it is our responsibility to ensure that those talents are allowed to develop and grow.

Improving children's social services is therefore part of the Government's wider strategy to tackle the problems of social exclusion and provide better support to children and their families. The social services' contribution to that work is crucial. Social services are closely involved with the sure start programme to help pre-school children, which is worth £450 million in England; with the new youth support service ConneXions, which is being announced today; and with the youth offending teams designed to cut youth crime.

However, the evidence is that too many children were failed by the services that should have been helping them. There has been too much inconsistent and poor management in children's services. For example, we know from the children's safeguards review reports and the shocking testimony of those young people who suffered abuse in children's homes that the risks for children living away from home in the 1970s and 1980s were seriously underestimated, but we cannot dismiss that as a problem of the past.

In the 1990s, evidence from the social services inspectorate and joint review reports of children's services showed continuing problems, and not only in children's homes. SSI reports and joint reviews have demonstrated inconsistency, both within and between authorities. They have sometimes shown that poor assessment, planning and case recording have led to very unfocused work with families, that decisions about who receives a service are often made on a haphazard basis and that poor planning for the children being looked after has resulted in unnecessary delays and inappropriate placements.

For all those reasons and more, in September 1998, we launched the "Quality Protects" programme, which is to help local authorities improve the management and delivery of children's social services. We announced that the programme would be supported by a £375 million new special children's grant, which is being paid to local authorities over the three years of the current spending review.

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"Quality Protects" is part of our wider plans detailed in the White Paper "Modernising Social Services" to tailor services to the real needs of people and deliver them efficiently and to the highest standards. Today's public services have to be shaped around the people who use them, not the other way around. Social change, growing public expectations, an ageing population and shifts in family structures call for a modernised system of social care. That is why, when we launched "Quality Protects", we announced for the first time new Government objectives and specific targets for children's services. That major step forward has, for the first time, provided a clear framework in which to develop those crucial public services.

In particular, we want to provide protection and care for the most vulnerable children and families, which is precisely what the Care Standards Bill will do. The Bill has two key aims—first, to protect vulnerable people from abuse and neglect; and, secondly, to promote the highest standards quality in the care that people receive.

The Bill provides for the establishment of a new independent national body—the National Care Standards Commission—which will have significant responsibilities for safeguarding the welfare of children. All types of children's homes will be regulated and subject to rigorous inspections. Local authority homes that are currently exempt and small private children's homes for fewer than four children will be included. That loophole in the current law has long been considered a scandal, and rightly so. Good-quality care must be provided in all children's homes, whether in the private or voluntary sector, or in those run by local authorities. Children must be protected from abuse and their welfare promoted, whoever is responsible for running the home. In the past, problems have occurred in all types of homes, but in future, all homes will have to meet the same rigorous standards.

The Bill will introduce for the first time regulatory regimes for fostering agencies and residential family centres. The National Care Standards Commission will regulate the crucial and very specialised work of voluntary adoption agencies in a way similar to the current system operated by the social services inspectorate.

In recognition of its role in safeguarding children, the National Care Standards Commission will appoint a children's rights director, whose job it will be to ensure that children's rights and welfare are at the heart of all its responsibilities for regulating children's services. The children's rights director will fulfil a crucial function in developing the work of the commission in protecting and safeguarding the interests of the children being looked after by local authorities. We are also taking action on child protection.

Dr. Peter Brand (Isle of Wight): Will registration arrangements under the Care Standards Bill apply to children and young people in supported housing, but not in local authorities' formal care? I am thinking of vulnerable families placed in supportive environments who receive housing benefit. However, because they do so, they are not classed as receiving social care. Therefore, many such establishments—a large proportion of which do excellent work—fall outside the remit of the inspection regime. That is a lost opportunity.

Mr. Hutton: The hon. Gentleman raised several technical issues. He is wrong about young people receiving housing benefit being excluded from receiving social care services. That is not the case. However, if the hon. Gentleman looked at the Bill, he would see that we are trying to provide a more effective regime for the regulation and inspection of children's homes—[*Interruption.*] The hon. Gentleman tells me that he has looked at the Bill. He should therefore see what the Bill's definitions relate to.

The hon. Gentleman asked about supported housing schemes. I need to consider what he might have been driving at, and I am more than happy to discuss the issue with him later. However, the Bill focuses on providing a more effective regime for children's homes and closing some of the loopholes that I mentioned earlier and that have given rise to considerable concern. As a matter of principle, it is not right that the protection that children and young people are entitled to expect from the care system should be determined by the size of the children's home in which they have been placed. We must ensure that all children's homes providing residential care are covered by the stronger and more effective arrangements in the Bill.

Two key developments forming part of the "Quality Protects" initiatives are the revision of the inter-agency guidance "Working Together to Safeguard Children" and the development of the new framework for the assessment of children in need and their families. The aim is to ensure that the way in which we safeguard and promote the welfare of children involved in prostitution and assess their needs is consistent with the approaches used for all children.

At the end of last December, following extensive consultation, the Government published new guidance on inter-agency working to safeguard and promote the welfare of children. "Working Together to Safeguard Children" replaces the previous guidance published in 1991 and takes full account of new research, experience and legislation relating to child abuse.

The new guidance emphasises the importance of agencies working together to help families and children before abuse and neglect take place. It provides a clear framework for social workers, the police, teachers, health service staff and others to work together and with families in order to secure the best possible outcomes for vulnerable children and young people.

The new guidance provides several essential safeguards against abuse which apply in every setting in which children live away from home. When services are not directly provided, basic safeguards should be explicitly addressed in contracts with external providers.

In September 1999, the Department issued new draft assessment guidance focussing on assessing the needs of children and their parents' and families' capacity to respond to those needs in the short and longer term. That guidance is underpinned by the latest knowledge of the impact of adult problems, such as domestic violence, alcohol and drug misuse, mental health and sex offending, on children's development. We shall publish the final version of the assessment framework in the next few weeks.

The new "Working Together to Safeguard Children" guidance and the assessment framework form important components of a wide-ranging programme of work across Government to strengthen protection for children and improve the support given to vulnerable children and families.

Earlier, I referred to child sexual exploitation and prostitution. The Government take seriously the threat posed by those who would exploit children for sexual purposes. There are no accurate national figures on the number of young people abused through prostitution. However, Barnardos recently conducted a survey of 48 agencies in England, Scotland and Wales. It reported being in contact with 55 young boys and 267 girls under the age of 16 and 94 young boys and 338 young women aged between 16 and 18 whom its staff believed to be involved in prostitution. Of course, the actual numbers are likely to be far higher than the figure of 750 in the Barnardos survey. It is therefore absolutely essential that we have a strong and effective system in place to protect children who are involved in, or at risk of becoming involved in, prostitution.

In December 1998, the Department of Health and the Home Office published draft guidance on children involved in prostitution which sets out a new multi-agency approach, based on local agreements, to address these problems. It establishes that the primary law enforcement effort must be against abusers and coercers who break the law and who should therefore be called to account. It stresses that children who are involved in prostitution and other forms of commercial sexual exploitation should be treated first and foremost as the victims of abuse. Their needs require careful assessment. The final guidance will be issued in the spring, but we know that a lot of excellent work is already taking place across the country.

Last month, for example, at the first ever social care awards ceremony at Lancaster house, I presented Nottingham social services with a prize. It was the overall national winner for its project on a multi-agency approach to child sexual exploitation. That ground-breaking project, which is a joint venture involving the police and local voluntary organisations, is preventing many vulnerable young boys and girls from ending up or being trapped in the world of prostitution.

Another important part of the Government's strategy is the preparation of the first national plan to combat the commercial sexual exploitation of children. The United Kingdom was a leading participant at the 1996 Stockholm world congress to combat the commercial sexual exploitation of children. We agreed on an agenda for action, one of the key features of which was for each signatory state to provide a national agenda for action by the year 2000 with indicators of progress and set goals and time frames. We will meet that obligation in full. We consulted last year about what should be in the national plan. A steering group consisting of Government Departments, statutory organisations represented by the Association of Directors of Social Services and the Association of Chief Police Officers and wider voluntary organisations, including Barnardos and the National Society for the Prevention of Cruelty to Children, has been taking forward that work. We intend to publish the plan in the summer.

But protection is not enough. We must ensure that all children have the love, care and support that children need for the whole of their childhood and that the children for whom social services are responsible gain maximum life chances from education and other opportunities. In particular, we want to see looked-after children achieving more at school and more care leavers in training, education or employment; we want to see fewer moves between placements for children who are looked after by local authorities and the level of offending among looked-after children brought down. Where appropriate, we want to see children being adopted without undue delay and we also want to see better service for disabled children. Those are tough objectives, but we believe that they are achievable. Indeed, they must be achieved if we are not to continue letting these children down.

"Quality Protects" has been grasped with enthusiasm by all concerned. No one challenges the need to transform the quality of care and the chances in life of our most vulnerable children. The challenge for us now is to make that happen. In the programme's second year, the challenge for local authorities will be fully to implement their action plans, improve services and achieve much better outcomes for children and young people. Next year, we are increasing the grant from £75 million to £120 million and we expect to see real improvements delivered in return for those extra resources. In the third year of "Quality Protects", the grant will rise to £180 million.

The early evidence is that we are starting to deliver on our objectives. All authorities expect to be meeting their statutory duties to inspect children's homes by the end of March. We have also seen an increase in the number of adoptions and in the support that is given to care leavers. Increasingly, councils are listening to what young people have to say about their futures.

One of the key priorities for "Quality Protects" is to improve the supply and choice of placement options for looked-after children. One important choice is adoption. Research shows clearly that, in general, adopted children make good progress through their childhood and into adulthood compared with children who remain in the care system. Adoption provides them with a unique opportunity for a fresh start as permanent members of a new and stable family, allowing them to enjoy a sense of security and well-being that has so far been denied them in their young lives. The Department of Health 1998 circular "Adoption—Achieving the Right Balance" has had a strong impact on adoption practice. I am pleased to say that our monitoring shows that most local authorities have reviewed and taken action to improve their adoption services. I am also pleased that 200 more children found adoptive families in 1998–99 than in the previous year. That is approximately an 11 per cent. increase, which is good news; however, much remains to be done.

We recently launched the publication "Messages from Research—Adoption Now" which shows how adoption has changed. We know that there are now few babies needing adoption. We also know that many adopted children have faced great difficulties and that some are disabled. We are actively considering how we can promote more co-operation between statutory and voluntary bodies in this field. But we must also tackle the problem of delays in the adoption process on the

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part of local authorities and the courts. We have recently commissioned research on how we can minimise such delays. It will consider evidence from authorities with different records on adoption and it will also examine the role of the courts. At the same time, the president of the family division's adoption committee is looking at measures to reduce delays in adoption proceedings in the courts.

We must modernise our adoption service to meet new circumstances. We need modern standards of service from the moment that someone expresses an interest in being an adoptive parent through to post-adoption support. Such services must be quick, supportive and professional.

We also need to ensure that good-quality foster care is available. At the moment, despite the fact that there are around 32,000 existing foster carers, there is a national shortage. I am pleased to say that work is under way to develop the first national foster care recruitment campaign. It will be run by a steering group consisting of the Department of Health, the National Foster Care Association, the ADSS and the Local Government Association. That is an excellent example of how central and local government and the voluntary sector can work in partnership for the benefit of young people. I hope that the campaign will lead more people to consider taking up the unique challenge of caring for children from other families by becoming foster carers.

To support and supplement that work we have introduced, for the first time, national standards for foster care. We have asked local authorities to put more effort into better support and retention of our foster carers. Foster care can be a challenging and demanding task. Too many foster carers give up because of a lack of support. We must invest in ensuring that foster carers receive all the training and support that they need in order to gain and develop the appropriate skills. I am delighted to say that, in the first year of "Quality Protects", local authorities allocated nearly £30 million of the £75 million that was available to them in the grant to support their local placement and adoption services. That was money well spent and I am sure that it will continue to make a big impact.

I am also pleased that services for care leavers are starting to improve. For some time we have been concerned about the support that they receive from local authorities. Every year about 5,000 young people aged between 16 and 17 leave local authority care. There has been an increasing trend towards discharging young people from care early. The proportion of care leavers aged 16 to 18 who left care at the age of 16 increased from 33 per cent. in 1993 to 46 per cent. in 1998. That is a trend that we must reverse. It has resulted in too many children leaving care without a single qualification and too many being unemployed and homeless.

The Government believe that care leavers should be able to expect support from their parent—the local authority. That is why the Children (Leaving Care) Bill gives local authorities a new duty to assess and meet their needs, from their needs for the essentials of living—accommodation and maintenance—to their needs for development. Those needs will include needs for education and for training, any special needs and the ordinary needs that any child has when learning how to live independently: how to shop, how to manage a budget and how to cater for themselves. The Bill obliges local authorities to provide a young person's adviser and a pathway plan for all eligible young people. The latter will map out a route to independence for these young people, including a consideration of when they might be ready to leave care. There will no longer be any incentive to push young people out of care until they are ready to go.

Mr. Hilton Dawson (Lancaster and Wyre): On that point, does my hon. Friend accept that the statutory age up to which young people leaving care are the responsibility of local authorities should be set at 21 rather than 18? Such an approach has been advocated by all leading child care organisations and by Sir William Utting, who spoke in support of it only last month. Does my hon. Friend further agree that statutory responsibility should be extended to the age of 24 for young people in higher education?

Mr. Hutton: I agree. My hon. Friend takes a close interest in these matters and he should remind himself of what we said in the document entitled "Who, Me, Survive Out There?" There are strong arguments for increasing the duty to cover young people up to the age of 21, but we have tried to make our position clear. As such a responsibility would be new and additional and would carry financial implications for local authorities, we would want to extend the current duty only when resources were available to deal with the new burden. I do not, however, disagree with my hon. Friend; of course 21 is the optimal age. The average age at which young people who are not being looked after by local authorities leave the family home is about 22. That must be addressed sooner rather than later.

As many hon. Members will know, beacon status has recently been awarded to four local authorities for their excellence in helping care leavers. The specialist leaving care teams in those local authorities have developed some excellent programmes. They are aimed at developing new partnerships with statutory and voluntary sector bodies to deliver high-quality services in housing, health and education. The authorities have also been developing innovative methods to assist care leavers in preparing and planning for adult life and have undertaken initiatives on education and employment for young people, which are aimed at providing basic skills training and intensive support to sustain young people on college and training placements. Finally, the authorities have been involving young people in shaping and influencing the development of high-quality local services.

We are determined that all authorities should give care leavers high-quality services. Local authorities were instructed to explain in their second management action plans produced under the "Quality Protects" programme how they were improving services to care leavers and putting in place plans to implement the new approach. The new arrangements for young people in and leaving care will link closely to the development of the new ConneXions service for young people aged 13 to 19, which was launched this morning. This new, joined-up, modern service will connect services provided locally to young people and will radically transform the support that they receive as they make the transition

from adolescence to adult and working life. It will also raise the expectations and aspirations of young people of all abilities and from all backgrounds by ensuring that they receive the support and advice that they need to make a success of their lives, when and where they need it.

The new arrangements are a complex and ambitious undertaking that will require a lot of detailed and ground-breaking work. We are determined to build on what works best for the future. I am especially pleased that councils have begun to listen to children and young people in their areas. Listening to children helps to protect them from harm and low expectations. If children speak up and are heard, abuse is less likely to happen. Children and young people demand and need a voice in all decisions that are taken about them. That should apply not only to the big issues such as education, health and placements, but to day-to-day big issues such as pocket money, sleepovers and bedtimes. Young people can and want to contribute to making the care system more effective. Children's participation will help local authorities provide higher quality and more effective services. It will also help them to implement one of the key responsibilities under the best value requirements. Councils must become more responsive to the people to whom they supply services, including young people.

To practise what we preach, we are organising a series of regional events that will occur later this year and at which I and senior members of the Department of Health will hear directly from looked-after children. To plan the events, we are working with the Department for Culture, Media and Sport, the ADSS and a small project team of young people from A National Voice, the National Children's Bureau and Save the Children. The activities are designed to ensure that the views of children and young people on day-to-day issues such as pocket money, being listened to, finding a flat, support for learning at school and funding for higher and further education are heard. There will be separate discussion activities for adults. We should like the events to give children and young people locally a chance to hear about "Quality Protects" and local and national activities.

Improving services for disabled young children is a key priority for "Quality Protects". We know from inspections and research that disabled children receive a poor service. The Government also recognise the needs of parent carers of disabled children.

The Carers and Disabled Children Bill, which I am grateful to my hon. Friend the Member for Stalybridge and Hyde (Mr. Pendry) for promoting—it has its Second Reading tomorrow—introduces direct payments for parents of disabled children to purchase the services that they have been assessed as needing. That will provide much greater choice and flexibility for those families.

Following an assessment of the needs of the disabled child and the child's family, the social services department will discuss with the family the options for receiving a service. They will be able to receive a service that is provided either by the local authority or by a provider that is commissioned by the local authority. In addition, instead of a service, the family can receive a direct payment to purchase a service of the family's choice. For example, following an assessment, it may be decided that the family should receive support to care for their disabled child. The local authority could offer a weekend break for the disabled child every other weekend or a direct payment to cover the cost of that service. We are confident that parent carers will find that a significant step forward, and that together the new measures will make a marked improvement in the support that is provided to parent carers.

I recognise that, for "Quality Protects" to be a success, authorities need to be able to recruit and retain staff. For "Quality Protects" and the whole social care modernisation agenda, local authorities and other employers need to be able to recruit and retain staff of the right calibre and number. A high-quality work force is essential to the delivery of high-quality services.

We are well aware of the concerns expressed in the media and directly to us by local government about the shortages of professionally qualified social workers and other care staff that jeopardise our modernisation plans and "Quality Protects" in particular. It is important to see that against a general background in which the social work work force has been fairly stable. The latest data show that vacancies for social workers are at the lowest level for a decade. Vacancies have declined from 10 per cent. in 1990 to 7 per cent. in 1998. Turnover rates over the same period have also declined from 14 per cent. to 8.5 per cent. Those overall trends mask particular difficulties in some service sectors and some parts of the country, which may be exacerbated by the demands of service developments like "Quality Protects".

It is the responsibility of local authorities in the first place to address their work force needs. The Government are not the employer. We are therefore particularly pleased that the Local Government Association has recently taken an initiative to set up a work force task group with the express purpose of identifying practical measures that can have a more immediate impact.

Dr. Brand: It was good to hear that the number of vacancies has fallen, but could the Minister tell me how many social workers were employed over the same period?

Mr. Hutton: I could, but not now.

It is true that the number of people who are enrolling for professional social work training courses is declining substantially. I think that applications have dropped by nearly 50 per cent. in the past six or seven years. That is a serious worry. Fortunately, the number of students who go on to those courses has remained broadly stable. It has fallen by about 10 per cent. But we need to do more; I am not pretending otherwise, and I shall say more about that later.

The Government have a role to play. It is not just the responsibility of local authorities. We are partners in the process. We have agreed with the LGA to build on this early work, and to work on a programme of action for implementation over a longer time scale together with wider employment interests throughout the whole social care sector, not just public authorities. We are, therefore, making arrangements for a work force summit to be held by the end of March. Among the issues to be discussed at that summit will be: addressing the image and status of social care, including conditions

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of service, family-friendly employment policies, and encouraging return to work among those who are professionally qualified as social workers, but who have left the profession for a variety of reasons; developing the existing work force, including the skill mix; and problems of recruiting students to social work.

The Government are already taking action to raise the quality of social workers and other social care staff. The Care Standards Bill, now being considered in another place, provides for the creation of the General Social Care Council. That body will have a statutory duty to promote high standards through codes of conduct and practice for all social care staff. We have already commissioned the initial drafting of those codes, and the council will have the necessary powers to ensure that social work training is fit for the purpose.

In the next few weeks, we expect to publish the reports of the external consultants whom we engaged to advise us on the content and delivery of professional social work training. We are currently considering our response to those reports, with a view to implementing a programme of substantial reform of professional social work training.

The Government accept that to build the ethos of excellence in social services that we all desire, we need the whole social care work force to attain the highest standards. It is salutary to remind ourselves that, of the million-strong work force in social care, 80 per cent. have no qualification of any sort. So low a level of qualification is unacceptable.

The essence of modernising social services lies in raising standards. We must have a new ethos of excellence, not excuses. We must drive up standards and drive out failure. At their best, social service authorities are capable of just that sort of excellence. That is why we shall shortly issue a quality strategy Green Paper for social services. The quality strategy is the Government's next step in a modernising agenda for social care. It will set a national framework for raising local standards, reducing unacceptable variations in practice and achieving an ethos of excellence in social services. It will build and consolidate existing initiatives to improve quality, two of which I have already mentioned: the National Care Standards Commission and the General Social Care Council. The quality strategy will propose the creation of a new institution to support the drive for quality and a social care institute for excellence. It will emphasise partnerships: with users and carers to define quality services; between the new and existing institutions in social and health care concerned with quality; and with local government and other stakeholders to develop and implement strategy, spread good practice and support change at local level.

In conclusion, "Quality Protects" is a key part of our strategy to raise the quality of social services. Through "Quality Protects", we shall work in partnership with local authorities and the voluntary sector to bring about the improvements that we need. This is a phased and monitored programme. There is no question of waiting until 2002 to achieve what must be done, because children cannot wait that long. We are taking action now to get the management and services right. Through the "Quality Protects" programme, we will help the most vulnerable children in society in ways that we have previously been unable to help them. Our expectations for such children have been too low for far too long, and we can no longer afford to let them fail because the future costs for them and for society as a whole are too great.

3.8 pm

Mrs. Caroline Spelman (Meriden): I am disappointed to see Westminster Hall so empty this afternoon for such an important debate. Perhaps it has something to do with the fact that the Waterhouse report, which will make an important contribution to the debate on children's services, is due to be published "shortly"—I believe that was the word that the Minister used in response to a written question from the hon. Member for Staffordshire, Moorlands (Charlotte Atkins). The information that I have from the House of Commons Library is that that report is due to be published on 7 February so, in some ways, it is unfortunate that this debate is taking place now. Had that report already been published, I am sure that the Chamber would be full. I expect it to prompt us to ask many questions, not necessarily in a party political way—I believe that debates in Westminster Hall are intended to be somewhat less party political than some others—but because, as the Minister said, as politicians, we must together try to do something about children's services, with their tragic history. I am sure that the report will raise important points, which we will want to debate.

Mr. Hutton: I reassure the hon. Lady that we do not intend to circumvent or truncate debate on Mr. Justice Waterhouse's report. My right hon. Friend the Secretary of State for Wales will make a statement, and there will be plenty of opportunities for hon. Members on both sides of the House to question him and raise other issues. The timing of today's debate has nothing to do with the publication of the Waterhouse report.

Mrs. Spelman: I accept that the timing of today's debate is an unfortunate coincidence.

There is no room for complacency in discussing children's services. I have had to come up to speed on this subject at fairly short notice and I was struck by the history of one inquiry after another investigating abuse of children in care. I was left depressed by that, and by the thought that, tragically, more may emerge. We shall probably have to deal with the outfall from serious abuse cases for many years.

There is no question but that the "Quality Protects" programme and the resources directed to it by the Government are helpful, and it would be churlish to say otherwise. It is still early days, but good progress is being made, above all in getting agencies to work together. Paramount is the genuine sense that the most important group in all this—the children—will be listened to.

The Minister, in a debate about the special grants for children's services under the "Quality Protects" programme in July, admitted:

> "More recently, social services inspectorate reports and joint reviews have demonstrated that the quality of children's services is inconsistent".—[*Official Report, Fifth Standing Committee on Delegated Legislation*, 22 July 1999; c. 3.]

I went, for the most up-to-date statistics available, to the Department's website. The most recent figures in the bulletin of provisional statistics for children looked after

by local authorities are for the year ending 31 March 1999. Sadly, they reveal plenty of inconsistencies. The average number of children looked after in the local population per 10,000 children is 47, but it varies from just eight per 10,000 in Rutland to 124 per 10,000 in Kingston upon Hull. We can readily understand that in terms of a correlation with social deprivation or social breakdown in different places, but I was much more alarmed by the variation that was shown in the quality of services.

The Minister has mentioned the concern that exists about the impact of frequent changes of placement for looked-after children. The Department has set a national target of 16 per cent. for the number of children with three or more placements in a year. My eye was immediately caught by the figure of 38 per cent. for my local authority, Solihull, compared with the national average of 19.3 per cent. for the year ending 31 March 1998. I looked into the matter and found that, although a small local authority might have the average number of available foster places, it would lack the range necessary to provide a good match. The lesson was learned that a small authority must strive for an above average number of foster places to get an adequate range. Matching is the key to stability in placing children, especially those aged 14 plus who are probably the most difficult to place.

Mr. Brian White (Milton Keynes, North-East): Does the hon. Lady accept that there can be a problem with remoteness in larger authorities? Milton Keynes went from being under Buckinghamshire county council to being a new, much smaller unitary authority. Under the original arrangements, the problems had resulted from remoteness and the fact that decisions were taken well away from where people actually lived.

Mrs. Spelman: The hon. Gentleman knows better than I that a range of difficulties is associated with large authorities. But living on the shoulder of a large authority in Birmingham, I am well aware of such comparisons and contrasts. On balance, it is undoubtedly more difficult to provide quality services in larger authorities, and to deliver a joined-up approach within local government, because of the scale involved. The silo walls between departments somehow seem that much higher in larger authorities. The hon. Gentleman's point was well made.

I am pleased to note from the figures submitted to the Department on Monday that my local authority's change of strategy in seeking actively to increase the number of foster places available to get the good match has reduced the average frequency of placement among children in its care to the national average. It shows that lessons learned and applied can deliver the results needed.

The flow of children in and out of care reveals the lack of real progress made with older children, especially boys, who are the most difficult to place back in the community. I encountered a strange attitude to children aged 14 plus among the professionals who deliver the service. I was told that, in their view, it was inappropriate to try to place children in foster or adoptive care at that age. I find that attitude difficult to understand. In Northern Ireland, there is a unique register of the 50 older children a year requiring a family. By a proactive approach, it has proved possible to place children happily in an adoptive setting, even those aged 14 plus. We may successfully be able to apply lessons learned from Northern Ireland in other parts of the United Kingdom.

The lottery of provision can be harsh for the life chances of looked-after children. One of the major models for the purposes of contrast is local authorities that successfully place children with foster parents and subsequently find the children a long-term stable environment with adoptive parents. At the end of March 1997, nearly 11,000 children were placed in local authority care and in registered children's homes in England, but only 1,500 were adopted from public care. Almost half those came into care because they had been neglected or abused, and half were placed in care before they were a year old, half of whom were babies under one month. Four out of five were never returned to their natural parents. On average, children waited two years after coming into care before they were placed with families that would later adopt them. I am pleased that the number of adopted children has risen by 11 per cent. in the past year, but there is still a long way to go.

I challenge local authorities to become more proactive about helping children out of institutional care and into long-term, stable family environments. That might involve returning children to their natural parents with adequate support, or finding adoptive parents for them.

There is much in the expression "adequate support". I am sure that hon. Members will have had experience of constituency cases similar to my own. I had a case just last month of a child aged nine who suddenly appeared on the doorstep of his former neighbour. The child was barely clothed and without shoes, having run away from home after yet more physical abuse of the sort that the former neighbour had witnessed before the child's family had moved away. The child begged her to look after him. Social services became involved, and asked the neighbour to take the child in because no suitable foster place was available. She agreed to do that but, because she had three children of her own and was of limited means, she asked for financial provision for the child. She came to me because the financial provision was intermittent—she might receive a cheque but then nothing for another six weeks, which made it difficult to plan the household budget. She is aware that the child needs psychological help, and has flagged that up to social services. The child had had no formal education at school from the age of five. Social services holds her responsible for getting him to school every day, but it is difficult to keep him there. She is convinced that he needs psychological help, but it is not forthcoming.

Despite going through the hoops of all the checks to become a registered foster carer, she still does not receive the financial support that she was promised at the outset. That is a good illustration of the way in which, despite all the fine words, the system fails such people, as we practitioners on the receiving end of such circumstances know.

There have been repeated and urgent calls for an overhaul of adoption laws, to which we, the official Opposition, have added our voice. Adoption services vary widely across the country, as parents seeking to adopt are all too aware. The British Agencies for Adoption and Fostering was commissioned by the

[Mrs. Spelman]

Department to study the adoption policies of 115 local authorities. Some had a strict policy of refusing foster carers the right to adopt children, even when they had a good settled relationship. Such an anomaly is difficult for the ordinary person to understand.

I have another constituency case that highlights the problem caused by the inconsistent application of rules between local authorities. A couple who already had four children of their own, but who regularly used to foster disabled children, were asked to take in a new-born baby because the young mother was unwell. They fostered the child for two years because of the delays that ensued over the suitability and capability of the mother to take the child back, and the uncertainty over the child's future.

Two years is a long time in a child's life. That time might be crucial for the child to establish a bond with the adults looking after it. The couple had fostered the child for two years and had come to the point of enfolding it into their family, although they had not wished to adopt at the outset. Having reached the perfectly intelligible human position of not wanting the child whom they had cared and loved to go through the experience of being torn away from the family, they offered to adopt. However, they hit the hard rule that, having been foster carers, they could not adopt the child.

Such anomalies make nonsense of the present adoption laws. I welcome the sign that the Government are considering harmonising some of the rules between local authorities. Parents on the receiving end of our adoption system are all too aware of the anomalies because they compare notes with people living in other local authority areas. They find that what has been denied them has been made available to friends or relatives in other parts of the country. The inequality by postcode must be seriously addressed.

The general lack of resources for recruiting potential adoptive parents from ethnic minorities is ill matched with the desired aim of social services to place a child in the adoptive care of people of the same ethnic origin where possible. The inconsistency must be examined.

The number of adoptions before the 11 per cent. increase was a quarter of what it was two decades ago. Children who entered care after the age of five waited an average of five years before being adopted. Many adopters find that they have little financial or other support for the children whom they have adopted. It is time to rethink the way in which children are treated in our system of social care. When the Waterhouse report is finally published, there will be important lessons to learn. I am sure that my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) will take a great personal interest in the outcome of that report, which he was instrumental in initiating when he was at the Welsh Office.

The Government will need to measure the proposals in the Children (Leaving Care) Bill and the Care Standards Bill against the failures that occurred in children's homes in north Wales. Naivety is a factor in the inadquate protection of children in care. It is born of the simple fact that normal people find it almost impossible to get their minds around the lengths to which the depraved will go to prey on children. Many of us in public life have been guilty of naivety in relation to the need to protect children more thoroughly.

The NSPCC is right when it says that the key to protecting children in care is independence. I support its call for an independent UK children's commissioner who has statutory powers to act as a child protection and welfare watchdog. How will the new UK children's rights director fit the role that the NSPCC envisages for an independent commissioner? Perhaps the roles are similar. I want the Minister to assure me that the director will be truly independent.

Indpendence is the key from the top to the bottom of the system. The NSPCC also calls for an independent visitor for all children in care. That person should be a safe, adult, trained friend with a child's best interests at heart. In another place, the noble Lord Hunt of Kings Heath gave the desirable specifications for people who might fulfil the role of a young person's adviser. The list included social workers, foster carers, teachers, careers advisers and, at the bottom, voluntary workers. The voluntary sector should not be marginalised from the independent role of an adviser to a young person. Many of the other people are seen as authority figures by children and are linked to the system that they believe has failed them. What about appointing properly trained adults who have been in care? They would understand what it is like. Having got out and got on with their lives successfully, they could offer a role model to young children that might help them to get away from the downward spiral of lack of educational attainment, unemployment, homelessness and crime that all too often occurs in life after care.

How independent are aspects of "Quality Protects"? As the hon. Member for Hayes and Harlington (Mr. McDonnell) in last July's debate explained:

"One problem is that the same management who failed to tackle the needs of children in our area"—

Hillingdon—

"have also prepared the management action plans"—[*Official Report, Fifth Standing Committee on Delegated Legislation*, 22 July 1999: c. 7.]

under the "Quality Protects" scheme. When a local authority is the substantial provider of care, it is imperative that the assessment of the adequacy of that provision is independent. Perhaps that could be provided by a neighbouring authority.

Another dreadful case of child abuse in residential care came to light by the intervention of a neighbouring local authority. A person who was appointed to run a children's home in the borough of Lambeth subsequently applied to be a foster parent in the neighbouring local authority area of Wandsworth. It was only when Wandsworth was making the customary checks that it was discovered that the applicant had a criminal record of sexual offence. It alerted the neighbouring authority to the problem, but it was a matter of years before anything was done. A conviction in court was successfully achieved only last year, in Liverpool. That is a salutary example of how exposed and vulnerable children can be at risk for long periods, even when a neighbouring local authority is aware of a problem. A large number of children suffered through the lack of independence in the process and it was a long time before the matter came to court.

The most important thing about the independent assessment is that it must be seen to work, and whoever conducts it must have teeth. That is where an independent commissioner would have a clear role. The care system may be safer today, but it is not safe enough. One abused child in care is one too many. We all have a responsibility towards children in care and we must do everything in our power to improve the present system and to ensure that we do not let them down.

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. Before I call the next speaker, I should inform hon. Members that a Division may occur at 4 o'clock. In such an event, I shall suspend our sitting for 15 minutes and ask hon. Members who wish to continue to participate to return promptly.

3.31pm

Mr. Hilton Dawson (Lancaster and Wyre): It is a pleasure to speak in this debate in Westminster Hall. The opportunity to debate for some three hours a matter as important as children and social security, which would not in the normal run of events receive the scrutiny that it deserves, is welcome. Indeed, it is a shame that there are so many empty seats when we are discussing such a vital topic.

For 15 years before entering the House, I worked in children's services and latterly managed residential care, foster care, adoption and day care services for children in Lancashire. I take the point made by the hon. Member for Meriden (Mrs. Spelman) about the Waterhouse inquiry. It is obviously essential that the House should debate the report in full when it is published. I am glad, however, that today's debate precedes that inquiry.

In all of our discussions about children and social services, we are tempted to stress only the very real and serious problems of social care, but I should like to redress that balance in some respects. I do not know of any hon. Member who has come away from a meeting of the all-party group for children and young people in care and leaving care, of which I am chairman, without having been enormously impressed with the knowledge, ability, commitment and sheer intelligence and resilience of the young people who have attended and who have come through the care system. There are terrible cases of young people who have been failed and let down by that system, with disastrous results for their lives. However, we should always acknowledge, bearing in mind the parlous circumstances in which the care service has been, the many young people who have come through with courage, resilience, intelligence and fortitude. Such people have often made great successes of their lives and been a great credit to themselves. I shall not name the young people who have been involved with the group for fear of omitting some who have also made excellent contributions. Children and young people in care are a great resource; I look forward to their benefiting more from the care system and thus being able to give more to the country in future.

I want to say some positive things about people in social work. I winced when the hon. Member for Meriden was talking about institutional care, which brought visions of the workhouse and Oliver Twist. That is very far from the experience of the dedicated people who have given their lives to working in residential care, creating a homely, caring environment in ordinary streets and towns where some young people choose to be, rather than staying at home, going into foster case or being adopted.

It is important to reflect on the social work task when we consider the subject. It is tempting to say that all Members of Parliament do constituency work so we are all, in a sense, social workers, because we give advice. Recently, a teacher told me that social work was what teachers did in their free time after school had finished. I do not agree with those views of social work; the task is much larger than that, and fundamentally different from it. Social work is a craft and a skill. I was not good at it, but I know some people who are. They are people whom I respect absolutely; they listen well, with more than just their ears, they pick up subtleties, they are intuitive, they build professional relationships and they have an unconditional, positive regard for some of the most unlikely people.

Social workers keep an unerring eye on the best interests of a child when they are under pressure themselves from all sides, including their own organisations, and they do so even when they are verbally or physically threatened by other organisations. Social workers do the most delicate work with the most vulnerable people, helping them to face and sometimes to embrace the most difficult decisions that people will ever have to take, such as the decision to give a child up for adoption.

They have to decide when parenting is not good enough and a child needs to be removed from home, and when circumstances have changed enough for a child to go back home. They encounter the most vile abuse and neglect and stay sane and decent; they have a sense of humour and an ability to be creative and imaginative. They have to be able to write a report that clearly expresses the truth and to give evidence that stands up. They can put up with smart barristers and with ignorant, insensitive people who are in responsible positions. They can build trust with people who have every reason to be distrustful of them, of adults, of authority; they are people who can keep enduring, and keep on keeping on.

Good child care social workers should be well paid, intelligently supervised, properly valued and supported by employing organisations. They need first-class post-qualification training and time to recuperate and recharge. If some people that I know were listening to the debate, they would probably anticipate the sound of pigs' wings flapping through Westminster Hall, but until Members of Parliament show that they value social workers—I was so pleased to hear the Minister speak of the social care institute for excellence—we shall never have the high-class service that vulnerable children need.

Yesterday, I asked some former colleagues for their comments on the current situation in children's social services. I have also been reading the Children Act report, an excellent publication that summarises much of the research that has been carried out into the workings of the Children Act 1989 between 1995 and 1999. Some of the views that were expressed to me yesterday resonate with the views set out in the report. The report says:

"Commitment to working in partnership with parents was strong but sometimes led to excessive attempts to rehabilitate children home."

[Mr. Hilton Dawson]

That is similar to the view expressed to me that there can be too much commitment to partnership with parents, especially in cases involving drug or alcohol dependency. In such cases, workers feel that too much emphasis is often placed on the needs of parents, sometimes to the detriment of the children.

Mr. White: Does my hon. Friend realise that one of the problems that social workers encounter is trying to fit their priorities into the priorities of other agencies? Often, the most difficult hurdle to overcome is to get other agencies to recognise the issues that affect them.

Mr. Dawson: I certainly do recognise that and I shall return to that issue later.

Perhaps most worrying is the refocusing agenda. We heard from the Minister about how child protection services are being developed and revised in light of research findings, with a recommendation that there should be a refocusing of children's services away from what was regarded as an over-emphasis on child protection conferences and statutory child protection measures towards a more family-oriented and preventive service.

We are at an early stage in that process, but I have heard many concerns expressed that the refocusing of services is clouding the issues of child protection without necessarily helping children or parents. That may be related to issues of resources. Certainly, people talk about a lack of resources and a lack of trained social workers. People talk about the length and drawn-out nature of care proceedings and about an apparently genuine confusion about section 8 orders under the Children Act 1989. Apparently, in my constituency, there is no use at all of child assessment or family assistance orders. Of course, the Act is only as good as the local authority that implements it. That is only a snapshot, but it is a very recent one and one that comes from very experienced and capable people.

I promise not to take up the rest of the afternoon and to conclude my remarks by the time that we go to vote, but I think that the messages from inspection contained in this recently published report are instructive, and I should like to speak about some of them. In doing so, I shall come to the point made by my hon. Friend the Member for Milton Keynes, North-East (Mr. White).

The document speaks of an overwhelming impression of lack of strategic planning across local authorities. I can relate to that impression, bearing in mind the huge departments that deal with education and social services and which are based in the same local authorities but often appear to live in different worlds. Sometimes they will work with the same individuals but have completely different priorities and there will be a dramatic lack of communication. Even with a lot of good will, we must recognise the problems of trying to match the objectives of shire county councils with those of district councils, of co-ordinating the policies of health trusts with those of local authorities and of matching the different disciplines of psychology, psychiatry and social work amidst key procedures to protect children and to prioritise need.

What passes for policy making often ends up driven by finance rather than dealt with as carefully costed social work priorities. We should bear in mind the ease with which a fad or ideology can drive policy that should be rooted in the participation of children and parents and in the rich knowledge and experience of people at the coalface, who are doing the fieldwork in children's homes and foster care. Such policy should be driven by a Government who are committed to improving quality standards in care. A stifling bureaucracy and sheer lack of vision often undermine flexibility and creativity in local authorities. I am heartily glad that the Secretary of State has put local authorities on their mettle to plan and deliver much better services.

The Children Act report also mentions a lack of long-term perspectives in care plans and refers to crisis-driven work. In my experience, a lot of care work was crisis driven and done with an absolute emphasis on child protection. However, we have heard that, when services are refocused, sheer lack of resources, skill and flexibility often leaves worrying gaps through which children might fall.

One success story referred to throughout the Children Act report is family centres, which in my experience have been very successful. They can get closer to parents than statutory powers and can provide the skilled and intensive work that so many families need. We are still a long way, however, from achieving the networks of family centres that we must have. I was disappointed that the supporting families document, which was excellent in all other respects, signally failed to mention the role and work of family centres. I duly took the matter up with the Home Secretary.

Lack of long-term planning undermines placements and adoption, which is the epitome of careful planning and permanence. Adoption is a very important option for children and is easily the best way of catering for the long-term security needs of some children. I have placed children for adoption, and I do not suppose that I shall ever do anything more important. I have also assessed prospective adopters. However, I would not want adoption to be thought of as some sort of panacea as there are lots of other options. We need high-quality residential care. We have heard from the Minister about the importance of supporting foster care properly with better professional support and about the importance of financial support for foster carers. Local social workers need more opportunity, more time and more support to carry out the careful work with families and children that allows them to be safely reunited. The vast majority of children who enter care go back home. It is important to make that return home stick. Children cannot bounce in and out of the care system throughout their childhood.

There are serious concerns about adoption. Government guidance has been sensible and in line with what people would regard as basic good practice. In some quarters, there is the idea that social workers and local authorities are ideologically opposed to adoption. I do not know enough about social workers or local authorities to deny that, but I suspect that problems with adoption have more to do with the mundane reality of chronically overstretched social workers who have to deal with day-to-day priorities. Adoption is a difficult long-term process. It involves finding the correct adopters and making the placement, which is playing God in itself, and preparing children for that move.

We need a new Adoption Act. The Adoption Act 1976 predates the Children Act 1989. We should bring adoption firmly in line with the 1989 Act. There should be a statutory duty to provide better support for parents and children post adoption. Some of the worst cases are when adoptions break down. Adolescent years are often challenging. Adopted children might have an idea their parents are much better than the lot they have been stuck with. That is a real challenge. Those cases are tragic.

We need better support for all placements. Foster carers need training and realistic financial help. Residential workers should have real career prospects. They receive training, but unless they are absolutely dedicated, they leave the sector as quickly as possible to go into fieldwork. If they do not, they will end up working long anti-social hours. But residential workers provide the best opportunity to build long-term relationships with children and perform good, creative social work. Their role is fundamental to the system. Until we sort out that problem, the residential care sector will continue to be prone to scandal.

We do not have enough placements. The Minister talked about the reduction of placements for children aged 16 and over. That reveals a disgraceful statistic. In 1992, 12,200 children in placement were aged 16 or over; by 1998, there were only 9,400. Maths is not my strength, but that is nearly a 25 per cent. reduction in placements for children aged 16 and over. Thousands of young people have been ejected from care on to the streets or into inadequate accommodation. There is another worrying statistic. One local authority has 26 per cent. of its cases unallocated. It is creating an appalling rod for its own back because there is a child care tragedy waiting to happen.

The Government face a shocking legacy of neglect. There is a serious staffing problem. The service has been denigrated for too long, and is riven with crisis and scandal. We need to move on and I am so pleased to hear about the proposal for a work force summit. It is commendable that the Government are starting to address these issues.

There is provision in the Care Standards Bill for a general social care council, and new provision for training and post-qualifying training. "Quality Protects" enjoins all local authorities to be good corporate parents and reminds me of that universal measure of all things in social work for children—the question, "Would this be good enough for my child?" When that is taken to heart, it clarifies things right away. There is no stronger message to give to people in local authorities in positions of responsibility, so that they may be held accountable. We need serious investment. We need management action plans. We need the closest scrutiny of those plans and of the work of local authorities to ensure that they deliver and that, where they do not, someone else does. Some things need to go further. The commitment to care leavers needs to be developed now, not just at some unspecified time in future. The commitment and the investment in "Quality Protects" must go on and on and on.

Splendid initiatives such as A National Voice need to be encouraged. The voices of children and young people who are looked after should be heard in every local authority and throughout the Department of Health. It is great that the Government have employed young people from care in the Department of Health. That should be an exemplar for local authorities throughout the land. I was pleased to hear the hon. Member for Meriden talk about the employment of care leavers as mentors and independent visitors to young people in care. There is a vast untapped resource of skill, experience and commitment. We should use that absolutely.

However, at the end of the day the Government need to emphasise that the profession of social work with children and families is good work, as well as hard work. Many people in it, despite all the scandals, the lack of resources and the problems, do great work. They can be encouraged to do even better and we can get more people to do more. I hope that we can attract many more to something so often vilified but which is an appropriate and rewarding career for the very best people in this country.

3.58 pm

Dr. Peter Brand (Isle of Wight): It is an honour to follow the hon. Member for Lancaster and Wyre (Mr. Dawson) who spoke not only sensitively but with knowledge and common sense. That should be valued. I was especially pleased that as chair of the all-party group he reminded us that there are often good outcomes from care. We tend to forget that sometimes.

The Minister was right when he said that children are our future. How we treat our children determines our future. It is good to be reminded of the cycle of deprivation—of people who do not have the expectation of a job because their parents and grandparents did not have a job. The abused so often go on to be the abusers. Children treated as criminals often end up as criminals. It saddens me when I go around the prisons in my constituency, especially Camp Hill, to see how many inmates who are locked up for minor crimes come from a background in care or one where they were not cared for.

That is the theme of this afternoon's debate. It is about caring for those children. Being in care is a technical term and at times the care element has been missing. Children's social services, like all other social services, depend on teamwork between people of different disciplines and backgrounds. That is especially important for children's social services. There must be close relationships between education departments, health services and the police.

4 pm

Sitting suspended for a Division in the House.

4.15 pm

On resuming—

Mr. Deputy Speaker: We have a bare quorum. The hon. Member for Isle of Wight (Dr. Brand) was speaking when the sitting was suspended for the Division.

Dr. Brand: I was talking about teamwork, and I am sorry to have lost some of the team on the way.

The hon. Member for Lancaster and Wyre spoke about teamwork. We are often extremely good at producing joint strategic macroplans: indeed, everyone

[Dr. Brand]

thinks that they are wonderful. Those plans are supposed to influence what happens in the various agencies that contribute to the joint planning process. My experience as a family doctor is that, on the whole, people working together at the client-patient level work brilliantly as a team, as they have a common interest in looking after individuals with certain needs. However, my experience is somewhat soured by the lack of a direct connection between the global strategic plan—which usually sounds so good—and the resources devoted to the work at the user-client level. There tend to be blockages at intermediate management level, where people hold budgets for individual resources. Despite all the fine words we hear in the House and the fine aspirations of joint planning, like a shuttlecock, individuals' needs are bounced between education, health and social work departments, often driven by police departments.

Matters have moved in a positive direction in the past few years. I commend the Minister on the initiatives that are being taken. I was ashamed to be a member of a community which, until 10 years ago, had no place of safety for an emotionally disturbed 13-year-old boy, apart from the local police station. The adult psychiatric services would not have him, and our only residential home could not cope with him. Being on an island, we could not ship him to a mainland unit that would take him then and there. Such an occurrence was not infrequent: that must be shaming for a society such as ours.

I am pleased to say that this debate is a sign that we are taking seriously the needs of our children and young people, but we still have some way to go. We are still overly driven by crisis intervention. It is right that a child's safety should come first. However, I sometimes worry about resources in children's units being concentrated on child protection teams rather than used to support and protect children and, more importantly, support families and children as a joint unit. Bewildering things happen to families once children or young people get in touch with or are allocated to a child protection unit. The children are safe, as they are taken into care or out of the difficult situation, but their families are often left without an advocate of their own. There are few opportunities for the families to access a social worker so that they can have things explained to them by someone who to them appears to be more neutral than the person who removed the child in the first place.

Changing access to legal aid may make it more difficult for people to get legal advice in a timely way, especially when very small children are taken into care when physical abuse is suspected. In a career of 20-odd years, I had two cases in which babies were taken into care as a result of non-explained accidental injury. Following a lot of legal advice, matters went to superior courts at a very late stage. That was because, initially, the parents did not know that, once their child had been in care and fostered for a little while, they were at risk of not being able to challenge an adoption decision. In both instances, further medieal evidence was submitted to demonstrate that there was a medical explanation for the possible injuries that were detected.

It is absolutely right that the safety of children comes first. However, resources must be available to ensure a balanced approach so that parents have access to advice and justice. Children are supported by the child protection team and local authority and have a guardian ad litem. Parents often have no one from whom to seek advice and frequently get into a catch-22 situation: unless they admit to something, they will not even be considered for a rehabilitation package with the child. In the majority of cases, that may be the right approach, but it is extraordinarily harsh in relation to cases such as the two that I mentioned. I genuinely believed those parents, although I do not have the skills that a social worker with more experience of such cases has. My findings were endorsed by the courts, yet those parents had been at risk of never seeing their child again. That is not right, so I hope that the Minister will tackle the matter.

Once children are taken into care, it is vital—especially for slightly older children—that the care assessment includes a diagnosis of the problem. Social workers are skilled in assessing the social make-up of a family and the risk elements within it. They also need to find whether the child itself has particular psychological or emotional needs so that an appropriate placement is made. At the moment, emergency action is often taken, a child is placed and it is hoped that the placement will work out. When difficulties associated with the child emerge, a series of placements starts in the hope that eventually the child will end up as a square peg in a square hole and be looked after.

Resources to assess children with psychological or psychiatric problems are desperately lacking. The tribal divide between psychologists and psychiatrists is an enormous hurdle. It is the exception to find a team that works together, rather than as two departments at war, each using valuable resources inappropriately, often not in the interests of the child, and competing with each other. I see some nodding heads, so my experience is not unique. The Department must address that matter. We must determine who should be the lead agency and how to encourage teamwork.

When the child is in care and, we hope, placed in an appropriate foster home, the future must be considered. I am much encouraged by the various initiatives in care management planning that are emerging. It would be helpful if that process were speeded up to provide uniformity in planning so that children taken into care by one authority could go to another after the assessment procedure, and people would know what language was being spoken. It is important to realise that, although fostering is excellent, it covers a wide spectrum of ways to fulfil needs. All foster parents are caring and universally motivated, but they do not all have equal skills or the aptitude, the time or economic resources to do the job. Opportunities are missed because various categories of foster parent may be treated differently.

I agreed with the Minister's predecessor who said that foster caring should be a vocation. That is absolutely appropriate in the majority of instances, but if a foster family is asked to take on one or two particularly difficult children with emotional or physical needs, they need to give more care than one would give one's own child. Those people should be compensated for their lack of employment opportunities and paid for the

expertise that they acquire. It is not uncommon for those who have worked in our psychiatric or psychology services to want to help on a one-to-one basis and to foster children. Their expertise is an enormous asset. They can provide an alternative to placing a child in a residential home or an expensive residential facility for emotionally and behaviourally disturbed children.

I make a plea that we become more flexible about considering alternative placements. There is no reason why some residential schools could not be used for some children with particular learning or emotional difficulties, provided that the school can cope. That can often be much cheaper than waiting for arrangements to break down and placing children in specialist units which may cost up to £120,000 a year.

I also make a plea that we consider the role of grandparents. It is extremely difficult for grandparents to foster children. It is difficult to bring up children on a state pension. Grandparents are often the only relatives that the child knows, and such placements can often be appropriate. We all know of such examples from our constituencies. I know of a grandparent whose grandchild is in residential care in Birmingham, but Birmingham social services will not even assist the grandparent—or worse, will not ask Isle of Wight social services to assist the grandparent—to discover whether the placement would be appropriate. That is an extraordinary waste, not only of public money but, moreover, of an opportunity for the child. The boundaries, not only in departments and local authorities, but among local authorities, must be looked at.

Adoption is often the best permanent, stable solution for children. I agree with the hon. Member for Meriden (Mrs. Spelman), that it is nonsense to preclude foster parents from becoming adoptive parents. It is almost as though a fostering stream is being protected without considering the fact that adoption is often an appropriate placement.

Mr. Dawson: I agree with the hon. Gentleman about the nonsense of having such an apparently strict rule, but does not he agree that there is a clear distinction between fostering and adoption, and that it is sometimes important to give foster carers a clear message that the foster placement that they are undertaking is not a prelude to adoption because that is not part of the child's care plan?

Dr. Brand: I entirely agree with the hon. Gentleman. The problem is that there is another part to the equation: fostering should not involve the permanent care of a child—for two, three, four or five years—because that is extremely unkind if the option to adopt exists. Adoption must always be in the interests of the child, rather than in that of the service.

The Select Committee on Health studied the way in which migrant children used to be treated. The emotional, economic and other pressures that were put on parents to give up their children for adoption are horrifying. Such treatment is not unique to migrant children or to the past. Young women are still put under pressure. They are not told about the benefits that may be available and are pushed—perhaps not by social services departments, but by other organisations—to give up their children for adoption. I know that many women still feel guilty about having given in to the awful pressure that they were put under some 30 years ago. We owe those women an apology for not protecting them and allowing them to choose to look after their own child. Whatever happens to the benefit system, I hope that women will not be put in the invidious position of being told that the only way in which their child will be properly cared for is if they give it up for adoption. That cannot be acceptable in a country such as ours.

I was glad to hear the Minister say that his aspiration is to instruct local authorities to care for care leavers until the age of 21. I am afraid that I have gone off aspirations; people either do things or they do not. Merely to have that aspiration is disappointing, given that the right hon. Member for Holborn and St. Pancras (Mr. Dobson) gave a commitment to the Select Committee that the current situation was unsustainable and that any proper parent, including a local authority, would not abandon their children until they had finished further education. The money involved would not be great because of the other benefits and methods used to support such children.

There is not enough liaison between the policy making of the Department of Health and the decisions on local authority funding of the Department of the Environment, Transport and the Regions on the one hand and the Department of Social Security on the other. Because of the amazing complexity of the situation, we are in danger of gearing our care towards the most easily accessible funding stream. That is the thinking behind my earlier question.

With regard to the funding of supported housing for young care leavers, for example, if the excellent and well-thought-out foyer projects are to depend on housing benefit funding, they will not qualify as residential institutions—for want of a better word. The emphasis would not be on the supported element of the housing that they provide. It appears that they will not come under the supervision of the new inspectorate, which saddens me. These places ought to be giving social support to those who live there—that is their purpose—so they should be brought within those regulations.

We have talked about children who were formerly in care, but the title of today's debate is "Children's Social Services". There is a lot that social services departments, in conjunction with education and health departments, can do to avoid children being formally placed in local authority care. There are particular problems with children who have educational or behavioural difficulties because, as I said, there is still a lot of shuttlecock diplomacy, especially with children who have behavioural or autistic spectrum disorders. Education departments say, "It is not for us because it is not a special educational need", and social services say, "Well, they're in school, so it's not for us to support them." Those parents and their children are getting a raw deal because no one has thought out whose responsibility the children are.

I want to make a plea for the children of my relatives, friends, and neighbours. We sometimes forget that all children have needs, not just the unfortunate ones with special care needs. We need to have a little more input to meet the aspirations and needs of all the children in our communities, through youth clubs—although they are now a bit passé—and outreach workers for those who

[Dr. Brand]

are involved in minor vandalism, drugs or glue sniffing. It is important that we put on the street people who are trusted by young people.

We must do something about allowing young people to make a noise and occasionally let their hair down. The best social provision in my home village is the bus stop, because it is the only place where they can all meet. They are a bloody pain sometimes, but when we complained that they had made a mess of the bus stop, they all turned up one Saturday morning and painted it. They have taken ownership of the bus stop because it is their social gathering place. Supporting that sort of thing informally is probably much more cost-effective than funding yet another youth club somewhere, which might give them access to social interaction one night a week.

We must become much more imaginative. It is good that the Minister and his group are travelling around the country. I suggest that he obtains slots on local radio and gets some of the more outrageous DJs to take part in the process, because until we hear what young people want—I do not know what they want, but I am always happy to listen—we will not target the often minor resources, which nevertheless have an enormous impact, as appropriately as we should.

Although the debate is about social services, I must commend our police authorities who often do much more imaginative work than our local authorities do through social services. They recognise the value of some of those extraneous activities that we middle-aged citizens might not necessarily appreciate and certainly would not want to take part in. There is a need for all young people to explore, find out about themselves and become the citizens of the future.

4.40 pm

Mr. Brian White (Milton Keynes, North-East): I came here to ask my hon. Friend the Minister a brief question. I have no expertise in this and I am not driven by either support for or hatred of social workers, but given the topic and what my local authority has done I thought that I would expand my question into a few comments.

First, I welcome what my hon. Friend said in his introduction. There are a lot of positive initiatives, which I welcome. Like most hon. Members, I have heard horror stories. One of the key messages is that taking children into care has an impact not only on the child but on the rest of the family and the extended family, with all the attendant pressures. There was a group of families in my constituency whose children were taken into care. They got very angry about it and created a group called Families Fight Back, and a number of initiatives were started as a result. That brought home to me a number of the issues that have been raised today.

My local authority was one of the new unitary authorities created in 1997. In the run-up to the creation of Milton Keynes unitary authority and the transfer of Buckingham social services, we carried out a number of consultation exercises, which included children and young people. One clear message that emerged was that the old style of the social services department with its silo here, the education department with its silo there, and the housing department with its silo somewhere else was not the right way to organise things. We do not have a housing department, a social services department or an education department; we have a learning and development department, which brings together children, social services, education and economic development because they are all linked, and one person is responsible for it.

We then put adult social services in with housing, because there are many links between housing and adult social services. I believe that we are the only authority in the country to do that. Complications are caused because certain Acts require there to be only one director of social services. But the idea was to create a community of interests so that psychologists, psychiatrists and social workers were all in the same team and dealing with problems in schools. It was no surprise that, during the discussions, the then leader of the council and the current leader of the council—one a housing officer and one a teacher, who came from two totally different viewpoints—both came to the same conclusion. Ironically, the leader of the Liberal Democrats, who was the leader of the opposition, came to the same view, but from a health point of view. It was quite an interesting exercise in consultation and cross-party working. To be fair to the Tories, they also agreed the structure, so this is not an attack on them.

One interesting feature that emerged when the social services functions were transferred was that not all the children who were on the register had an allocated social worker—the point that my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) was making. A report identified serious problems that the old shire county social services departments had created over the years. One of the lessons of the creation of unitary authorities and smaller social services departments is that those who carried on the old shire county social services continued the problems into the new unitary authorities. Research needs to be done into that changeover and the opportunities, missed or taken, in the reorganisation of a social services department.

One of the critical points to emerge was that the IT systems were just not up to date. One lesson that I learned was that the investment that was required was needed several years ago, but it must be made available now. I have nothing but praise for the vision of the senior managers of the new authority, who are bringing educational practitioners and social workers into that way of working which crosses and breaks down boundaries.

Interestingly, the hospital trust, the community health trust and now the new primary care group, which is going for trust status, together with the local social services and education departments, have created something called a health forum. It has joint chairs and will tackle issues of cross-departmental and cross-organisational partnership. Although Utting recommended that, unfortunately the Government chose not to accept his recommendation. Perhaps, however, there is hope for the future.

That link with education is important, as is a link into economic development. It is not just about being in schools; it is about jobs and the quality of life. Families that have jobs and are prospering have much better life chances than those with the problems that were being

picked up by social services. It is critical that organisations, such as the new learning and skills councils and regional development agencies, link back into what children's services are providing. Too often, they think only in terms of their own area, but learning and skills councils can provide tremendous opportunities for 16-year-olds, for example. They must not be allowed to neglect children in care, or to disregard the input that children's social services can make. I hope that when the Government set out the terms of reference for learning and skills councils, they make that point.

One of the problems that many authorities have had over the years is the loss of funding for youth services. I entirely agee with the hon. Member for Isle of Wight (Dr. Brand) that many local authorities have had to switch resources from youth clubs to outreach work and community development. Again, in my experience, that leads to innovative ideas on the ground about how to get young people to interact socially. There are various examples of such ideas throughout the country, but it is important that the informal links that tend to be created do not get lost in regulations; they should be encouraged. The Government's best value programme for local authorities will be a tremendous opportunity for the user's voice to be heard so that the necessary synergies can be created.

More problems arise from the fact that many placements are made away from the local area. This comes back to the point that the hon. Member for Meriden (Mrs. Spelman) was making about social services. Out-of-town or out-of-county placements can cause real problems, particularly when children are continually moved from authority to authority. The point has already been made, but we must tackle that problem. Although I welcome the fact that targets are to be set, many social services departments have not yet got to grips with this.

Another problem, which Families Fight Back brought to my attention, is the speed of the courts in decision making. There are feelings of isolation, loss and of not knowing what is going on when cases go to court. Moreover, people often do not understand the consequences of decisions that are taken around that time. Families who have made decisions for the best of reasons find, six or nine months down the line, that those decisions have unexpected and unintended consequences. Communication at that early stage of involvement needs to be worked on.

As I said, Families Fight Back was created by families whose children have been taken away. It began with a whinge: "The local authority's terrible; it's taken my kids away." Then the local authority, in conjunction with Families Fight Back, entered into a project, supported by NCH Action for Children, to create an advocacy group for families going through that process. Many lessons have been learned by the local authority's social services department and other sections. The project is still running. The key matter to have emerged so far is the lack of support for families, which leads to children being taken away. It is critical that advocacy and support for families and children, and the impact on friends and relatives are taken into account.

The Minister mentioned sure start, which is a brilliant scheme promoted by the Government. Unfortunately, that scheme is limited to pilot areas and two roll-outs. It has yet to reach the whole country, so many people have not seen it and are saying, "What's sure start got to do with us?" I hope that my hon. Friend the Minister takes note of that, as it is critical that the Government speed up the roll-out of sure start so that it goes to every part of the country. It has real benefits which are not yet reaching everyone.

Partnership is a key word in our debate. It is not just a buzz word, but represents a genuine challenge. It is easy for the Government to change policies, but extremely hard for them to alter an organisation's culture. Sure start is about changing the culture in which children's social services operate. We should not underestimate vested interests or the resistance to change. We must recognise the benefits of changing a culture. Even when we do not seem to be achieving our goal, we must push on.

The question of poverty was raised earlier. A key problem in my constituency is the large number of people who are not on income support, but are on an income level just above that. They, therefore, do not get access to child care tax allowance or income support housing benefit, and have serious problems with available support. The change from income support to the income level just above it poses a critical challenge to the Government. I am sure that they will address it, but it is crucial that children in those families get the support that they need.

I mentioned the isolation in the project that I described. That isolation was physical, as some families were from rural areas and felt isolated from the town. We must improve how we tackle the social services' role in dealing with children from rural areas. Since Norman Tebbit famously spoke about "getting on your bike" and finding a job, family circumstances have changed. Families are often isolated. They live a long way from their extended family and their roots may give rise to difficulties. Coming from Milton Keynes, which is built on that premise, I am more aware of the problem than others, but in many areas, the lack of family support is a serious concern. Isolation within the family and not being able to talk to people is also a problem and should be tackled.

I am anxious about the role of guardians ad litem, whom it is difficult to recruit. That narrows the experience and breadth of such people, as only one social class or a particular type of person applies for such a role. I am anxious that we should increase the number of people who are prepared to be guardians ad litem and improve their support and training.

One of the best initiatives introduced by the Home Office concerns parenting skills and parenting orders. The project showed that parents do not have enough support. Many problems would not have existed if they had had decent parenting skills, but they had nowhere to turn to in order to acquire them. There are a few such facilities in the mediation services and the voluntary sector, but many families do not know that they exist when they need them or when they would be of most benefit, and thus they repeat their mistakes time and again. We need to break that cycle.

The Government proposal is part of the modernising government agenda. Issues affecting children should be based on proper research and on the facts, as the recent Performance and Innovation Unit report stated. It is

[Mr. Brian White]

crucial that research on the matter continues to be up to date and that decisions are taken, and policies made, on the basis of that research.

It is important that all Government Departments sing from the same hymn sheet. The Home Office and the Department of Health have taken a good lead, as has the Department for Education and Employment, through its early years learning programme. On the receiving end, each initiative has 90 per cent. commonality with the others, but there are some matters on which that commonality is lacking, and confusing messages are being sent. It is crucial that the modernising government agenda ensures that Departments' initiatives are co-ordinated, so that any confusion, or overlap, is eliminated. Massive strides have been made in that respect since the Government took office, but there is more to be done.

Mr. Dawson: Does my hon. Friend accept that he is making a powerful case for a children's rights commission to bring together initiatives relating to children, to be a focus for children's rights and to ensure that Government action is co-ordinated?

Mr. White: I would come to that conclusion, if I had my hon. Friend's expertise. He has long championed the case for a children's rights commission, which was taken up in the report of the National Society for the Prevention of Cruelty to Children. I agree with his suggestion.

I conclude by saying that I am saddened by press vilification of social workers. Whether or not they take a child into care, they are accused of getting it wrong. Social workers must be more valued and the difficulty of their job must be recognised. It is important that action is taken in partnership. When the Minister introduces regulations in the national framework, he should allow scope for local diversity to deal with the conditions in each locality and with local innovation. It would be a shame if there were no such innovation from the bottom. I hope that the Minister will accept the need for local innovation and diversity.

4.58 pm

Mr. Hutton: Only four other hon. Members have taken part in the debate and they have all made high-quality contributions, especially my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson). There is no substitute for front-line experience; he has that in spades, and it showed.

Several important messages and themes emerged from the debate. One issue that we are trying to grapple with and to make progress on is the years of indifference towards children's social services, which are crucial. For all the reasons that hon. Members identified in the debate, they have not received the attention, in terms of policy development and of resources, that they have been crying out for for years. The touchstone—the crucial area—where deficiencies have repeatedly been displayed, is the public care system. For many years, insufficient attention and resources have been given to children who are looked after by local authorities, and Governments have failed to deal with the matter satisfactorily.

I take comfort from what has been said today, and what social services departments throughout the country tell me, that we are beginning to turn a corner. The consensus is that we have a long way to go, but we have made a start and I am confident that the "Quality Protects" programme will make a lasting difference to how children's social services are delivered. It is not just in the public care system that children's social services need to be transformed and modernised; there are a range of different scenarios and areas, some of which have been alluded to by hon. Members, where a change is needed in how care is delivered.

We must consider how to link the delivery of children's social services with crucial, front-line public services and services delivered by voluntary organisations. My hon. Friend the Member for Milton Keynes, North-East (Mr. White) spoke eloquently about the changes in the local authority in his constituency. There will be further such changes in the next five to 10 years. There will be a significant broadening of the way in which social services are delivered both for children and other client groups, and that will be very exciting. The best type of service delivery, as the hon. Member for Isle of White (Dr. Brand) said, can make connections between different key services, such as education, health and social services.

The hon. Members for Isle of Wight and for Meriden (Mrs. Spelman) spoke of their worries about mental health services for children. I did not refer to that subject in my long opening speech, so I shall do so now. We are investing £90 million in the current spending review period to provide a basic capacity in core child mental health services, which do not exist in some parts of the country, as the hon. Gentleman said. That is a tragedy that has ruined the lives of many young people who have not been able to use those services.

As the hon. Member for Isle of Wight and others said, the best way to deliver those services is in a spirit of partnership and co-operation in the statutory sector. We want social care and health care professionals to work together, not in isolation. They should spend more time crossing the boundaries that exist between the two services rather than patrolling them. When staff spend their time patrolling the boundaries, we do not get the service delivery that we expect and which young people should receive.

Much wisdom and common sense have been shown this afternoon about these important issues. In addition to trying to focus attention on developing children's social services in a consistent and coherent way for the first time, we are trying to make connections. That is why the new support service will be a very important development, why our initiatives on child and adolescent mental health services are central and why some of the other changes that hon. Members have referred to will be important. We want primary care to be increased and to be delivered in conjunction with social services and social care. That is a sensible model and we are hopeful that there will be progress in all those areas.

I shall refer briefly to specific matters that have been raised in the debate. The hon. Member for Meriden referred to her anxieties about adoption law, and the case for reform. My hon. Friend the Member for Lancaster and Wyre also referred to that matter when he

called for closer co-ordination in the application of the Adoption Act 1976 and the Children Act 1989. Notwithstanding some of the difficulties that have been expressed, there are grounds for optimism. I am not entirely convinced that there is something fundamentally wrong with the construction of the adoption law. I understand the point made by my hon. Friend the Member for Lancaster and Wyre about the need for closer synergy between adoption law and the Children Act 1989, but we are right to focus on the practices used in social services departments as there are a number of areas where improvements can be made.

The Government have never ruled out the need for change to the Adoption Act 1976, and we have an open mind about that. In the meantime, we are trying to focus attention in social services departments on improving adoption practice. There have been many regrettable examples in which that practice was not right and in which ideology has got the better of common sense. We must find a way of ensuring that that does not happen in future. Many hon. Members have made it clear that the only interests that we should serve in adoption issues are those of the children. There are no higher interests at stake, so we must ensure that the children's interests come first at all times.

The hon. Member for Meriden expressed concerns about the quality and adequacy of the management action plans that are being prepared in the context of the "Quality Protects" programme and called for an element of independent inspection. I assure her and other hon. Members that, as part of the prcoess, the management action plans are scrutinised independently by officials in my Department, including the social services inspectorate. We have a network of new regional development workers who work closely with local authorities to ensure that management action plans are of the right quality. We have repeatedly made it clear to local authorities that if the plans are not satisfactory there will be no question of paying the grant. We shall not make grant allocations unless we are satisfied that the plans are sufficiently robust, and local authorities understand that. None of the management action plans failed that test the last time that they were considered, and we do not want any to fail this time. We want the benefits of the "Quality Protects" progamme to be felt in every local authority in the country. As I said, we have told local authorities that there will be no question of paying their grants if their management plans are not up to it. I hope that the hon. Member for Meriden will be reassured about that.

My hon. Friend the Member for Lancaster and Wyre expressed concerns about the working together guidance. I assure him that there is no question of those working together procedures diminishing the focus on child protection—I will not let that happen. We consulted widely on the amended working together guidance, and I was reassured to see that it drew strong support from the organisations consulted, including local authorities and children's organisations. We made a great effort to ensure that there was no such lack of focus. I am pleased also with the response given to the guidance by social services and other interested organisations.

My hon. Friend the Member for Lancaster and Wyre made several good points about residential care workers, especially in relation to the importance of children's residential care workers. We recognise that imporance, which is why we are introducing a new post-qualification award for residential children's services. That is a very important initiative. At a wider level, we must build into social services a lifelong learning and training culture. I do not think that such a culture has been in place, which is one of the most substantial weaknesses in social care and must be addressed. Many hon. Members will be aware that the training organisation for personal and social services is currently consulting on a new national training strategy for social services, in which we are taking a close interest. It is an employer-led strategy, which is perfectly appropriate, as it deals with responsibilities that are ultimately for employers.

It is a priority to improve the qualifications of the social care work force as a whole, especially in the area identified by my hon. Friend. That must be seen as part of a national effort to improve the training infrastructure in social care so that on-going career development and training will become the norm for social care professionals as it is for other care professionals. People working in the field of health care would also accept such a need, and we are working with health profession bodies to ensure that such a system becomes better established; the same logic applies to social care. I think that my hon. Friend and I are at one about that.

The hon. Member for Isle of Wight asked me about the number of social workers and I can reassure him about that. In 1988, there were 28,000 qualified social workers or whole-time equivalents in England, and in 1998, that figure rose to 33,500, so we are making progress. However, there are concerns about certain parts of the country and certain specialisms, where it is right for both employers' organisations and the Government to work out how to address the problems. I accept that one of the background issues that we must consider and resolve is the poor image of social workers. Social workers always get the blame when things go wrong and they very rarely get the credit when they take the right decisions. We must strike a better and fairer balance, certainly in the press and in the House, in recognising the achievements of social care, which are many.

Today we have spoken about children and social services and, in my opening remarks, I emphasised the outstanding work that has been done in Nottingham by the police, social workers and other agencies, working together to rescue children from child prostitution. That is the most miserable and evil trade but, working together, Nottingham social services, the police and other agencies have saved dozens of young boys and girls from that wretched life. We should celebrate that and recognise and reward that sort of work where we can. That is the sort of effort that we need to make to promote social care as a noble and caring profession, which is crucial for a decent society.

The hon. Member for Isle of Wight raised certain concerns about partnership working. I hope that I have resolved those issues. I agree with him about the need to improve support for foster carers. In particular, we need to consider how we can support foster carers out of

[Mr. Hutton]

hours, because it is not much help to foster carers to find that they cannot obtain support if things start to go wrong at 9 o'clock at night. We are considering how we can improve those services.

My hon. Friend the Member for Milton Keynes, North-East referred to changes in the way in which social services are being delivered. Those sound like promising developments, which we will follow with interest, but it struck a chord with me when he said that we needed a change of culture. I agree with him. We need a change of culture not only in children's services but across the board. Wherever possible, we need to get away from the "council knows best" paternalism that does not encourage independence or allow people to take control of their lives. Good social care professionals are not in favour of either of those results; they do not want to trap people in dependency and they want people to take more control of their lives. In framing legislation and policy, we must ensure that we give front-line professionals the tools to do their jobs more effectively. I agree that resources are part of the solution, but so are policy, legislation and inculcating and developing the proper culture and practices.

My hon. Friend the Member for Lancaster and Wyre was very supportive of our plans to establish a new social care institute of excellence. That will have an important role in spreading good practice and establishing an authoritative central body to help solve problems on the front line. In general terms, this has been a positive and constructive debate. We have much to do and we are not in the position from which we would like to start—something that is especially true of the public care system—but we must start from here whether we like it or not. We are making progress and the Government want to continue that progress, not for the sake of the organisations and services involved, but for the sake of young people because we in the House have a moral and ethical responsibility to promote their welfare at all times and in all places.

Question put and agreed to.

Adjourned accordingly at fourteen minutes past Five o'clock.

Written Answers to Questions

Monday 24 January 2000

SOLICITOR-GENERAL

Senator Pinochet

Mr. Lidington: To ask the Solicitor-General what request the Spanish authorities have made to the Crown Prosecution Service to seek leave for judicial review of the Home Secretary's decision in respect of Senator Pinochet; and if he will make a statement. [106408]

The Solicitor-General: The Crown Prosecution Service is acting as the agent of the Kingdom of Spain in relation to the conduct of the Spanish request for the extradition of Senator Pinochet. It would therefore be inappropriate to reveal details of any instructions received in relation to this matter since The Crown Prosecution Service is under a duty to preserve solicitor-client confidentiality. It is for the Kingdom of Spain to release any details of their instructions to the Crown Prosecution Service.

PRIME MINISTER

Civil Service Press Officers

Mr. Peter Bottomley: To ask the Prime Minister if he will institute an inquiry into the reported remark by a civil servant to an *Evening Standard* employee concerning the consequences of the health correspondent continuing particular investigations; and if there are official guidelines concerning the acceptability of such remarks. [106037]

The Prime Minister: The Department of Health has already looked into the matter referred to by the hon. Member. I am fully satisfied that the press officer concerned behaved in accordance with the standards expected of civil service press officers.

A Working Guide for Government Press Officers states that:

"It is the duty of the Press Officer to present the policies of his or her Department to the public through the media and to seek to ensure that they are understood."

Parliamentary Questions

Mr. Peter Bottomley: To ask the Prime Minister if he will make it his policy to answer questions on the different Government charges and taxes on students at universities throughout the United Kingdom. [105979]

The Prime Minister: Ministers will answer on issues for which they are responsible, in line with the resolutions of the House on 25 October 1999.

Responsibility for the funding of higher education in Scotland and Northern Ireland lies with the relevant devolved executive. Ministers will answer questions which relate to decisions which the devolved executives have taken, only to the extent that these have an impact on the Government's responsibilities.

EU Charter of Rights

Mr. Bercow: To ask the Prime Minister if the Charter of Fundamental Rights will accord new rights not currently granted in common law. [106281]

The Prime Minister: There is no agreement that it should do so. The Cologne Conclusions state that:

"fundamental rights applicable at Union level should be consolidated in Charter and thereby made more evident".

Mr. Bercow: To ask the Prime Minister (1) if he will make a statement on the Government's policy on including rights of *(a)* free speech, *(b)* free association, *(c)* the existence for political parties and *(d)* trade union (i) existence and (ii) membership within the Charter of Fundamental Rights; [106279]

(2) if he will make a statement on his Government's policy on including *(a)* the right of asylum, *(b)* age discrimination, *(c)* social rights, *(d)* education rights, *(e)* health rights, *(f)* social security rights, *(g)* immigrants' rights, *(h)* same sex partnerships' rights, *(i)* women's rights, *(j)* children's rights, *(k)* economic rights, *(l)* cultural rights and *(m)* disabled people's rights in the Charter of Fundamental Rights. [106280]

The Prime Minister: Work on the draft Charter has just begun. It is not possible to say at this stage how the drafting body will approach the question of inclusion of the above categories. The Government will wish to explore the best way to profile existing rights in a way which reflects the Cologne Conclusions and the nature of the current application of those rights in the United Kingdom.

Mr. Bercow: To ask the Prime Minister what assessment he has made of the financial consequences of the adoption of a Charter of Fundamental Rights for *(a)* industry and *(b)* government; and if he will make a statement. [106377]

The Prime Minister: The Government see no reason for the Charter to add to existing rights and obligations, nor is there agreement that it should so do.

Mr. Bercow: To ask the Prime Minister what anti-discrimination enforcement measures will be included in the Charter of Fundamental Rights; and if he will make a statement. [106376]

The Prime Minister: It is for the Charter drafting body to consider how, if at all, such measures should be included.

Mr. Bercow: To ask the Prime Minister if he will make a statement on the Government's policy on the withdrawal of voting rights of a member state deemed to be in breach of the Charter of Fundamental Rights under the Treaty of Amsterdam as modified, under Article 13. [106399]

The Prime Minister: Article 7 of the Treaty on European Union (TEU) sets out the circumstances whereby the Council can consider suspending certain rights deriving from the TEU, including voting rights, should they determine the existence of a serious and

persistent breach by a member state of principles mentioned in Article 6(1) of the TEU. This says that the Union

> "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of lay, principles which are common to the Member States".

There is no agreement that the Charter of Rights should give rise to action of that kind, or that it should be incorporated into the EU/EC Treaties.

Sir Richard Body: To ask the Prime Minister which body will be the final arbiter on questions on interpretation of the Charter of Fundamental Rights. [106389]

The Prime Minister: The Government want a non-justiciable Charter which makes existing rights more visible. Where those rights are justiciable elsewhere, the relevant source instruments (for example, the European Convention on Human Rights or the EU/EC treaties) will continue to be interpreted in the usual way by the appropriate institutions (for example, the European Court of Human Rights or the European Court of Justice).

EU Intergovernmental Conference

Mr. Bercow: To ask the Prime Minister if he will list those areas of potential qualified majority voting raised to date by *(a)* EU member states, stating the country in each case and *(b)* the Commission, as areas for negotiation at the forthcoming Intergovernmental Conference, in which the Government have not insisted on retaining unanimity. [106165]

The Prime Minister: I refer the hon. Member to the answer I gave him on 18 January 2000, *Official Report*, column 416W.

EU Membership (Cost-benefit Analysis)

Mr. Bercow: To ask the Prime Minister what cost-benefit analysis of UK membership of the European Union the Government have undertaken. [106401]

The Prime Minister: The Government are clear about the benefits to the United Kingdom of its membership of the European Union. Membership of the European Union brings significant benefits to the British economy. Over half our trade in goods is with the EU, with eight of our top 10 trade partners in Europe. In 1998 trade in goods was worth some £95.4 billion. Membership gives us access to a single market of 372 million people—the largest and richest market in the world. Over three and a half million jobs are directly linked to trade with the EU with thousands of jobs being created as a result of Britain's position as the gateway to countries outside the Union. The UK is now the top location in the EU for foreign direct inward investment. At the same time we benefit as consumers, with Single Market competition bringing lower prices and greater choice, and the Single Market rules ensuring proper protection for consumers. In addition, we have secured European Structural funding worth £10 billion for 2000–06 for regeneration and economic development in the UK regions. Our farmers also benefit from the £5 billion a year in aid under the Common Agricultural Policy.

Iran

Mr. Dalyell: To ask the Prime Minister, pursuant to his answer of 18 January, *Official Report*, columns 416–17W on the Iranian Foreign Minister, if he will define the countries in the area of strategic importance to the United Kingdom mentioned in his answer. [106568]

The Prime Minister: Iran and her neighbouring countries represent an area of strategic importance to the United Kingdom for a number of reasons. Among these are the region's history of political instability and conflict, the importance of the region for world energy resources, and its position across important global communications routes. Iran also straddles the major route by which heroin reaches the United Kingdom from Afghanistan.

Criminal Assets (Confiscation)

Mr. Lidington: To ask the Prime Minister when he expects to publish the Performance and Innovation Unit's study on the confiscation of criminal assets. [106409]

The Prime Minister: I expect the Performance and Innovation Unit (PIU) to complete its study on the Pursuit and Seizure of Criminal Assets by the spring. Decisions flowing from the PIU's work will be made public in the normal way.

Liberal Democrats (Co-operation)

Mr. Gordon Prentice: To ask the Prime Minister what plans he has to issue a new joint declaration on co-operation with the Liberal Democratic Party. [106722]

The Prime Minister: None.

NORTHERN IRELAND

Royal Ulster Constabulary

Mr. McNamara: To ask the Secretary of State for Northern Ireland what were the staffing levels of the RUC Special Branch in September 1994 and September 1999 in total and broken down *(a)* into component operational units, *(b)* by grade or rank, *(c)* by perceived religious or community origin and *(d)* by gender. [101882]

Mr. Ingram *[holding answer 15 December 1999]:* For the information to be provided fully in the form requested would identify the religious or community background of individual officers and would therefore breach statutory confidentiality. The following tables show the numbers of officers by rank at 30 September 1994 and 1999 and the gender and the community background of officers in the Department at 31 December 1994 and 1998 (the latest figures available).

Composition by rank

Rank	*30 September 1994*	*30 September 1999*
Superintendent and above	19	20
Chief Inspector	20	22
Inspector	58	58
Sergeant	136	133
Constable	581	594
Total	814	827

Composition by gender and community background

	1994	*1998*
Perceived Protestant		
Male	654	657
Female	80	84
Total	734	741
Perceived Roman Catholic		
Male	49	52
Female	3	4
Total	52	56
Not known		
Male	18	20
Female	0	0
Total	18	20

Mr. McNamara: To ask the Secretary of State for Northern Ireland what positions, rank and postings were held by the Chief Constable of the RUC in each of the years 1988 and 1989. [105654]

Mr. Ingram *[holding answer 17 January 2000]:* In 1988 and 1989 the Chief Constable was a Detective Superintendent stationed at RUC Headquarters.

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Northern Ireland if he will list the items in the National Asset Register sold by his Department, its agencies and associated public bodies since 25 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104495]

Mr. Ingram: The amount of items in the National Asset Register sold since 25 February 1999 is £988,860.00.

Ruskin College, Oxford

Mr. Hilary Benn: To ask the Secretary of State for Northern Ireland in each of the past five financial years, how many students from Northern Ireland have attended Ruskin College, Oxford. [105277]

Mr. Mandelson: Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Mrs. Rosemary Nelson

Mr. McNamara: To ask the Secretary of State for Northern Ireland when the written threats issued against Mrs. Rosemary Nelson were passed to the Minister of Security's office by the Committee on the Administration of Justice. [103818]

Mr. Ingram *[holding answer 17 January 2000]:* The Committee on the Administration of Justice wrote to me on 10 August 1998.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps were taken by the Government to ensure the safety of Mrs. Rosemary Nelson. [103820]

Mr. Ingram *[holding answer 17 January 2000]:* The Government sought assessments from the RUC on Mrs. Nelson's security on two occasions, February and August 1998. On each occasion the RUC determined that they had no intelligence to substantiate a specific threat to Mrs. Nelson. Following the RUC's reply to our August inquiry we wrote to the Committee on the Administration of Justice on 24 September 1998. My office replied to their queries about how Mrs. Nelson could apply for inclusion in the Key Persons Protection Scheme and for the provision of a personal protection weapon. We also suggested that she may with to seek the advice of her local Crime Prevention Officer in relation to security advice at her home and at her work place.

Patten Commission

Mr. McNamara: To ask the Secretary of State for Northern Ireland how many written submissions were received by the Patten Commission; and if he will place these documents in the Library. [105475]

Mr. Ingram *[holding answer 17 January 2000]:* The number of written submissions received by the Patten Commission is a matter for the Commission itself which was independent of Government. In their Report (para 2.3 page 11) the Commission advised that they received approximately 2,500 individual written submissions in addition to a number of petitions signed by several thousand people and several standardised letters. The Government are not in possession of these submissions and are not in a position to place the documents in the Library.

Street Signs (Vandalism)

Mr. McNamara: To ask the Secretary of State for Northern Ireland how many *(a)* Irish language and *(b)* Ulster Scots street signs have been damaged or stolen in each district council area in the past 12 months; what legal sanctions are available in respect of acts of vandalism; what guidelines have been issued to the police to assist in the prevention of vandalism; how many persons have been charged with offences concerned with bilingual signs in each district council area; and what was the outcome of the prosecution. [105459]

Mr. Ingram *[holding answer 17 January 2000]:* Not all of the information requested is retained in a form that would permit details to be extracted without incurring a disproportionate cost.

Vandalism of this nature is recorded as Criminal Damage, which covers a wide range of offences and forms an important element of RUC training supported by operational documents. If the cost of the damage is less than £400 under the Summary Jurisdiction Act (NI) 1953, the penalty may be up to six months imprisonment or a Level 3 fine. If the cost of damage exceeds £400, the penalty under the Criminal Damage (NI) Order 1977 may be up to a 10 years imprisonment on indictment or up to two years on summary conviction.

Human Rights

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps have been taken by the Northern Ireland Office to prepare for the implementation

of the Human Rights Act 1998 in Northern Ireland; and what specific training opportunities have been organised. [103824]

Mr. George Howarth *[holding answer 19 January 2000]:* The Human Rights Unit in the Northern Ireland Office co-ordinates the Department's preparations for the implementation of the Human Rights Act.

A human rights seminar, organised by the Northern Ireland Office, was held in June 1999. It involved the main criminal justice organisations and players in Northern Ireland, including non-statutory bodies. Its aim was to generate a heightened awareness of issues surrounding the Human Rights Act, contribute to a common understanding of the issues and provide an opportunity to discuss new concerns and discern where a common approach was required.

The Northern Ireland Office has also explored any vulnerabilities in legislation and action has been taken—or will be taken—wherever necessary.

Senior officials and other key staff have attended half-day awareness sessions run by The Queen's University, Belfast. Legal groups are also working with the University to provide more in-depth seminars to legal staff in the Department of the Director of Prosecutions for Northern Ireland and the Crown Solicitor's Office.

An inventory of remaining training requirements is currently under way. All staff are to receive general awareness training, which is to be supported by more detailed training on aspects of the Act which tie in to their specific job needs.

Mr. McNamara: To ask the Secretary of State for Northern Ireland for what reasons the Northern Ireland Office is not participating in the Government's Human Rights Task Force. [103825]

Mr. George Howarth *[holding answer 19 January 2000]:* The composition of the Task Force is a matter for the Home Secretary. The Chief Commissioner of The Northern Ireland Human Rights Commission (which is funded by the Northern Ireland Office) is represented on the Task Force. On 18 January 2000, I made a presentation to the Task Force, outlining the strategy of the Northern Ireland Office for implementation of the Human Rights Act.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what training *(a)* has been undertaken and *(b)* is planned for the future, relating to the Human Rights Act 1998 for (i) the Office of the Director of Public Prosecutions and (ii) the Northern Ireland civil service. [103831]

Mr. George Howarth *[holding answer 19 January 2000]:* A Project Team has been established within the Department of the Director of Public Prosecutions for Northern Ireland to oversee implementation of the Act. Work is continuing in producing, in consultation with the Crown Prosecution Service, relevant training materials for staff. It is intended that such materials and subsequent training will have regard to any relevant differences in criminal law and practice between Northern Ireland and England.

Training for the Northern Ireland Departments is a matter for the Northern Ireland Administration.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what written material on the Human Rights Act 1998 has been provided to *(a)* the Office of the Director of Public Prosecutions and *(b)* the Northern Ireland civil service; and if he will place copies in the Library. [103832]

Mr. George Howarth *[holding answer 19 January 2000]:* The Department of the Director of Public Prosecutions for Northern Ireland has been provided with the same material as has been issued throughout Government Departments in the rest of the United Kingdom.

Training for the Northern Ireland Departments is a matter for the Northern Ireland Administration.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what arrangements have been made to review policy and practice within departments in order to ensure full compliance with the Human Rights Act 1998; and what arrangements have been made to do this in *(a)* the Northern Ireland Office and *(b)* the Office of the Director of Public Prosecutions. [103834]

Mr. George Howarth *[holding answer 19 January 2000]:* The Northern Ireland Office has undertaken a scrutiny of legislation which requires or may require amendment as a result of the Human Rights Act 1998. Any necessary action has already been taken or is under consideration.

The Department of the Director of Public Prosecutions for Northern Ireland continues to monitor developments in criminal law with particular reference to ECHR issues.

Saville Inquiry

Mr. William Ross: To ask the Secretary of State for Northern Ireland how much was spent up to 31 December 1999 on the Saville Inquiry into the events in Londonderry on Sunday 30 January 1972. [106079]

Mr. Mandelson *[holding answer 20 January 2000]:* The total cost incurred by The Bloody Sunday Inquiry up to 31 December 1999 are £13,306,797.

Young People in Care

Rev. Martin Smyth: To ask the Secretary of State for Northern Ireland (1) how many places are available in secure accommodation for young people in care in Northern Ireland; [106449]

(2) how many care homes have been overcrowded in each of the last three years; [106454]

(3) how much has been spent in providing alternative places in hotels for both young people and accompanying staff in the last three years. [106448]

Mr. Mandelson: Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Parades Commission

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he has received the review of the working of the Parades Commission; and if he will place a copy of the review in the Library. [103828]

Mr. Ingram *[holding answer 19 January 2000]:* The review of the approach to handling contentious parades is due to be completed shortly and, once we have had the opportunity to consider its findings, we will make an announcement.

AGRICULTURE, FISHERIES AND FOOD

BSE

Mr. Gordon Prentice: To ask the Minister of Agriculture, Fisheries and Food how many head de-boners went out of business as a result of the introduction of BSE safeguards; how many people lost their jobs; and how much compensation was paid by the Department. [102311]

Ms Quin: Businesses specialising in head de-boning were severely affected when tighter restrictions on cattle heads were introduced in March 1996 in line with advice from the Spongiform Encephalopathy Advisory Committee. The information requested on business closures and job losses is not available. No compensation was paid to head de-boners, a decision which was upheld by the European Commission on Human Rights.

Those head de-boners which also operated cutting plants were able to benefit from arrangements introduced shortly afterwards to purchase and dispose of unsaleable stocks of beef to ease the pressure on their activities.

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food (1) if a credit rating was sought for each of the companies which submitted a tender in the recent award of contracts to abattoirs by the Intervention Board under the over 30-month scheme; [102360]

(2) if credit references were taken up in relation to each of the companies which submitted a tender in the recent award of contracts to abattoirs by the Intervention Board under the over 30 month scheme. [102358]

Ms Quin: The Intervention Board (IB) obtained financial reports from Dun and Bradstreet on tendering companies who were not previously contracted to provide Over Thirty Months Scheme (OTMS) slaughtering services. Decisions on the award of contracts were taken in full knowledge of the information contained in these reports. Similar reports were not sought in respect of companies with whom IB already had satisfactory and long-standing contractual relationships under the OTMS.

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food how many visits were made to each hunt kennel in the last two years by *(a)* his Department's veterinary surgeons and *(b)* his Department's officials. [102541]

Ms Quin *[holding answer 13 December 1999]:* This information is not held centrally. However, the instructions issued to members of the State Veterinary Service require visits to hunt kennels to be carried out on a monthly basis to check compliance with the rules on Specified Risk Material and at least annually to check compliance with rules on non-SRM animal by-products.

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what advice his Ministry gives to *(a)* hunts and *(b)* hunt kennels on the receipt of deadstock where (i) the dead animal is suspected of BSE and (ii) where BSE is present in the relevant herd. [102539]

Ms Quin *[holding answer 13 December 1999]:* All cattle suspected of having BSE are slaughtered by MAFF officials who arrange for their remains to be incinerated, apart from the heads which are sent to the Veterinary Laboratories Agency for analysis.

Deadstock which comes from herds which have had a case of BSE, but which are not BSE suspects or the offspring of BSE cases, may be sent to hunt kennels. We do not provide any special guidance on the handling of such carcases because there is no evidence of horizontal transmission of BSE. The hunt kennels are however subject to controls on specified risk material and are visited by the State Veterinary Service on a regular basis to ensure compliance. Results of their audits are published in the BSE Enforcement Bulletin, which is placed monthly on the Library of the House.

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food how many incineration plants are currently burning *(a)* carcase and *(b)* meat and bone meal under the over 30 months scheme contract. [104241]

Ms Quin: Seven plants are currently incinerating Over Thirty Month Scheme (OTMS) carcase material from abattoirs, and 16 plants are incinerating casualty OTMS animals that have been slaughtered on-farm. One plant is currently incinerating OTMS meat and bone meal.

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food what are the *(a)* total number of carcases and *(b)* total tonnage rendered each year by each company awarded a contract under the over 30 months scheme since those contracts started. [104238]

Ms Quin: The tonnage of material processed under the Over Thirty Month Scheme (OTMS) by rendering companies contracted by the Intervention Board is given in the table.

Tonnes

Renderer	*1996*	*1997*	*1998*	*1999*[1]
Canterbury Mills	28,657	24,673	39,539	44,391
Prosper De Mulder Ltd.	183,265	120,390	198,198	194,824
William Forrest & Son (Paisley) Ltd.	48,080	37,578	70,106	72,433
Lisburn Proteins/Glen Farm Holdings Ltd.	25,034	45,979	65,574	66,895
Duncrue Food Processors	6,337	1,288	0	0
Dundas Bros.	15,501	23,849	0	0
Fats & Proteins (UK) Ltd.	47,773	55,974	4,801	0
Gilberts Animal By-Products	26,983	63,672	0	0
J. G. Pears	8,202	19,819	0	0
Peninsular Proteins	28,695	27,061	0	0
Ulster Farm By-Products	30,415	2,770	0	0

[1] Estimated

Equivalent data for the number of animals rendered are not available in the same format. However, the estimated number of animals rendered in each of the above years is as follows:

Number of OTMS animals rendered:

1996: 1,091,570
1997: 780,785
1998: 802,078
1999: 844,920

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food if the views of the *(a)* Hygiene Service and *(b)* Meat and Livestock Commission were formally sought on each of the companies which submitted a tender in the recent award of contracts to abattoirs by the Intervention Board under the 30 month scheme. [104160]

Ms Quin: I refer the hon. Member to the reply given to him on 20 December 1999, *Official Report*, column 440W.

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food if he will list those contracts that have been awarded by the Intervention Board for rendering or incineration under the over 30 month scheme, and the gate fees negotiated with each company. [104242]

Ms Quin: Four companies have contracts to render OTMS carcase material at an average gate fee of £80 a tonne (equivalent to approximately £40 per animal).

Prosper De Mulder Ltd.
Canterbury Mills Ltd.
Glenfarm Holdings Ltd.
William Forrest & Son (Paisley) Ltd.

Five companies have contracts to incinerate OTMS carcase material from approved abattoirs at an average gate fee of £88 per animal.

WRE Services
Bronzeoak Ltd.
Durga Environmental Ltd.
Sacone Environmental Ltd.
Orkney Direct Waste Disposal

Sixteen companies have contracts to incinerate casualty OTMS animals that have been slaughtered on-farm at an average gate fee of £80 per animal.

Cambridge Pet Crematorium
Cluttons Agricultural
Companions Rest
Tom Goddard & Sons
Haymans
Hawkins
Incineration Scotland
Incineration South West
Hamilton (Irvine) Ltd.
Lawton
Cremtor
Scottish Agricultural College (Ayr)
Scottish Agricultural College (Aberdeen)
Tellam Incineration
Wessex Incineration
Westcot Hides Ltd.

The Intervention Board has concluded contracts with three companies for the large scale incineration of meat and bone meal (MBM) produced under the OTMS. The contracts cover the incineration of a total of 650,000 tonnes of MBM at a total cost of £51.1 million, an average gate fee therefore of £79 per tonne (equivalent to approximately £10 per animal).

Shanks Chemical Services Ltd.
Fibrogen Ltd.
Prosper De Mulder Ltd.

Negotiations continue with a fourth company for the balance of the Intervention Board's incineration requirement.

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food what estimate his Department has made of future incineration requirements under the over 30 months scheme. [104237]

Ms Quin: I refer the hon. Member to the reply given to the hon. Member for South-East Cornwall (Mr. Breed) on 15 December 1999, *Official Report*, column 230W.

Beef Exports

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what assistance is provided by his Department for the export of English beef to the EU. [105032]

Ms Quin *[holding answer 17 January 2000]:* Officials have sent detailed guidance on the Date-based Export Scheme (DBES) to all abattoirs that may be eligible to participate in the Scheme and set up a helpline to give advice. The Government have also spent more than £1 million on developing the scheme, including the IT systems which are necessary to support it, which will not be recovered through charges. Close contact is maintained with the English slaughterhouse participating in DBES and a temporary rebate has been applied to charges for checking the export eligibility of animals.

Genetically Modified Food

Mr. David Heath: To ask the Minister of Agriculture, Fisheries and Food if his Department will be funding research to confirm the findings of the Scottish Office's flexible fund project RO 818 (grant number FF818) on potatoes modified for the GNA gene undertaken by the Rowett Research Institute. [101753]

Ms Quin *[holding answer 9 December 1999]:* We have no plans to carry forward this research.

Flood Defences (South-West)

Mr. Hancock: To ask the Minister of Agriculture, Fisheries and Food what plans he has to increase funding to the Environment Agency to undertake emergency flood prevention measures in the South-West. [105417]

Mr. Morley: The Government are aware of the serious flooding that occurred over the Christmas period. We sympathise with all those affected and pay tribute to the work done by the Environment Agency and others to mitigate the effects. Apart from grants towards approved capital works, the Ministry does not contribute to the cost of the Environment Agency's flood defence work. The great majority of this work is funded by levies on local authorities, for which funding is provided through the Revenue Support Grant and Standard Spending Assessments arrangements. The cost of any emergency

flood prevention measures in the South-West will need to be met through these existing mechanisms. If studies identify the need for future capital works, MAFF funding will be considered against the normal criteria and national priority assessments.

Interest Rates (Farmers)

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food if he will introduce low-interest loans and mortgages for farmers. [105030]

Ms Quin *[holding answer 17 January 2000]:* The Government have no plans at present to introduce low interest loans and mortgages for farmers. The £1.6 billion support for Rural Development, which my right hon. Friend announced on 7 December 1999, *Official Report*, columns 701–03, will be applied through project funding or grants which offer effective and well focused forms of support.

In addition, loan guarantees will continue to be available to qualifying sectors of the agriculture industry under the Government's Small Firms Loan Guarantee Scheme.

Departmental Properties

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will list those properties held by his Department and agencies responsible to him which are *(a)* wholly and *(b)* mainly unoccupied at present, giving locations and when they became so unoccupied in each case. [105305]

Mr. Morley *[holding answer 19 January 2000]:* The information requested is set out as follows:

Properties wholly vacant

1. Former Buffer Depot, Nant Alyn Road, Rhydymwyn, Mold, Flint—closed 30 March 1994.
   This site is contaminated as a result of wartime use and cannot be disposed of until the contamination is removed.
2. Former Buffer Depot, Abergwili Road, Abergwili, Carmarthen—closed 28 March 1991.
   Despite a number of marketing campaigns, it has proved impossible to find a purchaser willing to pay a reasonable price for this property.
3. Former Buffer Depot, Caton Road, Claughton, Lancs—closed 31 March 1994.
   A purchaser has been identified and sale arrangements are in hand.
4. Former Buffer Depot, New Street, Earl Shilton, Hinckley, Leics—closed 17 March 1994.
   A purchase has been identified and sale arrangements are in hand.
5. Former Buffer Depot, Little Glen Road, Glen Parva, Leicester—closed 31 March 1993.
   The sale of this site should be completed within the next month or so.
6. Former Buffer Depot, Melbourne Place, Sowerby, N. Yorks—closed 31 July 1991.
   It has taken far longer than anticipated to establish the planning status of this site. It will be marketed shortly.
7. Former Buffer Depot, Trentside, Gunthorpe, Nottingham—closed 17 March 1994.
   Negotiations are under way to sell this property back to the successors of the former owner under the terms of the Crichel Down rules.
8. Former Buffer Depot, Kendal Road, Harlescott, Shrewsbury—closed 23 March 1995.
   The site will be marketed when an appeal against a rejection of an application for planning consent is determined.
9. Former Buffer Depot, 5 Almondbank, Perth—closed 29 September 1995.
   MAFF's agents advise that marketing of this site should be delayed until the planning status of an adjacent site is established.
10. Former Central Science Laboratory, Torry Research Station, 135 Abbey Road, Aberdeen—closed 31 August 1996.
    A purchaser has been identified and sale arrangements are in hand.
11. Former Central Science Laboratory, Hatching Green, Harpenden, Herts—closed 1 December 1996.
    A purchaser has been identified and sale arrangements are in hand.
12. Land and dwellings at Worthing Road, Littlehampton, West Sussex—vacated on various dates between January 1996 and May 1999.
    An application for planning consent has been submitted and we await the outcome.
13. Land at Ware Road, Hoddesdon, Hertford—originally vacated in 1989.
    We are co-operating with the Health Authority, who own adjacent land, with a view to establishing a planning designation and joint marketing arrangements.

Properties mainly vacant

14. Crown House, Sittingbourne Road, Kent—mainly vacated in October 1992.
15. Offices in Albert Dock, Hull—mainly vacated in June 1996.

Deregulation

Mrs. Curtis-Thomas: To ask the Minister of Agriculture, Fisheries and Food what orders his Department has made under the Deregulation and Contracting Out Act 1994 in each year since 1994; and what plans it has to introduce such orders. [106084]

Ms Quin *[holding answer 20 January 2000]:* Since 1994 the Department has made two orders reducing regulatory burdens, The Deregulation (Corn Returns Act 1882) Order 1996 and the Deregulation (Slaughterhouses Act 1974 and Slaughter of Animals (Scotland) Act 1980) Order 1996. These Orders are estimated to have each saved industry £100,000 per year. We will continue to look for opportunities to use such orders to remove legislation where we can.

Fisheries Council

Mr. Hood: To ask the Minister of Agriculture, Fisheries and Food what the outcome was of the Fisheries Council held in Brussels on 14 January; and if he will make a statement. [106539]

Mr. Morley: Since the Fisheries Council which met on 16–17 December succeeded in agreeing on Total Allowable Catches for 2000 there was no need for a further meeting of the Council on 14 January.

Chicken Imports

Mr. Andrew George: To ask the Minister of Agriculture, Fisheries and Food what recent representations he has received regarding the labelling of chicken imported into the UK from outside the European Union. [103293]

Ms Quin: Ministers and officials have received a number of letters from right hon. and hon. Members, the industry and the public on this matter. In addition, my right hon. Friend the Minister met with representatives from the National Farmers Union, the British Poultry Meat Federation and other poultry organisations on Monday 20 December to discuss this and other issues of concern to the sector.

HOME DEPARTMENT

Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the New Year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104471]

Mr. Straw: I will write to the hon. Member.

Home Detention Curfew

Dr. Cable: To ask the Secretary of State for the Home Department what percentage of prisoners who have electronic tags have not been convicted of violent crimes. [105334]

Mr. Boateng: As at 12 January 2000, 81 per cent. of those prisoners subject to home detention curfew at that time did not have a current index offence for an offence of violence. Of the total number of prisoners placed on home detention curfew since the scheme began on 28 January 1999, 83 per cent. did not have a current index offence for an offence of violence.

Puppy Farms

Jane Griffiths: To ask the Secretary of State for the Home Department what action his Department is taking to regulate intermediaries who sell on animals bred on puppy farms, with regard to certification of the animals' health. [105342]

Mr. Mike O'Brien: Under the Breeding and Sale of Dogs (Welfare) Act 1999, which came into force on 30 December 1999, the keeper of a licensed dog breeding establishment can only lawfully sell a dog either from his or her own premises direct to a person who it is believed will not be selling it on, or to the keeper of a licensed pet shop or a Scottish rearing establishment.

A certificate of health is not required and there are no plans to introduce such a requirement into transactions, the conditions of which are essentially for the parties involved. The permitted sales outlets are, however, subject to stringent local authority licensing controls aimed at safeguarding the health and welfare of the animals involved. In addition, dogs sold through licensed pet shops/rearing establishments must wear a collar and identifying tag, to ensure that the originating breeder can be traced in all cases and not least by prospective purchasers wishing to make checks on a dog's provenance.

The Home Office has recently issued guidance to local authorities about the administration and enforcement of this legislation.

Prison Statistics

Mr. McLoughlin: To ask the Secretary of State for the Home Department, pursuant to his answer of 13 January 2000, *Official Report*, columns 217–18W, on prisoner statistics, if he will reformulate the table provided on Sudbury prison to show the number of prisoners serving a life sentence. [105662]

Mr. Boateng: The information requested, updated to December 1999, is given in the table.

Total population and life sentence population at Her Majesty's Prison Sudbury 1989–99

Date	*Life sentence prisoners*	*Life sentence prisoners as a percentage of the total population*	*Total population*
1989			
30 June	69	12.8	537
31 December	67	12.9	518
1990			
30 June	77	14.7	524
31 December	75	16.2	464
1991			
30 June	50	9.4	534
31 December	42	9.6	436
1992			
30 June	37	8.2	450
31 December	43	10.7	402
1993			
30 June	50	11.0	455
31 December	71	17.5	406
1994			
30 June	79	17.9	441
31 December	80	20.0	401
1995			
30 June	81	20.9	387
31 December	81	21.5	377
1996			
30 June	76	16.0	474
31 December	64	14.0	456
1997			
30 June	62	12.3	504
31 December	62	13.4	462
1998			
30 June	62	12.6	493
31 December	72	14.8	488
1999			
30 June	75	15.0	499
31 December	91	18.7	486

Mr. Flynn: To ask the Secretary of State for the Home Department in his projection of prison numbers for the next five years, what proportion of prisoners

will be *(a)* female, *(b)* offenders in respect of cannabis, *(c)* class A drug offenders and *(d)* housed in hospital wings. [105928]

Mr. Boateng: The Research Development and Statistics Directorate of the Home Office provided revised projections of the prison population in England and Wales in October 1999. A summary of the projection is included in the October 1999 "Prison Population Brief" which is available on the Internet at http://www.homeoffice.gov.uk/rds/index.htm.

Projections are provided according to various alternative scenarios. The middle variant projection assumes that Crown Court custody rates increase at 0.6 per cent. for males and 1.1 per cent. per annum for females, but sentence lengths stay at 1998 levels. A higher variant assumes that from 2001, in addition to the custody rate increase assumed in the middle variant, sentence lengths increase by 1.5 per cent. per year for males and 2 per cent. per annum for females. The results are as given in the table. These scenarios both assume that the amount of courts' business remains constant over the period. Projections take into account known legislative and policy changes.

Information on the projected number of persons committed to custody for cannabis and class A drug offences are not available. Projections are not made by type of offence.

For persons housed in hospital wings, it is estimated that over the period of the projections between 1.5 and 1.7 per cent. of the prison population will be located in health care centres at any one time.

Long-term projections projected through to 2007, England and Wales

	2000	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*
Higher variant:								
Total population	67,800	71,500	72,900	73,700	75,100	76,900	78,600	80,300
Female population	3,700	4,100	4,500	4,600	4,700	4,800	4,900	5,000
Females as a percentage of total population	5.5	5.7	6.2	6.2	6.3	6.2	6.2	6.2
Middle variant:								
Total population	67,300	69,900	70,700	71,200	71,800	72,500	73,500	74,400
Female population	3,700	4,000	4,200	4,200	4,300	4,300	4,400	4,500
Females as a percentage of total population	5.5	5.7	5.9	5.9	6.0	5.9	6.0	6.0

Road Traffic Offences

Mr. Miller: To ask the Secretary of State for the Home Department how many prosecutions, and how many *(a)* injuries and *(b)* deaths there were in each category of road traffic offence, in each of the last five years for which statistics are available. [105850]

Mr. Charles Clarke: The information requested is available only for those offences where death or injury are explicit in the wording of the charge and are shown in the table. Similar information for other offences is not available centrally as the circumstances of the offences are not collected.

Prosecutions for motoring offences involving death or injury, England and Wales, 1993–97

Offence	*1993*	*1994*	*1995*	*1996*	*1997*
Causing death by dangerous driving	352	301	305	333	376
Causing death by careless driving under the influence of drink or drugs	63	48	51	63	78
Causing death by aggravated vehicle taking	27	26	13	27	28
Causing bodily harm by furious driving	98	122	97	99	85

Figures for 1998 are not yet available.

Mr. Miller: To ask the Secretary of State for the Home Department in how many cases relating to death on the road the charge was reduced from dangerous to careless driving in each of the last five years for which statistics are available. [105849]

Mr. Charles Clarke: The information requested is not available centrally.

The statistics collected on court proceedings record only the offence for which the court took its final decision and not that for which the defendant was initially prosecuted, if different.

Domestic Violence

Ms Oona King: To ask the Secretary of State for the Home Department what plans the Government have to combat domestic violence suffered by men. [105844]

Mr. Boateng: The Government regard all forms of domestic violence as unacceptable, whether it is perpetrated by men on women, women on men or within same-sex relationships. The position of men who experience abuse is recognised in, for example, our 'Break the Chain' leaflet for domestic violence survivors and those such as family, friends and neighbours who might be able to help them. The evidence is, however, that, by comparison with men, women are more likely to experience domestic violence over a lifetime, more likely to experience repeat victimisation, more likely to be injured and to seek medical help, more likely to experience frightening threats, and more likely to be frightened and upset.

Ms Oona King: To ask the Secretary of State for the Home Department what estimate he has made of the number of male victims of domestic violence who are abused by their female partners. [105848]

Mr. Boateng: The most reliable figures available are from the 1996 British Crime Survey, which estimated that 650,000 men aged 16 to 59 had been assaulted by a current or former partner in 1995, of which 170,000 suffered some injury. 95 per cent. of the men assaulted had been assaulted by a female on the most recent occasion. 180,000 men said they had experienced frightening threats from a female or male partner (figures not available separately).

Police Manpower (National Insurance)

Mr. Robathan: To ask the Secretary of State for the Home Department what reports he has received on the effect of changes in national insurance contributions on police staffing levels in England in 2000–01. [105891]

Mr. Charles Clarke: The Association of Police Authorities estimated that the cost to the police service in England and Wales of changes in national insurance contributions could be around £23 million in 1999–2000. These additional costs were taken into account when police authorities set their budgets for 1999–2000. It is for chief constables to determine staffing levels within the overall resources available to them.

Data Protection

Mr. Cohen: To ask the Secretary of State for the Home Department if the phrase "any imposition of a similar nature", used in his answer of 8 April 1998, *Official Report*, column 262W, has the same meaning as in paragraph 10.5(f) of the White Paper on Interception of Communications in the United Kingdom (Cm 4368). [106059]

Mr. Charles Clarke: Yes. The intention is to provide a statutory framework to regulate the disclosure of communications data to investigating agencies. The grounds upon which disclosure of communications data may be required will be consistent with those contained in existing data protection legislation, and use of this power will be audited by an independent Commissioner, to ensure it is used only where necessary and proportionate to the matter under investigation. The new regime will also be governed by a statutory Code of Practice.

General Pinochet

Mr. Corbyn: To ask the Secretary of State for the Home Department (1) what translation facilities were available to the medical team he appointed to examine General Pinochet; and if they were available throughout the medical examination; [106010]

(2) what were the linguistic qualifications of the medical team he appointed to examine General Pinochet. [105919]

Mr. Straw *[holding answer 20 January 2000]:* Dr. Wyke is a native speaker of Spanish who came to this country after completing a first degree at the Autonomous National University of Mexico. Professor Lees speaks Spanish fluently to a professional standard; he makes frequent visits to Spain and other Spanish speaking countries to give university lectures, in Spanish, on his area of medical expertise.

The medical examination of Senator Pinochet was accordingly conducted in Spanish.

Mr. Corbyn: To ask the Secretary of State for the Home Department what recent discussions he has held with the Government of Chile concerning the Spanish request for the extradition of General Pinochet; and if he will place correspondence relating to such discussions in the Library. [106017]

Mr. Straw *[holding answer 20 January 2000]:* I have not personally discussed this case, or corresponded about it, with the Government of Chile, or any of its representatives.

Some of my ministers and officials have had cause to do so. They have had strict regard to the fact that I am exercising a quasi-judicial function under the Extradition Act 1989. It is not our practice to make publicly available the contents of correspondence with other governments. The details of contacts of this nature are confidential to the governments concerned.

Mr. Corbyn: To ask the Secretary of State for the Home Department what were the terms of reference he gave the medical team he appointed to examine General Pinochet. [106007]

Mr. Straw *[holding answer 20 January 2000]:* The medical team was asked to undertake the examinations and procedures it judged to be desirable in order to provide me with a fully comprehensive report on the state of Senator Pinochet's health.

The team was also asked, without in any way intending to limit the comprehensive scope of the commission, to advise whether there were any aspects of Senator Pinochet's state of health which, separately or together, would suggest that he is not at present fit, or is likely to become unfit, to stand trial in Spain. Particular attention was drawn to Senator Pinochet's ability to follow a line of questioning, to recall events, some of which took place as long ago as the 1970s, and to give coherent evidence.

The team was asked to advise on the extent to which the subjection of Senator Pinochet to a criminal trial would itself be likely to affect his health.

To the extent to which any of the contents of the team's report were to be influenced by observation of Senator Pinochet's conduct and manner, advice was also sought on the extent to which that conduct and manner were capable of being consciously influenced by the Senator himself.

Crime Statistics

Mr. Lidington: To ask the Secretary of State for the Home Department if he will publish figures for the 12 months ending September 1998 on the *(a)* number of notifiable offences by police force area and by category of offence; and *(b)* percentages of notifiable offences in individual offence groups by police force area. [106531]

Mr. Charles Clarke: It has not been possible to estimate totals for categories of offences at the police force level for the year ending September 1998 because of the change to new Home Office counting rules for recorded crime half way through the period.

VAT (National Crime Squad and National Criminal Intelligence Service)

Mr. Lidington: To ask the Secretary of State for the Home Department what estimate he has made of the amount of non-reclaimable value-added tax which will have to be paid by the *(a)* National Crime Squad and *(b)* National Criminal Intelligence Service in (i) 1999, (ii) 2000 and (iii) 2001–02; and if he will make a statement. [106533]

Mr. Charles Clarke: Estimates of VAT payments by the National Crime Squad (NCS) and the National Criminal Intelligence Service (NCIS) were £4.400 million and £2.068 million respectively for 1999–2000; and £5.310 million (NCS) and £2.304 million (NCIS) for 2000–01. Out-turn for 1999–2000 is likely to be slightly lower; and estimates for 2000–01 are likely to be reduced in the light of the levies I decided for the two organisations on 10 January. There is no current estimate for the costs of VAT for the two organisations for 2001–02.

Prison Ships

Mr. Rapson: To ask the Secretary of State for the Home Department what assessment he has made of the viability of using aircraft carriers moored in Portsmouth as prison ships. [106174]

Mr. Boateng: The Prison Service continuously monitors the projected population figures and makes best use of the available accommodation to contain prisoners in secure custody. The Service evaluates all practical options that present themselves. Consideration has not been given to the idea of using an aircraft carrier moored in Portsmouth harbour as a prison ship.

Correspondence

Mr. Syms: To ask the Secretary of State for the Home Department when he intends to respond to the letter of 20 December 1999 from the hon. Member for Poole on behalf of Benjamin Patrick Daniels. [106200]

Mrs. Roche: I will reply to the hon. Member for Poole shortly.

Mr. Winnick: To ask the Secretary of State for the Home Department when the hon. Member for Walsall, North will receive a reply to his letter of 22 November regarding a constituent. [106201]

Mrs. Roche: I wrote to my hon. Friend on 21 January. I am sorry for the delay.

Prison, Ashford

Mr. Wilshire: To ask the Secretary of State for the Home Department when the decision was taken to alter the plans for a 650 bed male prison at Ashford, Middlesex, to a 450 bed female prison. [106175]

Mr. Boateng: Ministerial endorsement to the construction on the Ashford site of a 450 place prison to hold female prisoners was formally given in March 1998.

Asylum Seekers

Mr. Sawford: To ask the Secretary of State for the Home Department what was the total cost to public funds of asylum seekers awaiting determination of their case in each of the last five years. [105993]

Mrs. Roche: Until 1999 (when responsibility transferred to the Home Office) asylum support costs were divided between the Department of Social Security and the Department of Health. In 1998–99, asylum support cost £470 million, of which £280 million was borne by the Department of Social Security. In 1997–98, asylum support cost £375 million, of which £305 million was borne by the Department of Social Security. In 1996–97, asylum support cost £412.7 million of which £400 million was borne by the Department of Social Security. In 1994–95 and 1995–96 asylum support costs were met by the Department of Social Security. These costs were £360 million and £420 million respectively. Changes to the Department of Social Security benefits in 1996 removed support to those asylum seekers who applied for support "in country". Support for asylum seekers was made available under the terms of the National Assistance Act 1948. With effect from 1996–97 local authorities were reimbursed for their expenditure through a special grant administered by the Department of Health.

Mr. Sawford: To ask the Secretary of State for the Home Department (1) what was the average waiting time for asylum seekers between arrival in the United Kingdom and determination of their case, in each of the last five years; [105994]

(2) how many asylum seekers are awaiting determination of their case; and how many were awaiting determination at the end of each of the last five years. [105992]

Mrs. Roche: As at the end of November 1999, 98,045 asylum applications were awaiting an initial decision.

Available information on outstanding applications and average waiting times for 1994 to 1998 is given in the table.

Average initial decision times in months, and number of outstanding cases, 1994–98[1]

	Average length of decision time[2]			
Year	*All applications*[1]	*Applications lodged pre July 1993*	*Applications lodged post July 1993*	*Applications outstanding at the end of the year*[3]
1994	17	28	6	55,255
1995	18	42	9	69,650
1996	17	53	12	57,405
1997	22	65	15	51,795
1998	17	79	12	64,770

[1] Excluding dependants

[2] The average length of time (in months) is calculated from when data application is lodged to the date of initial decision, and relates to the year in which the decisions were made

[3] Figures rounded to the nearest 5

Settlement Applications

Mr. Tynan: To ask the Secretary of State for the Home Department what is the average waiting time for the processing of an application by a foreign national for settlement in this country on the basis of his or her marriage to a UK citizen. [105602]

Mrs. Roche: The information requested is not available.

The time taken to process applications for settlement on the basis of marriage to a United Kingdom citizen is affected by a number of factors, including the complexity of individual cases. However, where the applicant obtained prior entry clearance for the purpose of marriage before entering the United Kingdom, applications for settlement are at present being dealt with within a week. Those applications where further inquiries may be needed

can take considerably longer but are now being given priority. A special exercise was set in place before Christmas to target such applications.

Dr. Starkey: To ask the Secretary of State for the Home Department in each of the last five years, how many applications for settlement were *(a)* made, *(b)* decided on and *(c)* outstanding at the year end; and what was the average time taken to process an application in each year. [106047]

Mrs. Roche: The available information relates to decisions taken on applications for indefinite leave to enter or remain in the United Kingdom, excluding those cases where indefinite leave to remain is refused but limited leave is granted in some capacity. Data for 1995 to the end of the first half of 1999 are given in the table, together with an estimated average time which such decisions took in 1995–98. Following reorganisation of caseworking practices at the beginning of 1999, the time taken to process applications for variation of leave, which includes applications for indefinite leave to remain, is affected by a number of factors, including the complexity of individual cases. More than half of applications for variation of leave can be processed under "fast track" procedures. Such cases are currently being determined within about a week of receipt, but applications where further inquiries are needed may take considerably longer. Streamlined procedures have, however, been introduced throughout the Integrated Casework Directorate to speed up consideration of all applications.

Year of decision	*Settlement applications decided*	*Average time (in days) to decide applications for indefinite leave to remain*
1995	59,040	57
1996	64,340	46
1997	60,580	53
1998	71,290	72
1999[1]	[2]36,300	

[1] First half

[2] Provisional

Entry Refusals

Mr. Mackinlay: To ask the Secretary of State for the Home Department how many persons travelling by coach from Poland in the past six months have been refused entry at Dover; and what is the gender breakdown of these refusals. [104755]

Mrs. Roche: Statistics are not kept of the numbers of persons refused entry having travelled by coach, or of the gender breakdown of these refusals. A total of 1,934 Polish nationals were refused leave to enter at Dover between June and December 1999.

Mr. Mackinlay: To ask the Secretary of State for the Home Department what proportion of passengers travelling from Poland by coach, via Dover, are interviewed by immigration officials; and of those what proportion are *(a)* male and *(b)* female. [104753]

Mrs. Roche: All Polish nationals (and other non-European Union nationals travelling from Poland) seeking leave to enter the United Kingdom are interviewed by an immigration officer. Statistics on the gender of passengers are not kept.

Correspondence

Mr. Garnier: To ask the Secretary of State for the Home Department if he will instruct the Immigration Control Department Management Unit at the Whitgift Centre, Croydon, to reply immediately to the letter about Mrs. Sardj Goswarni of Oadby, Leicestershire, dated 23 October 1999, from the hon. and learned Member for Harborough to Moira Bing. [105982]

Mrs. Roche: An official from the Immigration and Nationality Directorate wrote to the hon. and learned member on 19 January.

Czech Republic (Visa Requirement)

Mr. Gale: To ask the Secretary of State for the Home Department, pursuant to his Department's letter to the hon. Member for North Thanet of 17 January (Ref. PO 20700/99), what plans he has to impose visa requirements upon visitors from the Czech Republic. [106371]

Mrs. Roche: The hon. Member is aware of the Government's concern about the numbers of asylum seekers from the Czech Republic and other parts of Central Europe. We are in close contact at ministerial and official level with the countries concerned to try to improve the position and we keep all the possible options, including a visa regime, under review.

EDUCATION AND EMPLOYMENT

Entrepreneurship Lessons

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment how many secondary school pupils in *(a)* Shrewsbury and Atcham and *(b)* Shropshire will receive lessons in entrepreneurship in the current school year; and if he will make a statement. [101138]

Jacqui Smith: The Department does not hold figures on the numbers of secondary school pupils receiving lessons in entrepreneurship. Entrepreneurship does not currently form part of the National Curriculum, and thus it is up to individual schools to decide whether, and how, to teach it.

However the revised National Curriculum—most of which will come into force from September 2000—will encourage pupils to think creatively and critically, and will encourage innovation and enterprise. The new framework for Personal, Social and Health Education (PSHE) and Citizenship will cover financial literacy, consumer education and entrepreneurial skills as follows:

At Key Stage 1, children will be taught that money comes from difference sources and can be used for different purposes.

At Key Stage 2, they will be taught to look after their money and realise that future wants and needs may be met through saving.

At Key Stage 3, they will be taught what influences how we spend or save money, and how to become competent at managing personal money.

At Key Stage 4, they will be taught to use a range of financial tools and services, including budgeting and saving, in managing personal money. They will also be taught the rights and responsibilities of consumers, employers and employees.

£7 million of Standards Fund money has been made available for next academic year for implementation of the PSHE/citizenship frameworks in schools, and £5 million has been made available for the introduction of citizenship. Further funding will be available in 2001–02. In addition the Chancellor, in his 1999 Pre-Budget Report, announced a £10 million package to boost enterprise skills in schools, particularly those in disadvantaged areas.

Life Education Centres

Mr. Sanders: To ask the Secretary of State for Education and Employment if he will make additional support available to schools to help them fund the services of life education centres; and if he will make a statement. [104009]

Jacqui Smith: The DfEE has already provided a significant amount of support for the work of Life Education Centres (LECs). Specific support has been provided for a Regional Development Officer's post, and LECs have also benefited from some the money provided by the DfEE through the Grants of Education Support and Training (GEST) and Standards Fund programmes for drug prevention and education work. We are providing a further £7.5 million of support this year and in 2000–01, through the Standards Fund, to assist all schools to deliver effective drug education. It is for individual schools to decide on the detailed content and organisation of drug education programmes in schools; Life Education Centres is one of a number of possible programmes they may adopt.

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Education and Employment if he will list the items in the National Assets Register sold by his Department, its agencies and associated public bodies since 23 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104497]

Mr. Wills: The total value of money realised from the sale of assets by the Department from 23 February 1999 to January 2000, its agencies, and associated public bodies since the publication of the information in the National Assets Register is £8,407,482.

Asset management is kept under close review, and those which are surplus to requirements are disposed of as quickly as possible, subject to value for money considerations. They are normally disposed of on the open market by public auction or tender. The exception to this rule is that in DfEE, good working IT equipment is gifted to education and employment bodies and projects via third party organisations. The table lists items reported as sold by the Department, its agencies, and associated public bodies since the information on assets was published in the National Assets Register.

Department for Education and Employment	*Type of asset sold*	*Number of transactions or transaction detail*	*Value realised (£)*
23 February 1999 to January 2000	Vehicles	29	120,103
	Other IT equipment		
	By sale	1,352	4,114
	By recycle project[1]	478	0
	Freehold Property[2]	Letchworth Skills Centre	500,000
	Office Machinery	9	3,500

[1] Other IT Equipment—Other than the items sold by public auction and the recycling project, approx. 676 IT items were "scrapped" as they had no open market value.

[2] Letchworth Skill Centre—this property was disposed of in October 1998. The cash for this sale is payable in instalments spanning several years. The value realised represents the money received by the Department from this sale since last reported. There remain two instalments to be collected totalling £850,000 (£500,000 due in April 2000 and £350,000 due April 2001).

Organisation	*Type of asset sold*	*Value realised (£)*
Employment Service		
January 1999 -December 1999	Land and buildings[1]	3,870,754
	Fixtures and fittings	280
	Vehicles	1,522,031
	Office machinery	1,725
Ofsted		
1999–2000	Vehicles—cars[2]	26,952
QCA		
1998–99	IT equipment	1,179
	Motor vehicles	19,279
1999–2000	Motor vehicles	3,503
Teachers Training Agency		
1999–2000	Office equipment	1,700
Construction Industry Training Board		
1999–2000	Land and buildings	219,850
	Plant and machinery	2,568
	Vehicles	253,271
Funding Agency for Schools		
1998–99	IT equipment	3,600
1999–2000	IT equipment	1,600
	Furnishings	400
	Fixtures and fittings	35,000
Investors in People (UK)		
1998–99	IT equipment	1,080
1999–2000	IT equipment	138
Equal Opportunities Commission		
1998–99	Miscellaneous	920
1999–2000	Miscellaneous	2,048
Remploy Ltd.		
1998–99	Buildings	540,000
	Plant and other equipment	384,000

Organisation	Type of asset sold	Value realised (£)
1999–2000	Buildings	270,000
	Plant and other equipment	473,000
	Other	35,000
Student Loan Company		
1998–99	Computer equipment	26,000
	Vehicles	10,175
1999–2000	Office furniture	630
Further Education Funding Council		
1999–2000	IT equipment	3,607
	Office furniture	340
	Office equipment	135
Engineering Construction Industry Training Board		
1998–99	Vehicles	61,000
	IT equipment	1,000
1999–2000	IT equipment	7,000

[1] Employment Service Property Assets listed in the National Assets Register were sold between 1 January 1999 and 31 December 1999: Elephant & Castle ESJ; West London AT Crosby ESJ.
[2] Number of transactions: 7

Reception Classes

Mr. Todd: To ask the Secretary of State for Education and Employment if he will review incentives for schools to recruit children early into reception classes. [105356]

Ms Hodge: The Secretary of State will continue to encourage school admission authorities to review with Early Years Development and Childcare Partnerships the needs of four-year-old children and the preferences of their parents. This is stated in the recently published report "Tomorrow's Children: the review of pre-schools and playgroups and the Government's response."

Mr. Todd: To ask the Secretary of State for Education and Employment if he will list local authorities which maintain *(a)* a single point of entry and *(b)* two points of entry to reception classes. [105355]

Ms Hodge: The Department is unable to compile a list of local education authorities who operate a single and two point of entry to infant and primary school reception classes. The timing of admission to reception classes may vary from school to school because in some cases responsibility for admission arrangements rest with the individual schools' governing bodies.

Student Loans

Dr. Brand: To ask the Secretary of State for Education and Employment what ethical guidelines were set for Hays Document Management before the Student Loan contract was placed in Calcutta and Columbo. [105505]

Mr. Wicks: This is a matter for the Student Loans Company and I have asked the Chief Executive to write to the hon. Member with the information requested and place a copy of the reply in the Library.

Schools Adjudicators

Mr. Beith: To ask the Secretary of State for Education and Employment if he will take steps to ensure that school closure adjudicators who have served as local councillors are not appointed to carry out adjudications into closure proposals put forward by local authorities controlled by the political party to which they belong. [105627]

Ms Estelle Morris *[holding answer 18 January 2000]:* The Chief Adjudicator, Sir Peter Newsam, is responsible for allocating school closure proposals to Adjudicators. In doing so he takes into consideration possible conflicts of interest.

Mr. Beith: To ask the Secretary of State for Education and Employment what arrangements have been made to enable the adjudicator he has appointed to consider Northumberland County Council's proposals to close Kirknewton, Acklington and Milfield schools, to hold a public hearing or inquiry into the proposals, in accordance with the guidance on the School Adjudication System which he issued on 1 April 1999. [105641]

Ms Estelle Morris *[holding answer 18 January 2000]:* I understand that Dr. Billings, the Adjudicator appointed to consider Northumberland County Council's proposals, is planning to hear directly from parents and other interested parties who have anything to add to the points made during the consultations which have already taken place. He has instructed the Office of the Schools Adjudicator to make the necessary arrangements.

Subsidised Recycled Computers Scheme

Dr. Cable: To ask the Secretary of State for Education and Employment if he will provide funding to low-income earners and families participating in the subsidised recycled computers scheme to cover the costs of *(a)* telephone lines and calls, *(b)* increased electricity usage, *(c)* paper for printing and *(d)* maintenance and servicing. [105836]

Mr. Wills: The £15 million made available for the 'Computers Within Reach' initiative is entirely focused on maximising the subsidy on the recycling process, to enable computers to be made available at the lowest personal cost to those who could not otherwise afford it. The Department recognises that recipients' needs, circumstances and priorities will change during the lifetime of the scheme—for example, a job-seeker may initially wish to work off-line to produce a CV and develop word-processing, database and spreadsheet skills in order to improve employability. In order to meet this range of need, the computers will all be of a high minimum specification, including 56k modem, enabling recipients to control costs in using them on or off-line as they prefer. As usage will vary, subsidised funding will not be made available to cover telephone lines or calls. Electricity and paper costs are likely to be minimal, and the cost of the bureaucracy to administer them would not represent value for money.

Maintenance and support are an essential part of this initiative. The minimum level of support available to all users under the scheme is as follows:

Maintenance and Support	
Delivery and installation	Delivery and installation to the purchaser's home or preferred location. Installation must include connection to the internet if required, receipt of a welcome e-mail and access to the NGfL home page

Maintenance and Support	
Service	Maintenance for a minimum of one year for all hardware purchased.
Warranty	Replacement of system with equivalent or better specification in the event of failure within one year.

Special Educational Needs

Mr. Robertson: To ask the Secretary of State for Education and Employment what is the procedure which must be followed by local education authorities before closing special needs schools; who makes the final decision in such instances; and if he will make a statement. [105577]

Jacqui Smith *[holding answer 19 January 2000]:* A local education authority wishing to close a special school must first consult all interested parties, including the school itself, parents who have children at the school and any other local education authorities placing children at the school. If, after consultation, the local education authority decide to proceed with closure they must publish notices advising of their intention and providing information about alternative provision to be made for pupils who would be displaced by the closure. The notice must also be sent to whomever will be deciding the proposals. Usually, this will be the local School Organisation Committee; exceptionally, where a local School Organisation Plan has not been agreed, the decision will fall to the Secretary of State.

Following publication of a proposal there is a statutory period during which anyone can send objections to the proposal to the local education authority. The authority then have a further statutory period in which to send their comments on the objections to the School Organisation Committee (or the Secretary of State).

The School Organisation Committee's decision on statutory proposals, or that of the Secretary of State, is final. However, in cases where the School Organisation Committee cannot reach a unanimous view, the proposal must be referred to an independent adjudicator for decision.

Mr. Boswell: To ask the Secretary of State for Education and Employment how many students with special educational needs receive an assessment and have a plan prepared for their transition from school to further education, as a proportion of those so entitled; and what action he is taking to ensure that local authorities carry out their statutory obligations in this area. [106033]

Jacqui Smith: This information is not collected centrally. We would however expect LEAs and schools to have regard to their statutory duty to carry out a transitional review of a young person's statement of special educational needs following his or her 14th birthday; and to produce a transition plan covering all aspects of the young person's future development. The evidence is that LEAs and schools are meeting their obligations in this area. My Department is however ready to investigate any cases brought to its attention in which a school or LEA is not so complying.

Autism

Dr. Ladyman: To ask the Secretary of State for Education and Employment if he will make a statement on the findings of the 1998–99 annual report of the Special Educational Needs Tribunal on cases involving autism. [105914]

Jacqui Smith: The number of appeals registered with the Special Educational Needs Tribunal in 1998–99 was 2,412. Of these, 313 involved autism.

The Special Educational Needs Tribunal operates independently of Government and it would not be appropriate for the Department to comment on the cases heard.

In September 1999 I hosted an Autism in Education Seminar, which has led to the establishment of a working group tasked to identify and disseminate good practice in relation to educational provision for children with autism.

Employment Action Zones

Mr. Alan Simpson: To ask the Secretary of State for Education and Employment how many contracts for employment action zones have been awarded to bids led by the public and voluntary sectors. [103689]

Ms Jowell *[holding answer 20 January 2000]:* We have not yet awarded any contracts to run Employment Zones from April 2000. We have, however, identified preferred bidders in 11 areas. Of these, seven will be led by a public sector/private sector consortium. The other four will be private sector led and we were encouraged that in each case the private sector organisation concerned is working in partnership with other public and/or voluntary organisations.

Pupil Statistics

Mr. Maclean: To ask the Secretary of State for Education and Employment for each year between 1990 and the latest year for which figures are available, what were the number of *(a)* 16-year-olds and *(b)* 17-year-olds in full-time education as a percentage of the age group, in total and broken down by gender. [106405]

Mr. Wicks: The information requested is contained in the following table:

The numbers of 16 and 17-year-olds in full-time education as a percentage of age group and by gender. England, end 1990 to end 1998

Percentage of age group

	Males	*Females*	*Males and Females*
16-year-olds			
End 1990	55.1	63.8	59.5
End 1991	62.7	70.7	66.6
End 1992	66.5	73.7	70.0
End 1993	69.7	75.7	72.6
End 1994[1] (a)	68.6	74.7	71.5
End 1994[1] (b)	68.6	73.5	71.0
End 1995	67.3	73.6	70.4
End 1996	66.6	73.0	69.7
End 1997	66.1	72.6	69.3
End 1998 (prov.)	67.0	74.2	70.5

The numbers of 16 and 17-year-olds in full-time education as a percentage of age group and by gender, England, end 1990 to end 1998

	Percentage of age group		
	Males	*Females*	*Males and Females*
17-year-olds			
End 1990	39.5	46.4	42.8
End 1991	45.1	52.7	48.8
End 1992	50.4	58.0	54.1
End 1993	54.0	61.3	57.5
End 1994[1] (a)	55.5	62.1	58.7
End 1994[1] (b)	56.2	61.3	58.7
End 1995	55.5	61.5	58.4
End 1996	54.7	61.3	57.9
End 1997	54.1	60.6	57.2
End 1998 (prov.)	54.9	61.7	58.2

[1] Figures are shown on two bases for end 1994 due to a discontinuity in the FE data sources. The rows for (a) are consistent with earlier years and for (b) with later years.

Source:

Statistical First Release 13/99: Participation in education and training by 16 to 18 year olds in England, 1988 to 1998

Higher Education Access Funds

Mr. Boswell: To ask the Secretary of State for Education and Employment when he intends to publish the report of his study into higher education access funds. [106203]

Mr. Wicks: We will publish the report of the Hardship Loans and Access Funds Review shortly.

Youth Employment (Shropshire)

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment what the *(a)* percentage and *(b)* total reduction in youth unemployment have been since 1 May 1997 in (i) Shrewsbury and Atcham and (ii) Shropshire; and if he will make a statement. [105526]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Paul Marsden, dated 24 January 1999:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on the percentage and reduction in youth unemployment since 1st May 1997 in Shrewsbury and Atcham, and Shropshire.

The ONS publish a monthly count of claimants of unemployment-related benefits. The claimant count consists of all people claiming Jobseeker's Allowance or National Insurance credits at Employment Service local offices. They must declare that they are out of work, capable of, available for and actively seeking work during the week in which the claim is made.

Between 1st May[1] and November 1999 unadjusted computerised claimants amongst 18–24 years old fell by 143 (37%) in the Shrewsbury and Atcham constituency and 695 (36%) in the Shropshire county.

[1] The closest count date for the 1st May relates to April's data.

FOREIGN AND COMMONWEALTH AFFAIRS

Age Discrimination

Mr. White: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to implement Article 13 of the Treaty of Amsterdam with regard to age discrimination. [105596]

Ms Jowell: I have been asked to reply.

At this stage the Commission published its proposal for a framework directive dealing with discrimination in employment and training on the grounds of disability, age, ethnic origin, religion/belief and sexual orientation, which was put forward by the European Commission in November. Negotiations have just begun within the relevant Working Group of the Social Affairs Council and agreement will require unanimity.

The Code of Practice on Age Diversity in Employment is the centrepiece of our strategy to combat age discrimination in the workplace. The Code, which is non-statutory, sets the standard for non-ageist approaches to recruitment, training and development, promotion, redundancy and retirement. This is backed by detailed guidance and case studies. The Code, launched in June 1999, was developed with the help and advice of some key social partners, including the TUC, CBI, Institute of Personnel and Development, Age Concern and the Employers Forum on Age, among others. To date over 40,000 copies have been issued.

Mr. White: To ask the Secretary of State for Foreign and Commonwealth Affairs how many jobs in *(a)* the Foreign Office and *(b)* EU institutions have an age limitation. [105595]

Mr. Vaz: All the jobs in the Diplomatic Service and the Home Civil Service of the Foreign Office have a retirement age of 60. For recruitment to the Diplomatic Service there is a lower age limit of 21 and an upper age limit of 52. For the Home Civil Service there is a lower age limit of 16 and an upper age limit of 58.

The upper age limit for recruitment to the EU institutions is 45. The age of retirement is 65.

Europe Roadshow

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the reasoning behind the selection of each venue for the Your Britain Your Europe roadshow. [105536]

Mr. Vaz: I refer the hon. Member to my written reply to his question of 18 January 2000, *Official Report*, column 415W. He should make a point of reading the replies to questions he has tabled.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he held with hon. Members regarding the Your Britain Your Europe roadshow, prior to its tour. [105537]

Mr. Vaz: Prior to the roadshow I wrote to all the hon. Members whose constituencies I covered during my tour.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reason Her Majesty's Government have sponsored the Your Britain Your Europe roadshow; which organisations were

consulted over planning; and if he will make a statement on efforts made to maintain political neutrality therein. [105538]

Mr. Vaz: It is Government policy to set out the benefits of our membership of the EU. One of the Foreign and Commonwealth Office's publicly declared performance targets is to increase public support for EU activities.

We consulted the European Commission, European Parliament, Britain in Europe and Government Departments during the planning stage.

This was not a party political event. All relevant constituency MPs and MEPs were invited to join.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the nature of the activities featuring in the Your Britain Your Europe roadshow as concern *(a)* the British Embassy in Paris, *(b)* schools, *(c)* Nissan, Sunderland, *(d)* the House of Commons and *(e)* the South West Regional Euro Forum; and if he will deposit a copy of all material distributed during the tour in the Library. [105535]

Mr. Vaz: At the British Embassy in Paris I conducted a radio interview for the Today programme. In the UK, I visited several schools either to discuss EU projects in which they were involved, or to exchange views on Europe with students. At Nissan I met plant management and senior business leaders to discuss the impact of the single market on their businesses. I had no roadshow engagement in the House of Commons. At the South West Regional Euro Forum, I met regional business leaders to discuss trade opportunities and the impact of the euro. I have deposited copies of the roadshow material in the House of Commons Library.

Cologne Presidency Conclusions

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what are the non-military crisis response tools referred to in Section 56 of the Cologne Presidency Conclusions. [105588]

Mr. Vaz: The Conclusions of the Cologne European Council called on the General Affairs Council to deal with all aspects of security with a view to enhancing and better co-ordinating the Union's and member states' crisis response tools. In pursuit of this remit, the Presidency report adopted by the Helsinki European Council on "Non-military crisis management of the European Union" outlined further action on non-military aspects of security. It does not define the scope of that activity, but includes an illustrative list covering civilian police, humanitarian assistance, administrative and legal rehabilitation, search and rescue, electoral and human rights monitoring.

EMU

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will deposit in the Library a copy of the Wilton Park paper entitled Europe after Economic and Monetary Union; and if he will make a statement on his Department's assessment of political conclusions reached. [105587]

Mr. Vaz: There is no Wilton Park paper with that exact title. However two papers on the subject of EMU, summarising conferences held in October 1998 and May 1999, are available on Wilton Park website www.wiltonpark.org.uk.

Wilton Park brings together people of all viewpoints to discuss topical issues. Although its finances are underwritten by my Department, its academic independence is guaranteed. Its reports on EMU as on other subjects reflect the personal accounts of the chairman and rapporteur of the range of views expressed at its conferences. Government policy on EMU is clear. The determining factor underpinning any Government decision on EMU membership is whether the economic benefits from joining are clear and unambiguous.

International Federation of Europe Houses

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what is the mission statement of the International Federation of Europe Houses; and if he will deposit in the library a list of *(a)* these Houses and *(b)* the activities of the Houses funded by the EU in 1999. [105790]

Mr. Vaz: The aim of the International Federation of Europe Houses is to encourage debate among the citizens of Europe about the issue of European integration. The members of the Federation are independent bodies with structures and operating procedures which reflect the particular community, region, country and cultural sphere in which they operate.

A list of the Houses and the activities of the Houses in 1999 has been deposited in the Library.

The European Commission provides up to a maximum of 50 per cent. funding for individual projects.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Foreign and Commonwealth Affairs what action he is taking to reduce smoking in his Department. [105801]

Mr. Hain: We have in place a Health Promotion Strategy, based on the White Paper "Our Healthier Nation", and have signed up to the Healthy Workplace Initiative. The strategy includes a policy limiting smoking to designated areas and single occupancy offices. In response to the request by the Government White Paper "Smoking Kills", further restrictions to the smoking policy are under consideration.

We run a campaign on National No Smoking Day and also incorporate anti-smoking initiatives in regular health fairs. Advice on quitting smoking forms part of routine medical clearance procedures for employees (and spouses) going overseas and our doctors and nurses provide one-to-one and group support for individuals who want to quit smoking. Our health and safety team raise awareness about smoking on seminars for senior managers and on pre-posting training courses and we offer a range of information through our Healthline Library. Plans are in hand for a website which will be used to promote various health issues including anti-smoking initiatives.

Golden Fleece

Mr. Austin: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Argentine Government regarding access by the Stanley-registered schooner Golden Fleece to the port of Ushuaia; and if he will make a statement. [106077]

Mr. Battle: We are aware of the paper which the owner of the Golden Fleece recently received from the port authorities in Ushuaia about entry by his vessel to Argentine ports. We have taken this incident up with the Argentine Government in Buenos Aires. I understand that these discussions are progressing satisfactorily. I hope that the matter can be resolved in a way that will not result in a recurrence of this type of incident. I shall write to my hon. Friend to update him on the outcome of our representations.

Corpus Juris

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the basis of his statement that corpus juris was no longer on the agenda. [106400]

Mr. Vaz: The idea of a European Public Prosecutor was discussed but not agreed at Tampere. The Corpus Juris package of proposals have never been formally tabled and were not subject to discussion.

Xenophobia

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the role of the EU Monitoring Centre on Xenophobia in formulating the Charter of Fundamental Rights. [106375]

Mr. Vaz: It is open to individuals and organisations such as the EU Monitoring Centre on Racism and Xenophobia to contribute views on the Charter. The Charter drafting body consists only of representatives of member states, National Parliaments, the European Parliament and the Commission.

Arms Exports

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions exports notified as having been denied under the EU Code of Conduct on Arms Exports have been subsequently taken up by businesses from (i) other EU countries and (ii) non-EU countries. [106309]

Mr. Hain: Operative Provision 3 of the EU Code of Conduct sets out the procedures to be followed by member states refusing licence applications and consulting other states about their notification of denial of a licence.

Operative Provision 4 of the EU Code of Conduct states that

> "Member States will keep such denials and consultations confidential and will not use them for commercial advantage".

These provisions effectively prevent member states from revealing business gained as a result of undercuts following EU Denials. We are not informed if non-EU countries take up business refused by EU member states.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the policy of his Department on the control of arms exports to combatants in the Great Lakes Region. [106385]

Mr. Hain: Export licence applications for countries involved in the conflict in the Great Lakes region are considered on a case by case basis against our strict national criteria and those in the EU Code of Conduct.

Nuclear Deterrent

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the oral statement made by the Minister of State, the hon. Member for Neath (Mr. Hain) on 18 January 2000, *Official Report*, columns 171–74WH, if it remains Her Majesty's Government's policy to retain a strategic nuclear deterrent as long as other countries possess nuclear weapons. [106132]

Mr. Vaz: We pledged in our election manifesto to retain Trident as the ultimate guarantee of the United Kingdom's security while pressing for multilateral negotiations towards mutual, balanced and verifiable reductions in nuclear weapons.

When we are satisfied with progress towards our goal of the global elimination of nuclear weapons, we will ensure that British nuclear weapons are included in negotiations.

Pakistan

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken since 12 October 1999 to seek a European Union embargo on the export of arms and dual-use goods to Pakistan. [106647]

Mr. Hain: My right hon. Friend the Foreign Secretary discussed the coup in Pakistan with his EU colleagues at the European Council at Tampere on 15–16 October 1999 and at the General Affairs Council on 15 October 1999. EU Foreign Ministers considered a full range of options for further measures against the military regime.

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of the minutes of the meeting on 8 December 1999 between officials of his Department and other departments at which the processing of strategic export licence applications for Pakistan was discussed. [106646]

Mr. Hain: Minutes of internal discussions are not made public under Exemption 2 of the Code of Practice on Access to Government Information.

Kosovo

Mr. Hood: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the export of a load handling system and container unit to Norwegian People's Aid in Kosovo. [106867]

Mr. Vaz: We have granted a licence for the export to the Federal Republic of Yugoslavia (FRY) of a Load Handling System and Container Unit for use by Norwegian People's Aid, an organisation engaged in humanitarian demining activities in Kosovo on behalf of

the United Nations Interim Administration Mission in Kosovo (UNMIK). These goods are on the UK's Military List.

UN Security Council resolution (UNSCR) 1160 imposed an arms embargo on the FRY. The only exception to this embargo is that in UNSCR 1244, which provides that prohibitions imposed by UNSCR 1160 shall not apply to the sale or supply of arms and related material for use by the international civil and security presence in Kosovo. We have notified the UN Sanctions Committee of this export and they have raised no objection. The export of the equipment required for demining purposes is not prohibited by the EU arms embargo.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the accommodation available for displaced and homeless Roma in Kosovo. [106098]

Mr. Vaz: UNMIK have given urgent consideration to the needs of the Roma. Shelter for all of Kosovo's population has been a major concern for the international community working in Kosovo this winter.

A number of contingency measures have been taken to provide some form of protection for people who do not have access to shelter of their own. These include:

500 prefabricated units set up in the Mitrovica, Pec and Decane districts;

8,000 places in heated collective accommodation identified;

the provision of up to 15,000 all-season tents and heating.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Foreign and Commonwealth Affairs which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105870]

Mr. Hain: I refer the right hon. Member to the answer given today by my right hon. Friend the Chief Secretary for the Treasury, *Official Report*, columns 117–8W.

EU Common Defence and Security Policy

Mr. Loughton: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the effect of European Union enlargement on the Common European Defence and Security Policy. [104537]

Mr. Vaz: The development of the CEDSP of the EU continues following the conclusions of the Helsinki European Council. The arrangements put in place need to reflect, before enlargement, the EU's relations with the aspirant countries and equally to enable the policy to function in an enlarged community. For their part, new members will be expected to accept the defence acquis of the Union when they join.

World Trade Organisation (Croatian Membership)

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Government's policy on Croatia's application for membership of the World Trade Organisation. [104756]

Mr. Vaz: We support Croatia's application to join the World Trade Organisation. Membership will allow Croatia to enjoy the benefits of integration in the world trading system. We hope that agreement on the terms of Croatia's joining can be reached quickly.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the impact that the deferment of Croatia's application to join the World Trade Organisation will have on its advancement *(a)* to a full market economy and *(b)* to meet criteria for European Union membership; and if he will make a statement. [104757]

Mr. Vaz: We hope that the agreement on the terms of Croatia's joining the WTO can be reached quickly, but a delay need not affect Croatia's progress towards a full market economy or EU membership. Croatia can reform its economic and market structures independently of pursuing its application to join the WTO. We urge the new Croatian government to make progress towards meeting the criteria for EU membership, including democratisation, respect for human rights and compliance with international obligations.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will discuss Croatia's application for membership of the World Trade Organisation when he next meets *(a)* the United States Secretary of State, *(b)* the Foreign Minister of France and *(c)* the European Commission; and if he will make a statement. [104752]

Mr. Vaz: The GAC on 24 January will discuss the full range of EU policy towards Croatia in light of the election results. We support Croatia's accession to the World Trade Organisation (WTO). The Balkans are likely to be on the agenda when the Foreign Secretary next speaks to Mrs. Albright.

Visa Regimes (Europe)

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs with which European countries the United Kingdom operates a visa regime. [104754]

Mr. Vaz: The United Kingdom operates a visa regime on the following European countries:

Albania
Belarus
Bosnia Herzegovina
Bulgaria
Croatia
Macedonia
Romania
Slovakia
Turkey
Ukraine
Federal Republic of Yugoslavia

East Timor

Mr. Shaw: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the current security situation in East Timor. [104565]

Mr. Battle: I visited Indonesia and East Timor on 16–20 January. As I discussed with Major General Cosgrove, the Commander of INTERFET, the security situation in East Timor is generally stable. A memorandum of understanding between the Indonesian Armed Forces, the International Force in East Timor (INTERFET) and the United Nations Transitional Administration in East Timor (UNTAET) on relations at the East Timor/West Timor border was signed on 12 January. All remain concerned about militia activity in the enclave of Oecussi and in West Timor's refugee camps. I made our concerns about this clear to the Indonesian Regional Military Commander during my visit.

Commercial Guidelines

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what guidelines his Department gives to British private sector companies which employ non-governmental military companies in areas of conflict in the developing world. [106128]

Mr. Battle: No specific prescriptive guidelines exist.

Both the Department of Trade and Industry and the Foreign and Commonwealth Office encourage British private sector companies to act responsibly in overseas investments, particularly in areas of conflict.

Both Departments provide briefing on the prevailing internal situation in specific countries on request.

TRADE AND INDUSTRY

World Trade Organisation

Ms Drown: To ask the Secretary of State for Trade and Industry what steps he is taking to co-ordinate different Government department's policies towards the World Trade Organisation. [104503]

Mr. Caborn: We use informal and formal networks into which we put a lot of effort. Informally, DTI officials have almost daily contact with colleagues in other Government Departments, including in particular FCO, HMT, DfID, MAFF and DETR. More formally, we have regular cross-Whitehall meetings of officials in a Trade Policy Group. There is also correspondence at ministerial level and discussions in Cabinet Committee. Reflecting this close co-ordination we had a team of officials including other Government Departments in Seattle and my right hon. Friend the Secretary of State was accompanied by my right hon. Friend the Secretary for State for International Development, my right hon. Friend the Minister of State, Department of the Environment, Transport and the Regions, and myself.

Dr. Palmer: To ask the Secretary of State for Trade and Industry if he will initiate a consultation process concerning the outcome of the World Trade Organisation talks in Seattle and future policy in relation to such talks. [105061]

Mr. Caborn: My right hon. Friend the Secretary of State stated the Government's position following the Seattle Conference in the debate in the House on 9 December 1999, *Official Report,* columns 1022–94. As the Government remain committed to the launch of a new comprehensive Round of trade negotiations, the existing consultation processes which they have in place remain valid. This includes consultation with Parliament, to which the Government attach particular importance. The Government launched a wider consultation exercise last year, including a new website which we will be expanding in the coming months to provide more information and features, and to which we have had a good response. We will also continue to hold meetings with a range of people including business, NGOs and trades unions at both official and ministerial level.

Mr. Chaytor: To ask the Secretary of State for Trade and Industry what assistance he is intending to provide to developing countries without a permanent representative to the World Trade Organisation Secretariat in Geneva in order to assist them to be more fully involved in the Millennium Round of trade negotiations. [105579]

Mr. Caborn *[holding answer 20 January 2000]:* While the Government regret that a new Round was not launched at the Seattle Conference at the end of last year, we remain committed to launching a comprehensive Round at the earliest opportunity. The Government have committed themselves to increasing the WTO's regular budget for technical assistance. In addition, the Government have funded a number of other programmes for countries without a mission in Geneva including: a week-long series of briefings, seminars and policy debates in Geneva to help these countries prepare for the Seattle meeting; support for CARICOM countries most of whom do not have a representative in Geneva to participate in WTO negotiations; their contribution to the Commonwealth's Trade and Investment Access Facility through which they are funding inter alia a Geneva-based trade policy expert to advise their trade Ministries. In addition, the Government are working with a wide range of organisations including UNCTAD, the World Bank and Commonwealth Secretariat to help build the trade capacity of developing and least developed countries so that they can participate more effectively in the world trading system.

Mr. Mackinlay: To ask the Secretary of State for Trade and Industry for what reason Croatia's application for membership of the World Trade Organisation was not accepted; and if he will make a statement. [104758]

Mr. Caborn: Croatia's market access offer in services which forms part of her World Trade Organisation (WTO) accession negotiations has not been accepted by all WTO members. This currently prevents her becoming a member of the WTO. The United Kingdom continues to fully support Croatian WTO accession, and looks forward to welcoming her as a WTO member in the near future.

Stakeholder Pensions

Mr. Pollard: To ask the Secretary of State for Trade and Industry what measures he is taking to liaise with the Secretary of State for Social Security to ensure that the introduction of stakeholder pension schemes are introduced in a way which minimises the regulatory impact and cost of compliance for small businesses. [105599]

Ms Hewitt: As a result of the consultation process, one of the key decisions on stakeholder pensions announced by the Secretary of State for Social Security on 10 January 2000, *Official Report,* columns 79–80W was that

businesses with fewer than five employees will not be required to provide access to a scheme, thus minimising the additional burden for small businesses. My officials in the Small Business Service are in continuing discussions with their counterparts in the Department for Social Security, and with representative bodies, specifically on how the potential administrative burden on employers can be kept to a minimum.

Company Assistance (Non-assisted Areas)

Mr. Hoyle: To ask the Secretary of State for Trade and Industry what (1) financial assistance is available to new businesses in non-assisted areas; [105274]

(2) what financial assistance he will provide for company expansion in non-assisted areas. [105273]

Mr. Caborn: Financial Assistance to companies in non-Assisted Areas is restricted to SMEs. The Secretary of State announced on 10 November 1999, *Official Report*, column 629W, proposals for a new Enterprise Grant scheme for SMEs which will be available in certain specified non-Assisted Areas, as well as the Assisted Areas. This is a discretionary scheme offering a grant of up to 15 per cent. of fixed capital costs on projects of less than £500,000 (7½ per cent. in the case of medium sized firms in the specified non-Assisted Areas), with a maximum grant of £75,000. Both new businesses and existing companies seeking to expand are eligible to apply. Further details of the scheme can be found in the scheme brochure, copies of which have been placed in the Library of the House. In addition, the Small Firms Loan Guarantee Scheme continues to support small firms nationally by providing a Government Guarantee, against default by borrowers, to high street banks and other financial bodies. Loans under the Scheme can be between £5,000 and £250,000 to both new and existing businesses which are looking to expand.

Export Credits Guarantee Department

Dr. Cable: To ask the Secretary of State for Trade and Industry if he will list for each member of the ECGD Advisory Committee how much ECGD business has been undertaken in respect of which the member has a declared financial interest. [105419]

Mr. Caborn: The amount of business for which ECGD has provided cover for companies or banks in which EGAC members have declared a financial interest is as follows:

Member	*Date of entry*	*Company in which interest held*	*Business since date of entry £ million*
David Harrison	January 1997	Lloyds TSB plc	[1]281
Liz Airey	March 1998	LASMO plc	None
Alan Brown	September 1998	Barclays plc	[1]24
Stuart Doughty	January 1997	Kennedy Construction Ltd.	None
		A-C Mac Ltd.	None
		Paramount Performance	None
Geoffrey Lynch	May 1993	Hiscox plc	None
Peter Mason	March 1998	AMEC plc	20
		Witchingham Development Ltd.	None
David McLachlan	December 1998	HSBC plc	[1]794[1]
		Nat West plc	1.3

[1] The figures are for finance provided by the banks either as sole lender or member of a lending syndicate (principal amounts only).

Dr. Cable: To ask the Secretary of State for Trade and Industry which countries are off cover for medium/long-term ECGD export credit cover. [105478]

Mr. Caborn: The table shows, from information readily available, those markets where there is no medium/long-term cover available.

The table also includes those markets where only projects meeting the "Good Projects" criteria will be considered. Where no medium-term cover is available ECGD may consider viable hard currency earning projects in the public/private sector (not sovereign) on a case-by-case basis.

Market	*M/T cover ?*
Afghanistan	N
Burma	N
Chad	N
Gabon	N
Iraq	N
Kenya	N
Libya	N
Nigeria	N
Somalia	N
Uganda	N
R—although no M/L cover available projects can be considered under 'Good Projects' initiative for the following markets	
Albania	R
Algeria	R
Angola	R
Argentina	R
Armenia	R
Azerbaijan	R
Bangladesh	R
Belarus	R
Benin	R
Bhutan	R
Bosnia-Herzegovina	R
Bulgaria	R
Burkina Faso	R
Burundi	R
Cambodia	R
Cameroon	R
Cape Verde Islands	R
CAR	R
Comoros	R
Congo	R
Congo DR	R
Cook Islands	R
Cote d'Ivoire	R
Cuba	R
Dominican Republic	R
Ecuador	R
Equatorial Guinea	R
Ethiopia	R
Gambia	R

Market	M/T cover ?
Georgia	R
Guatemala	R
Guinea-Bissau	R
Guyana	R
Haiti	R
Honduras	R
Iran	R
Jordan	R
Kazakhstan	R
Kiribati	R
Kyrgyzstan	R
Laos	R
Liberia	R
Macedonia	R
Madagascar	R
Malawi	R
Mali	R
Marshall Islands	R
Mauritania	R
Micronesia	R
Moldova	R
Mozambique	R
Nicaragua	R
Niger	R
Niue	R
North Korea	R
Northern Marianas	R
Pakistan	R
Palau	R
Peru	R
Qatar	R
Romania	R
Russia	R
Rwanda	R
St. Lucia	R
Samoa	R
Sao Tome and Principe	R
Senegal	R
Serbia and Montenegro	R
Seychelles	R
Sierra Leone	R
Slovakia	R
Solomon Islands	R
Sudan	R
Surinam	R
Syria	R
Tajikistan	R
Tanzania	R
Togo	R
Turkmenistan	R
Tuvalu	R
Ukraine	R
Uzbekistan	R
Venezuela	R
Yemen	R
Zambia	R
Zimbabwe	R

Note:
As at 15 January 2000

EU Structural Funds

Ms Atherton: To ask the Secretary of State for Trade and Industry what guidance he has given on the retrospective funding of projects under the forthcoming Objective 1 Programme. [105523]

Mr. Caborn: The Structural Funds General Regulation sets out when retrospective funding of projects is permitted. For the UK's Objective 1 programmes this is the date on which the Commission deem they had received an acceptable draft of the programme. For the Cornwall and the Isles of Scilly programme, this is 3 November 1999.

It has always been a matter for Programme Monitoring Committees to decide whether, and to what extent, they wish to use any retrospection.

Enterprise Grant

Dr. Brand: To ask the Secretary of State for Trade and Industry when he will announce *(a)* the criteria for the tier 3 grant up to £75,000 and *(b)* the amount available to the regions of England; and if he will make a statement. [106152]

Mr. Caborn: The information is as follows:

(a) My right hon. Friend the Secretary of State announced on 10 November 1999, *Official Report*, column 629W, a new discretionary Enterprise Grant scheme which would be available to SMEs in tier 3 and the Assisted Areas of the English regions. The aim is to target high quality projects with fixed capital investment of up to £500,000. There will be some regional variation in the delivery of the scheme through the Government Offices, taking account of the economic strategies of the Regional Development Agencies. Further details of the scheme's core criteria can be found in the scheme brochure, copies of which I have placed in the Libraries of the Houses.

(b) The budget for Enterprise Grant is £45 million over three years. The allocation for 2000–01 by region, based on 3-year average spending on Regional Selective Assistance cases at this level, will be as follows:

£000

Region	Allocation for 2000–01
East	300
East Midlands	1,200
London	300
North East	3,000
North West	3,600
South East	900
South West	450
West Midlands	3,150
Yorkshire and Humberside	2,100
Total	15,000

National Minimum Wage

Dr. Cable: To ask the Secretary of State for Trade and Industry if he will quantify the impact of a minimum wage increase to *(a)* £4, *(b)* £4.50 and *(c)* £5 per hour on (i) employment, (ii) price levels and (iii) Government expenditure. [105916]

Mr. Alan Johnson: Measuring the effect of hypothetical levels of the national minimum wage on employment, price levels and Government expenditure is a highly complex task and the impacts would be difficult to quantify. For the last nine months the Low Pay Commission has carried out a thorough empirical study of the impact of the actual minimum wage since its introduction, and that report will be published soon. Neither the Government nor the Low Pay Commission

has carried out detailed modelling on the scenarios given in the question, and could not do so except at a disproportionate cost.

Post Offices

Miss McIntosh: To ask the Secretary of State for Trade and Industry how many post offices and sub-post offices there were in England in May 1997, 1998 and 1999; and what the projected figure is for 2000. [106042]

Mr. Alan Johnson: I understand from the Post Office the numbers of directly operated post offices and of sub-post offices in England were as follows:

	Directly operated	*Sub-post offices*	*Total*
March 1998	510	14,268	14,778
March 1999	502	14,091	14,593

The Post Office does not have the comparable figures for years before 1998 and does not make forward projections of post office numbers.

Mr. Key: To ask the Secretary of State for Trade and Industry how many post offices there were in the Salisbury constituency in each year from 1983 to 1999; and if he will make a statement. [106157]

Mr. Alan Johnson: I understand from the Post Office that they do not hold historic information on the numbers of post offices in each parliamentary constituency and that such information cannot readily be compiled.

The Post Office advise that in October 1999 the number of post offices in the Salisbury constituency was 55.

Benefit Payment Methods

Miss McIntosh: To ask the Secretary of State for Trade and Industry what assessment he has made of the impact that switching payments from benefits and pensions books to bank transfers will have on local post offices and sub-post offices. [106076]

Mr. Alan Johnson: The automation of the post office network, which is due for completion by the spring of 2001, will enable the Post Office to extend its arrangements with the high street banks to offer a range of banking facilities at post offices. This will mean that benefit recipients who wish to access their benefits in cash at post offices will continue to be able to do so, both before and after the migration of benefit payments to automated credit transfer from 2003, while other bank customers will benefit from the wider availability of banking facilities, particularly in rural areas.

Mr. Ashdown: To ask the Secretary of State for Trade and Industry if he will make available all information relating to the proportion of business income accounted for by Benefits Agency business for post offices within *(a)* Somerset and *(b)* the Yeovil constituency; and if he will make a statement. [104749]

Mr. Byers *[holding answer 20 January 2000]:* The proportion of business income accounted for by Benefits Agency business for post offices varies from post office to post office.

"The Rising Tide"

Dr. Starkey: To ask the Secretary of State for Trade and Industry what assessment he has made of the extent to which the objectives set out in the report of the Committee on Women in Science and Technology, The Rising Tide, have been met. [106051]

Ms Hewitt: The Department's Unit charged with promoting science, engineering and technology (SET) for women, which was set up in response to one of "The Rising Tide" recommendations, continues to monitor progress on the other recommendations in that report.

There is a continuing problem with the under-representation of women in SET, especially in the physical sciences and engineering, and the Unit works with other organisations in the field to seek to redress this. Recent initiatives include the ATHENA project, a joint project with the Higher Education Funding Councils and the Committee of Vice Chancellors and Principals, targeted at addressing barriers to progression in higher education, and promoting a positive image for women in SET careers through the recent poster campaign targeted at 13-year-old girls. Further information and links to other relevant organisations are available via the Unit's website at www.set4women.gov.uk.

Heavily Indebted Poor Countries

Mr. Streeter: To ask the Secretary of State for Trade and Industry how much debt service he estimates will be received from each of the heavily-indebted poor countries in the financial years *(a)* 1999–2000 and *(b)* 2000–01. [105745]

Mr. Caborn: The UK has debt agreements with 32 heavily indebted poor countries (HIPCs). The table shows payments due to ECGD under these agreements together with an estimate of amounts likely to be received by the end of each year, assuming the schedules remain unchanged. However a number of these HIPCs will benefit from further debt reduction and rescheduling in the current year under the enhanced HIPC Initiative. This provides for up to 90 per cent. debt reduction multilaterally, or more in the case of need. Additionally some will benefit from the Chancellor's recent announcement that the UK will unilaterally write off 100 per cent. of the debt in certain circumstances. The extent of further debt reduction and the timing thereof for each country depends on a number of factors. Consequently it is not yet possible to gauge with any accuracy the effect on the current estimates.

Estimate of receipts from HIPCs 1999–2000 and 2000–01 (assuming current debt agreements remain unchanged)

£ million

Country	*Amount due 1999–2000*	*Estimate of receipts by 31 March 2000*	*Amount due 2000–01*	*Estimate of receipts by 31 March 2001*
Angola	10.373	nil	10.373	nil
Benin	0.180	0.180	0.169	0.169
Bolivia	0.803	0.627	0.502	0.502
Burkina Faso	0.059	0.059	0.037	0.020
C.A.R.	0.069	nil	0.011	nil
Cameroon	1.414	1.414	2.379	2.379

Estimate of receipts from HIPCs 1999–2000 and 2000–01 (assuming current debt agreements remain unchanged)

£ million

Country	Amount due 1999–2000	Estimate of receipts by 31 March 2000	Amount due 2000–01	Estimate of receipts by 31 March 2001
Congo Republic	14.447	nil	10.165	nil
Congo D.R.	11.753	nil	11.753	nil
Cote d'Ivoire	2.619	0.068	0.087	0.087
Ethiopia	0.478	0.478	0.429	0.429
Ghana	1.434	0.721	0.722	0.722
Guinea Republic	0.673	0.103	0.613	0.613
Guyana	2.476	1.607	1.548	1.548
Kenya	11.770	6.850	13.108	13.108
Liberia	nil	nil	nil	nil
Madagascar	0.263	0.263	1.290	1.290
Malawi	0.117	0.117	0.100	0.100
Mali	0.638	nil	0.657	nil
Mauritania	0.638	nil	0.638	nil
Mozambique	11.176	nil	12.159	12.159
Nicaragua	0.031	nil	0.007	0.007
Senegal	0.015	0.015	0.403	0.403
Sierra Leone	0.128	nil	0.135	0.135
Somali Republic	0.456	nil	0.456	nil
Sudan	11.253	nil	10.566	10.566
Tanzania	1.732	1.732	11.999	11.999
Togo	2.042	nil	2.245	nil
Uganda	0.291	0.291	0.291	0.291
Vietnam	0.318	0.318	0.232	0.232
Yemen	0.189	0.189	0.118	0.118
Zambia	0.885	0.868	1.031	1.031

Note:
With the exception of Nicaragua for whom a Moratorium was agreed 'nil' is shown where countries have not been servicing debt. Liberia's final payment date was in 1998 therefore no payments are scheduled. However they have not paid for many years and there are arrears of some £15.7 million.

Mr. Streeter: To ask the Secretary of State for Trade and Industry how much total bilateral debt service was received by Her Majesty's Government from each of the heavily-indebted poor countries in the financial year 1998–99. [105738]

Mr. Caborn *[holding answer 20 January 2000]:* In the financial year 1998–99 a total of £39.628 million was received from heavily-indebted poor countries under bilateral debt agreements. The table shows a country by country breakdown.

Receipts from HIPCS in 1998–99 under bilateral debt agreements

£ million

Country	Amounts received 1998–99
Angola	nil
Benin	0.216
Bolivia	1.083
Burkina Faso	0.081
C.A.R.	nil
Cameroon	1.858
Congo Republic	nil
Congo D.R.	nil
Cote d'Ivoire	0.268
Ethiopia	0.564
Ghana	1.397
Guinea Republic	0.154
Guyana	3.438
Kenya	11.537
Liberia	nil
Madagascar	0.464
Malawi	0.086
Mali	0.270
Mauritania	0.321
Mozambique	nil
Nicaragua	0.039
Senegal	0.020
Sierra Leone	nil
Somalia Republic	nil
Sudan	nil
Tanzania	9.806
Togo	0.161
Uganda	0.275
Vietnam	0.851
Yemen	3.491
Zambia	3.248

Note:
Where 'nil' is shown the countries have not been servicing this debt.

Information Technology

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what steps his Department is taking to ensure the continued growth of the IT and communications infrastructure. [106090]

Ms Hewitt *[holding answer 20 January 2000]:* We will continue to work with Oftel and the European Commission to ensure that the regulatory framework promotes competition and investment in communications infrastructure and services. This year will see the grant of licences for third generation mobile and broadband fixed wireless services which will give a major boost to competition in broadband services. BT is also investing heavily in upgrading its local loop so that competing service providers can provide new broadband services from this Spring. Competing telecoms operators will also be able to provide such services over unbundled local loop from July 2001.

Companies (Political Fundraising)

Mr. Dismore: To ask the Secretary of State for Trade and Industry (1) if he will seek to reform company law to control the use of companies for fundraising for extremist purposes; [106096]

(2) if he will investigate possible breaches of company law by Info 2000 Software Ltd; and if he will make a statement; [106094]

(3) if he will make a statement on the circumstances in which a limited company may be used for fundraising for extremist causes; [106093]

(4) if he will seek to amend company law to enable those dealing with companies whose function is fundraising for extremist causes to be aware of the nature of the company with which they are dealing. [106095]

Mr. Byers *[holding answer 20 January 2000]:* In many cases a company's memorandum of association, delivered for the purposes of incorporation, will disclose the nature

of its objects. However this is not a statutory requirement and a company's objects are often drafted in general terms and do not in practice restrain the company's activities. In subsequent disclosure on its annual return, a company is required either to give its Standard Industrial Classification code, which indicates its main activities, or to give a verbal description of them. Those companies that are obliged to file a directors' report as part of their annual accounts must include a description of their main activities in that report. All these documents are available for public inspection.

At present, the law requires that companies disclose in the directors' report all donations or subscriptions in excess of £200 to a political party of the United Kingdom. The Political Parties Elections and Referendums Bill, now before the House, will seek to widen the scope of this disclosure requirement by extending it to include all foreign political parties.

If a company and/or those connected with it, are engaged in any criminal activity, they will be subject to the appropriate criminal sanctions. If a company fails to file its annual report or accounts, this can lead to the company being struck off. In relation to the specific company referred to in my hon. Friend's questions, it is currently in default of its filing obligations, and steps are being taken to strike the company off. If the hon. Member has any further specific information it should be sent to my Department, for consideration of what further action, if any, should be taken.

Ethical Trading Initiative

Dr. Tonge: To ask the Secretary of State for Trade and Industry what financial support his Department has given to the Ethical Trading Initiative; and if he will make a statement. [106126]

Mr. Caborn: My Department, together with the Department for International Development and other interested departments, fully supports the aims of the Ethical Trading Initiative and encourages companies to associate themselves with it. It is an important voluntary sector initiative promoting corporate codes of conduct relating to companies' dealings with overseas suppliers. My Department does not provide direct financial support to the Ethical Trading Initiative, although such assistance is provided by the Department for International Development.

Internet

Mr. Gordon Prentice: To ask the Secretary of State for Trade and Industry what estimate he has made of the amount of telephone traffic going via the internet; and if he will make a statement. [106718]

Ms Hewitt: Current estimates are that no more than 1 per cent. of voice telephony traffic globally is carried over the internet. But an increasing proportion of all telecommunications traffic consists of internet data. According to OFTEL, the UK Telecommunications regulator, the current proportion in the UK is around 25 per cent. of all telecommunications traffic.

Defence-related Exports

Mr. Flynn: To ask the Secretary of State for Trade and Industry what proportion of the total sum paid out in claims authorised by the Export Credits Guarantee Department in 1998–99 was for defence-related exports. [105929]

Mr. Caborn: 21 per cent. of the claims authorised in 1998–99 were in respect of defence-related exports.

Mr. Flynn: To ask the Secretary of State for Trade and Industry what proportion of the Export Credits Guarantee Department's 1998–99 exposure in unrecovered claims is for defence-related exports. [105931]

Mr. Caborn: 8.5 per cent. of unrecovered claims were in respect of defence-related exports.

Mr. Flynn: To ask the Secretary of State for Trade and Industry what the Government's policy is concerning the underwriting of defence-related equipment sales to the Governments of *(a)* Jordan, *(b)* Kenya, *(c)* Egypt, *(d)* Algeria and *(e)* Nigeria. [105933]

Mr. Caborn: ECGD, for varying reasons, is not currently underwriting defence-related equipment sales to the Governments of Jordan, Kenya and Algeria. It is unlikely that ECGD support would be available for defence sales to Nigeria. In principle, cover is available for defence sales to Egypt on a case by case basis.

With the exception of Egypt, ECGD has not supported defence business on these markets for some years.

It is a condition of ECGD support for defence business that there should be a valid export licence, if applicable, for the goods involved.

Parental Leave

Mr. Cotter: To ask the Secretary of State for Trade and Industry what estimates he has made of the rate of take-up of parental leave if it were *(a)* paid by employers, *(b)* paid by the Government and *(c)* unpaid. [106032]

Mr. Alan Johnson: In the Regulatory Impact Assessment we produced an estimate that for every 700,000 babies born, 100,000 parents will take unpaid parental leave. We have not produced estimates on the rate of take-up of paid parental leave.

Mr. Cotter: To ask the Secretary of State for Trade and Industry what estimate he has made of the potential costs of parental leave if it were paid by the Government. [106031]

Mr. Alan Johnson: We have introduced unpaid parental leave as agreed by the European Social Partners and in line with our commitment in the Fairness at Work White Paper. The Regulatory Impact Assessment makes an estimate of the cost of unpaid parental leave. We have not produced an estimate of the potential costs of paid parental leave.

European Employment Pact

Mr. Bercow: To ask the Secretary of State for Trade and Industry, pursuant to the answer of 6 December, *Official Report*, column 420W, on the Employment Pact, if it is her Department's assessment that a quantitative evaluation is possible of the practical benefits arising from the European Employment Pact. [105659]

Ms Jowell: I have been asked to reply.

The European Employment Pact brought together three processes: the Luxembourg employment process, the Cardiff economic reform process and the new Cologne macro-economic dialogue. It brings fresh impetus to the promotion of long term, sustainable job creation in a climate of stability and growth. The Joint Employment Report assesses progress against the Employment Guidelines and the Cardiff Reports assess the progress of product and capital market reforms. It is too soon to evaluate the benefits of the Cologne process.

DEFENCE

Territorial Army

11. **Mr. McWalter:** To ask the Secretary of State for Defence if he will address personnel shortages in the Army by retaining larger numbers of TA units than he had previously planned. [104545]

Mr. Spellar: The restructuring of the Territorial Army following the SDR is making it better able to support the regular Army than before. I therefore have no plans to reverse these changes.

European Defence and Security Policy

15. **Dr. Julian Lewis:** To ask the Secretary of State for Defence what assessment he has made of the role of non-NATO states in the common European defence and security policy. [104549]

Mr. Hoon: Under arrangements agreed at December's Helsinki European Council, all EU member states will be entitled to participate, on an equal basis, in EU decision making on Common Defence and Security matters. There will be no discrimination between those EU member states who are NATO Allies and those who are not.

Elvington Airfield

16. **Mr. Grogan:** To ask the Secretary of State for Defence if he will make a statement about the future of Elvington airfield. [104550]

Mr. Kilfoyle: Elvington airfield is surplus and is being sold. My Department has now selected a preferred purchaser and intends to sell the property to Elvington Park Ltd. It is hoped that the sale will be concluded shortly.

Royal Ordnance

17. **Mr. Borrow:** To ask the Secretary of State for Defence if he will make a statement on the future of Royal Ordnance. [104551]

Mr. Kilfoyle: As I announced on 21 December 1999, *Official Report*, column 467W, we have entered into a long term partnering arrangement with Royal Ordnance for the supply of a wide range of ammunition products from Royal Ordnance. The arrangement, which is initially for 10 years, will provide Royal Ordnance with a stable workload worth some £100 million per year. It will provide value for money for the taxpayer by establishing a stable base from which Royal Ordnance can invest and restructure for the future.

Kosovo

18. **Dr. Palmer:** To ask the Secretary of State for Defence if he will make a statement on peacekeeping operations in Kosovo and Bosnia. [104552]

Mr. Hoon: British forces continue to make an outstanding contribution to the international community's peace-keeping operations in Kosovo and Bosnia. In Kosovo, we contribute 3,500 troops to KFOR, while in Bosnia we intend to bring our contribution down from around 3,300 now to some 2,000 during the course of this year.

The United Kingdom remains fully committed to long-term peace and stability in the Balkans as a whole.

30. **Mrs. Lait:** To ask the Secretary of State for Defence what assessment his Department has made of the effectiveness of the weapons and equipment used by British armed forces during the Kosovo operations; and if he will make a statement. [104566]

Mr. Hoon: My Department constantly monitors the effectiveness of the weapons and equipment used by British armed forces, and we have learned valuable lessons from our experiences in Kosovo. Remedial action is being taken forward as appropriate and a report on lessons learned will be published later this year.

Mr. Duncan Smith: To ask the Secretary of State for Defence what representations about the SA 80 weapon system were made to Ministers by the Chiefs of Staff during the Kosovo campaign. [106170]

Mr. Kilfoyle: None.

Armed Forces (Homosexuals)

19. **Fiona Mactaggart:** To ask the Secretary of State for Defence what action he has taken as a result of the judgment of the European Court of Human Rights on lesbians and gay men in the armed forces. [104553]

Mr. Hoon: I made a statement to the House on 12 January 2000, *Official Report*, columns 287–88, about implementation of the legal judgment of the European Court of Human Rights. Homosexuals are no longer excluded from service in the armed forces. All personnel, regardless of their sexual orientation, are subject to a new code of social conduct that sets out what is acceptable and unacceptable behaviour. The code is concerned with the effect of personal conduct and behaviour on operational effectiveness. I have placed a copy of the code in the Library of the House.

34. **Dr. Harris:** To ask the Secretary of State for Defence what progress he is making in settling compensation claims for those service men and women discharged from the armed forces in breach of their rights under the European convention on human rights. [104570]

Mr. Spellar: In light of the ECHR's judgment on 27 September 1999, the Secretary of State for Defence authorised that settlement negotiations be entered into with those individuals discharged as a result of their homosexuality who had Employment Tribunal applications already in train and whose account is accepted as being substantially factually true. Over 60 offers of settlement have been made and, to date, three individuals have accepted those offers, and payments have been made.

Transport Aircraft

20. **Mr. Hoyle:** To ask the Secretary of State for Defence what action is being taken to harmonise Future Transport Aircraft requirements with those of the French and German Ministries of Defence. [104554]

Mr. Kilfoyle: The competition for the Royal Air Force's Future Transport Aircraft is being conducted on the basis of a common European Staff Requirement agreed between several European partners, including France and Germany.

Type 45 Destroyers

22. **Dr. Godman:** To ask the Secretary of State for Defence when contracts will be signed with United Kingdom shipyards for the construction of Type 45 destroyers and other vessels for the Royal Navy. [104556]

Mr. Kilfoyle: We plan to place the order for the First-of-Class Type 45 destroyer with the Prime Contractor by the end of this year with the intention that it be built at the Marconi Marine (YSL) Ltd. yard on the Clyde. Decisions have still to be taken on the timing for follow-on Type 45 vessels but current planning assumptions are for a class of 12 ships to enter service between 2007 and 2014.

Contracts for other RN shipbuilding programmes, of which there are many over the next 10–15 years, will be signed at the appropriate point of the procurement process.

US (Discussions)

24. **Mr. Miller:** To ask the Secretary of State for Defence when he next plans to visit the United States to discuss defence matters. [104558]

Mr. Hoon: I am going to the United States later today to discuss defence matters.

Cadets

25. **Mr. Bob Russell:** To ask the Secretary of State for Defence what estimate he has made of the annual cost to the Army, Air and Sea Cadets of paying fees to the Criminal Records Office for criminal records searches in respect of adult leaders and helpers. [104559]

Mr. Spellar: The Sea Cadet Association estimates that its use of the Criminal Records Bureau will cost around £15,000 per year. The Army Cadet Force estimates that it will spend about £20,000 per year, while the Air Training Corps has allocated £6,000 per year in future budgets for the cost of inquiries.

Service Families (Schools)

26. **Mr. Colman:** To ask the Secretary of State for Defence what steps his Department is taking to improve access to schools for service families. [104560]

27. **Dr. George Turner:** To ask the Secretary of State for Defence what steps he is taking to improve access to schools for service families. [104561]

Mr. Spellar: The inter departmental Service Families Task Force has achieved considerable success in improving access to schools for Service families. The Department for Education and Employment has, for the first time, made specific reference to Service children in their Code of Practice on Schools Admission. The Code directs local education authorities and school admission authorities to ensure that the needs of Service children are taken into account by considering inviting Service Children's Education, an MOD agency, to their Admission Forum. The Service Children's Education agency is now either a formal member, or is in attendance, on 16 Admission Forums for areas in England where there are large numbers of Service children. The Code of Practice also requires admission authorities to be sensitive to the position of children of parents returning from working abroad, such as Service personnel.

Armed Forces (Women)

28. **Mr. Hopkins:** To ask the Secretary of State for Defence if he will review the restrictions on posts available to women in the armed forces. [104563]

Mr. Spellar: Women cannot currently serve in the Royal Marines General Service, cap-badged posts in the Infantry and Royal Armoured Corps (including the Household Cavalry) and the RAF Regiment on the grounds of combat effectiveness. The Army is currently conducting a study into the effects of gender upon combat effectiveness that is due to report to Ministers in 2001.

Additionally in the Royal Navy women cannot serve in submarines or as mine clearance divers for medical reasons. The position will be kept under review.

Anglo-French Co-operation

29. **Dr. Naysmith:** To ask the Secretary of State for Defence what progress has been made since the St. Malo agreement in promoting Anglo-French co-operation in defence. [104564]

Mr. Hoon: The Letter of Intent on co-operation in crisis management and operations signed at St. Malo in December 1998 has allowed work to be taken forward on planning for non-combatant evacuation operations; joint exercises; improved links between operational headquarters; co-ordination of naval deployments; information exchanges on peacekeeping activities; Year 2000 computer problems; logistics; and arrangements for dealing with the media.

Specific examples of co-operation are: the posting of liaison officers into operational headquarters; the attachment of HMS Somerset, and later HMS Grafton, to the French FOCH Carrier Task Group in the Adriatic during the Kosovo conflict; the joint signing ceremony in New York on 25 June of Memoranda of Understanding between our respective Governments and the UN on troop availability for UN peacekeeping operations; and co-operation on media handling during the Kosovo conflict. We also signed a Mutual Logistics Support Agreement at the UK/France Summit held in November 1999.

Defence Medical Services

31. **Mr. Olner:** To ask the Secretary of State for Defence what plans he has to increase spending on the Defence Medical Services over the next three years. [104567]

Mr. Spellar: Following the Strategic Defence Review, an additional £140 million was made available for enhancement of the operational capability of the Defence Medical Services over the four years from 1998–99 to 2001–02. We plan to maintain increased expenditure in subsequent years.

Ballistic Missile

33. **Mrs. Laing:** To ask the Secretary of State for Defence what assessment he has made of the threat of a ballistic missile attack on the United Kingdom. [104569]

Mr. Hoon: Our current assessment is that there is no significant ballistic missile threat to the UK at present, but developments continue to be monitored closely.

Missile Systems

35. **Mr. Gordon Marsden:** To ask the Secretary of State for Defence what progress he has made in assessing future requirements for beyond-visual-range air-to-air missile systems. [104571]

Mr. Kilfoyle: We are currently assessing final bids received from two companies, Matra BAe Dynamics and Raytheon Systems Ltd, to meet the RAF's requirement for a Beyond Visual Range Air-to-Air Missile. Assessment is almost complete and we hope to be in a position to announce the outcome of this competition early this year.

Merchant Ships

36. **Mr. Bill O'Brien:** To ask the Secretary of State for Defence if he will make a statement on the agreements between British merchant shipping companies and his Department on the availability of merchant ships for defence purposes. [104572]

Mr. Spellar: There are no agreements between my Department and British merchant shipping companies on the availability of merchant ships for defence. As my hon. Friend is aware the Ministry of Defence enjoys a close and productive relationship with the UK Chamber of Shipping and the DETR on defence issues, primarily through the auspices of the Shipping Defence Advisory Committee.

Navy Manpower

Mr. Amess: To ask the Secretary of State for Defence if he will make a statement on the projected levels of Navy manpower for the next three years. [104555]

Mr. Spellar: The Strategic Defence Review addressed shortages in the Services and set a target for the Naval Service to bring overall strengths into line with requirements by 2002. It is on course to do so. The forecast requirement for 1 April 2002 is for 38,900 personnel. Our aim is to provide the trained strength needed to meet requirements.

Eurofighter

Miss McIntosh: To ask the Secretary of State for Defence what is the current in-service date of the Eurofighter. [104568]

Mr. Hoon: The in-service date of Eurofighter, which is defined as delivery of the first aircraft, is June 2002.

Mr. Flynn: To ask the Secretary of State for Defence what assessment he has made of the likely effectiveness of the Eurofighter when deployed from aircraft carriers. [104915]

Mr. Hoon *[holding answer 18 January 2000]:* This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to my hon. Friend.

Letter from Robert Walmsley to Mr. Paul Flynn, dated 24 January 2000:

I am replying to your question to the Secretary of State for Defence asking what assessment has been made of the likely effectiveness of the Eurofighter when deployed from aircraft carriers. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

A 'navalised' version of the Eurofighter is one of the options being assessed to meet the Future Carrier Borne Aircraft (FCBA) requirement. FCBA is due to replace the Royal Navy Sea Harrier and the Royal Air Force Harrier forces, and will be required to operate from the two new carriers.

A contract has been placed with BAe Systems, to study launch and recovery design issues that would arise from the development of the Eurofighter aircraft for carrier operations. The outcome of this work, together with MOD operational effectiveness studies on the option, will be used to inform the decision on the choice of FCBA aircraft.

Mr. Duncan Smith: To ask the Secretary of State for Defence when the Eurofighter will become operational with its full complement of air-to-air and air-to-ground weaponry. [106566]

Mr. Hoon: As the date when Eurofighter will become fully operational could provide a useful indicator about our defence capability to potential adversaries, I am withholding it in accordance with Exemption 1 (Defence, Security, and International Relations) of the Code of Practice on Access to Government Information.

Joint Rapid Reaction Force

Mr. Ivan Henderson: To ask the Secretary of State for Defence what representations he has received from the Royal Navy regarding the timescale for awarding the PFI contract for the Joint Rapid Reaction Force Roll-On Roll-Off vessels. [104089]

Mr. Spellar: One the aims of Smart Procurement has been to define more clearly the needs of the customer (in this case the Royal Navy) and to empower them within the procurement process. Members of the Royal Navy are closely involved in the project on a day to day basis and contribute fully to the discussion and resolution of all issues related to the Roll-On Roll-Off ship project.

Service Personnel (Medical Treatment)

Mr. Hancock: To ask the Secretary of State for Defence how many service personnel are waiting for NHS hospital and consultant appointments relating to illnesses or accidents which interrupt their military service; how many have been waiting for more than six months; and what estimate he has made of the cost implications of delays. [104411]

Mr. Spellar: Members of the Armed Forces are entitled to full use of NHS hospitals on the same basis as civilians if appropriate military provision is not available. The MOD does not maintain overall records of those Service personnel who require secondary medical care in NHS hospitals.

A400M Project

Mr. Hancock: To ask the Secretary of State for Defence how many of the states supporting the A400M aircraft project have indicated that they would purchase the aircraft; how many each would purchase; and when the first aircraft could be in service with the RAF. [104405]

Mr. Kilfoyle: None of the seven nations involved in the A400M project has made a contractual commitment to purchase the aircraft although two nations have declared a preference for the A400M. Each of the nations is addressing, within their national assessment programmes, the issue of the number of aircraft needed to fulfil their national air transport requirements but have not yet made firm decisions. We expect the aircraft selected to fulfil our Future Transport Aircraft requirement to enter service with the RAF in the latter half of this decade.

Mr. Barry Jones: To ask the Secretary of State for Defence when he expects to make an announcement on the A400M project. [105555]

Mr. Kilfoyle: We continue to aim to reach a decision in the early part of this year on our Future Transport Aircraft requirements. A400M is one of the aircraft under consideration.

Gardening Leave

Mr. Key: To ask the Secretary of State for Defence how many of his Department's *(a)* civil servants by grade and *(b)* service men and women by rank are (i) currently on gardening leave and (ii) have been on gardening leave for two months or more; and at what cost to his budget. [104468]

Mr. Kilfoyle: Civilian staff on gardening leave are individuals who are genuinely surplus because there is no suitable employment for them, or because their circumstances prevent them from taking up that employment. My Department monitors the position routinely and the latest available figures, excluding the Meteorological Office and Defence Evaluation and Research Agency are set out as follows:

MOD civilian staff between appointments

Civilian staff by grade[1]	*Total*	*Total 2 months or more*
Grade 7	3	3
Grade 6	1	0
MOD Police Constable	1	1
Senior Scientific Officer	1	1
Senior Executive Officer	1	1
Higher Executive Officer	[2]4	[2]3
Executive Officer	5	5
Process and General Supervisory Grade 'D'	1	0
Process and General Supervisory Grade 'E'	1	1
Higher Professional and Technology Officer	1	1
Senior Professional and Technology Officer	3	3
Professional and Technology Officer	1	0
Stores Officer Grade 'D'	1	1

MOD civilian staff between appointments

Civilian staff by grade[1]	*Total*	*Total 2 months or more*
Mess Manager 'B'	1	1
Administrative Officer	1	1
Total	26	21

[1] As of November 1999
[2] Includes two part-time staff

The approximate cost of these staff to the MOD budget this financial year, calculated on the basis of the length of time on gardening leave, is £314,000.

Although these figures represent a tiny proportion of the 100,000 civilian staff employed by the Ministry of Defence, my Department takes the matter very seriously. Individuals are placed on gardening leave only as a last resort and the aim, wherever possible, is to find work for staff in between appointments.

Although not recognised across all three Services, the term "gardening leave" (or "Wait Appointment" in the Royal Navy) is understood to apply to those who are fit and available for duty but for whom no post is currently available, and who are awaiting appointment. The amount of time involved for individuals is usually very short, and personnel move in and out of this category on a daily basis.

Naval service personnel by rank. As of 13 January 2000

	Total	*Total 2 months or more*
Commodore	2	0
Captain RN	2	0
Commander	2	0
Lieutenant Commander	6	1
Lieutenant Colonel RM	1	0
Totals	13	1

The estimated cost calculated on the basis of the length of time on gardening leave is £62,952.18.

Army personnel by rank. As of 13 January 2000

	Total	*Total 2 months or more*
Major General	2	1
Brigadier	1	0
Totals	3	1

The estimated cost calculated on the basis of the length of time on gardening leave is £26,481.79.

Royal Air Force personnel by rank. As of 13 January 2000

	Total	*Total 2 months or more*
Air Vice Marshal	1	0
Air Commodore	1	0
Group Captain	2	0

Royal Air Force personnel by rank. As of 13 January 2000

	Total	Total 2 months or more
Warrant Officer	1	0
Flight Sergeant	1	0
Totals	6	0

The estimated cost calculated on the basis of the length of time on gardening leave is £15,452.36.

Tri-Service personnel by rank. As of 13 January 2000

	Total	Total 2 months or more
Major General and equivalent	3	1
Brigadier and equivalent	4	0
Colonel and equivalent	5	0
Lieutenant Colonel and equivalent	2	0
Major and equivalent	6	1
Warrant Officer	1	0
Staff Sergeant and equivalent	1	0
Totals	22	2

The total estimated cost of these personnel is £104,886.33.

Unexploded Ordnance

Mr. Cohen: To ask the Secretary of State for Defence what is his Department's estimate of the percentage of unexploded ordnance which results from cluster bombs dropped from *(a)* 5,000 feet, *(b)* 10,000 feet, *(c)* 15,000 feet, *(d)* 20,000 feet and *(e)* 25,000 feet. [104806]

Mr. Spellar: Approximately 5 per cent. of the bomblets within a Cluster Bomb fail to detonate when they impact. Regardless of the height from which they are dropped, this figure does not vary.

AWE Aldermaston

Mr. Cohen: To ask the Secretary of State for Defence if he will make a statement on the conviction by the Environment Agency in December of AWE Aldermaston for unauthorised discharges of tritium. [105066]

Mr. Kilfoyle: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to my hon. Friend.

Letter from Robert Walmsley to Mr. Harry Cohen, dated 24 January 2000:

I am replying to your question to the Secretary of State for Defence asking if he will make a statement on the conviction by the Environment Agency in December of AWE Aldermaston for unauthorised discharges of tritium.

On 13 December 1999, Hunting-BRAE, the current management and operating contractor for the Atomic Weapons Establishment, pleaded guilty at Newbury Magistrates' Court to three charges in connection with the unauthorised discharge of low level tritium into the Aldermaston Stream and were fined a total of £17,500 plus costs of £4,220. The Environment Agency, who issued the summons, have stated that the discharges have no significant health or environmental consequences. They also accept that the stream is the best available method of discharge and have allowed AWE to continue with this. For their part, Hunting-BRAE have stated that the discharges were made in the belief that the Environment Agency were aware of the situation and had condoned it.

Indonesia

Mr. Hancock: To ask the Secretary of State for Defence (1) what is his Department's policy on requests from the Indonesian Government for back up support for military hardware already sold to them; [104836]

(2) what requests have been made by the Indonesian Government over the last 12 months for the renewal and replacement of military equipment that has been sold to the Indonesian regime; and if he will make a statement. [104835]

Mr. Kilfoyle: Requests for licensable back-up support for existing military hardware overseas are considered case by case in line with the criteria which the Foreign Secretary announced to the House on 28 July 1997, *Official Report,* columns 26–29W and the EU Code of Conduct on Arms Exports.

While the exact details are commercially confidential, we understand that prior to the EU embargo a number of British companies were in discussion with the Indonesian Government about the supply of both spares for existing items and new defence equipment.

The EU embargo lapsed at midnight on 16 January 2000. Any future UK defence equipment to Indonesia will again be subject to case by case consideration under the criteria referred to above.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Defence what action he is taking to reduce smoking in his Department. [105805]

Mr. Kilfoyle: It is my Department's aim, in line with wider Government policy, to create a non-smoking working environment, in so far as this reflects the wishes of staff. In fact, many MOD sites already operate a no smoking policy. Detailed guidance on smoking policy within MOD is promulgated in the departmental Health and Safety Handbook, Joint Service Publication 375, a copy of which has been placed in the Library of the House.

Departmental Property Disposals

Mr. Hawkins: To ask the Secretary of State for Defence what procedures his Department has to ensure that elected representatives for an area are consulted on possible future disposals of MOD property in that area prior to discussions with local government officers. [105149]

Mr. Spellar *[holding answer 17 January 2000]:* My Department liaises closely with local authorities in considering options for the future of defence sites to ensure that local planning issues are taken into account in deliberations. Decisions to close MOD establishments and subsequently dispose of sites are taken by Ministers and colleagues, and I write to inform hon. Members before our officials inform local authority representatives.

Departmental Lawyers

Mr. Key: To ask the Secretary of State for Defence if he will list by *(a)* service, *(b)* rank or grade and *(c)* location of workplace the numbers of qualified lawyers working for his Department. [105651]

Mr. Spellar *[holding answer 19 January 2000]:* The table gives the service, rank and location of qualified lawyers working for my Department.

(a) Service/(b) Rank/Grade	*(c) Location*
Royal Navy[1]	
1 Admiral 3 Captains 1 Commander 1 Lt. Commander	London
1 Commodore 1 Captain 6 Commanders 7 Lt. Commanders 1 Lieutenant	Portsmouth
1 Lt. Commander	Plymouth
1 Lt. Commander	Yeovilton
1 Commander 1 Lieutenant	Northwood
1 Lt. Commander	Faslane
2 Commanders 4 Lt. Commanders	At sea
Army	
1 Major General 1 Brigadier 1 Colonel 3 Lt. Colonels 5 Majors 1 Captain	Upavon
1 Brigadier 1 Colonel 3 Lt. Colonels 2 Majors 8 Captains	Uxbridge
1 Colonel 1 Major	Wilton
1 Lt. Colonel 1 Major	York
1 Major	Bulford
1 Lt. Colonel 2 Captains	Aldershot
1 Lt. Colonel 1 Captain	Shrewsbury
1 Colonel 3 Lt. Colonels 2 Majors	London
1 Major	Portsmouth
1 Lt. Colonell 2 Majors 2 Captains	Aldergrove
1 Lt. Colonel	Northwood
1 Major	Glasgow
1 Captain	Edinburgh
2 Lt. Colonels 1 Major	Germany (Rheindahlen)
1 Lt. Colonel 1 Major 1 Captain	Germany (Herford)
2 Colonels 3 Lt. Colonels 1 Major 6 Captains	Germany (Bielefed)
1 Lt. Colonel 1 Captain	Cyprus
1 Lt. Colonel	SHAPE
1 Lt. Colonel	HQ Allied Land Forces (NATO)
1 Major	Australia (Exchange post)
1 Captain	Georgia
2 Majors	Kosovo
1 Major	Bosnia
4 Captains	Under training
Royal Air Force	
1 Air Vice Marshal 1 Air Commodore 3 Group Captains 3 Wing Commanders 4 Squadron Leaders 3 Flight Lieutenants	Innsworth
2 Wing Commanders 1 Squadron Leader 1 Flight Lieutenant	High Wycombe
1 Squadron Leader	Aldergrove
1 Wing Commander 1 Flight Lieutenant	Cyprus
1 Wing Commander 3 Flight Lieutenant	Germany (Herford)
1 Squadron Leader	German (Rheindahlen)
Civil Service (MOD Legal Adviser)	
3 Senior Civil Servants 5 at Grade 6 4 at Grade 7	London
1 Senior Civil Servant 4 at Grade 6 2 at Grade 7	Bristol
1 Senior Civil Servant 1 at Grade 6	Germany (Rheindahlen)
1 at Grade 6	Cyprus

[1] As the Naval Service does not have a dedicated legal service, not all qualified RN personnel are currently serving in legal appointments

In addition to those given in the table my Department also uses the services of the Treasury Solicitors Litigation team, based in London; the Crown Solicitor in Belfast and Robson Mclean, a commercial firm under contract to supply advice on Scottish legal matters. Various independent specialist solicitors and Counsel are used as the need arises.

Departmental Fees

Mr. Matthew Taylor: To ask the Secretary of State for Defence if he will list the fees his Department, its agencies and associated public bodies collect; how much has been raised or it is anticipated will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [105997]

Mr. Kilfoyle: Unlike certain other departments the Ministry of Defence, its agencies and associated public bodies do not raise fees under legislative authority at present. Charges are, however, raised for a number of activities which are carried out on a discretionary basis, and figures are provided in the table for those from which the largest amounts of revenue are realised. These figures are derived from those reported to the Treasury and Parliament in the Department's annual Fees and Charges return and for that reason do not extend beyond 2000–01.

All the charges listed can be used to offset the expenditure to which they relate. In some cases, retained receipts will count as negative expenditure in national accounts aggregates but in other cases, may score as tax revenues.

Charges are raised for a number of other activities of insufficient value to warrant inclusion in the Fees and Charges return, but this information is not held centrally and could not be obtained without incurring disproportionate cost.

Fees raised by MOD

£ million

Activity	*1989–90*	*1990–91*	*1991–92*	*1992–93*	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*	*2000–01*
Foreign and Commonwealth Training	44.500	47.300	58.877	34.135	39.522	31.166	40.313	34.353	14.211	15.310	15.833	16.754
Loan Service Personnel	38.825	30.898	29.017	25.867	21.794	22.207	29.870	27.388	26.128	19.875	21.525	22.613
Meteorological Office	34.952	40.000	38.500	44.500	43.300	44.000	44.700	46.300	52.257	47.809	46.714	[4]—
Government Pipeline and Storage System	21.449	24.853	29.529	25.753	24.126	21.870	20.087	22.225	23.271	16.944	17.695	16.315
Hydrographic Office	13.670	15.960	19.458	21.700	19.800	21.300	25.600	30.200	[3]—	34.000	[4]—	[4]—
DESO Support to Industry	5.200	7.800	2.800	1.500	2.600	0.800	2.700	0.800	3.300	1.700	1.700	1.700
Service Children's Education	3.930	4.207	4.200	3.589	4.318	4.065	3.107	2.105	2.195	1.582	1.574	[4]—
Empire Test Pilot School	2.114	1.460	3.575	2.658	2.995	3.460	5.594	3.980	2.810	4.560	2.780	6.210
Royal College of Defence Studies	0.441	0.707	0.734	0.800	0.803	0.941	1.041	1.146	1.342	1.352	1.321	1.483
Joint Service Command and Staff College[1]	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	1.497	1.543	1.815	1.871
HQ UKSC(G)—Training Facilities[2]	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	2.656	[4]—	[4]—
HQ UKSC(G)—Pay Bureau Facilities[2]	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	6.931	[4]—	[4]—

[1] The Joint Service and Staff College came into existence in September 1997, before this costs for the single Service staff colleges were included within the return for Foreign and Commonwealth Training.
[2] This activity did not reach the threshold for reporting until 1998–99.
[3] For technical reasons no figure was reported for 1997–98.
[4] Forward estimates are not available for all activities.

European Peacekeeping Corps.

Mr. Bercow: To ask the Secretary of State for Defence what is the planned operational range of the European Peacekeeping Corps. [106394]

Mr. Hoon: Member states of the European Union have expressed their determination to be able to act in support of the Common Foreign and Security Policy. They have set themselves a headline goal describing the level of capabilities they wish to achieve by 2003. They are not setting up a standing peacekeeping corps. The scale and range of possible future operations will depend on circumstances.

Mr. Bercow: To ask the Secretary of State for Defence what specialised British sub-units will be tasked to the European Peacekeeping Corps. [106193]

Mr. Hoon: At the Helsinki European Council, EU member states committed themselves to improving their military capabilities, including a specific headline goal of being able to assemble, deploy rapidly and sustain up to 50,000–60,000 troops for Petersberg Tasks, including peacekeeping. There is no intention to create a Standing European Peacekeeping Corps.

EU member states have not yet defined their national contributions towards the headline goal. In the event of an EU-led crisis management operation, the make-up of any UK contribution would depend on the specific circumstances of the operation and UK commitments elsewhere.

Engineers

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence how many individuals within the teaching and management staff of the Department of Specialist Ground Training (air force) and comparable training establishments within the Army and Royal Navy are members of professional engineering institutions; and if he will identify those roles which require individuals to be chartered engineers. [106424]

Mr. Spellar: The number of individuals within the teaching and management staff of the Department of Specialist Ground Training who are members of professional engineering institutions is 34. The number of posts which require individuals to be chartered engineers is two.

Based on current information supplied by the Army, the number of individuals within the teaching and management staff at the Royal School of Military Engineering at Chatham and Minley (plus associated schools) who are members of professional engineering institutions is 13, and there are nine posts/roles that require chartered engineers. At the Royal Electrical and

Mechanical Engineers Training Group at Arborfield and Bordon, the figures are respectively 72 and seven. At the Royal School of Signals, Blandford, the figures are 12 and zero respectively.

The Royal Navy do not hold figures on the number of teaching and management staff at RN engineering training establishments who are members of professional engineering institutions. RN training is designed to enable individuals to qualify for the relevant engineering institution. Membership of institutions is encouraged and supported, but it is currently up to each individual whether he or she applies for membership.

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence what assessment he has made of the compatibility of armed services engineering training courses validation and quality procedures with those of higher education colleges. [106428]

Mr. Spellar: Wherever possible, Armed Forces engineering courses are linked to civilian academic or vocational qualifications. Where such qualifications are awarded, in addition to the individual Service's own validation and quality procedures, the training is also subject to validation by the appropriate civilian body in the same way as equivalent qualifications awarded by higher education colleges and universities. This validation is extensive and can include, for example, in the case of NVQs, external verification and inspection by awarding bodies, National Training Organisations (NTOs) and/or the standard setting bodies of the industry concerned, the Training Standards Council and the local TEC.

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence what plans he has to offer training courses in engineering to private sector businesses. [106426]

Mr. Spellar: The Armed Forces already offer places on their engineering training courses to private sector business, by offering available spare capacity, wherever possible. To reduce the overhead costs of training, the three Service Training Agencies are continuously seeking to develop these opportunities further.

Training

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence what evaluation he has made of training course validation processes (i) within each of the armed services and (ii) between the armed services. [106425]

Mr. Spellar: The Armed Forces employ the "Systems Approach to Training" methodology for the quality management of the development and delivery of their training courses. This conforms to current best practice in other NATO Armed Forces and is designed primarily to ensure that Service personnel are trained in a cost-effective manner to meet the high standards of performance required in operational situations.

All three Services allocate resources to the development of validation processes and to their application to training courses. In this context, validation involves confirming that courses meet their stated aims and that students have met the prescribed standards, and confirming that the course aims continue to reflect operational needs.

The three Services co-operate closely in the development of these processes and take account of best practice in both military and civilian training organisations. They have recently published a joint approach to a quality standard based on the "Systems Approach to Training" which confirms common standards for the management of training across all three Services, while taking account of the differing training requirements of each individual Services.

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence what plans he has to merge the training functions of the armed services. [106427]

Mr. Spellar: A number of training functions are already being delivered on a joint service or lead service basis. The scope for further rationalisation of training between the three Services and the Civil Service is being examined as part of the wide ranging and fundamental review of defence training and education announced in the House by my right hon. and noble Friend Lord Robertson, the then Secretary of State for Defence, on 22 July 1999, *Official Report*, columns 612–13W.

Sonar

Mr. Flynn: To ask the Secretary of State for Defence what plans the Government have to conduct and publish research into the environmental effect of sonar weapons on marine mammals. [105315]

Mr. Kilfoyle *[holding answer 20 January 2000]:* The Ministry of Defence does not use sonar weapons and has not, therefore, undertaken any primary research into the environmental effects of such devices on marine mammals. We do use active and passive sonars as sensors and all MOD research involving the use of active sonars is assessed to ensure that it complies with the European Union Habitat Directive and Joint Nature Conservancy Council guidelines. The output from any such research is published via international journals and as conference papers in accordance with normal scientific practice.

Mr. Flynn: To ask the Secretary of State for Defence what plans the Government have to develop a long-range low-frequency sonar system for use on marine vessels. [105314]

Mr. Kilfoyle *[holding answer 20 January 2000]:* We are currently developing a low frequency sonar which we plan to fit to the Type 23 Frigate.

Overstretch

Mr. Key: To ask the Secretary of State for Defence what recent proposals his Department has put to the Treasury to alleviate the effect of overstretch on the armed forces. [106004]

Mr. Spellar *[holding answer 20 January 2000]:* We announced, before Christmas, enhancements to the Longer Separated Service Allowance and Longer Service at Sea Bonus in recognition of the sacrifices of those who spend long periods away from home. We have also reduced the numbers of personnel on operations in the Balkans, Gulf and Falkland Islands.

Press Releases

Mr. Oaten: To ask the Secretary of State for Defence how many press releases his Department issued in each year from 1995 to 1999. [106121]

Mr. Kilfoyle: The information requested is as follows:

Year	*Numbers*
1995	149
1996	176
1997	221
1998	294
1999	416

British Forces Post Office

Mr. Dismore: To ask the Secretary of State for Defence if he will make a statement on the future location of the UK base of the British Forces Post Office. [104562]

Mr. Spellar: The future location of the UK base of the British Forces Post Office is currently under review as part of my Department's Strategic Development Plan for Greater London.

Battle of Britain

Mr. Key: To ask the Secretary of State for Defence what funding he will make available for the maintenance of the RAF Battle of Britain Chapel and the associated Hurricane and Spitfire aircraft; and if he will make a statement. [106030]

Mr. Kilfoyle: Financial provision for the maintenance of the RAF Battle of Britain Chapel and its enclave is some £20-£30,000 annually. As regards the glass fibre replica Hurricane and Spitfire aircraft, it is currently Royal Air Force policy that no public funds should be spent on maintaining such display aircraft, commonly referred to as "Gate Guardians". Funding for the recent refurbishment of the Hurricane was raised privately. Similar funding for the Spitfire is in the process of being raised.

Royal Irish Regiment

Mr. McNamara: To ask the Secretary of State for Defence *(a)* what representations he has received following publication of a group photograph of the Royal Irish Regiment in *The Andersonstown News* on 15 January, *(b)* where and on what date the photograph was taken, *(c)* how many soldiers and officers of each rank from battalions participated in the photograph, *(d)* what rank of soldier took the photograph, *(e)* what rank of officer supervised the photoshoot, *(f)* by what means the banner displayed in the photograph was obtained, *(g)* what transport arrangements were made to bring the banner into military barracks, *(h)* what was the purpose of the photograph, *(i)* where the film was developed and how many prints were (i) made, (ii) distributed and (iii) sold, *(j)* what disciplinary action has been taken consequent to the incident, *(k)* what assessment he has made of the impact of the incident on community relations and *(l)* what statement the Ministry has made to the press on the issue; and if he will make a statement. [106410]

Mr. Spellar: The circumstances surrounding the publication of a photograph of the Royal Irish Regiment in the *Andersonstown News* on 15 January 2000 are currently under investigation by the Special Investigations Branch, Royal Military Police. I will write to my hon. Friend when the investigation is complete and a copy of my letter will be placed in the Library of the House.

Prison Ships

Mr. Rapson: To ask the Secretary of State for Defence what assessment he has made of the viability of using aircraft carriers moored in Portsmouth Harbour as prison ships. [106177]

Mr. Spellar: My Department has not considered the viability of using aircraft carriers moored in Portsmouth Harbour as prison ships, nor has it been asked to.

Recruitment Advertising

Mr. Key: To ask the Secretary of State for Defence what his expenditure was on national recruitment advertising in *(a)* cinemas, *(b)* television, *(c)* radio, *(d)* print and *(e)* posters during each month since April 1999; and what his monthly budget is in each category for (i) January, (ii) February and (iii) March 2000. [106184]

Mr. Spellar: The national recruitment advertising expenditure for the categories requested, in respect of the Naval Service and the RAF, broken down by month is as follows:

£

	Cinema	*Television*	*Radio*	*Print*	*Posters*
Naval Service (actual)					
April	—	—	—	36,035	—
May	52,703	7,637	—	189,532	—
June	105,406	8,336	—	99,472	—
July	190,178	10,900	18,992	152,786	23,076
August	188,140	4,350	16,373	265,428	25,859
September	206,736	2,350	67,511	179,964	—
October	156,071	—	8,248	128,865	—
November	158,109	1,316	—	303,444	—
December	—	17,625	15,000	91,355	—
(planned)					
January	206,736	812,000	—	97,259	—
February	206,736	—	—	184,866	—
March	105,406	—	—	163,876	—
RAF (actual)					
April	—	—	—	40,428	—
May	—	—	—	24,816	—
June	550,000	—	425,385	33,164	—
July	—	—	3,000	212,341	—
August	—	—	—	24,300	2,614
September	40,938	—	—	251,216	—
October	—	—	—	148,034	—
November	—	—	—	137,319	—
December	—	—	—	64,756	—
(planned)					
January	—	—	—	35,079	—
February	—	—	—	50,000	—
March	—	200,000	—	43,610	—

The Army do not maintain records of recruit advertising spend on a monthly basis. The general pattern

of advertising runs in cycles with the peaks occurring in April/May and September. The expenditure, inclusive of the Regular Army and the Territorial Army, broken down where possible, is as follows:

£

	April-December 1999	January-March 1999
Cinema	—	—
Television	3,015,279	850,000
Radio	535,274	425,000
Print	1,109,760	240,000
Posters	138,431	40,000

The hon. Member may also wish to know that, in addition to the above expenditure, the Armed Forces spent about £267,000 on advertising via the Internet from April to December 1999, with a further forecast spend of £120,000 between January and March 2000.

Recruitment advertising expenditure for MOD civilians is not held in the form requested. However, the total forecast expenditure on national recruitment advertising for civilian recruitment for financial year 1999–2000 is £4.4 million.

SA80 Weapon System

Mr. Key: To ask the Secretary of State for Defence what assessment he has made of the SA80 weapon system modifications proposed by Heckler and Koch in 1997; and if he has introduced a modification programme. [106182]

Mr. Duncan Smith: To ask the Secretary of State for Defence if a modification programme for the SA80 weapon system was implemented following the proposals from Heckler and Koch referred to in the letter from the Minister for Defence Procurement to the Defence Committee of 2 June 1997; what estimate was submitted by Heckler and Koch of the cost of their proposals; and if the SA80s used in the Kosovo campaign were modified as a result of these proposals. [106173]

Mr. Kilfoyle: The Design Authority for SA80, formerly Royal Ordnance but now Heckler and Koch UK (Ltd.), was tasked in 1996 to investigate the reliability of the SA80 weapon system. Heckler and Koch reported in 1998 that there might be underlying problems with the reliability of the system and presented their proposals for modifications. A contract was placed in mid-1998 with Heckler and Koch for the modification of 200 weapons to be used for trials to determine the effectiveness of these modifications. Deliveries of these modified weapons were made in January 1999. The MOD conducted user trials in hot and cold climatic conditions with a range of NATO ammunition types. The trials were completed in July 1999 and the formal Design Authority report was delivered to the MOD in late December 1999. The trials confirmed that, after modification, there were significant improvements in the reliability of both the SA80 rifle and Light Support Weapon. Urgent work is in hand to assess the wider implications of the Design Authority report, including the cost, and we expect to make a decision on any modification programme by the end of March 2000.

Mr. Key: To ask the Secretary of State for Defence if the SA80 weapon system remains suspended from the NATO Nominated Weapons List. [106183]

Mr. Kilfoyle: The SA80 weapon system remains suspended from the NATO Nominated Weapons List, the list of weapons for use in the testing of NATO approved ammunition types. This suspension in itself has no impact on the operational effectiveness of the weapon.

Nancekuke

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his oral statement of 18 January 2000, *Official Report*, column 825W, to whom it was intended that the decontaminated plant and equipment disposed of from Nancekuke would be clearly identifiable. [106750]

Mr. Kilfoyle: The locations where decontaminated plant and other materials were disposed of on the Nancekuke site were identified as a matter of good land management practice.

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his oral statement of 18 January 2000, *Official Report*, column 825W, whether the decontamination and disposal provisions at Nancekuke involved placing equipment used at Nancekuke in mine-shafts. [106749]

Mr. Kilfoyle: Prior to the closure at Nancekuke, the chemical plant was decontaminated and dismantled. Obsolete plant and some scrap metal was disposed of in a disused quarry and in two old mineshafts on the site. As part of a regular land quality assessment, recent surface soil and water samples were analysed and showed no signs of contamination from toxic agents. We are currently consulting with representatives of local authorities, the Environment Agency for England and Wales and other interested parties, how to take forward the land quality assessment work.

GPS Guided Munitions

Mr. Duncan Smith: To ask the Secretary of State for Defence what plans he has to acquire GPS guided munitions for the Royal Air Force. [106567]

Mr. Kilfoyle: The UK is procuring Storm Shadow, a conventionally armed stand-off missile which utilises Global Positioning Systems (GPS) technology, to provide a precision capability to defeat hardened static targets in almost all weather conditions. Storm Shadow has an In Service Date of 2002.

We are also considering the procurement of precision guided munitions to improve the accuracy with which our forces can deliver ballistic bombs, and to provide a capability for them to be delivered in almost all weather conditions. Various technological solutions are available that could provide autonomous guidance for a weapon which met such a requirement, including the use of GPS technology.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Defence which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105877]

Mr. Spellar: I refer the right hon. Member to the answer given today by my right hon. Friend the Chief Secretary to the Treasury.

CABINET OFFICE

Civil Service Management (Delegations)

Mr. Miller: To ask the Minister for the Cabinet Office what delegations have been made in 1999 under the Civil Service (Management Functions) Act 1992; to whom those delegations were made; and what were the main conditions attached to them. [106534]

Mr. Stringer: Since the last report to Parliament, 14 January 1999, *Official Report*, columns 253–54W, new delegations have replaced previous ones to reflect the creation of the devolved administrations and machinery of government changes. Ministers and office holders in charge of departments[1] have been given delegated authority (from 1 July 1999) under the Civil Service (Management Functions) Act 1992:

(a) to prescribe the qualifications (so far as they relate to age, knowledge, ability, professional attainment, aptitude, potential, health and coping with the demands of the job) for the appointment of home civil servants (with the exception of the Fast Stream Development Programme) in their respective departments; and

(b) to determine in respect of home civil servants in their respective departments the number and grading of posts outside the Senior Civil Service and the terms and conditions of employment in so far as they relate to the following:

i. classification of staff, with the exception of the Senior Civil Service;

ii. remuneration, with the exception of the Senior Civil Service;

iii. allowances;

iv. expenses;

v. holidays, hours of work and attendance;

vi. part-time and other working arrangements;

vii. performance and promotion;

viii. retirement age and redundancy;

ix. re-deployment of staff within the Home Civil Service.

In some cases, for staff appointed by statutory office holders, the Minister for the Civil Service was statutorily required to give consent to terms and conditions of service. For such staff, delegation has been effected by waiving that requirement, subject to the condition attached to delegation.

The delegation was subject to the condition that recipients comply with the provisions of the Civil Service Management Code as amended from time to time. Copies of the Civil Service Management Code are available in the Library of the House. All previous delegations and authorisations made under the Civil Service (Management Functions) Act 1992 were revoked with effect from 1 July 1999.

Similar delegations were also made to the National Assembly for Wales and the First Minister of the Scottish Executive. These came into effect on 7 May and 1 July 1999 respectively and were also subject to the condition that they comply with the provisions of the Civil Service Management Code as amended from time to time.

[1] The statutory office holders are:

Commissioners of Inland Revenue

Head of the Registry of Friendly Societies, being the Chief Registrar of Friendly Societies and the First Commissioner of the Building Societies Commission

Chief Charity Commissioner

Commissioners of Customs and Excise

Crown Estate Commissioners

Director General of Electricity Supply

Director General of Fair Trading

Director General of Gas Supply

Director of National Savings

Director of Passenger Rail Franchising

Director General of Telecommunications

Director General of Water Services

Director of Public Prosecutions

Director of the Serious Fraud Office

Government Actuary

Her Majesty's Chief Inspector of Schools in England

Her Majesty's Chief Inspector of Schools in Wales

International Rail Regulator

Public Works Loan Commissioners

Parliamentary Commissioner for Administration and Health Service Commissioners

Rail Regulator

Government Reports

Mr. Woolas: To ask the Minister for the Cabinet Office when the Government's annual reports on non-departmental bodies and executive agencies will be published. [106535]

Mr. Stringer: The Executive Non-Departmental Public Bodies' 1999 Report and the 1999 Executive Agencies Report will be published simultaneously in March.

Departmental Smoking Policy

Mr. Crausby: To ask the Minister for the Cabinet Office what action she is taking to reduce smoking in her Department. [105807]

Mr. Stringer: Restrictions on smoking in Cabinet Office buildings have been in effect since 1 August 1989. Smoking is permitted only in designated areas and rooms.

Cabinet Office Staff Welfare promotes National No Smoking Day each year and has a web page on the Department's local intranet site giving tips on how to quit smoking. The Staff Welfare Officer is also available to give help and advice to anyone who needs it.

The Cabinet Office Agencies all have similar no smoking policies in place.

INTERNATIONAL DEVELOPMENT

World Trade Organisation

Dr. Palmer: To ask the Secretary of State for International Development what steps her Department is taking to strengthen the World Trade Organisation's capacity to monitor the effect of present trade agreements on developing countries. [105063]

Clare Short: The WTO does not have a mandate to monitor the impact of trade agreements. It does have a responsibility to monitor developments in world trade and

the implementation of trade agreements which it fulfils with resources from its core budget. My Department has committed £16 million of trade related technical assistance to developing countries, of which details have been placed in the House of Commons Library. This includes payments to a trust fund at the WTO to develop the capacity of developing countries to fulfil their responsibilities as WTO members and implement agreements. It also includes support for the capacity building programmes in UNCTAD and the ITC, and research to assess aspects of the effect of trade liberalisation on developing countries, for example, the effects of trade liberalisation on poverty, and the impact of WTO agreements such as the Sanitary and Phytosanitary Agreement. Studies on the impact of the Uruguay Round trade agreements by the World Bank and other bodies show that developing countries should benefit, relative to their GDP, as much as, if not more than, developed countries. Similar studies in advance of the expected new Round by the European Commission and others, offer a similar prognosis.

Mr. Chaytor: To ask the Secretary of State for International Development what recent research reports she has received on the economic impact of the first five years of the World Trade Organisation trading regime on developing countries. [105584]

Clare Short: The WTO, World Bank and the academic community have completed many reports on the economic impact of the World Trade Organisation trading regime. Ex-post assessment of the impact of changes to the world trade rules agreed under the Uruguay Round presents problems as it is almost impossible to disentangle the ex-post impact of multilateral trade liberalisation from the many other factors that have an impact on world trade and developing country economies. However, economic modelling can help to give some indication of the possible benefits which have been estimated to be between $13 billion and $125 billion for developing countries.

This research work also suggests that developing countries stand to gain at least as much as developed countries from the Uruguay Round as a proportion of GDP, although, the distribution of benefits among developing countries is not evenly spread. South East Asia does well, there are also benefits for South Asia, but sub-Saharan Africa may face a small welfare loss.

Mrs. Gillan: To ask the Secretary of State for International Development what recent representations her Department has made to the World Trade Organisation concerning procedural reform. [106334]

Clare Short: My Department has not made any representations to the World Trade Organisation concerning procedural reform. This work is being led by the Department of Trade and Industry.

Mrs. Gillan: To ask the Secretary of State for International Development what discussions she has had with the United States of America concerning reform of the World Trade Organisation since 1 December 1999. [106333]

Clare Short: I have not had any discussions with colleagues from the United States concerning reform of the World Trade Organisation since the WTO in Seattle.

Kosovo

Mrs. Gillan: To ask the Secretary of State for International Development what has been the total cost of the humanitarian programme in Kosovo since the beginning of the conflict; and how much has been disbursed in *(a)* cash and *(b)* in materials and products. [105689]

Clare Short: My Department has committed £100 million to the humanitarian and rehabilitation programme in Kosovo since March 1999. Direct procurement of goods and equipment by the Department amounts to £40 million. Specific contributions to international organisations for the purchase of goods and equipment amount to £5 million. The balance of £55 million has been committed to a range of programmes through international agencies, international and local NGOs, commercial contractors and the DFID Field Offices in Pristina, Skopje, and Tirana. The vast majority of these programmes involve some procurement of goods and equipment, but information on the precise breakdown of programmes between goods and other expenditure is not readily available.

Mrs. Gillan: To ask the Secretary of State for International Development what assessment she has made of the performance of the United Nations mission in Kosovo. [106453]

Mr. Foulkes: United Nations Mission in Kosovo (UNMIK) face a daunting and complex task in implementing SCR 1244.

The range of challenges includes meeting humanitarian needs over the winter, setting up basic services in health and education, establishing the rule of law, and putting a system of revenue collection in place. They are also undertaking voter registration in order to hold elections as soon as feasible. These and other tasks have at times been hampered because human and financial inputs have been slow to mobilise. But the Mission is progressively doing a good job and has our support.

Heavily Indebted Poor Countries

Mrs. Gillan: To ask the Secretary of State for International Development what recent discussions she has had with the IMF and World Bank concerning the Heavily Indebted Poor Countries Initiative. [106330]

Clare Short: We have regular discussions with the Managing Director of the IMF and the President of the World Bank on a range of issues, including the Heavily Indebted Poor Countries (HIPC) Initiative. Through our Executive Director's office in Washington, we are in day-to-day contact with World Bank and IMF management. Currently, we are exchanging ideas on how the poverty reduction strategy approach can be implemented most effectively, so that the enhanced debt relief provided under the HIPC initiative can have the maximum possible benefit for the poor. We also continue to press for the early implementation of the revised HIPC Initiative.

Mr. Streeter: To ask the Secretary of State for International Development what representations she has received from non-Governmental organisations

concerning expansion of the number of countries eligible for debt relief under the heavily indebted poor countries initiative. [106640]

Clare Short: I have received a number of letters requesting an increase from 41 to 52 to the list of countries eligible for HIPC relief. Countries can be added to the HIPC list as demonstrated by the inclusion of Malawi. However such additions require international agreement. Non-HIPC countries can receive up to 67 per cent. relief on their bilateral debts from the Paris Club of official creditors.

Bilateral Debt Relief

Mr. Streeter: To ask the Secretary of State for International Development what discussions she has had with local non-governmental organisations about their role in monitoring poverty reduction projects financed as a result of bilateral debt relief. [106639]

Clare Short: I refer to my answer to the hon. Member for Chesham and Amersham (Mrs. Gillan) on 19 January 2000, *Official Report*, column 479W, on the monitoring of bilateral debt relief. I met Directors of the British Agencies Overseas Group on 21 December, and discussed with them the importance of civil society being involved in developing and monitoring poverty reduction strategies.

Departmental Expenditure

Mrs. Gillan: To ask the Secretary of State for International Development what percentage of her departmental budget in 1998–99 was spent in Asia. [106328]

Clare Short: The percentage of the DFID Bilateral programme expenditure spent in 1998–99 in Asia was 28 per cent. This represents 14 per cent. of the total DFID programme. In addition some of our multilateral contributions will be directed towards Asia, but we cannot determine how much.

Mr. Streeter: To ask the Secretary of State for International Development what her Department's planned spending on *(a)* Latin America, *(b)* Asia, *(c)* Africa and *(d)* Europe is in financial year 1999–2000. [106695]

Mr. Foulkes: The Department for International Development's (DFID) planned expenditure on Bilateral Country Programmes for the current (1999–2000) financial year is as follows:

	£ million
(a) Latin America	33
(b) Asia	315
(c) Africa	447
(d) Europe	196

Mrs. Gillan: To ask the Secretary of State for International Development what assessment she has made of the impact of an increase in her Department's spending in the Balkans on projects in southern hemisphere. [106340]

Clare Short: No financial or material resources were diverted from projects in the Southern Hemisphere as a result of the increased spending in the Balkans.

Mr. Streeter: To ask the Secretary of State for International Development what percentages of her departmental budget in 1998–99 were spent in *(a)* Africa and *(b)* Latin America. [106694]

Clare Short: The percentage of the DFID Bilateral programme expenditure spent in 1998–99 in *(a)* Africa and *(b)* Latin America is as follows:

Percentage

	As a proportion of Bilateral expenditure	*As a proportion of total DFID programme*
Africa	39.0	19.0
Latin America	3.0	1.0

Special Advisers

Mrs. Gillan: To ask the Secretary of State for International Development if she will place the curriculum vitae of her special advisers in the Library. [106343]

Mr. Foulkes: Owing to the personal nature of this request, we are not obliged to supply the information requested.

Mr. Streeter: To ask the Secretary of State for International Development if the Parliamentary Under-Secretary of State in her Department employs a special adviser. [106765]

Mr. Foulkes: I employ no special advisers.

Ministerial Offices

Mrs. Gillan: To ask the Secretary of State for International Development what was the cost of the refurbishment of her Department's ministerial offices. [106342]

Mr. Foulkes: Since 1997 our Department has spent the following amounts on the refurbishment of ministerial offices, which include replacement furniture and redecoration:

Year	*£*
1997	7,978
1998	7,376

The figures for 1999 are not yet available.

Indigenous Cultures

Mr. Streeter: To ask the Secretary of State for International Development what representations she has made to the IMF and the World bank concerning respect for indigenous cultures. [106641]

Mr. Foulkes: We have made no direct representations to the IMF and World bank concerning respect for indigenous cultures. But we continue to pay close attention to the development of World bank Country Assistance Strategies, especially the social impact on marginalised or vulnerable groups, and we also keep a close eye on World bank safeguard policies.

UN Reform

Mrs. Gillan: To ask the Secretary of State for International Development what her criteria are for assessing the progress of United Nations reform. [106456]

Mr. Foulkes: The overriding criterion in the field of development is the contribution which the UN and its funds, programmes and specialised agencies make to achieving the International Development Targets for poverty eradication, agreed by the entire UN membership. Better UN performance will require continuing efforts to focus the work of UN development agencies where they can be most effective in helping meet the Targets, to link resources more closely to objectives and outputs, and to strengthen co-ordination within the UN family and between the UN and other development institutions, particularly the World Bank. The UN must also improve its response to conflict, which threatens poverty reduction in many poor countries and continue to work with others to develop and implement the statistical systems needed to measure year-on-year progress towards the Targets. The UK will continue to support the UN and its development agencies in improving their effectiveness on all these fronts.

Mr. Streeter: To ask the Secretary of State for International Development what recent progress has been made in reforming the United Nations. [106455]

Mr. Foulkes: In the field of Development the process of institutional modernisation started by the UN Secretary General in 1997 has improved the impact of the UN, though much remains to be done. New and improved strategic co-ordinating mechanisms have been established to enhance the UN's development policy cohesion. The pilot UN Development Assistance Framework has begun to increase co-ordination between UN agencies and between the UN and other development institutions at country level and will be extended rapidly to more countries. Agencies such as the World Health Organisation (WHO) and the UN Industrial Development Organisation (UNIDO) have established clearer objectives, a sharper focus on clearly defined core activities, sound finances and better management. UNDP and UNICEF have made progress in developing management systems that link resources more closely to objectives and results. We are encouraging all UN development agencies to modernise their management and organisation to increase their effectiveness in helping meet the International Development Targets.

Departmental Premises

Mr. Streeter: To ask the Secretary of State for International Development if she will list the premises purchased for use by her Department since 1 May 1997 and their cost. [106643]

Mr. Foulkes: No premises have been purchased by our Department since 1 May 1997.

Aid Suspensions

Mrs. Gillan: To ask the Secretary of State for International Development to which countries her Department has suspended aid since 1 May 1997; and what was the reason in each case. [106332]

Mr. Foulkes: Our bilateral co-operation programme with the Government of Pakistan was suspended on 15 October 1999, in response to the military coup of 12 October. We continue to provide assistance to poor people through non-governmental channels.

Our bilateral co-operation programme with the Government of Sierra Leone was suspended on 28 May 1997, in response to the military coup. The programme recommenced again in July 1999 following the Lomé peace agreement.

North Caucasus

Mrs. Gillan: To ask the Secretary of State for International Development what assistance her Department has provided for the people of Chechnya since 1 December 1999. [106335]

Clare Short: Since 1 December 1999, DFID has contributed $145,000 (£893,000) to the UN Inter Agency Appeal for internally displaced people in the North Caucasus. The contribution was split between the World Food Programme ($1,000,000), the United Nations Children's Fund ($250,000), the World Health Organisation ($100,000) and the UN Office for the Co-ordination of Humanitarian Affairs ($100,000). In November, DFID contributed £500,000 to the International Committee of the Red Cross (ICRC) appeal for the North Caucasus; ICRC work in the region is ongoing. The UK has also contributed through our share of the 1.2 million euro pledged by the EU.

British Council

Mrs. Gillan: To ask the Secretary of State for International Development what is the projected funding from her Department to the British Council for the financial year *(a)* 1999–2000, *(b)* 2000–01 and *(c)* 2001–02. [106341]

Clare Short: The resources set aside by my Department for the Grant-in-aid to the British Council (£30 million 1998–99, £31 million in 1999–2000, £32 million in 2000–01 and £33 million in 2001–02) have been transferred to the Foreign and Commonwealth Office. My Department therefore no longer provides core funding for the British Council.

The British Council continues to be a key provider of services, on a commercial basis, to implement my Department's programmes.

Departmental Public Information Line

Mrs. Gillan: To ask the Secretary of State for International Development how many calls were made to her Department's public information line in *(a)* 1997–98 and *(b)* 1998–99. [106337]

Clare Short: In 1997–98 our Public Inquiry Point received 2,410 telephone calls. In 1998–99 this rose to around 5,400.

Departmental Website

Mrs. Gillan: To ask the Secretary of State for International Development how many complaints she has

received from the general public about the effectiveness of the search engine on her Department's website. [106338]

Clare Short: In the last year we have received six complaints about the effectiveness of the search engine.

Russia

Mrs. Gillan: To ask the Secretary of State for International Development what funds from the TACIS programme have gone to Russia in the past six months. [106336]

Clare Short: We have been unable to obtain information in the precise form requested. However, contracts totalling euro 56,950,523 financed from the TACIS Russia programme commenced during the six months up to 20 January 2000.

PRESIDENT OF THE COUNCIL

House of Lords

Mr. Gordon Prentice: To ask the President of the Council when she intends to set up the joint Committee to consider the report of the Royal Commission on the Reform of the House of Lords; and if she will make a statement. [105669]

Mrs. Beckett: The Government set out in its White Paper "Modernising Parliament—Reforming the House of Lords" (Cm 4183), that

> "longer term reform would be considered by both Houses"

after the Royal Commission had reported.

SOCIAL SECURITY

Organised Fraud

Lorna Fitzsimons: To ask the Secretary of State for Social Security when he expects to publish the report of the independent review of organised fraud. [106947]

Mr. Darling: Last February, I asked John Scampion, Social Fund Commissioner, to review the way we tackled organised fraud. Mr. Scampion has completed his review and I have placed a copy of his report in the Library.

Organised fraud occurs across the Social Security system. It includes forgery, theft and other abuse of instruments of payment, operation of multiple false identities, and fraud by landlords and tenants. Mr. Scampion was asked specifically to consider how we could counter such threats, in particular through prevention, by designing structures and processes to minimise risk and secure the system against fraud.

At present the Benefits Agency has a unit dedicated to countering organised fraud which Mr. Scampion has commended for its energy, skill and professionalism. Within local authorities there is very little co-ordinated action against organised fraud.

Mr. Scampion's report makes a number of recommendations I will be considering further, but in the meantime I can announce that I will:

- set up a new national benefits intelligence unit to co-ordinate and extend intelligence on Social Security fraud, as the bedrock for both prevention and detection;
- overhaul and strengthen the capability and professionalism of investigators to tackle organised benefit fraud right across the benefit system. I will appoint a senior civil servant to manage the central organised fraud investigation service and to act as the Head of Profession for all benefit fraud investigators;
- set up new arrangements with local authorities to ensure investigations are targeted properly across the Social Security system;
- pursue (as announced last week) changes to the funding arrangements for local authority investigation work by developing a completely new anti-fraud incentive framework to be introduced from April 2001.

All of this will contribute to a significant strengthening of our defences against organised fraud and our ability to tackle it where it occurs.

In addition, as I have already announced, our plans to pay benefits through the banking system are a major step in preventing organised fraud attacks on our present, paper based, payment mechanisms.

Child Support Agency

Ms Kelly: To ask the Secretary of State for Social Security what assessment the CSA has made of the contact rate between non-resident fathers and their children; and if he will make a statement. [104875]

Angela Eagle: No such assessment has been made as liability for child support is not linked to whether a non-resident parent has contact with his child(ren).

However, research[1] Shows that there is a consistent relationship between contact and the payment of child maintenance, although it is difficult to establish causality. Those who are currently paying maintenance tend to have a greater level of contact with their children than those who do not. Additionally, research[2] suggests that non-resident parents would be less likely to pay the full amount of their maintenance assessment if they lost contact with their children.

[1] "Parental Obligation: a Study of Parenthood across Households" MacLean and Eekelaar (1997), "Absent Fathers?" Bradshaw et al (1999).

[2] Bradshaw et al (1999).

Post Offices

Mr. Jack: To ask the Secretary of State for Social Security what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105857]

Mr. Rooker: I refer the right hon. Member to the written answer from my right hon. Friend the Secretary of State for Trade and Industry on 20 January 2000, *Official Report,* column 519W.

Winter Fuel Payments

Dr. Tonge: To ask the Secretary of State for Social Security what recent arrangements he has put in place to

advertise the winter fuel payments for the elderly; and what percentage of those entitled to the payment have received it in the last three months. [106045]

Angela Eagle: A leaflet-based information campaign began in the autumn to inform and reassure those eligible of how and when payments for this winter would be made. National and regional press advertising also took place before Christmas to inform eligible pensioners that payments were currently being made, and provided information on what to do if they had not yet received a payment. An estimated 98 per cent. of those entitled have received their payments.

Dr. Brand: To ask the Secretary of State for Social Security when Benefits Agency offices will be instructed to pay heating allowance to men aged over 60 years. [106178]

Angela Eagle: Winter Fuel Payments have always been available to men aged 60 and over who are in receipt of Income Support or income-based Jobseeker's Allowance and their benefit includes a pensioner premium.

Payments due to people aged 60 and over who are newly eligible to Winter Fuel Payments because of the recent European Court of Justice ruling, will be made as soon as possible.

To ensure these payments are made correctly, it will be necessary to determine the names and addresses of those people who are newly eligible.

We will be able to identify some people through current Departmental records. However, the majority may have had no need to contact the Department for a long period and the information we hold may not be up to date. Therefore, we will need to introduce a claims process to determine their precise entitlement.

This process will need to be developed carefully. The Benefits Agency is currently working on this and other operational issues to determine the best way to deliver the payments.

An announcement will be made as soon as possible once our plans are further advanced.

Pensioner Incomes

Dr. Lynne Jones: To ask the Secretary of State for Social Security what estimate he has made of the income that two pensioners in examples 1 and 2 of page 122 of the Opportunities for All report could expect to receive from the minimum income guarantee, assuming that benefit is increased in line with income. [105811]

Mr. Rooker: The examples shown in "Opportunities for All" demonstrate how the State Second Pension and Stakeholder Pension will help those with low or interrupted earnings. The estimated weekly incomes of £84 and £91 in the two examples should be set against the current minimum income guarantee of £75 a week.

Mr. Jenkins: To ask the Secretary of State for Social Security what assessment he has made of *(a)* average pensioner income and *(b)* average earnings in *(a)* Tamworth, *(b)* Staffordshire and *(c)* the United Kingdom in the last year for which figures are available. [105153]

Mr. Rooker: The information is not available in the format requested. Such information as is available is in the tables.

Average pensioner unit income 1996–97

£

	Mean income prices
United Kingdom	175
Staffordshire	[1]—
Tamworth	[1]—

[1] Not available

Notes:

1. Pensioner units are defined as single (non-cohabiting) people over State Pension age (65 for men, 60 for women) and couples (married or cohabiting) where the man is over State Pension age.
2. Income is defined as weekly net income before housing costs of the benefit unit.
3. All money amounts are expressed in £ per week at July 1996 prices.
4. Reliable estimates for Staffordshire and Tamworth are not available due to small sample sizes.

Source:

Family Expenditure Survey

Average earnings, April 1996 and April 1999

£

	April 1996	*April 1999*
United Kingdom	350	399
Staffordshire	309	367
Tamworth	[1]—	[1]—

[1] Not available

Notes:

1. The figures shown are average gross weekly earnings of full-time employees on adult rates, whose pay for the survey pay period was not affected by absence.
2. April 1996 figures are expressed in April 1996 prices; April 1999 figures are expressed in April 1999 prices.
3. Reliable estimates for Tamworth are not available in either year.
4. In 1999 the county of Staffordshire figure excludes Stoke-on-Trent UA. This Unitary Authority was not created until 1997.

Source:

New Earnings Survey

Dr. Lynne Jones: To ask the Secretary of State for Social Security what targets he has set for *(a)* the reduction in the number of pensioners living below the poverty line and what is his definition of this term and *(b)* the reduction in the number of pensioners reliant on means-tested benefits. [105473]

Mr. Rooker: We have set out our strategy for tackling poverty and social exclusion in "Opportunity for All" (Cm 4445). The indicators of success, against which we shall monitor our progress, covers the position of pensioners living on low incomes. Our Green Paper "Partnership in Pensions" describes how State Second Pension and Stakeholder Pensions will over the long term reduce pensioner reliance on means-tested benefits.

Benefit Payment Methods

Mr. Hurst: To ask the Secretary of State for Social Security what arrangements he has made to ensure that recipients of pensions and benefits are aware that they may be paid in cash after 2003. [105331]

Mr. Rooker: The majority of benefit customers are paid by girocheque, order book or automated credit transfer (ACT) to a bank account. In some cases, the Department makes payment in cash to the customer.

Following the move to ACT from 2003 customers will have their benefits paid into a bank account but will continue to have a choice of where they access their cash, with those who wish to collect at post offices still being able to do so. Our information leaflets and forms will be updated in line with the revised payment arrangements. Arrangements to meet other information needs of our customers arising from the change are being developed.

Councillors (Incapacity Benefit)

Mr. Caton: To ask the Secretary of State for Social Security what incidental costs can be offset from a councillor's basic allowance when assessing their entitlement to incapacity benefit. [105517]

Mr. Bayley: The benefit rules permit limited work to be undertaken by people in certain circumstances without affecting their right to claim incapacity benefits. Work undertaken as a councillor is disregarded for the purposes of determining whether a person is incapable of work. However, Incapacity Benefit is reduced pound for pound where the net amount of the councillor's allowance exceeds a set limit, currently £49.50. In assessing the net amount of the councillor's allowance to be taken into account any expenses incurred in connection with the person's membership of the council are ignored. Such expenses are not specified in regulations but may include items such as clothes, travel costs and telephone calls.

We propose to bring forward regulations in April as part of the annual up-rating exercise to increase the councillor's allowance limit from £49.50 to £58.50. This significant increase will align it with the therapeutic earnings limit in Incapacity Benefit.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Social Security what action he is taking to reduce smoking in his Department. [105794]

Mr. Rooker: In general, this Department has developed a range of initiatives that address issues around the ill-effects of smoking. Smoking is restricted to designated areas throughout the Department. A review of the policies is planned in the business year 2000–01, with a view to further reducing smoking within the Department as a whole.

More specifically, Agencies within the Department have taken the following action.

Local Benefits Agency managers have authority to organise local initiatives on health, including quitting smoking, and Benefits Agency Central Services regularly distribute literature on smoking and how to give up to all Benefits Agency staff.

In Headquarters staff are given the opportunity to attend regular Health Fair days which address a number of healthy living issues, including the benefits of non-smoking. They are also invited to attend Quit Smoking clinics which support staff through the quitting process by means of follow up group meetings. Written advice on the ill-effects of smoking and giving up is made widely available to all staff in Headquarters.

The War Pensions Agency have developed a range of initiatives in line with Cabinet Office recommendations. These include health and welfare initiatives such as awareness exhibitions that have included exhibits on the ill-effects of smoking. The Agency intends to issue literature to staff this year on specific health issues that will include the benefits of non-smoking.

Future action on smoking and quitting the habit within the Child Support Agency will be influenced by the outcome of the Agency's recent stress audit, which is currently being evaluated and the provisional findings of the audit are due in early March.

Pensions (Non-residents)

Ms Oona King: To ask the Secretary of State for Social Security (1) what action he proposes to take to ensure that UK citizens whose entitlement to a British state pension is partially based on contributions made abroad are not prevented from receiving their full pension if they retire in an EU member state; [105488]

(2) what is his estimate of the cost to the Exchequer in each of the next five financial years of allowing those British citizens who have made contributions to their pensions while working abroad, to receive their full pension entitlement if they are *(a)* not ordinarily resident in the UK and *(b)* not ordinarily resident in the UK, but live within the EU; [105490]

(3) how many UK citizens receive a pension which is partly dependent on contributions made while resident in *(a)* Canada and *(b)* all other countries outside the UK. [105489]

Mr. Rooker: Where a person has paid contributions to the Social Security scheme of a country outside the UK, any pension entitlement from those contributions is decided and paid by the country concerned. No UK pension is paid on such contributions.

A UK pension based entirely on National Insurance contributions is not affected if a person goes to live elsewhere in the EU. However, UK State Pension can be based wholly or partly on residence in Australia, Canada or New Zealand under the UK's Social Security agreements with those three countries. They have residence-based pensions which are not always payable if a person comes to live in the UK. If they go to live elsewhere the amount of pension derived from the agreement is no longer paid.

There are no plans to change the provisions of these arrangements.

Reliable estimates are not available of the cost of paying any UK pension derived from residence in Australia, Canada or New Zealand to pensioners who cease to be ordinarily resident in the UK.

Some 9,000 pensioners in the UK receive State Pensions based wholly or partly on residence in Canada.

Some 24,000 pensioners in the UK receive State Pensions based wholly or partly on residence in Australia or New Zealand.

Disability Living Allowance

Dr. Iddon: To ask the Secretary of State for Social Security if section 10 of the Social Security Act 1998 and Regulation 7(c)(ii) of the Social Security (Decision and Appeals) Regulations 1999, which allows supersession at a later date of an original decision to award Disability Living Allowance when it is believed there has been a change of circumstance, can be applied following an appeal tribunal decision that has found in favour of the claimant using the same evidence available for the same period of time. [105175]

Angela Eagle: Yes.

The Secretary of State is empowered by section 10 of the Social Security Act 1998 and regulation 6 of the Social Security and Child Support (Decisions and Appeals) Regulation 1999 to supersede both his own decisions and those of appeal tribunals. Regulation 7(2)(c)(ii) allows, for instance in Disability Living Allowance, a superseding decision to be effective from the date the Secretary of State is satisfied a disadvantageous change of circumstances took place.

Where a tribunal finds in favour of an appellant, but in doing so does not (or is unable to) consider the available evidence, the Secretary of State may subsequently supersede on the basis of that same evidence There is, of course, a further right of appeal against this new decision.

State Pension

Mr. Matthew Taylor: To ask the Secretary of State for Social Security if he will estimate the cost of raising the basic State Pension *(a)* to the level of income support, *(b)* by £5 per week, and *(c)* by £10 per week. [106516]

Mr. Rooker: The information is in the table:

Estimated cost of raising the basic State Pension, including linked benefits for 2000–01

£ million

	Gross	Net
To minimum income guarantee level	6,280	4,830
By £5 per week	2,870	2,200
By £10 per week	5,740	4,410

Notes:

1. Gross estimates have been provided by the Government Actuary's Department.
2. For part (a), the full Category A rate of pension has been raised to the level of the Minimum Income Guarantee for a single pensioner aged 60–74 (£78.45 per week in 2000–01). Other categories of State Pension have been increased pro-rata.
3. For parts (b) and (c), the increases shown apply to the full Category A rate. Other categories of State Pension have been increased pro-rata.
4. Means-tested benefit offsets have been estimated using the Income Support Simulation Model and the Policy Simulation Model.
5. Estimates are in 1999–2000 prices and are rounded to the nearest £10 million.

Mr. Matthew Taylor: To ask the Secretary of State for Social Security if he will estimate the cost of introducing a top up on the basic state pension of *(a)* £3 at age 75 years and £5 at age 80 years and *(b)* £5 at age 75 years and £10 at age 80 years. [106518]

Mr. Rooker: The information is in the table.

Estimated cost of introducing a top up on the basic state retirement pension for 2000–01

£ million

	Gross	Net
£3 per week for ages 75–79, £5 per week for ages 80 and over	940	640
£5 per week for ages 75–79, £10 per week for ages 80 and over	1,810	1,220

Notes:

1. Gross estimates have been provided by the Government Actuary's Department.
2. Age-related increases are assumed to be paid in full irrespective of the proportion of the full Category A rate of basic state pension received.
3. Means-tested benefit offsets have been estimated using the Income Support Simulation Model and the Policy Simulation Model.
4. Estimates are in 1999–2000 prices and are rounded to the nearest £10 million.

Mr. Matthew Taylor: To ask the Secretary of State for Social Security if he will estimate the cost of raising the over 80 top-up on the state pension from 25 pence per week to *(a)* £5 per week, *(b)* £10 per week, and *(c)* £15 per week; and if he will make a statement. [106517]

Mr. Rooker: The information is in the table.

Estimated cost of raising the age addition to the basic state retirement pension for 2000–01

£ million

	Gross	Net
£5 per week	620	390
£10 per week	1,280	810
£15 per week	1,930	1,270

Notes:

1. Gross estimates have been provided by the Government Actuary's Department.
2. Age-related increases are assumed to be paid in full irrespective of the proportion of the full Category A rate of basic state pension received.
3. Means-tested benefit offsets have been estimated using the Income Support Simulation Model and the Policy Simulation Model.
4. Estimates are in 1999–2000 prices and are rounded to the nearest £10 million.

Mr. Matthew Taylor: To ask the Secretary of State for Social Security how many recipients of the basic state pension are aged *(a)* under 75 years, *(b)* 75 years and over, and *(c)* 80 years and over; and if he will make a statement. [106519]

Mr. Rooker: The information is in the table.

Number of recipients in Great Britain and overseas in receipt of the basic state retirement pension at 31 March 1999

	Million
Age under 75	6.3
Age 75 and over	4.5
Age 80 and over	2.4

Note:

Figures are rounded to the nearest hundred thousand

Source:

5 per cent. sample from the Pension Strategy Computer System

Habitual Residence Test

Mr. Keetch: To ask the Secretary of State for Social Security what criteria are used to determine whether individuals are habitually resident in the UK; and if he will make a statement. [106166]

Mr. Bayley: The purpose of the habitual residence test is to ensure that the income related benefits are paid to people with reasonably close ties to the United Kingdom and an intention to settle here. Each case is considered on its own merits. Guidance to decision makers and caselaw stresses the need to consider a wide range of factors, including the reason for a person coming (or returning) to the United Kingdom, the length of their stay, a settled intention to reside and any previous links with the country. The weight given to each factor will depend upon the individual's circumstances. Guidance to decision makers is contained in the Decision Makers Guide Volume 2 at paragraph 070719.

Correspondence

Mr. Garnier: To ask the Secretary of State for Social Security when he will reply to the letter of 22 September 1999 from the hon. and learned Member for Harborough to the Under-Secretary of State, the hon. Member for Wallasey (Angela Eagle), on behalf of the estate of Mr. A. J. H. Boulter of Wigston, Leicestershire. [105983]

Angela Eagle: A reply was sent to the hon. and learned Member on 24 January.

CULTURE, MEDIA AND SPORT

Wembley Stadium

Mr. Paul Marsden: To ask the Secretary of State for Culture, Media and Sport if he will list the bodies consulted on the design of the proposed ramped area from the external road to the olympic track of the English National Stadium Project; and if he will make a statement. [102391]

Kate Hoey: The design of the ramp area was a matter for Wembley National Stadium Ltd. (WNSL) as part of its overall brief for the design of the stadium.

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport on what basis he seeks to recover moneys from the Lottery award for the development of the English National Stadium at Wembley. [104327]

Kate Hoey *[holding answer 10 January 2000]:* Sport England, the Football Association and WNSL are currently considering whether amendments are necessary to the existing Lottery Funding Agreement to reflect Wembley's new role as the centrepiece for football and rugby league in England. In the light of the prospective agreement, the Football Association has proposed that £20 million be returned to Sport England.

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the additional costs of building the new Wembley Stadium in athletics mode with a capacity of 80,000, rather than in football mode with a capacity of 90,000. [104326]

Kate Hoey *[holding answer 10 January 2000]:* I understand that although preliminary discussions took place between Wembley National Stadium, Sport England and UK Athletics about proposals to build the new stadium at Wembley in athletics mode with a capacity of 80,000, no estimates of additional costs were made.

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of proposals to offset the costs of building the athletics platform at Wembley Stadium against the corporate hospitality rights owned by UK Athletics. [104338]

Kate Hoey *[holding answer 10 January 2000]:* The use of corporate hospitality rights at the new Wembley Stadium during an athletics event would be a matter for commercial negotiation between Wembley National Stadium Ltd. (WNSL) and the event organiser, UK Athletics. While preliminary discussions had taken place between WNSL and UK Athletics in which the Government did not take part, I understand that no firm agreements had been reached.

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport which condition of the Lottery Funding Agreement for the development of the English National Stadium at Wembley has been breached. [104328]

Kate Hoey *[holding answer 10 January 2000]:* The question of whether the conditions of a Lottery Funding Agreement have been breached are a matter for the Lottery distributor, in this case Sport England.

Olympic Games Stadium

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport (1) what *(a)* guidelines and *(b)* criteria the International Olympic Committee has notified him of regarding the minimum number of seats required for a stadium to host an Olympic Athletics competition; [104331]

(2) what *(a)* guidelines and *(b)* criteria the International Olympic Committee has notified him of regarding the minimum number of seats required for a stadium to host the opening and closing ceremonies of an Olympic Games. [104332]

Kate Hoey *[holding answer 10 January 2000]:* The International Olympic Committee has not notified the Department directly of guidelines or criteria for the minimum number of seats required for a stadium to host an Olympic athletics competition. The BOA have indicated that a viable UK bid would require an 80,000 seat stadium.

Sports Tourism Strategy

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the arrangements for ticket sales for sporting events in the United Kingdom following the launch of the British Tourist Authority sports tourism strategy. [105059]

Kate Hoey: The BTA's sports tourism strategy seeks to build on the capacity of these events to attract foreign visitors. The Sports Tourism Forum—established as part of the BTA strategy—will be examining the issue of ticket availability for tourists.

Swimming Pools

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to ensure an equal geographical distribution of Olympic-size swimming pools in the United Kingdom. [105085]

Kate Hoey *[holding answer 17 January 2000]:* Sport England have proposed a facilities plan for the provision of Olympic sized swimming pools, in association with the Amateur Swimming Association. In which the assessment of the most appropriate location and geographical coverage are central to decisions being made on final location. Sport England ensure that the key factors needed to sustain a pool of Olympic size are taken into account, including: a critical mass of population to sustain its use; whether the configuration of the pool to Olympic scale best meets the needs for the local population; and the location and needs of high performance swimmers.

There are currently 11 50m pools in England (including two under construction). Sport England have given in principal Lottery support to proposals for a new 50m pool in Loughborough. Sport England's facilities plan identifies the need for new 50m pools in the North East, Merseyside, Birmingham, Portsmouth, London and Leeds. The demand for a high performance swimming centre at Sheffield is also under consideration.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Culture, Media and Sport what action he is taking to reduce smoking in his Department. [105806]

Mr. Chris Smith: My Department actively encourages a reduction in smoking by operating a policy which permits smoking in only three designated smoking rooms. Ventilation in these rooms is designed to avoid the recirculation of smoke to non-smoking areas. In order to raise general awareness of health issues, my Department has introduced a computerised health checkpoint. This is accessible to all staff and includes information and advice on the risks associated with smoking. Staff have access to an on-site fitness centre and are given a full fitness assessment and advice on healthy living prior to joining. DCMS has also actively encouraged staff to participate in National No Smoking Day and will be doing so again this year.

Post Offices

Mr. Jack: To ask the Secretary of State for Culture, Media and Sport what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub post offices. [105853]

Mr. Chris Smith: I refer the right hon. Member to the reply given by my hon. Friend the Secretary of State for Trade and Industry on 20 January 2000, *Official Report*, column 520W.

Departmental Properties

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport if he will list those properties held by his Department and agencies responsible to him which are *(a)* wholly and *(b)* mainly unoccupied at present, giving locations and when they became so unoccupied in each case. [105303]

Mr. Alan Howarth *[holding answer 19 January 2000]:* My Department has the following properties unoccupied at present:

Address of Property	*Wholly or partly unoccupied*	*Date vacated*
Core Department		
2nd Floor, 179a Tottenham Court Road, W1[1]	Partly	January 2000
Basement, 7 St. James's Square, SW1[2]	Partly	January 2000
Royal Parks Agency		
Brew House Bushey Park	Wholly	©1998
New Lodge Bushey Park	Wholly	December 1999
White Lodge, Bushey Park[3]	Wholly	©1980
Vanburgh Gate Lodge, Greenwich Park	Wholly	January 2000

[1] Area became vacant following closure of Y2K contingency office. Being actively marketed.

[2] Area became vacant following Commission for Architecture and the Built Environment (CABE) reducing their occupation prior to finding alternative premises.

[3] Requires the completion of significant restoration before re-occupation is feasible.

Note:

The remainder of the Royal Parks properties are available for re-occupation at any time.

Television Subtitles

Miss Kirkbride: To ask the Secretary of State for Culture, Media and Sport (1) what arrangements he has made for public consultation regarding his Department's review of digital television subtitling targets; [105985]

(2) what the timescale is for his Department's review of digital television subtitling targets; and when he expects the review to be completed; [105984]

(3) if his Department's review of television subtitling targets will include analogue television; [105987]

(4) if he will publish the findings of his Department's review of digital television subtitling targets when it is completed. [105986]

Janet Anderson: The Government's review of the statutory targets on the subtitling, signing and audio description of programmes on digital terrestrial television will begin in early summer this year. We will be consulting the Independent Television Commission, the broadcasters, those who provide subtitling, signing and audio description services and consumer groups representing viewers with sensory disabilities. Once the review is completed in November 2000, we will publish the results.

The review will not include analogue television to which different arrangements apply. The Broadcasting Act 1990 set a target of 50 per cent. of subtitling of programmes by 1998 (for Channel 3) and by the fifth anniversary of its launch (for Channel 5). Thereafter it is for the Independent Television Commission (ITC) to set targets which are reasonably practicable. The Commission has set a target of 80 per cent. of subtitling of programmes by 2004 for Channel 3 and it will review this target in 2001.

National Lottery

Mr. Wilshire: To ask the Secretary of State for Culture, Media and Sport if he will list in descending order of value *(a)* the number and type of National Lottery grants awarded to organisations in each constituency and *(b)* the total value of all National Lottery grants made to organisations in each constituency. [105898]

Kate Hoey *[holding answer 20 January 2000]:* I have placed the following tables in the Libraries of the House: *(a)* the total number of Lottery awards to each constituency broken down by good cause and *(b)* the total value of grants awarded to each constituency broken down by good cause, both shown in descending order.

The data have been taken from the National Lottery Awards Database which has been compiled using information on National Lottery awards supplied by the Distributing Bodies. The tables exclude Lottery awards not attributed by the Distributing Bodies to a particular constituency. The constituency information relates to the address to which the Lottery Award was sent.

Television Licences (Pensioners)

Mr. Öpik: To ask the Secretary of State for Culture, Media and Sport (1) when the Government plan to introduce free television licences for pensioners over the age of 75 years; [106551]

(2) what mechanism the Government intend to put in place to ensure that *(a)* pensioners aged over 75 years who have previously purchased a television licence are reimbursed for the months still to run after they become eligible for a free licence and *(b)* pensioners who have purchased a television licence less than a year before turning 75 are reimbursed for the months still to run. [106552]

Janet Anderson: My right hon. Friend the Chancellor of the Exchequer announced in his pre-Budget statement on 9 November 1999, *Official Report*, columns 883–91, that people aged 75 or over will receive their television licence free of charge from this autumn. The Government intend to announce shortly the precise starting date and details of how the scheme will operate. We anticipate that the scheme will incorporate arrangements for refunds in respect of unexpired licences.

Running Tracks

Mr. Bob Russell: To ask the Secretary of State for Culture, Media and Sport how many local authority running tracks there are in Essex. [106468]

Kate Hoey: There are six local authority running tracks in Essex.

Tourist Attractions (North-West)

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport what recent discussions he has had with train and coach operators about promoting tourist attractions in the North-West. [105047]

Janet Anderson *[holding answer 17 January 2000]:* I have had no recent discussions with train and coach operators in the North West. However, I have started a regular dialogue with rail and coach operators at a national level through the English Tourism Council's Transport Task Force. This was set up recently as part of the Government's national strategy for tourism, Tomorrow's Tourism.

LORD CHANCELLOR'S DEPARTMENT

Hague Convention

Ms Oona King: To ask the Parliamentary Secretary, Lord Chancellor's Department how many children have been returned from *(a)* Greece to England and Wales and *(b)* England and Wales to Greece under the Hague Convention since the United Kingdom's accession to the Convention. [105847]

Jane Kennedy: The 1980 Hague Convention on the Civil Aspects of International Child Abduction came into force between the United Kingdom and Greece in 1993. From 1993 to the end of 1999 there were 25 cases of abduction from England and Wales to Greece with 11 returns (44 per cent. of applications made) and 48 cases of abduction to England and Wales with 22 returns (46 per cent. of applications received. Cases may involve more than one child.

Ms Oona King: To ask the Parliamentary Secretary, Lord Chancellor's Department when the next international review by member state signatories of the Hague Convention on child abduction will take place; and if he will press for common procedures to be enforced in signatory countries. [105845]

Jane Kennedy: The next Special Commission of the Hague Conference to review the 1980 Hague Convention on the Civil Aspects of International Child Abduction will be held in the spring of 2001. Contracting states of the Hague Convention have committed themselves to operate the provisions of the Convention and to do so in accordance with the terms under which it has been incorporated into their national law. The Government recognise that the operation of international conventions involves the alignment of different jurisdictions and different traditions of law and society.

Ms Oona King: To ask the Parliamentary Secretary, Lord Chancellor's Department how many children have been abducted to each of the signatory states of the Hague Convention since the United Kingdom's accession; and what proportion of such children has been returned by each of those states. [105846]

Jane Kennedy: Figures for the number of cases of abduction from England and Wales dealt with under the 1980 Hague Convention on the Civil Aspects of International Child Abduction since the Convention came into force between the United Kingdom and each contracting state, and the percentage of returns, are set out in the table. Cases may involve more than one child. Cases may be resolved satisfactorily between the parents otherwise than by a return.

Total number of cases between England and Wales and other contracting states involving children removed from England and Wales since convention in force

Country	Date in force with UK	Total cases	Number of cases where return effected	Success rate (percentage)
Argentina	1991	1	0	—
Australia	1987	112	68	61
Austria	1988	7	3	43
Bahamas	1994	—	—	—
Belgium	1999	2	1	50
Belize	1989	—	—	—
Bosnia	1992	2	0	—
Burkina Faso	1992	—	—	—
Canada	1986	62	31	50
Chile	1994	—	—	—
Colombia	1996	1	0	—
Croatia	1991	3	2	66
Cyprus	1995	10	5	50
Czech Republic	1998	—	—	—
Denmark	1991	14	9	64
Ecuador	1992	—	—	—
Federal Yugoslavia	1992	2	0	—
Finland	1994	3	2	66
France	1986	110	39	35
Georgia	1997	—	—	—
Germany	1990	80	28	35
Greece	1993	25	11	44
Honduras	1994	—	—	—
Hong Kong	1997	5	4	80
Hungary	1986	5	1	20
Iceland	1996	—	—	—
Ireland	1991	209	126	60
Israel	1991	7	3	43
Italy	1995	21	12	57
Luxembourg	1987	1	0	—
Macedonia	1991	—	—	—
Mauritius	1993	2	1	50
Mexico	1991	4	0	—
Monaco	1993	—	—	—
Netherlands	1990	56	23	41
New Zealand	1991	38	21	55
Norway	1989	14	10	71
Panama	1991	—	—	—
Poland	1992	7	3	43

Total number of cases between England and Wales and other contracting states involving children removed from England and Wales since convention in force

Country	Date in force with UK	Total cases	Number of cases where return effected	Success rate (percentage)
Portugal	1986	18	7	39
Romania	1993	1	1	100
Slovenia	1994	1	0	—
South Africa	1997	9	0	—
Spain	1987	122	70	57
St. Kitts and Nevis	1994	1	1	100
Sweden	1989	18	10	55
Switzerland	1986	13	5	38
Turkmenistan	1998	—	—	—
USA	1988	324	170	52
Venezuela	1997	1	0	—
Zimbabwe	1995	3	1	33
Overall Total		1,314	668	51

Post Offices

Mr. Jack: To ask the Parliamentary Secretary, Lord Chancellor's Department what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105860]

Jane Kennedy: I refer the right hon. Member to the written answer given to him by my hon. Friend the Minister for Competitiveness on 20 January 2000, *Official Report,* column 519W.

Private Finance Initiative

Mr. Jack: To ask the Parliamentary Secretary, Lord Chancellor's Department which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105868]

Jane Kennedy: I refer the right hon. Member to the written answer given to him today by my right hon. Friend the Chief Secretary to the Treasury.

HEALTH

Gammahydroxybutyrate

Ms Drown: To ask the Secretary of State for Health what plans the Government have to ban the sale and possession of the sedative drug, Gammahydroxybutyrate. [105612]

Mr. Charles Clarke: I have been asked to reply.

The sale of Gammahydroxybutyrate (GHB) is governed by the Medicines Act 1968 and prohibited except under licence. GHB is not currently controlled under international drugs conventions or the Misuse of Drugs Act 1971, and so possession does not constitute an offence.

The Government keep drug misuse under review and the Advisory Council on the Misuse of Drugs has a statutory responsibility to advise the Government on such matters. The Council has considered the misuse of GHB on several occasions, most recently in May 1998. It decided against recommending that GHB be controlled under the Misuse of Drugs Act. At present, the World Health Organisation are looking at GHB and the European Monitoring Centre for Drugs and Drug Addiction is considering its misuse within the European Union. The possible use of GHB in cases of drug rape is being considered within a Home Office sponsored Metropolitan Police research initiative into drug-assisted rape. The findings of these various pieces of research will be considered as part of the ongoing review process to which I have referred.

Thrombolytic Drugs

Mr. Hammond: To ask the Secretary of State for Health what percentage of heart attack patients receive thrombolytic drugs within the target time of 30 minutes proposed by his Department. [99988]

Yvette Cooper: The Emerging Findings report on the National Service Framework for Coronary Heart Disease, published in November 1998, proposes a national standard for 'call-to-needle time' of 60 minutes for thrombolysis. This covers the total National Health Service response time from the point when the patient seeks professional help to the time when treatment is started if it is indicated.

There is no national audit of thrombolytic therapy in place at present. An audit undertaken in 15 hospitals in 1997, the latest year for which data are available, found that 14 per cent. of eligible patients received thrombolytic therapy within 60 minutes of calling for help, and the proportion treated within 30 minutes of hospital arrival ('door-to-needle' time) was 33.2 per cent.

Food Hygiene

Mrs. Dean: To ask the Secretary of State for Health if he will require local authorities to publish their inspection reports on food outlets. [100496]

Yvette Cooper: Decisions on publication of information in respect of food inspections are a matter for individual local authorities in the light of local circumstances, taking into account the need to protect public health.

In-vitro Fertilisation

Mr. Bob Russell: To ask the Secretary of State for Health what monitoring is carried out to ensure that IVF treatment is available in the North Essex Health Authority Area. [100900]

Yvette Cooper: No specific monitoring is carried out to ensure that in-vitro fertilisation treatment is available in the North Essex Health Authority area.

The decision to provide in-vitro fertilisation treatment is one for individual health authorities. This decision should be taken in the light of local needs, available resources and clinical effectiveness.

Malnutrition

Mr. Alan Simpson: To ask the Secretary of State for Health how many people were classified as suffering from malnutrition in *(a)* 1970, *(b)* 1980, *(c)* 1990 and *(d)* 1998. [101372]

Yvette Cooper: The number of admissions to National Health Service hospitals in England with a diagnosis of malnutrition was 3,581 for the financial year 1989–90 and 6,293 for the financial year 1997–98. Figures are not available on a comparable basis for the earlier years.

Research studies have shown that 40 per cent. of adults patients and 15 per cent. of children are malnourished on admission to hospital, indicating that prevalence in the general population may be higher than the admissions figures suggest.

The Government's National Diet and Nutrition Survey programme monitors the diet and nutritional status of the population of Great Britain and has shown that while most people are adequately nourished, there has been a persistent rise in obesity. In 1997, the Health Survey for England showed that 17 per cent. of men and 20 per cent. of women in England were obese compared to 6 per cent. and 8 per cent. of those studied in the earliest previous study in 1980.

Breast Feeding

Mr. Beith: To ask the Secretary of State for Health what recent steps his Department has taken to promote breast feeding. [104093]

Yvette Cooper: We are fully committed to the promotion of breastfeeding, which is uniformly accepted as the best form of nutrition for infants. We also firmly believe that it is important that women and their partners are able to make a fully informed choice on how to feed their babies based on accurate and consistent information. This means that women should have access to information about all infant feeding practices through the relevant health care professional.

Two part-time infant feeding advisers have been appointed. One is a practising health visitor and the other a midwife to act as a focus for developing and

implementing strategies for promoting breastfeeding. In particular, their expertise will be utilised to increase the incidence of breastfeeding among groups where breastfeeding rates are lowest, for example, those on low income, and to ensure that all mothers have the information and support they need to make informed infant feeding choices.

The infant feeding advisers are also managing a substantial project budget that will include taking forward developmental work on a model questionnaire for collecting information locally on monitoring breastfeeding rates, administer a small grant scheme to help evaluate projects which provide best practice on increasing breastfeeding rates among mothers on low incomes, take forward initiatives on a parent friendly approach to infant feeding and develop educational resources and promotional materials to promote breastfeeding that would appeal to varying groups in the population.

We also promote breastfeeding in the following ways. The National Network of Breastfeeding Co-ordinators has been established to promote breastfeeding at a local level and to share ideas nationally with a view to increasing both the number of mothers breastfeeding and the length of time they continue to breastfeed. Each year the four UK Health Departments support National Breastfeeding Awareness Week to increase public awareness of the benefits of breastfeeding, which will this year take place between 14–20 May.

The Department provides financial support to the four main voluntary organisations in this area, the National Childbirth Trust, La Leche League, Breastfeeding Network and the Association of Breastfeeding Mothers. Close links are also kept with UNICEF's Baby Friendly Initiative (BFI) which includes a Departmental observer sitting on the Steering Committee of the UK BFI. The Department offers support for research into breastfeeding through the Quinquennial Surveys of Infant Feeding Practice; a new survey will be undertaken this year. The Department also receives and publishes expert advice on breastfeeding through its advisory committees, such as COMA's Panel on Child and Maternal Nutrition.

Also, as part of the Department's research initiative on health inequalities, we are supporting a study aimed at identifying the barriers to breastfeeding in low income groups. This should also help us to understand what influences a woman's decision whether to breastfeed or not. In turn, this will help us to develop and test new policies to promote and improve the health of babies from low income families. This research will report in late 2001.

Employment Statistics

Mrs. Ann Cryer: To ask the Secretary of State for Health how many *(a)* men and *(b)* women in each of the standard age groups were employed in his Department in (i) 1979 and (ii) 1999. [104030]

Yvette Cooper: In 1979 the Departments of Health and Social Security were a single department. The table shows the number of men and women employed by the DHSS in each of the standard age groups.

Age group	*Female*	*Male*	*Total*
All ages	62,525	35,903	98,482
16–19	8,325	2,437	10,762
20–24	15,599	5,909	21,508
25–29	8,369	5,012	13,381
30–34	5,238	4,154	9,392
35–39	3,848	2,505	6,353
40–44	3,597	2,046	5,643
45–49	4,577	2,138	6,715
50–75	12,969	11,700	21,669
Other	3	2	5

The table shows the number of women and men employed by the Department of Health at 31 March 1999 in each of the standard age groups.

Age group	*Female*	*Male*	*Total*
All ages	2,821	2,117	4,938
16–19	13	5	18
20–24	121	85	206
25–29	342	185	527
30–34	555	282	837
35–39	551	343	894
40–44	430	362	792
45–49	367	379	746

Drug Treatment

Dr. Iddon: To ask the Secretary of State for Health of the £50 million allocated to health authorities for drug treatment services; what priorities he has set out for this expenditure; and what is the total allocated to the North West Region. [104343]

Yvette Cooper: £1,314,000 has been allocated to health authorities in the North West for the financial year 1999–2000. This is from a total of £12 million allocated to health authorities for the development of new drug treatment services. Announcements on the allocation of funding in 2000–01 and 2001–02 for the development of new drug treatment services are yet to be made. Three priority areas have currently been identified: development of primary care based treatment services and support for drug misusers; an increase in the provision of treatment services for young people who misuse drugs, particularly the under-18s, and prevention services for vulnerable young people (among the under 25s); and implementation of a hepatitis B immunisation programme targeted at drug misusers most at risk of the infection.

Dr. Iddon: To ask the Secretary of State for Health of the £20 million allocated to local authorities for drug treatment services what priorities he has set out for their use; and what is the figure allocated to each local authority in the North West Region. [104344]

Yvette Cooper: The additional drug and alcohol specific grants and special grants allocated to local authorities in the north west for 1999–2000 are shown in the tables. This is from a total additional £3 million allocated to local authorities to develop new services and increase the numbers of problem drug misusers accessing services that have a positive impact on health and crime. It is expected that this will: improve access to services for substance misusers; support substance misusers, including people with a dual diagnosis, in overcoming their problems and helping them to lead healthier, crime free

lives; and develop a co-ordinated and flexible service provision which will involve more extensive joint planning and commissioning.

Local authority	*Additional drug and alcohol specific grant*
Bolton Metropolitan Borough Council	72,000
Bury Metropolitan Borough Council	20,000
Rochdale Metropolitan Borough Council	20,000
Halton Borough Council	39,018
Oldham Metropolitan Borough	31,500
St. Helen's Metropolitan Borough	23,655

Local authority	*Special grant*
Liverpool County Council	30,000
Salford Metropolitan District Council	27,600

Vaccinations

Laura Moffatt: To ask the Secretary of State for Health what was the cost to the NHS of vaccinating persons prior to their travelling abroad in the last year for which figures are available. [104134]

Yvette Cooper: It is not possible to give a total figure for the cost of immunisation for the purpose of travel abroad each year. Records are not kept of the numbers of people immunised and data on prescription items are limited as they do not differentiate between vaccine given for travel or for other reasons and they do not differentiate between primary courses (usually consisting of several doses of vaccine) and booster doses. The number of prescription items dispensed in England and the net ingredient costs for vaccines that may be given for the purposes of travel are given in the table.

The number of prescription items dispensed and net ingredient cost for vaccines likely to have been administered for travel [1]

England, 1994–98

Year	*Total number of prescription items (millions)*	*Total cost (£ million)*
1994	3.4	40.5
1995	3.3	47.0
1996	3.3	49.1
1997	3.3	52.4
1998	3.1	52.0

[1] The travel vaccines are those preparations in the British National Formulary (BNF) (issue 38, September 1999) section 14.6—International travel: BCG, diphtheria, hepatitis A, meningococcal A&C, normal immunoglobulin, poliomyelitis, typhoid, and yellow fever. Some of these vaccines will have been prescribed for reasons other than travel.

Notes:

1. The data cover all prescriptions dispensed by community pharmacists and appliance contractors, dispensing doctors, and prescriptions submitted by prescribing doctors for items personally administered in England.

2. The net ingredient cost refers to the cost of the drug before discounts and does no include any dispensing costs or fees.

Infectious Diseases

Laura Moffatt: To ask the Secretary of State for Health what was the cost to the NHS of treating patients in the UK for infectious diseases contracted in other countries in the last year for which figures are available. [104133]

Yvette Cooper: Information on the cost to the National Health Service from travel-related infection is not held centrally. Information on the numbers of all diseases notifiable under various Public Health (Infectious Diseases) Regulations in England and Wales are published in the Public Health Laboratory Service's Communicable Disease Statistics England and Wales. Where known, numbers of cases of diseases contracted abroad are given, but this information is not reliably reported. Copies are available in the Library.

Lung Cancer

Mr. O'Hara: To ask the Secretary of State for Health in the last year for which figures are available, how many people in each NHS region who are receiving palliative chemotherapy to relieve the symptoms of inoperable non-small lung cancer are aged *(a)* under 29, *(b)* 30 to 49, *(c)* 50 to 64, *(d)* 65 to 74, *(e)* 75 to 84 and *(f)* 85 years and over. [103950]

Yvette Cooper: Information on the number of people in each NHS region receiving palliative chemotherapy for inoperable non-small cell lung cancer by age group is not available.

Evidence based guidance "Improving Outcomes in Lung Cancer" published in June 1998 has been sent to all commissioners and providers of lung cancer services and concentrates on those aspects of services which are likely to have a significant impact on health outcomes. The guidance is intended to support the ongoing implementation of the Calman/Hine report. The guidance makes it clear that palliative care should be an integral part of patient management for all lung cancer patients from the outset, including chemotherapy where appropriate.

Neurology Treatment

Mr. Bob Russell: To ask the Secretary of State for Health what is his target for the maximum waiting time to see a consultant neurologist; what is the current waiting period for Essex Rivers Healthcare NHS Trust; and if he will make a statement. [104506]

Mr. Denham: There is no specific target for individual specialities. Over a third of all patients have their first outpatient appointment within 4 weeks of being referred by their general practitioner. We are, however, determined to modernise services and reduce the number of patients waiting longer than thirteen weeks for their first outpatient appointment.

Figures are not collected on the average waiting period of patients for a first outpatient appointment but figures are available on the length of time patients waited to be seen following a GP written referral. The latest figures available are for Quarter 2 (quarter ending 30 September 1999), and are given in the table.

Of those GP written referrals seen in Neurology during Quarter 2, 1999–2000, the number who waited (in weeks) at Essex Rivers Healthcare National Health Service Trust

	Number
0–3 weeks	31
4-under 13 weeks	40
13-under 26 weeks	21
Over 26 weeks	36

Source:
Form QM08—completed by the Trust quarterly.

Heart Disease

Mrs. Brinton: To ask the Secretary of State for Health (1) what estimate he has made of the number of deaths per year *(a)* in total and *(b)* of heart patients which would be avoided if those diagnosed with heart disease were legally required to comply with prescribed medical treatment; [104763]

(2) what estimate he has made of the number of deaths per year *(a)* in total and *(b)* of diabetics which would be avoided if those with a diagnosis of heart disease were legally required to comply with prescribed medical treatment. [104762]

Mr. Denham: No such estimates have been made.

Diabetics

Mrs. Brinton: To ask the Secretary of State for Health what proportion of insulin-dependent diabetics failed to comply with medically prescribed treatment in the last year for which figures are available. [104761]

Mr. Denham: The information requested is not available centrally.

NHS Litigation Authority

Dr. Brand: To ask the Secretary of State for Health what was the average delay in reimbursement by the NHS Litigation Authority in the last 12 months; and how much is owed to each health authority. [105504]

Mr. Denham: The average time taken to reimburse health authorities and National Health Service trusts during this period was 1.8 months. However, the most recent figures indicate that the NHS Litigation Authority is currently meeting its target of dealing with cases within 30 days of receiving a correctly completed payment request form. It is not possible to state how much is owed to each health authority since this will change on a day-to-day basis.

Babies (Heroin Addiction)

Mr. Chope: To ask the Secretary of State for Health how many babies born in each health authority area in England in each of the last five years have been dependent at birth upon heroin or heroin substitutes. [105256]

Ms Stuart: The information requested is not available centrally.

Generic Drugs

Mr. Dobbin: To ask the Secretary of State for Health what plans he has to control the cost and availability of generic drugs. [105508]

Ms Stuart: We are determined to ensure that the supply of generic medicines to the National Health Service is reliable and delivers value for money. We have put in place a fundamental review of the generic medicines market to consider how we can best achieve these and related objectives. The review is under way and conclusions are expected in the summer.

Morphine and Diamorphine

Dr. Iddon: To ask the Secretary of State for Health how much *(a)* morphine and *(b)* diamorphine by (i) weight and (ii) cost the NHS has purchased in each of the last 10 years. [105354]

Ms Stuart: The information requested is shown in the tables.

The number of prescriptions and the net ingredient cost of morphine and diamorphine hydrochloride dispensed in the community
England, 1989–98

Prescriptions (thousand)

	Morphine salts	*Diamorphine hydrochloride*
1989	362.1	67.5
1990	410.3	72.8
1991	526.1	140.8
1992	572.5	133.0
1993	595.3	119.3
1994	664.4	128.5
1995	698.6	128.9
1996	728.7	119.9
1997	762.2	116.5
1998	819.2	114.6

Net ingredient cost (£000)

	Morphine salts	*Diamorphine hydrochloride*
1989	5,745.9	2,204.8
1990	6,734.7	3,418.2
1991	8,653.0	3,583.0
1992	9,835.4	3,612.4
1993	10,489.1	3,593.4
1994	11,414.9	3,755.6
1995	12,069.9	3,854.6
1996	12,328.9	3,822.9
1997	13,009.9	3,747.5
1998	13,931.2	3,808.1

Notes:
Please note that the data up to 1990 are not strictly consistent with data from 1991 onwards. Figures for 1989 and 1990 are based on fees and on a sample of 1 in 200 prescriptions dispensed by community pharmacists and appliance contractors only. Figures for 1991 onwards are based on items and cover all prescriptions dispensed by community pharmacists, appliance contractors, dispensing doctors and prescriptions submitted by prescribing doctors for items personally administered.
The net ingredient cost is the basic cost of a drug and does not take account of discounts, dispensing costs, fees or prescription charges income.

Intensive Care Beds

Mr. Maclean: To ask the Secretary of State for Health how many *(a)* intensive care beds and *(b)* high dependency beds there were within the NHS in each of the last 30 years. [105676]

Mr. Denham: Available information is the average daily number of available and occupied beds by ward type for each National Health Service trust. This is published annually in "Bed Availability and Occupancy, England" and is available in the Library. However, this was an intensive care ward-based count. As wards classified as intensive care can also contain other types of beds, we have piloted a new census focusing specifically on adult intensive care and high dependency beds. We will publish the results in due course.

Mr. Boswell: To ask the Secretary of State for Health how many additional intensive care beds were created in each NHS trust hospital during 1999; and how many were withdrawn from use in that year. [106204]

Mr. Denham: Information is not available in the form requested. However, we introduced on 31 March 1999 the first of a twice yearly census of intensive care and high dependency beds. A further census was taken on 30 September 1999. We will publish the results in due course.

Mr. Wilshire: To ask the Secretary of State for Health if he will (1) list the number of intensive care beds opened at each hospital since 1 May 1997, giving the date of opening in each case; [106176]

(2) list the number of intensive care beds at each hospital that have been closed since 1 May 1997, giving the date of closure in each case. [105893]

Mr. Denham: The information requested is not available centrally. Available information is the average daily number of available beds by ward type for each National Health Service trust. This is published annually in "Bed Availability and Occupancy, England" and copies are in the Library. However, this is a ward-based count and as wards classified as intensive care can also contain other beds, we have piloted a new twice yearly census focusing specifically on adult intensive care and high dependency beds. We will publish the results in due course.

NHS Staff

Mr. Sawford: To ask the Secretary of State for Health how many *(a)* nurses and *(b)* doctors left employment with the National Health Service in each year from 1990 to the latest year for which figures are available. [105655]

Mr. Denham: Information about the numbers of nurses and doctors who have left the National Health Service is not collected centrally.

Mr. Sawford: To ask the Secretary of State for Health how many *(a)* nurses and *(b)* doctors were employed by the National Health Service in each year from 1990 to the latest year for which figures are available. [105593]

Mr. Denham: Information about numbers of nurses and doctors employed by the National Health Service in each year from 1990 to 1998 (latest year available) is shown in the tables.

NHS hospital and community health services: Nursing, midwifery and health visiting staff 1990–98
England as at 30 September of each year

	Numbers (headcount)	*Whole-time equivalents*
1990	463,790	395,360
1991	473,220	392,200
1992	460,180	378,780
1993	445,160	361,460
1994	431,300	348,690
1995[1]	411,840	330,440
1996	415,750	332,660
1997	417,570	330,620
1998	421,750	332,200

[1] A new classification of the non-medical workforce was introduced in 1995. Pre-1995 the classification was based on payscales.
Notes:
1. Figures are rounded to the nearest ten.
2. Figures exclude agency staff and learners.

Medical staff (doctors) employed by the NHS 1990–98
England as at 30 September

	Hospital doctors[1]	*Public health medicine and community health medicine*	*All doctors*
1990	48,590	5,900	54,490
1991	49,890	5,320	55,210
1992	50,380	4,940	55,320
1993	51,550	4,710	56,260
1994	52,040	4,070	56,110
1995	55,350	3,920	59,270
1996	57,120	3,610	60,730
1997	59,860	3,410	63,270
1998	61,650	3,210	64,860

[1] Hospital medical staff.
Notes:
1. Figures rounded to nearest 10.
2. Totals may not equal sum of components due to rounding.
Source:
Department of Health medical and dental workforce census.

Mr. Sawford: To ask the Secretary of State for Health how many *(a)* nurses and *(b)* doctors were in training in each year from 1990 to the latest year for which figures are available. [105656]

Mr. Denham: Information about numbers of doctors in training in each year from 1990 to 1998 (latest available) is shown in the table. Information about numbers of nurses in training is not available for 1990–91 and 1991–1992. Data for 1998–99 are unvalidated.

Available information for nurses is shown in the table.

Doctors in training, 1990–98, England at 30 September

	House officer	*Senior house officer*	*Registrar group*	*GP registrars*[1]	*All staff*
1990	3,020	10,900	9,570	1,560	25,050
1991	3,060	11,290	9,900	1,640	25,890
1992	3,040	11,570	10,080	1,610	26,300
1993	3,090	11,960	10,370	1,530	26,950
1994	3,020	12,190	10,570	1,440	27,220
1995	3,220	12,930	10,820	1,400	28,370
1996	3,220	13,770	10,840	1,300	29,130
1997	3,360	14,560	11,360	1,340	30,620
1998	3,450	14,750	11,590	1,450	31,240

[1] Previously referred to as trainees
Notes:
1. Figures rounded to nearest 10
2. Totals may not equal sum of components due to rounding
Sources:
1. Department of Health Medical and Dental Workforce Census
2. Department of Health General and Personal Medical Services Statistics

NHS Funded Pre-Registration Nursing and Midwifery Training Commissions [1]

	Nursing			Midwifery [3]					
Year	*Diploma*	*Degree* [2]	*Total*	*Degree*	*Diploma*	*Total Pre-reg*	*Other*	*Total Pre-reg Nursing and Midwifery*	*Adjusted total* [4]
1992–93	14,883	190	15,073	42	206	248	1,292	15,321	16,338
1993–94	12,439	199	12,638	92	450	542	1,215	13,180	14,197
1994–95	10,594	255	10,849	92	522	614	1,044	11,463	12,480
1995–96	11,495	256	11,751	128	485	613	1,030	12,364	13,381
1996–97	13,011	297	13,308	161	498	659	993	13,967	14,984
1997–98	14,429	297	14,726	224	572	796	908	15,522	16,539
1998–99	15,155	1,201	16,356	254	611	865	892	17,221	17,221

[1] Data updated on 1 October 1999 following a validation of midwifery data with ROs (against agreed data definitions given in the table) and new data from SERO

[2] The step change in degree commissions in 1998–99 is a result of the transfer from DfEE to DH following Dearing

[3] Midwifery data for 1992–93 is incomplete. Some degree data missing—poss. 60 places in 1993–94, poss. 24 places in 1995–96. 1996–97 onwards is incomplete.

[4] Adjusted to take account of Dearing transfer 1,017 places (1992–93 to 1997–98 inc.)

Notes:

1. Planned commissions (with degree data from SGU)
2. Unvalidated 1998–99 outturn
3. Data not available for 1990–91 and 1991–92

Data Protection

Mr. Cohen: To ask the Secretary of State for Health what plans he has for further action to restrain the use of anonymised data extracted from prescription forms; and if he will make a statement on the ownership of the data contained in prescription forms. [106061]

Ms Stuart: There has recently been a judgment in the Court of Appeal dealing with the use that can be made of anonymised data extracted from prescription forms. I have arranged for a Petition for leave to appeal to be lodged at the judicial office of the House of Lords. We shall also continue to consider the complex legal issues raised by the judgment, and, in particular, the implications for the use of data on prescription forms.

Accident and Emergency Departments (West Midlands)

Mr. John M. Taylor: To ask the Secretary of State for Health how many 24 hour accident and emergency departments there were in the West Midlands region on *(a)* 31 December 1970 and *(b)* 31 December 1999. [105989]

Ms Stuart: On 31 December 1999 there were 21 24-hour accident and emergency departments in the West Midlands region.

The figure for 31 December 1970 is not available. Changes in the configuration of health services and in the definition of what constitutes an accident and emergency department have altered significantly over the last 30 years.

Diseases

Mr. Flynn: To ask the Secretary of State for Health what assessment he has made of the likely change over the next 10 years in the incidence of cases of *(a)* MRSA, *(b)* TB and *(c)* Hepatitis C; and what action is he taking to deal with such changes. [105424]

Yvette Cooper *[holding answer 20 January 2000]:* MRSA is the antibiotic resistant form of *Staphylococcus aureus*, a bacterium which is carried harmlessly on the skin by at least a third of the population. About 80 per cent. of people who acquire MRSA similarly carry it harmlessly on the skin and do not suffer from any infection. Action is in hand to improve the surveillance of MRSA and also the prevention and control of hospital acquired infection, including MRSA. The extent to which this work will impact on the cases of incidence over the next 10 years is unpredictable.

Official notifications of tuberculosis gradually fell to an all time low of 5,086 in England and Wales in 1987 from about 50,000 cases a year in the 1950s. Since the early 1990s there have been overall small year on year increases in total notified cases which are continuing. Provisional notifications for 1998 were just over 6,000. While some of this may be due to better ascertainment of cases, it has occurred against the backdrop of a worldwide resurgence of this disease that will, inevitably, continue to have some impact on tuberculosis in the United Kingdom through travel and immigration.

We are working to minimise the effect of worldwide developments and have taken steps to strengthen the surveillance, prevention and control of tuberculosis, including drug resistant tuberculosis.

The incidence of hepatitis C infection is not known as the virus is usually acquired without symptoms. Currently, the most frequent route of transmission of hepatitis C is through sharing of blood-contaminated equipment by injecting drug misusers. Preliminary evidence suggests that the prevalence of hepatitis C infection in newer injectors may be lower than in the past. We are continuing to promote harm minimisation measures to try to accelerate any downward trend.

However, there is likely to be an increase in the diagnosis of hepatitis C in the next 10 years as individuals who have carried the virus for some time are identified through wider testing of groups who have been at risk. Improved treatments are becoming available to help prevent progression to serious liver disease.

National Radiological Protection Board

Mr. Livsey: To ask the Secretary of State for Health if he will *(a)* give the annual budget of the National Radiological Protection Board during each of the last

three years and *(b)* list the source and amount of every payment to the board which exceeded five per cent. of its income in any one year. [105583]

Yvette Cooper: The annual budget of the National Radiological Protection Board during each of the last three years was:

	£ million
1996–97	15.2
1997–98	14.6
1998–99	13.7

The source and amount of every payment to the Board which exceeded 5 per cent. of its income in any one year for the years above was:

	£000
1996–97	
DH Revenue and Capital Grant	6,413
DETR (DoE)	1,530
CEC[1]	1,070
1997–98	
DH Revenue and Capital Grant	6,303
DETR	2,720
CEC	860
1998–99	
DH Revenue and Capital Grant	6,187
DETR	680
CEC	930

[1] Commission of the European Community

Dentistry

Mr. Ashdown: To ask the Secretary of State for Health what assessment he has made of the reasons for the declining number of registrations with NHS dentists; and if he will make a statement. [104722]

Mr. Hutton *[holding answer 20 January 2000]:* The decline in the recorded number of registrations since December 1993 is due to a variety of reasons, including improved systems which remove duplicate registrations, the change in the adult registration period from 24 to 15 months, and some dentists withdrawing from the General Dental Service or reducing their level of commitment to the National Health Service. There will also be some patients who may choose not to register with a dentist, but seek dental treatment only when a problem occurs. The establishment of Dental Access Centres in various parts of the country, announced by my right hon. Friend the Prime Minister last September, will enable people not registered with a dentist but who want to see one, to access high quality NHS care. The Government are committed to ensuring that, within two years, anyone wanting to see a NHS dentist would be able to do so by ringing NHS Direct.

Mr. Gordon Prentice: To ask the Secretary of State for Health when he will publish the White Paper on NHS Dentistry. [106721]

Mr. Hutton: The National Health Service dental strategy will be published shortly.

Hospital Waiting Lists (Mid-Essex)

Mr. Burns: To ask the Secretary of State for Health, pursuant to his reply of 13 January 2000, *Official Report*, columns 233–34W, on the Mid-Essex Hospital Trust, how many people in the Mid-Essex Hospital Trust area were waiting 12 months or more for treatment on the latest date for which information is available; and what has been the total number of patients waiting for hospital treatment in the Mid-Essex Hospital Trust area for the last two months for which figures are available. [106033]

Mr. Denham: The information requested is given in the table.

Total number of patients waiting and the number of patients waiting over 12 months for hospital treatment in the Mid-Essex Hospital Services National Health Service Trust in October and November 1999

Month	Total waiting	Number waiting over 12 months
October	9,372	1,024
November	9,483	1,042

Source:
Monthly Waiting List Returns

Mr. Burns: To ask the Secretary of State for Health, pursuant to his answer of 13 January 2000, *Official Report*, column 234W, how many people in the Mid-Essex Hospital Trust area were, on 30 November 1999, waiting over 18 months for treatment, and for how long over 18 months each such patient was waiting; for what reasons such patients were waiting for more than 18 months; and if all these patients have now been treated. [106034]

Mr. Denham: We are committed to ensuring that no patient has to wait more than 18 months for treatment. However, the last published figures for waiting times, for November 1999, show that at the end of November 1999, 14 patients waited over 18 months for treatment at Mid-Essex Hospital Services National Health Services Trust.

Information about individual patients waiting over 18 months is not collected centrally.

Pay Settlement (North-West Lancashire)

Mr. Jack: To ask the Secretary of State for Health what plans he has to increase the budget for the North West Lancashire Health Authority for 2000–01 to take account of the latest pay settlement for doctors and nurses. [106168]

Mr. Denham: The 2000–01 unified allocation for North West Lancashire Health Authority is £345.28 million, which represents a cash increase of £21.95 million (6.79 per cent.).

The overall allocation will help fund the increased pay bill and other costs, such as health improvement programmes and reducing waiting lists. However, it is for health authorities, in partnership with National Health Service trusts, primary care groups, local authorities and the local stakeholders, to determine how best to use their funds to meet national and local priorities for improving health and modernising services. The significant additional resources available will aid them in this process.

Private Finance Initiative

Mr. Swayne: To ask the Secretary of State for Health if he will make a statement on progress of the PFI project for the New Lymington Community Hospital. [105585]

Mr. Denham: Negotiations between Southampton Community Health Services National Health Service Trust and its private sector partner on the proposed private finance initiative scheme for a new community hospital for Lymington are continuing.

Hearing Aids

Mrs. Spelman: To ask the Secretary of State for Health for what reason he has introduced digital hearing aids on a pilot basis; and when he plans to extend their availability nationally. [106122]

Mr. Hutton: In order to introduce digital hearing aid technology into the National Health Service, hearing aid departments will need new equipment, professionals will need different skills and revised procedures will be required to prescribe digital hearing aids to patients. Such changes will need to be introduced in an integrated way. The pilots will last for two years, after which we will make decisions about extending their availability nationally.

TREASURY

House Repossessions (Income Support)

Mr. White: To ask the Chancellor of the Exchequer what recent discussions he has had with mortgage companies about repossessions caused by a shortfall between payments that income support cover and actual interest due. [105600]

Mr. Bayley: I have been asked to reply.

None. Income Support cover is calculated using a standard interest rate which is based on the weighted average of basic rates charged by the main building societies. It should be noted that the standard interest rate is an average and there is not always a shortfall between Income Support cover and actual interest due.

Deregulation

Mrs. Curtis-Thomas: To ask the Chancellor of the Exchequer what orders his Department has made under the Deregulation and Contracting Out Act 1994 in each year since 1994; and what plans it has to introduce such orders. [106086]

Mr. Timms *[holding answer 20 January 2000]:* The following orders have been made by Treasury Ministers:

The Deregulation (Building Societies) Order 1995 (SI no. 1995/3233).

The Deregulation (Friendly Societies Act 1992) Order 1996 (SI no. 1996/1188).

The Deregulation (Credit Unions) Order 1996 (SI no. 1996/1189).

The Deregulation (Industrial and Provident Societies) Order 1996 (SI no. 1996/1738).

Debt Relief

Mrs. Gillan: To ask the Chancellor of the Exchequer (1) what authority will be responsible for assessing the effect of bilateral debt relief on the heavily indebted poor countries; [105737]

(2) who will assess the implementation of health and education programmes carried out following the cancellation of bilateral debt. [105736]

Miss Melanie Johnson *[holding answer 20 January 2000]:* The Government are satisfied that the conditions of debt relief applied under HIPC are sufficient to guarantee that moneys freed up will be spent on social programmes and poverty reduction. The revised HIPC framework not only provides faster, wider and deeper debt relief, it also increases the impact which this relief has on poverty, through the development and implementation of national Poverty Reduction Strategies, the implementation of which will be an essential pre-condition of qualification for HIPC debt relief.

The transformation of the IMF's Enhanced Structural Adjustment Facility into the Poverty Reduction and Growth Facility means that the Poverty Reduction Strategy will become the key instrument in the country's relations with the donor community. In the context of lending operations and assistance strategies, the Boards of the IMF and World bank will be asked to endorse the Poverty Reduction Strategy Paper. The Strategy will therefore provide the basis for IMF and World bank concessional lending to HIPC countries in the future, as well as for debt relief now.

Mr. Streeter: To ask the Chancellor of the Exchequer what assessment he has made of the amount that each of the heavily indebted poor countries will save in debt service as a result of the decision to cancel bilateral debt. [105825]

Miss Melanie Johnson *[holding answer 20 January 2000]:* The specific amount of extra debt relief that a country will receive in any one year cannot be known until the amounts and way in which their multilateral HIPC debt relief will be given is known—in particular, the effect of any debt rescheduling of official bilateral creditors agreed by the Paris Club. This is why the Government is working with the International Financial Institutions to ensure that countries come forward for multilateral relief as soon as is possible.

Mr. Streeter: To ask the Chancellor of the Exchequer which departmental budget will cover the cost of the cancellation of ECGD debt to the heavily indebted poor countries. [105829]

Miss Melanie Johnson *[holding answer 20 January 2000]:* The Department for International Development will make grant payments to the countries in question to meet the remaining debt service obligations to ECGD after multilateral HIPC debt relief. These grant payments will be made from resources which are additional to the current aid budget.

Mr. Streeter: To ask the Chancellor of the Exchequer when he estimates that each of the heavily indebted poor countries will benefit from the bilateral debt relief programme. [105747]

Miss Melanie Johnson *[holding answer 20 January 2000]:* The UK's extra bilateral debt relief is dependent on countries first qualifying for multilateral debt relief under the HIPC initiative.

The G7 remains committed to its target of working with the International Financial Institutions to ensure that three-quarters of eligible countries reach their decision point by the end of the year and the remainder embark on the process as soon as possible thereafter.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what estimate he has made of the cost of the reduction of debt owed by heavily indebted poor countries to the UK over each of the next 25 years; what is the value of the debt written off at current prices; and what part of the debt was counted as an asset by the Treasury for accounting purposes. [105837]

Miss Melanie Johnson: The costs of reduction of debt by the heavily indebted poor countries will be divided between those amounts due to the relief provided under traditional multilateral debt mechanisms i.e. due to the UK's participation in the HIPC initiative and those amounts due to the extra bilateral relief that the UK is providing in order to relieve 100 per cent. of the debt burden of these countries. The current value of the total amount of debt owed to ECGD by the heavily indebted poor countries is approximately £1.9 billion.

The cost of the debt reduction in any one year will depend on the number of countries who are eligible for relief, the amount of debt relief required to bring their debt stock to a sustainable level as defined by the terms of the enhanced HIPC initiative and the terms of their Paris Club debt rescheduling agreement.

All debt held by ECGD is recorded in their own Accounts, which are managed on a commercial basis and separate from the Government's own accounts. The costs of debt cancellation due to the UK's participation in the multilateral HIPC initiative will fall to ECGD and will be recorded in their Accounts as an amount deducted from Recoverable Claims.

The costs of providing the extra bilateral relief over and above the amounts due to the UK's participation in the HIPC initiative will be met by the Department for International Development from resources additional to the existing aid budget. The Government estimate, though, that, subject to assumptions about the period over which countries become eligible for relief and the amount of relief they receive under the multilateral HIPC initiative, the costs of providing the extra bilateral relief will be £640 million over the 25 year period.

Friendly Societies

Mr. Wallace: To ask the Chancellor of the Exchequer (1) how many industrial and provident societies are registered with the Registry of Friendly Societies; and what proportion of these have an annual turnover of less than *(a)* £10,000 and *(b)* £5,000; [105897]

(2) what representations he has received in the last two years regarding fees payable to the Registry of Friendly Societies by industrial and provident societies; and if he will make a statement. [105896]

Miss Melanie Johnson *[holding answer 20 January 2000]:* 8,892 industrial and provident societies (I&Ps) are registered with the Registry of Friendly Societies (RFS). Based on the latest returns received, 992 and 739 have turnover less than £10,000 and £5,000 respectively. The Treasury receives occasional representations on fees payable by I&Ps to the RFS. Those fees are reviewed every year.

VAT

Mr. Lidington: To ask the Chancellor of the Exchequer if he will make it his policy to allow the National Crime Squad and the National Criminal Intelligence Service to reclaim value added tax paid on their normal policing activities. [106532]

Dawn Primarolo: No. VAT incurred by police authorities in the course of their normal policing activities can be recovered under section 33 of the VAT Act 1994. The National Crime Squad and National Criminal Intelligence Service are not police authorities and they are not eligible to recover VAT under the terms of this provision.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if it is his policy to continue to exempt from value added tax *(a)* finance and insurance and *(b)* betting, gaming and lotteries; and if he will make a statement. [106637]

Mr. Timms: Yes. EC law requires member states to exempt these services.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if it is his policy to maintain zero-rating for value added tax purposes on *(a)* construction of new dwellings, *(b)* books, newspapers and magazines and *(c)* international passenger transport; and if he will make a statement. [106636]

Dawn Primarolo: We have no current plans to remove these zero-rates. Any changes to VAT coverage would be for the Chancellor to decide in the next Budget.

Personal Allowances

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the revenue yield in the *(a)* first year and *(b)* a full year from abolishing the age related personal allowances and replacing them with the standard personal allowance at the existing level. [106509]

Dawn Primarolo: The yield from replacing the age-related personal allowances with the standard personal allowances in 2000–01 is around £0.95 billion in a full year and £0.8 billion in the first year on a National Accounts Basis. These estimates are based on the 1997–98 Survey of Personal incomes and consistent with the November 1999 Pre-Budget Report forecast.

Income Tax

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the *(a)* full year and *(b)* first year revenues which would be raised by increasing the basic rate of tax by one penny in the pound. [106510]

Dawn Primarolo: The latest estimate for changing the basic rate of income tax was published by HM Treasury in table 4 of the "Tax Ready Reckoner and Tax Reliefs" in November 1999, a copy of which is held in the Library of the House.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the cost of abolishing the 10 per cent. income tax band and extending the size of the personal tax allowance by the size of this band. [106511]

Dawn Primarolo: The cost of abolishing the starting rate of income tax and increasing the personal allowances by £1,520 in 2000–01 would be £4 billion in a full year. This estimate is based on the 1997–98 Survey of Personal incomes and consistent with the November 1999 Pre-Budget Report forecast.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the cost of increasing the size of the basic rate income tax band by £2,000 per year, assuming no change in the size of the personal allowance or lower rate band. [106505]

Dawn Primarolo: The full-year cost of increasing the basic rate limit by £2,000 in 2000–01 is £0.9 billion. This estimate is based on the 1997–98 Survey of Personal incomes and consistent with the November 1999 Pre-Budget Report forecast.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the *(a)* first year and *(b)* full year revenue yield from introducing a 50 per cent. income tax rate on taxable income of over £100,000 per annum; and how this yield would increase in each of the following two years. [106512]

Dawn Primarolo: The full-year yields from introducing a 50 per cent. income tax rate on taxable income over £100,000 per annum are £2.6 billion in 2000–01, £2.9 billion in 2001–02 and £3.1 billion in 2002–03. The first year yield on a National Accounts Basis is £1.7 billion. These estimates are based on the 1997–98 Survey of Personal incomes and consistent with the November 1999 Pre-Budget Report forecast.

Economic and Monetary Union

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if it is his policy to hold a referendum on entry to the euro within the lifetime of the next Parliament; and if he will make a statement. [106465]

Miss Melanie Johnson: Government policy towards holding a referendum on the single currency remains as set out by the Chancellor in his statement to the House of Commons on 27 October 1997.

Mr. Bercow: To ask the Chancellor of the Exchequer what has been the cost to date of the National Changeover Plan. [106388]

Miss Melanie Johnson: I refer the hon. Member to the answer I gave the right hon. Member for Horsham (Mr. Maude) on 13 December 1999, *Official Report*, column 78W.

Law Students (Vocational Training Relief)

Dr. Tonge: To ask the Chancellor of the Exchequer if he will make it his policy to ensure that students required to undertake a fourth year at law school after taking their first degree will continue to be eligible for Vocational Training Relief after September 2000. [106044]

Miss Melanie Johnson: The Chancellor announced in the March 1999 Budget that Vocational Training Relief (VTR) will be withdrawn when the national framework for Individual Learning Accounts (ILAs) is launched, under which people who open ILAs will be eligible for discounts towards the cost of approved types of learning. In last November's pre-Budget Report we said that, on current plans, the discounts will first become available from September this year and that accordingly VTR is to be withdrawn at the end of August.

On that basis, VTR will not be due for training payments made on or after 1 September 2000. Students undertaking training which currently qualifies for VTR and continues after September 2000 will, however, be eligible for VTR if they pay the remaining course fees before the end of August 2000.

Armed Forces Commitment

Mr. Bercow: To ask the Chancellor of the Exchequer how many days total commitment of HM armed forces the reserves can maintain; if holding these reserves as *(a)* foreign exchange and *(b)* bullion modifies commitment capability; and if he will make a statement. [106402]

Mr. Andrew Smith: The costs of committing the armed forces depend on many factors, and do not necessarily require use of the Government's reserves.

Bilateral Financial Assistance

Mr. Bercow: To ask the Chancellor of the Exchequer what is the total of financial assistance given by Her Majesty's Government to *(a)* Sub-Sahara Africa and *(b)* the former Yugoslavia in the last financial year. [106194]

Miss Melanie Johnson: Figures for bilateral financial assistance given by HMG are published in the Department for International Development Report "Statistics on International Development". For financial year 1998–99, the total bilateral financial assistance given by HMG to:

(a) Sub-Sahara Africa was just over £560 million.

(b) The Federal Republic of Yugoslavia (Serbia and Montenegro) was £4.5 million (the Federal Republic of Yugoslavia was promulgated in April 1992 following the breakup of the Socialist Federal Republic of Yugoslavia (former Yugoslavia)).

The UK contributes indirectly to financial assistance in both areas as a member of the EU and in Sub-Sahara Africa as a shareholder in a range of international financial organisations. It is not possible to provide reliable statistics for this assistance in the financial year 1998–99.

Departmental Consultation

Dr. Tony Wright: To ask the Chancellor of the Exchequer if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the

consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106290]

Miss Melanie Johnson: This information is not held centrally and could be provided only at disproportionate cost.

Transferable Tax Allowance

Ms Kelly: To ask the Chancellor of the Exchequer what estimate he has made of the cost to the Exchequer of providing a transferable tax allowance between *(a)* all married couples, *(b)* all married couples with children, *(c)* all families with children, *(d)* all married couples with children whose youngest child is under the age of five years, *(e)* all families with children whose youngest child is under the age of five years and *(f)* all families with caring responsibilities in receipt of invalid care allowance. [104868]

Dawn Primarolo: The estimated costs for 2000–01 of allowing married or co-habiting couples to transfer all or part of their personal allowance are given in the following table.

Family type	*£ million*
(a) All married couples	4,250
(b) All married couples with children	2,250
(c) All families[1] with children	2,500
(d) All married couples whose youngest child is under the age of five	1,750
(e) All families[1] whose youngest child is under the age of five	2,000
(f) All families[1] with caring responsibilities in receipt of invalid care allowance	70

[1] A family is defined here as unit with a married or co-habiting couple

Childcare Tax Credit

Ms Kelly: To ask the Chancellor of the Exchequer what estimate he has made of the steady-state cost of providing the childcare tax credit to all households with a child below the age of one year on the current tapers, irrespective of whether anyone is in work. [104865]

Dawn Primarolo: The childcare tax credit is available to families in receipt of the Working Families' Tax Credit or Disabled Person's Tax Credit who meet the work requirements and have eligible child care costs.

If a separate weekly credit of £70 were to be given to all families with a child under one, including those on income support or Jobseeker's Allowance, subject to a taper of 55 per cent. for net income over £90 per week, then the estimated cost for 2000–01 would be about £800 million.

Financial Services Authority

Mr. Efford: To ask the Chancellor of the Exchequer what steps he has taken to ensure that the Financial Services Authority's single ombudsman service is sufficiently funded to protect the interests of consumers; and if he will make a statement. [106514]

Miss Melanie Johnson: The Financial Services and Markets Bill, in paragraph 2 of Schedule 14, requires the Financial Services Authority to take such steps as are necessary to ensure that the operator of the Ombudsman scheme is capable of exercising the functions conferred by the Bill. The Bill also provides that funding should be provided by the industry. The FSA are in the process of consulting on the detailed arrangements of the Ombudsman Scheme.

Mr. Efford: To ask the Chancellor of the Exchequer what representations he has received regarding the eligibility of companies to complain to the Financial Services Authority's single ombudsman service; and if he will make a statement. [106513]

Miss Melanie Johnson: While the Financial Services and Markets Bill sets the general framework for the ombudsman scheme, the detailed operation of the scheme will be determined in rules made by the Financial Services Authority. It will be open, as specified in Clause 201(7) of the Bill, to the Authority to define certain categories of firms as eligible complainants. The FSA is currently consulting on this matter and has proposed that firms should be eligible to use the scheme if they have a turnover of up to £1 million and no more than four staff.

Higher Rate Taxpayers

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer if he will list the number and percentage of higher rate taxpayers in *(a)* each county in England and *(b)* each local authority area in (i) Scotland, (ii) Wales and (iii) Northern Ireland. [106745]

Dawn Primarolo: I regret that reliable estimates for the number of higher rate taxpayers are not available for each county in England, but they are available at Government Office Region level which are shown in the table:

Taxpayer numbers by region—1999–2000

Thousand

	Number of higher rate income taxpayers	*Total number of income taxpayers*
North East	60	1,000
North West and Merseyside	200	2,900
Yorkshire and the Humber	140	2,200
East Midlands	140	1,900
West Midlands	145	2,200
East of England	300	2,600
London	420	3,100
South East	515	3,900
South West	175	2,300
Wales	65	1,200
Scotland	170	2,400
Northern Ireland	35	600
Address abroad	15	100
All	2,400	26,600

These estimates are based on the 1997–98 Survey of Personal incomes and consistent with the November 1999 pre-Budget Report forecast.

Departmental Smoking Policy

Mr. Crausby: To ask the Chancellor of the Exchequer what action he is taking to reduce smoking in his Department. [105802]

Miss Melanie Johnson: HM Treasury has an established policy on smoking intended to strike a balance between the interests of smokers and of non-smokers. Smoking is largely restricted to dedicated ventilated smoking rooms and is not permitted in common areas, with the exception of an area of the staff restaurant.

Credit Unions

Mr. Dobbin: To ask the Chancellor of the Exchequer what plans his Department has to encourage the growth of credit unions; and if he will make a statement. [105199]

Miss Melanie Johnson: I announced on 16 November 1999, a range of measures—increased flexibility, better regulation, and the establishment of a central services organisation—to encourage the growth of credit unions.

Revenue Losses

Mr. Hoyle: To ask the Chancellor of the Exchequer what assessment he has made of the revenue lost to the Exchequer in each of the last three years. [105550]

Dawn Primarolo: Much of the revenue lost relates to the impact of the hidden economy. Estimates of revenue lost to the Exchequer due to the hidden economy are notoriously difficult to make. Although there have been attempts to do so, there is no reliable estimate available.

Financial Secretary (Shareholdings)

Mr. Maude: To ask the Chancellor of the Exchequer what advice the Financial Secretary received from the Permanent Secretary to HM Treasury regarding his shares declared in the Register of Members' Interests. [105433]

Mr. Gordon Brown: By long-standing convention, any advice which Ministers seek from civil servants is confidential and is not made public, as provided for under Exemption 2 of the Code of Practice on Access to Government Information.

Efficiency Improvements

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what measures his Department has developed of efficiency improvements in delivering the Treasury's outputs over the three year Comprehensive Spending Review period. [105815]

Mr. Andrew Smith: The Treasury monitors those outputs which can be measured, such as replies to Parliamentary questions, letters or other communications with the public, payment performance, and so on.

However the Treasury's primary output is policy advice. Such outputs are difficult to measure. Here, the Treasury has adopted a benchmarking approach, applying the European Foundation for Quality Management's business excellence model.

Private Finance Initiative

Mr. Jack: To ask the Chancellor of the Exchequer which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105876]

Mr. Andrew Smith: The Treasury is responsible for the activities of the now-disbanded Private Finance Panel, so I will answer the right hon. Member's series of questions on this issue for the Government as a whole.

The information currently available is given in a table, a copy of which I am placing in the Library of the House.

Following disbandment of the Private Finance Panel and Executive, the Treasury Taskforce adopted a database designed only to cover those projects with a realistic change of being achieved through PFI.

The coverage of this database is therefore not identical to that of the 29 November 1995 table. In particular, the database cannot identify the anonymised projects referred to in that table, and the information sought could be obtained (if at all) only at disproportionate cost. In the case of DETR this is true of all projects.

What the present table clearly shows is the great progress made by this Government since 1 May 1997 in reinvigorating PFI. Of the 250+ signed PFI deals since 1986, only 70 were achieved in the seven years prior to the election. In the first two and a half years of this administration, we have broken the logjam and are delivering much needed, high quality, value for money public services.

National Insurance Records

Mr. Keetch: To ask the Chancellor of the Exchequer for what reason the national insurance records of the hon. Member for Hereford's constituents Mr. John Farren and Mrs. Ann Farren are not up to date; and if he will make a statement. [106167]

Dawn Primarolo: It would be inappropriate to make publicly available personal information about the hon. Member's constituents, as provided for under Exclusion 12 of the Code of Practice on Access to Government Information. I am, however, writing to the hon. Member about this matter.

Agricultural Workers (Suicide)

Mr. Key: To ask the Chancellor of the Exchequer if he will list by English county since 1995 *(a)* total suicides and *(b)* suicides among the agricultural workforce. [106181]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Robert Key, dated 24 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question asking for total suicides by English counties since 1995 and suicides amongst the agricultural workforce.

The information requested is given in the attached tables.

Suicides and undetermined deaths [1], at all ages, by English counties and years of occurrence, 1995–98

County of usual residence	*1995*	*1996*	*1997*	*1998*
England	4,816	4,572	4,662	4,815
Greater London	683	649	684	734
Greater Manchester	263	277	270	297
Merseyside	106	146	135	141
South Yorkshire	116	113	133	129
Tyne and Wear	137	116	125	109

Suicides and undetermined deaths [1], at all ages, by English counties and years of occurrence, 1995–98

County of usual residence	*1995*	*1996*	*1997*	*1998*
West Midlands	259	211	215	219
West Yorkshire	220	186	219	199
Avon	84	88	67	82
Bedfordshire	45	50	46	43
Berkshire	87	79	55	76
Buckinghamshire	52	51	55	62
Cambridgeshire	58	63	55	55
Cheshire	90	90	81	102
Cleveland	58	59	65	51
Cornwall and Isles of Scilly	54	71	66	59
Cumbria	68	49	62	68
Derbyshire	98	68	94	75
Devon	136	112	122	119
Dorset	91	78	76	67
Durham	45	47	63	60
East Sussex	85	90	124	90
Essex	151	111	126	153
Gloucestershire	46	50	50	56
Hampshire	160	140	143	157
Hereford and Worcester	71	63	71	70
Hertfordshire	84	91	74	72
Humberside	88	57	96	86
Isle of Wight	13	13	9	20
Kent	119	142	130	150
Lancashire	193	155	181	181
Leicestershire	80	88	71	77
Lincolnshire	55	55	45	70
Norfolk	78	66	74	92
Northamptonshire	63	67	61	54
Northumberland	30	27	29	28
North Yorkshire	98	90	84	86
Nottinghamshire	93	110	90	99
Oxfordshire	60	59	49	52
Shropshire	30	31	33	28
Somerset	50	46	47	43
Staffordshire	101	94	95	107
Suffolk	68	67	50	60
Surrey	86	101	94	85
Warwickshire	34	28	32	45
West Sussex	76	79	78	59
Wiltshire	54	49	38	48

[1] International Classification of Diseases, Ninth Revision, codes E950-E959 and E980-E989 excluding E988.8.

Suicides and undetermined deaths [1] among the agricultural workforce [2], by English counties and years of occurrence, 1995–98

	Number
1995	
England	49
South Yorkshire	1
West Midlands	1
Avon	1
Buckinghamshire	1
Cambridgeshire	1
Cheshire	1
Cornwall and Isles of Scilly	1
Cumbria	1
Derbyshire	2
Devon	5
East Sussex	3
Essex	2
Hereford and Worcester	1
Humberside	1
Kent	1
Lancashire	2
Leicestershire	2
Lincolnshire	4
Norfolk	4
North Yorkshire	7
Oxfordshire	1
Shropshire	1
Somerset	2
Staffordshire	1
Suffolk	1
Warwickshire	1
1996	
England	59
Greater London	1
West Yorkshire	2
Cambridgeshire	3
Cheshire	1
Cleveland	1
Cornwall and Isles of Scilly	3
Cumbria	2
Dorset	2
Durham	1
Essex	3
Gloucestershire	2
Hampshire	2
Hereford and Worcester	2
Hertfordshire	1
Kent	4
Lancashire	2
Lincolnshire	4
Norfolk	1
Northamptonshire	1
Northumberland	2
North Yorkshire	5
Nottinghamshire	2
Oxfordshire	2
Shropshire	2
Somerset	5
Surrey	1
West Sussex	2
1997	
England	58
Greater London	1
Greater Manchester	1
Merseyside	1
West Midlands	1
West Yorkshire	3
Avon	1
Berkshire	1
Buckinghamshire	1
Cambridgeshire	1
Cheshire	2
Cleveland	1
Cornwall and Isles of Scilly	2
Cumbria	1
Devon	4
Durham	2
East Sussex	1
Gloucestershire	1
Hampshire	2
Hereford and Worcester	2
Humberside	3
Lancashire	2
Leicestershire	2
Lincolnshire	1
Norfolk	2
Northamptonshire	3
North Yorkshire	5
Nottinghamshire	2
Oxfordshire	1
Shropshire	2
Somerset	1
Staffordshire	3
Suffolk	1
Wiltshire	1

Suicides and undetermined deaths [1] among the agricultural workforce [2], by English counties and years of occurrence, 1995–98

	Number
1998	
England	68
South Yorkshire	1
West Midlands	1
West Yorkshire	1
Avon	2
Bedfordshire	2
Berkshire	1
Cambridgeshire	2
Cheshire	2
Cornwall and Isles of Scilly	4
Cumbria	2
Derbyshire	1
Devon	5
Dorset	1
East Sussex	1
Essex	1
Gloucestershire	1
Hampshire	1
Hereford and Worcester	1
Humberside	3
Kent	1
Lancashire	5
Leicestershire	2
Lincolnshire	6
Norfolk	5
Northamptonshire	2
Shropshire	2
Somerset	2
Staffordshire	3
Suffolk	1
Warwickshire	2
West Sussex	1
Wiltshire	3

[1] International Classification of Diseases, Ninth Revision, codes E950-E959 and E980-E989 excluding E988.9.
[2] Deaths of those aged 16 to 74 whose last gainful occupation was in occupation units 160, 900, 901, 902, as defined in OPCS, Standard Occupational Classification, 1991, London HMSO.

ENVIRONMENT, TRANSPORT AND THE REGIONS

GM Crops

Mr. David Heath: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the pesticides applied on the farm scale trial of genetically modified oilseed rape and conventional oilseed rape at Model Farm, near Watlington, in 1999, giving in each case *(a)* the name of the product used, *(b)* the rate of application and *(c)* the date or dates applied. [101757]

Mr. Meacher *[holding answer 9 December 1999]:* Information on all the pesticides (including herbicides) used on both the genetically modified and the conventional crops being grown under the farm scale evaluation programme is recorded in detail by the research contractors as part of their monitoring of field sites. The full information will be passed to the independent scientific steering committee overseeing the farm scale evaluations, and will be published in their report of the evaluations, but is not currently available. Pesticide information will help establish the context of any observed differences in wildlife between the GM and conventional crops, and will be published alongside the results.

Korean Airlines Crash, Stansted

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what assessment has been made *(a)* by his Department and *(b)* by the Air Accident Investigation Board, of the environmental implications of the dispersal of the depleted uranium ballast from the wings of the Korean Airlines aircraft which crashed at Stansted on 22 December 1999. [104703]

Mr. Mullin: I understand from the Environment Agency and the Air Accidents Investigation Board that the depleted uranium was part of the structure of the aircraft and was incorporated as solid weights in the tail section. Sixteen of the 20 weights have been recovered and none of these shows signs of damage such that dispersal would have occurred. A radiological survey of the crash site is being conducted and it is expected this will lead to the recovery of the others. The facts already established about the nature of the fire that occurred after the crash mean that it is extremely unlikely that any dispersal of the uranium will have taken place.

The aircraft was carrying a very small amount of radioactive material used for medical diagnosis. This was contained in 220 vials of iodine-125 bound for China. The quantity of material involved is too small to cause any damage to local people or the environment. This material is of such limited potential risk that it is not required to be notified to the pilot in command among the list of dangerous goods carried. The recovery of residual material from the accident site is in hand and its disposal is regulated by the Environment Agency.

Driving Licences

Mr. Coaker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the minimum age at which people can hold a driving licence. [104883]

Mr. Hill: The rules governing the age at which people can hold driving licences are set out in The Motor Vehicle (Driving Licences) Regulations 1999.

Measures to improve the safety record of new licence holders are being considered as part of the road safety strategy, which is to be published shortly.

Homeless People

Ms Oona King: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to issue guidance to local authorities in relation to providing services for homeless people with multiple needs. [104805]

Mr. Mullin: Following consultation last year, the Government propose to issue in the Spring a revised version of the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (Parts VI and VII of the Housing Act 1996). This will include specific guidance encouraging housing authorities to work together with all relevant agencies to secure the effective delivery of appropriate support packages to homeless people with housing and other needs.

Radioactive Waste Management Advisory Committee

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to fill the vacancies on the Radioactive Waste Management Advisory Committee; and for how long these vacancies have existed. [105078]

Mr. Meacher: At the time of the last round of Radioactive Waste Management Advisory Committee appointments in November 1998, three positions, out of an agreed Committee complement of 20, were left unfilled. Candidates to fill two of these vacancies, under nuclear and radioactive waste management and health and safety membership template headings, were interviewed towards the end of last year. Appropriate appointments will be made in due course in conjunction with Scottish Parliament and Welsh Assembly Ministers.

Tourist Attractions

Mr. Fearn: To ask the Secretary of State for the Environment, Transport and the Regions (1) what is the maximum distance a tourism site may be from a brown tourist attraction sign on a motorway; [105135]

(2) if he will increase the maximum distance a tourism site may be from its brown motorway sign. [105136]

Mr. Hill: Guidelines for signing on motorways in England specify that an attraction should be within 20 miles of the junction from which it is to be signed. Stricter criteria relating to driving time rather than distance apply on the M25 and roads within it. Signs not meeting the criteria may exceptionally be permitted if justified by special local circumstances.

Councillors

Mr. Caton: To ask the Secretary of State for the Environment, Transport and the Regions what considerations underlie his policy of ensuring that local authority councillors receive a basic allowance. [105520]

Ms Beverley Hughes: Our policy, as set out in "Modern Local Government"—In Touch with the People" (Cm 4014), is that financial support for councillors must reinforce the culture of the modern council and address, as far as possible, any disincentives to serving in local politics. Basic allowance is intended to recognise the time commitment expected of all councillors, including such inevitable calls on their time as meetings with officers and attendance at political group meetings.

Council Housing

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions how many council houses were *(a)* sold and *(b)* built in each of the last 10 years in the London borough of Wandsworth. [105509]

Mr. Mullin: The available information reported by the London Borough of Wandsworth is in the table.

Number of council-owned dwellings sold and built in London Borough of Wandsworth

Year	*Sales*	*New build completions*
1989–90	2,262	0
1990–91	1,050	0
1991–92	840	0
1992–93	672	0
1993–94	674	1
1994–95	449	0
1995–96	248	0
1996–97	421	0
1997–98	464	0
1998–99	470	0

Note:
New house-building figures are based on calendar years.
Sources:
Sales: DETR Housing Activity P1(B) (quarterly) and Housing Investment Programme (annual) returns.
New build: DETR Housing Activity P2(M) (monthly) returns.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for the Environment, Transport and the Regions what action he is taking to reduce smoking in his Department. [105803]

Ms Beverley Hughes: The Department seeks to create a non-smoking work environment. This is primarily through the creation of smoking rooms, or smoking areas where the size or configuration of the building does not make this feasible, although in some buildings staff have voted for a total ban on smoking. Health promotion activities have complemented this approach with displays, in-house magazine articles and proactive events. When lifestyle screening programmes are run an individual's smoking habits are one of the areas discussed with the screening nurse.

Cable Telecommunications

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will revise planning and development control legislation to bring cable communications development within the ambit of regulations governing radio installations; and if he will make a statement; [105664]

(2) if he will make a statement on the height and bulk of cable telecommunications companies roadside cabinets which can be installed without planning consent; and if he will make a statement; [105522]

(3) what plans he has to introduce planning control requirements to empower local authorities to control the length, bulk and location of roadside cable telecommunication cabinets; and if he will make a statement. [105521]

Ms Beverley Hughes: Telecommunications operators are licensed by the Department of Trade and Industry under the Telecommunications Act 1984. These licensed telecommunications code system operators are authorised under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) to install specified telecommunications apparatus without the need to make a planning application to the local authority, ie they have permitted development rights.

Under the operator licensing arrangements, SI 1999 No. 2450 harmonises the conditions attached to operators' licences and came into force on 27 September 1999. These permit a maximum cabinet size of 1.8 m high by 2.0 m long by 0.8 m wide.

Under the GPDO, operators have permitted development rights for cabinets with a base area of up to 1.5 sq m. However, in areas such as National Parks, Areas of Outstanding Natural Beauty, Conservation Areas and the Broads and Sites of Special Scientific Interest the permitted development right is subject to a prior approval procedure. Under this procedure the local planning authority has the opportunity to say whether it wishes to approve, within 28-days, details of a cabinet's siting and appearance. It can refuse approval if it considers this justified.

In all cases, the installation of cabinets with a base size exceeding 1.5 sq m would need a full planning application to the local planning authority.

Currently we have no proposals to amend the provisions of Part 24 of the GPDO.

Washable Nappies

Jane Griffiths: To ask the Secretary of State for the Environment, Transport and the Regions what steps the Government are taking to promote the use of washable nappies for environmental reasons; and if he will make a statement. [105178]

Mr. Mullin: Disposable nappies are a significant proportion of household waste. However, when all environmental impacts are taken into account, it is not established whether disposable nappies are environmentally preferable in the majority of cases.

We encourage individuals to consider environmental factors when making purchasing decisions. Ultimately, though, it is for parents to decide which type of nappy is best suited to their circumstances.

Rural Bus Services (Chorley)

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what monitoring his Department carries out of the level of bus services to rural areas in Chorley District. [105549]

Mr. Hill: Information on rural bus services is collected at County level.

Following introduction of the Rural Bus Subsidy Grant in 1998 the Department undertook a monitoring exercise to assess the impact of the new grant. This showed that over 1,800 new or improved services had been introduced in England; 42 of those services were in Lancashire.

Europe/North-West Rail Link

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what role his Department will play in ensuring direct rail links from Europe to the North-West in order to help businesses in this area. [105267]

Mr. Hill: I would refer my hon. Friend to my answer of 7 December 1999, *Official Report*, column 477W. Such services have been the subject of an extensive independent review, which Ministers are currently considering. An announcement on publication will be made in due course.

Traffic Congestion

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the cost to business of traffic congestion on British motorways. [105264]

Mr. Hill: Various estimates have been made of the value road users place on the total amount of time lost to congestion on the road network for different years and using different methods. They agree that taking all road users together and the British network as a whole the total runs to billions of pounds every year, and has been rising.

Although motorways account for a significant proportion of traffic—nearly 20 per cent. of all vehicle kilometres in England in 1996—analysis undertaken for the Government's report "Tackling Congestion and Pollution", published yesterday, suggests that they account for only about 5 per cent. of the total amount of vehicle time lost.

Wide Loads

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the congestion costs of the movement of police-escorted wide loads between 7am and 7pm. [105543]

Mr. Hill: Delays caused by individual movements of police-escorted wide loads will vary significantly between circumstances depending on the time of travel and the route taken. I am not aware that any assessment has been made of the overall impact on the journey times of other road users.

Waste Disposal (London)

Mr. Hurst: To ask the Secretary of State for the Environment, Transport and the Regions if he will list, for each London borough, in the year 1998, the percentage of waste disposal by *(a)* landfill, *(b)* recycling and *(c)* incineration. [105327]

Mr. Mullin: The tables set out the available information for the percentage of municipal waste recycled, landfilled and incinerated in 1997–98 for the London boroughs. Full information is available for unitary authorities, which are responsible for both waste collection and disposal. For the boroughs that are waste collection authorities, the percentage of municipal waste recycled is shown. Landfill and incineration data are not available for individual waste collection authorities, as this is the responsibility of the waste disposal authority.

Unitary authorities: Percentage of municipal waste recycled, landfilled and incinerated

Percentage

	Recycling and composting	*Landfill*	*Incineration*
Bexley	17	31	52
Bromley	9	91	0
Corporation of London	0	100	0
Croydon	9	90	1
Greenwich	5	19	76
Kingston upon Thames	10	90	0

Unitary authorities: Percentage of municipal waste recycled, landfilled and incinerated

Percentage

	Recycling and composting	*Landfill*	*Incineration*
Lewisham	5	2	93
Merton	4	n/a	n/a
Southwark	3	97	1
Sutton	n/a	n/a	n/a
Tower Hamlets	2	98	0
Westminster	5	n/a	n/a

Waste collection authorities: Municipal waste recycled, as a percentage of waste collected by the waste collection authority

Percentage

	Recycling and composting
Barking and Dagenham	n/a
Barnet	7
Brent	3
Camden	7
Ealing	6
Enfield	7
Hackney	n/a
Hammersmith and Fulham	5
Haringey	3
Harrow	6
Havering	n/a
Hillingdon	6
Hounslow	9
Islington	2
Kensington and Chelsea	6
Lambeth	4
Newham	2
Redbridge	4
Richmond upon Thames	n/a
Waltham Forest	4
Wandsworth	5

Waste disposal authorities: Municipal waste recycled, landfilled and incinerated, as a percentage of waste recycled and disposed of by the waste disposal authority

Percentage

	Recycling and composting	*Landfill*	*Incineration*
Western Riverside Waste Authority	1	99	0
East London Waste Authority	0	87	13
North London Waste Authority	2	56	42
West London Waste Authority	0	100	0

Note:
No response to the 1997–98 survey was received from the boroughs of Barking and Dagenham, Hackney and Havering, and data for Richmond upon Thames, Merton and Westminster are incomplete.
Source:
Municipal Waste Survey

Water Industry

Mr. Jenkins: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on prospects for employment in the water utilities following Ofwat's recommendations on water pricing. [105147]

Mr. Mullin: The examination of the water industry's costs and efficiency assumptions is a matter for the Director General of Water Services. He has a statutory duty to secure that water companies properly carry out their functions and are able to finance them. These functions must be carried out in full compliance with all legal requirements, including drinking water quality (regulated by the Drinking Water Inspectorate), health and safety (regulated by the Health and Safety Executive), environmental standards (regulated by the Environment Agency) and customer service and continuity of supply (regulated by the Director General himself). In conducting his periodic review of water price limits the Director General expects companies to improve on efficiency savings that they have already achieved. It will be for water and sewerage undertakers to ensure that they maintain the necessary staff and other resources to meet these obligations in full.

In deciding how to meet price limits set by the Director General, companies will need to consider the range of measures open to them, including factors such as dividend policy, as well as the option of making staff redundant.

The Government believe that it is possible to deliver substantial quality improvements and reductions in customers' bills, for the benefit of consumers. The environmental and water quality improvement programmes will create significant new employment opportunities, although my Department has not undertaken or commissioned research on employment in the water industry.

Road Safety Schemes

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what was the expenditure by his Department and its agencies on road safety schemes in each financial year since 1997. [105485]

Mr. Hill: The expenditure was:

	£ million
1997–98	7.3
1998–99	50.6
1999–2000	[1]39.3

[1] To date

The basis for classifying road expenditure was revised from 1998–99 onwards, and the information for 1997–98 is not directly comparable with subsequent years. It may understate the position.

Leasehold Valuation Tribunals

Mr. Lepper: To ask the Secretary of State for the Environment, Transport and the Regions what monitoring his Department undertakes of the work of Leasehold Valuation Tribunals; and if he will publish a report on that monitoring. [105813]

Mr. Mullin: My Department monitors the work load and staffing of the Leasehold Valuation Tribunals and their progress in resolving a variety of disputes relating to leasehold property. In addition, we have commissioned a study to monitor the implementation of the leasehold provisions of the Housing Act 1996, including the experience of leaseholders and freeholders using the tribunals. A report on the study will be published by the summer. We are also examining all aspects of the operation of the tribunals as part of a wider review of

the Rent Assessment Panels. I announced publication of a consultation paper on the review on 18 November 1999, *Official Report*, column 5W.

Mr. Lepper: To ask the Secretary of State for the Environment, Transport and the Regions what guidance he has issued to Leasehold Valuation Tribunals since September 1997. [105812]

Mr. Mullin: Leasehold Valuation Tribunals are independent statutory bodies and my Department does not issue them with guidance. The Presidents of Rent Assessment Panels, from which membership of the tribunals are drawn, are responsible for providing advice to members on legal, valuation and procedural matters relevant to the work of the tribunals.

Convention on International Trade in Endangered Species

Mr. Lepper: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the issues discussed during the recent visit to Cuba by UK and EU officials and scientists in connection with the forthcoming meeting of the parties to the Convention on International Trade in Endangered Species. [105810]

Mr. Mullin: In September 1999, at Cuba's request, a delegation from the EU Scientific Review Group of the Convention on International Trade in Endangered Species (CITES) conducted a fact finding mission to Cuba regarding the exploitation of *Eretmochelys imbricata* (hawksbill turtles). The mission met representatives of the Agencia de Medio Ambiente (AMA) of the Ministerio de Ciencia, Technologia y Medio Ambiente, the Cuban CITES Management Authority, and the Cuban Fisheries Research Center. It visited a traditional fishing site, an experimental ranching centre and turtle shell stockpiles. Issues discussed related to a draft proposal by Cuba on hawksbill turtles for the next CITES Conference of Parties (April 2000). The delegation looked at the implications of the proposal for both the Cuban and the wider Caribbean populations of hawksbill turtles, the quality of Cuba's captive rearing facilities, techniques for marketing shells, and conservation benefits arising from the proposal.

The delegation was impressed with the stringency of Cuban controls, but was unable to see key data on population or monitoring of nesting beaches, and so could not reach any firm conclusions.

House Building (Shropshire)

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions how many new homes have been built in *(a)* Shropshire and *(b)* Shrewsbury and Atcham from 1979 to date; and if he will make a statement. [105531]

Mr. Raynsford: From January 1979 to November 1999 inclusive, there were 32,400 and 6,250 dwellings completed in Shropshire and Shrewsbury and Atcham respectively.

Rats

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what the findings were of the 1996 English House Condition Survey on the relationship between rat infestations and unfitness due to ineffective draining of foul, waste and surface water. [105482]

Mr. Mullin: The recent MAFF report "Rodent Infestations in domestic properties in England" covers this issue. MAFF's report tentatively suggests that there is a relationship between the incidence of blocked drains and outdoor rat infestation but this has not been supported with statistically significant analysis of the data so the conclusion needs to be treated with caution. Moreover, faults that might be expected to reflect a direct link with sewers, such as cracked or defective drains covers, were not found to be related to rat infestation. A copy of the MAFF report is in the House of Commons Library.

Areas of Outstanding Natural Beauty

Mr. Edwards: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce his proposals concerning areas of outstanding natural beauty. [105471]

Mr. Mullin: Funding increases for Areas of Outstanding Natural Beauty (AONBs) have already been announced. The Countryside Agency has an additional £2.5 million in the current financial year for their management and conservation, rising by a further £1 million in 2000–01, which will bring the Agency's budget for AONBs to £5.7 million.

My right hon. Friend the Minister for the Environment expects to make an announcement soon on further proposals to strengthen the protection and management of AONBs.

Post Offices

Mr. Jack: To ask the Secretary of State for the Environment, Transport and the Regions what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub post offices. [105863]

Ms Armstrong: I refer the right hon. Member to the reply given by my hon. Friend the Minister for Competitiveness on 20 January 2000, *Official Report*, columns 519–20W.

Some support to sub post offices is currently provided through the non-domestic rating system. The sole post office or shop in a designated rural area is entitled to 50 per cent. mandatory relief from non-domestic rates, provided its rateable value is less than £5,000. Local authorities have discretionary powers to provide further relief up to 100 per cent. of the full rates bill for these and other properties in designated rural areas, with rateable values less than £10,000.

We are also considering the suggestion in the Report of the Urban Task Force, "Towards an Urban Renaissance", that there should be rate reductions for small retailers in designated urban priority areas.

In the 1998 White Paper "Modernising Local Government: In Touch With The People" we announced a general rate relief scheme for all small non-domestic properties, which will include small post offices in urban and rural areas. We aim to consult shortly on the details of this scheme.

Housing Associations

Mr. Ruane: To ask the Secretary of State for the Environment, Transport and the Regions how many housing association units have been available for rent in each of the past 10 years. [105228]

Mr. Mullin *[holding answer 18 January 2000]:* The available figures for Registered Social Landlords (RSLs) in England are given in the tables below.

Units owned by registered social landlords and available for rent, 1989–99
England only

Thousands

As at 31 March	*Occupied homes*	*Homes vacant and available for letting*	*Total number of units available for rent*
1989	497.9	8.2	506.1
1990	548.6	7.0	555.6
1991	591.9	7.3	599.2
1992	629.9	7.0	636.9
1993	686.7	17.2	703.9
1994	758.1	10.5	768.6
1995	835.6	10.6	846.2
1996	911.2	13.5	924.7
1997	955.1	14.8	969.9
1998	1,012.0	16.1	1,028.1
1999	1,121.5	17.8	1,139.3

Figures for the availability of hostel and shared housing bedspaces also exist for 1994–99.

Number of hostel and shared housing bedspaces owned by RSLs, 1994–99
England only

Thousands

As at 31 March	*Occupied bedspaces*	*Bedspaces vacant and available for letting*	*Total availability of bedspaces*
1994	71.6	5.4	77.0
1995	77.2	6.0	83.2
1996	81.0	6.8	87.8
1997	81.0	7.3	88.3
1998	86.4	6.7	93.1
1999	90.0	7.2	97.2

Sources:
(a) 1989–98 data: Registered Social Landlords in 1998: Profile of the RSL sector.
(b) 1999 data: as yet unpublished.

Airline Accidents

Dr. Cable: To ask the Secretary of State for the Environment, Transport and the Regions what studies his Department has undertaken of the numbers of cases at international airports over the last 10 years when civil airline accidents on take-off or departure have resulted in ground fatalities. [105981]

Mr. Hill: In 1995 the then Department of Transport commissioned NATS Ltd. to advise on the scope for detailed modelling of the size and shape of risk contours around airports, in connection with its review of Public Safety Zone policy. In preparing its advice NATS used the CASE (Client Aviation System Enquiry) database of aircraft accidents maintained by Airclaims Ltd. to identify information on crashes between 1979 and 1995 involving western-built airliner jets and turboprops. It used this information, in conjunction with data about aircraft movements, to calculate crash rates which would be relevant to the UK. From this information NATS used its own location model to determine the statistical distribution of crash locations in the vicinity of an airport. NATS also developed a consequence model to determine the size of the areas on the ground destroyed by aircraft accidents.

The crashes used for the purpose of this work were not limited to those which resulted in ground fatalities. The most useful approach was considered to be to draw upon the most reliable data available to calculate crash rates and model crash location and consequences, and then to apply those results in defining new boundaries for Public Safety Zones at airports.

London Underground

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions what arrangements have been put in place to ensure that operation of the London Underground under a public-private partnership is subject to the provisions of the Customer Charter respecting compensation for delays experienced by passengers. [106071]

Mr. Hill: London Underground Ltd., which administers refunds under its customer charter, will remain as a public-sector company in the Public-Private Partnership (PPP). Therefore the refund policy will not be affected by the PPP.

Jubilee Line Extension

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions to what extent a full service has been provided on the Jubilee line extension since its opening. [106072]

Mr. Hill: When the Jubilee line extension began to open, in phases, from May 1999, services were only offered from Monday to Friday, and limited hours were operated. This was to allow contractors access to the line for completion works.

Now that the whole extension is open, and has joined the existing Jubilee line, full through services from Stanmore to Stratford, seven day a week services, and normal Tube opening hours are provided.

There have been some problems with reliability due to technical difficulties with new equipment and systems. I understand that London Underground is addressing these issues. In the four weeks to 8 January, the percentage of scheduled trains operated has increased to 94.2 per cent. LU has work in hand to improve reliability further.

Rail Passenger Partnership (Merseyside)

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the applications he has received in connection with the Rail Passenger Partnership from Merseyside. [105890]

Mr. Hill: The first two successful bids under the Rail Passenger Partnership scheme, together worth more than £3.5 million, were announced on 8 December 1999. The Franchising Director will make further announcements on bids already received and those he is expecting to receive in due course. These include at least one from Merseyside.

Greenbelt Land

Miss Kirkbride: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those local authorities where the amount of greenbelt land exceeds *(a)* 90 per cent. and *(b)* 75 per cent. of the total land area of the local authorities. [105907]

Ms Beverley Hughes: Information on the area of greenbelt land in each local authority is not currently available centrally. Estimates under preparation, based on designated greenbelt areas shown in adopted and deposited local plans, should be finalised within two months. I shall write to the hon. Member when they are available.

Local Government Finance

Mr. Watts: To ask the Secretary of State for the Environment, Transport and the Regions which overseas distribution systems his Department is reviewing as part of its review of local government grant distribution systems; and when changes in the grant system will be introduced. [105917]

Ms Beverley Hughes: The DETR commissioned PricewaterhouseCoopers (PwC) to conduct a research project examining grant distribution systems used overseas. The initial phase of the project entailed PwC producing outline descriptions of 19 grant distribution systems used in other OECD countries. The 19 countries examined were:

Austria
Australia
Belgium
Canada
Denmark
Finland
France
Germany
Greece
Ireland
Italy
Japan
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
United States.

The preliminary analysis of the 19 countries by PwC can be found on the Local Government Association (LGA) website at *http://www.lga.gov.uk/lga/rgd/index.htm.* Discussion of the 19 outline descriptions was carried out at the joint DETR and LGA review group. The next stage of the project required eight countries to be selected by the review group for further analysis. PwC produced detailed reports on these eight countries. The eight countries were:

Australia
Denmark
France
Germany
Netherlands
Spain
Sweden
United States.

The preliminary in-depth reports produced by PwC can also be found on the LGA website. The next stage of the project required the joint DETR and LGA review group to agree which, if any, of the eight countries warranted further study. Four countries were selected for further analysis and a visit by representatives of DETR and local government. The four countries were:

Denmark
France
Netherlands
Sweden.

Papers recording the information gained from the four visits can also be found on the LGA website. PwC will shortly be producing their final report. This will bring together all the material from the research project.

The implementation of any change to the current grant distribution system will depend on the outcome of the consultation exercise taking place this summer and its timing will depend on whether legislation is required.

Welsh Assembly

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions what training staff in his Department have received on the implications of the establishment of the National Assembly for Wales on their work in giving advice in response to inquiries. [106069]

Ms Armstrong: General information and guidance on the implications of devolution for the work of the Department, including the handling of correspondence and inquiries, has been promulgated to staff throughout the Department. All senior managers have been briefed on the need for good communications and relations with the devolved administrations, following the arrangements set out in the "Memorandum of Understanding and supplementary agreements" (Cm 4444).

We hope shortly to conclude and publish a bilateral concordat with the Cabinet of the National Assembly for Wales.

Rail Franchising

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions if he will discuss with the Franchising Director a requirement that in the next round of railway franchises for services between *(a)* Holyhead and Crewe and *(b)* Cardiff and Crewe, companies are required to tender on the basis of at least two through-train services between Holyhead and Cardiff each day. [R] [105888]

Mr. Hill: The Franchising Director has invited proposals for improved services in Wales and the North West. In any renegotiations the Franchising Director will seek the best deal he can for passengers, in line with the Instructions and Guidance the Deputy Prime Minister gave him last year. The Franchising Director has met with Welsh Assembly officials to discuss their aspirations, and he will consult them as plans for future services provision are formulated.

Storm Damage

Mr. David Atkinson: To ask the Secretary of State for the Environment, Transport and the Regions what special financial assistance will be made available for coastal authorities in response to the damage caused by recent storms; and if he will make a statement. [106310]

Ms Beverley Hughes: Local authorities have statutory powers to deal with emergencies and are expected to budget accordingly. They may apply for additional financial assistance where there is a case for doing so under existing rules. All local authorities were sent copies of the current guidance notes and thresholds on 26 February 1999. To date we have received no applications in respect of the recent storms.

Multilateral Environmental Agreements

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he is making to the European Commission in respect of the arrangements enabling European Commission trade negotiators to take full account of environmental considerations and the requirements of multilateral environmental agreements. [105581]

Mr. Meacher *[holding answer 20 January 2000]:* The United Kingdom played a leading role in the development of the European Union's position on how the relationship between trade and the environment should be addressed in the proposed new Round of multilateral trade negotiations. This position was set out in the conclusions of the General Affairs Council prior to the third World Trade Organisation Ministerial in Seattle in December 1999. The conclusions of the General Affairs Council are consistent with the Government's priorities for action in this area. They include commitments to clarifying the legal relationship between the rules of the WTO and trade measures taken pursuant to Multilateral Environmental Agreements, and to taking environmental considerations into account throughout the negotiations. I attended the Seattle Ministerial, where I was able to discuss trade and environment issues directly with representatives of the European Commission.

The Government also strongly support the Sustainability Impact Assessment which the European Commission is undertaking to inform the European Union's negotiating position in future trade liberalisation negotiations. Officials from my Department and the Department for Trade and Industry will continue to participate in meetings with the European Commission and other member states of the European Union to discuss trade and environment issues.

Severn Trent Water

Mr. Coaker: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received concerning the impact of Ofwat's price review on employment at Severn Trent Water. [106043]

Mr. Mullin *[holding answer 20 January 2000]:* The Department has received a number of representations on this issue, including correspondence from the Managing Director and employees of Severn Trent Water, local union representatives and hon. Members whose constituencies fall within the Severn Trent area. The representations expressed concern that Severn Trent Water might make some staff redundant following the decisions of the Director General of Water Services on price limits for water companies, to apply from April 2000.

Setting price limits, at the price review, is a matter for the Director General of Water Services. He has a statutory duty to secure that water companies properly carry out their functions and are able to finance them. These functions must be carried out in full compliance with all legal requirements, including drinking water quality (regulated by the Drinking Water Inspectorate), health and safety (regulated by the Health and Safety Executive), environmental standards (regulated by the Environment Agency) and customer service and continuity of supply (regulated by the Director General himself). The Director General expects companies to improve on efficiency savings that they have already achieved. It will be for water and sewerage undertakers to ensure that they maintain the necessary staff and other resources to meet these obligations in full.

In deciding how to meet price limits set by the Director General, companies will need to consider the range of measures open to them, including factors such as dividend policy, as well as the option of making staff redundant.

The Government believe that it is possible to deliver substantial quality improvements and reductions in customers' bills, for the benefit of consumers. The environmental and water quality improvement programmes will create significant new employment opportunities, although my Department has not undertaken or commissioned research on employment in the water industry.

French Lorry Strike

Mr. Denzil Davies: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the total amount of compensation so far paid by the French Government to British road haulage firms following the French truck drivers strike in 1996. [106149]

Mr. Prescott: While the Department was pleased to assist claimants in lodging their claims with the French authorities, the claimants are under no obligation to inform the Government of the outcome. However, I understand that an offer of compensation has been made in respect of all eligible claims.

School Buses

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with local education authorities and his ministerial colleagues in the Department for Education and Employment about the contribution that school buses can make to reducing traffic congestion. [106164]

Mr. Hill: Congestion caused by the "school run" is one of the issues considered by the School Travel Advisory Group (STAG). The first report from STAG was presented to me and to colleagues in the Department for Education and Employment and the Department of Health on 13 January. A copy of the report and the Government response have been placed in the Library of the House. As recommended by STAG, we have commissioned consultants to identify and analyse examples of good practice in promoting bus use for travel to school and to produce a guide to best practice.

Motor Insurance

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will discuss with the British Insurers Association measures to avoid the practice of including motorists with criminal convictions on company insurances in cases where personal insurance is not available to them. [106288]

Mr. Hill: The main aim of our policy on motor insurance is to ensure that any driver who uses a vehicle on the road will be covered for their liabilities to third parties. To that end the motor insurance industry have agreed informally that they will always find a policy for anybody who holds a valid driving licence and is legally entitled to use a vehicle on the road. The premium charged reflects the risk attached to the driver and this includes driving history and any relevant convictions. This practice applies to both individual and company insurance policies. Seeking to prevent insurers from issuing any cover for valid licence holders would be likely to lead to an increase in uninsured driving.

DVLA

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 2000, *Official Report*, column 210W, concerning the DVLA, how many people waited longer than *(a)* five, *(b)* eight, *(c)* 10, *(d)* 15 and *(e)* 20 weeks for car or motorcycle licences which required a medical investigation by the DVLA Medical Unit in each month of 1999. [106715]

Mr. Hill: The information is not available in the form requested, and could be obtained only at disproportionate cost.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what was the *(a)* total and *(b)* unit cost of the DVLA's payments to private medical practitioners to process driving licence applications where the applicant declared a medical condition, in the most recent year for which figures are available. [106572]

Mr. Hill: In the financial year ended March 1999, a total of £2,576,233 was paid for 120,561 medical examinations (including opticians) an average payment of £20.98.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 2000, *Official Report*, column 210W, concerning the DVLA, how many people waited longer than *(a)* seven, *(b)* 10, *(c)* 15, *(d)* 20 and *(e)* 25 weeks for a bus or lorry licence which required a medical investigation by the DVLA Medical Unit in each month of 1999. [106733]

Mr. Hill: The information is not available in the form requested, and could be obtained only at disproportionate cost.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 17 January 2000, *Official Report*, column 249W, concerning the use of private opticians by DVLA, how the annual saving of £504,000 relates to the extra costs of £280,000 referred to in his answer of 10 January 2000, *Official Report*, column 5W. [106697]

Mr. Hill: The DVLA Medical Unit refers some 8,000 applicants per annum for visual field tests. The cost for NHS Consultant Ophthalmologists was £98 per test, some £784,000 per annum. Using private Optometrists, the fee will be £35 per test, or £280,000 per annum which gives an annual saving of £504,000.

Regional Chambers

Mr. Gale: To ask the Secretary of State for the Environment, Transport and the Regions what has been the cost to *(a)* central and *(b)* local government to date, of each of the regional chambers. [106125]

Ms Beverley Hughes: The costs of the voluntary regional chambers are a matter for their members. The Government have provided some support in-kind. In the East Midlands a member of the Government Office staff was seconded to assist with start-up arrangements, and in the South-East the Government Office has provided office space to the chamber.

Salisbury Railway Station

Mr. Key: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list by *(a)* date, *(b)* category and *(c)* outcome, the incidents recorded by Wiltshire Constabulary at Salisbury railway station in each year since 1995; [106553]

(2) if he will list by *(a)* date, *(b)* category and *(c)* outcome, the incidents recorded by the British Transport Police at Salisbury railway station in each year since 1995. [106554]

Mr. Hill: The British Transport Police are responsible for policing, and recording the crime statistics, at Salisbury railway station.

The figures for 1998 and 1999 are in the table, listed by date, offence and whether they were detected. Detected means where a person has been identified with the crime and either charged, cautioned or no prosecution has occurred. Records for the earlier years are now archived and are not easily retrieved.

Date	*Offence*	*Detected*
1998		
9 February	Burglary of tenants premises	No
21 February	Theft of pedal cycle	No
6 March	Theft of personal property	No
7 March	Criminal damage to motor vehicle	No
10 March	Male rape	Yes
10 March	Gross indecency	No
14 April	Theft of cash	No

Date	Offence	Detected
21 May	Theft of pedal cycle	No
21 May	Theft of pedal cycle	No
21 May	Theft of personal property	Yes
24 May	Theft of pedal cycle	No
3 June	Theft of personal property	No
8 June	Theft of pedal cycle	No
29 June	Theft of pedal cycle	No
17 July	Obtain service by deception	No
25 July	Provocation/violence	No
8 August	Criminal damage to motor vehicle	No
12 October	Theft of cash	Yes
6 November	Theft of personal property	No
11 November	Criminal damage to motor vehicle	No
19 November	Theft of pedal cycle	No
15 December	Criminal damage to motor vehicle	No
1999		
10 January	Interference with motor vehicle	No
21 January	Theft from motor vehicle	No
29 January	Theft of motor vehicle	No
19 April	Theft of pedal cycle	No
17 May	Theft of pedal cycle	No
17 May	Theft of pedal cycle	No
8 June	Theft of personal property	No
21 June	Theft from motor vehicle	No
8 July	Common assault	Yes
10 August	Theft of cash	No
28 August	Theft from motor vehicle	No
4 November	Theft of personal property	No
26 November	Theft of personal property	No

Ministerial Engagements

Mr. Jack: To ask the Secretary of State for the Environment, Transport and the Regions if he will list *(a)* which Government Ministers he met, *(b)* which outside organisations he met, *(c)* which outside individuals he had appointments with, *(d)* what outside visits he made together with the mode of transport used, *(e)* what overseas visits he made, *(f)* the Cabinet Committees he attended, *(g)* which English regions he visited together with the mode of transport used and *(h)* what other official engagements he carried out, on *(i)* 1 September, (ii) 2 September, (iii) 3 September, (iv) 4 September and (v) 5 September 1999. [105881]

Mr. Prescott: Between 1 September and 5 September I was on holiday in the United Kingdom.

Allington, Incinerator

Mr. Wyatt: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his plans for a public inquiry in respect of the proposed incinerator at Allington. [106406]

Ms Beverley Hughes: My right hon. Friend decided on 21 December 1999, after very careful consideration, not to call in the planning application for the Allington incinerator for his own decision, but to leave the decision to be taken by the planning authority. The Government's policy on call-ins is to be very selective. It is right that in almost all cases the decision on whether a development should proceed should be taken by the local planning authority.

Therefore, planning applications are in general only called in if planning issues of much more than local importance are involved, and if those issues need to be decided by the Secretary of State rather than at local level. We have given as examples of cases where the Secretary of State might consider call-in appropriate those which may conflict with national policy on important matters; those which could have significant effects beyond their immediate locality; those which give rise to substantial regional or national controversy; those which raise significant architectural and urban design issues; and those where the interests of national security or a foreign government may be involved, 16 June 1999, *Official Report*, column 138W.

Written Answers to Questions

Tuesday 25 January 2000

ENVIRONMENT, TRANSPORT AND THE REGIONS

Council Tax

Mr. Cawsey: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list the precepting councils in England and Wales in order of the average council tax payable in that area; [105180]

(2) if he will list the police authorities of England and Wales in order of the average council tax payable in that area. [105182]

Ms Beverley Hughes *[holding answer 17 January 2000]:* The information requested on Wales is a matter for my right hon. Friend the Secretary of State for Wales.

The table shows the notional average Council Tax per dwelling for each of the major precepting authorities in England. The more common measure for comparison is the Band D Council Tax from which all bills are derived and on the basis of which all taxpayers in the same band within an authority pay the same amount. This is also given. It has a closer relation to how Council Tax bills are derived and hence what taxpayers will be paying.

Council Tax by English precepting authorities in 1999–2000

Precepting authority [1]	*Average Council Tax per dwelling* [2] *(£)*	*Band D Council tax (£)*
County Councils		
Buckinghamshire	645	601
Surrey	640	585
Cheshire	617	697
Bedfordshire	615	694
Dorset	596	652
Hampshire	575	610
Oxfordshire	574	601
Hertfordshire	574	581
Nottinghamshire	567	749
Warwickshire	561	642
Wiltshire	560	594
Lancashire	558	731
West Sussex	549	586
East Sussex	543	622
Essex	540	599
Northumberland	538	716
Kent	537	602
Derbyshire	526	689
Leicestershire	526	629
Devon	525	616
North Yorkshire	519	589
Shropshire	516	609
Somerset	504	594
Cambridgeshire	502	570
Gloucestershire	498	577
Cumbria	495	662
Worcestershire	489	561
Suffolk	476	585
Norfolk	471	612
Staffordshire	466	577
Northamptonshire	463	586
Lincolnshire	451	600
Durham	448	662
Cornwall	446	565
Police Authorities		
Surrey	86	75
Metropolitan	77	83
Dorset	69	77
Wiltshire	63	69
Staffordshire	62	79
Warwickshire	62	71
Hertfordshire	62	64
Lincolnshire	61	82
Northamptonshire	60	76
Gloucestershire	60	69
Essex	59	65
Cumbria	58	78
Thames Valley	55	57
Merseyside	55	77
Leicestershire	53	64
Bedfordshire	52	61
West Mercia	50	59
Avon and Somerset	50	61
Derbyshire	50	66
Norfolk	50	64
Hampshire	49	54
Cheshire	48	56
Sussex	47	53
Kent	47	52
Suffolk	46	56
North Yorkshire	46	52
Nottinghamshire	46	62
Devon and Cornwall	45	54
Cambridgeshire	44	52
Cleveland	44	63
Lancashire	44	58
Greater Manchester	43	60
Humberside	38	55
South Yorkshire	38	57
West Midlands	37	51
Durham	35	50
Northumbria	34	50
West Yorkshire	34	55
Fire Authorities		
Merseyside	27	38
Tyne and Wear	26	40
London	25	28
West Midlands	21	28
Greater Manchester	21	29
South Yorkshire	20	29
West Yorkshire	18	24

[1] Precepting authorities include County Councils, Police and Fire authorities.

[2] Tax requirement divided by number of chargeable dwellings.

Radioactive Waste

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions if he intends to make a decision on the mixed oxide fuel plant in advance of the publication of the Green Paper on the management of radioactive waste; and if he will make a statement. [105573]

Mr. Meacher *[holding answer 19 January 2000]:* The Secretary of State for the Environment, Transport and the Regions and the Minister of Agriculture, Fisheries and

Food are in the process of considering all relevant issues concerning the Sellafield Mixed Oxide Fuel (MOX) Plant. Decisions will be announced as soon as they have been made. The timing of these decisions is unrelated to the publication of the Consultation Document on the management of radioactive waste. We aim to publish the Consultation Document in the spring.

GM Grain

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what his policy is on the labelling of imported genetically modified grain. [105580]

Mr. Meacher *[holding answer 20 January 2000]:* The Government's policy is that genetically modified grain imported into the UK should be clearly labelled. All such products currently imported into the UK must be labelled.

European Directive 90/220/EEC governs the release and marketing of GMOs. The Common Position reached in December 1999 on an amendment to the Directive strengthens the requirement to label clearly all products containing genetically modified organisms.

Index of Multiple Deprivation

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions to what peer review by academics the methods devised by the consultants employed by his Department to compile the proposed new index of multiple deprivation will be subjected before it is used as the basis for distributing regeneration resources. [106284]

Ms Beverley Hughes: The 1999 Review of the Index of Local Deprivation is being carried out by the University of Oxford. In addition to the review being overseen by an inter-department steering committee, the University of Oxford have consulted an advisory panel (with over 40 members) throughout the review. The advisory panel has consisted of a large number of peer academics both in and outside of the University of Oxford, as well as local authority officials, research professionals and others.

The University of Oxford have also facilitated extensive consultation throughout the 1999 Review. Respondents to the consultation have included other Government Departments, local authorities, research organisations, academics and other organisations.

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions how much of the money allocated annually to London boroughs through SRB and European grants will be lost if the new proposed index of multiple deprivation is used as the basis for allocating regeneration resources; and if he will make a statement. [106283]

Ms Beverley Hughes: The 2000 Spending Review, currently underway, will determine funding levels from 2001–02 to 2003–04 for all domestic regeneration programmes. It will take into account the new Index of Local Deprivation as well as other factors.

The SRB 6 Bidding Guidance, issued in December 1999, made it clear that the 65 most deprived authorities in the 1998 Index are eligible to bid for funding for comprehensive schemes even if they do not rank as highly when the 1999 Index is issued.

Resources from European Structural Funds have been allocated for the period 2000 to 2006 on the basis of the 1998 Index. London is expected to receive £160 million.

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions on what criteria the new indicators of deprivation were used as the basis for the proposed index of multiple deprivation; and if he will make a statement. [106282]

Ms Beverley Hughes: The 1999 Review of the Index of Local Deprivation is being carried out by the University of Oxford. A consultation on the domains and indicators for inclusion in the 1999 index took place from 2 July 1999 and 16 August 1999. Over 125 responses were received and were carefully considered and reported on in a further paper 'Methodology for an Index of Multiple Deprivation' released by the University for consultation on 2 December 1999. This paper outlined the final list of domains and indicators for inclusion in the 1999 index.

Domains for inclusion in the 1999 Index;

Income deprivation

Employment deprivation

Health deprivation and disability

Housing deprivation

Education, skills and training deprivation

Geographical access to services.

In the report 'Measuring Deprivation at the Local Level' which was published by The University of Oxford in spring 1999, the criteria for the indicators which will make up the 1999 index were set out.

The criteria for the indicators were that they should be:

'domain specific' and appropriate for the purpose (that is being a direct measure for that form of deprivation)

measure major features of that deprivation (not conditions just experienced by a very small number of people or areas)

as up-to-date possible

capable of being updated on a regular basis

statistically robust

nationally available at a small area level.

The responses to the final consultation of the 1999 Review of the Index of Local Deprivation are currently being analysed and a new index will be published in the spring.

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the data underlying the new proposed index of multiple deprivation. [106285]

Ms Beverley Hughes: The 1999 review of the Index of Local Deprivation is being carried out by the University of Oxford. The University has carried out a consultation exercise on the methodology of the 1999 Index. The consultation closed on Monday 17 January having run for a period of six weeks.

The consultation paper "Methodology for an Index of Multiple Deprivation" set out the methodological techniques the University of Oxford propose to employ in constructing the 1999 Index. The responses to the consultation are currently being analysed by the University in close conjunction with DETR.

The final 1999 Index (due to be published in spring 2000) along with a summary report will include local authorities scores and ranks. This data will be presented for the whole of England at the ward and district level. The scores and ranks at the ward level will be available for each domain (income, work, health and disability, education, skills and training, housing and geographical access to services) and also be presented in a final composite Index.

The final published report will contain details about where to obtain the raw data used to construct the 33 indicators.

Local Government

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the local authorities which have decided they wish to have a directly elected mayor. [106320]

Ms Beverley Hughes: The Local Government Bill, which if enacted would allow local authorities to have a directly elected mayor, is currently before the Other Place. Information about councils' current intentions should the Bill be enacted is not collected centrally.

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those councils which have decided they do not wish to introduce an executive structure as set out in the Local Government Bill. [106319]

Ms Beverley Hughes: The Local Government Bill, which if enacted would require local authorities to draw up proposals for an executive structure, is currently before the Other Place. Information about councils' current intentions is not collected centrally.

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106301]

Ms Beverley Hughes: This information is not held centrally, and could be obtained only at disproportionate cost.

Wildlife and Countryside Act 1981

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the level of public awareness on Merseyside of the provisions of the Wildlife and Countryside Act 1981. [106421]

Mr. Mullin: It is the role of the Government office for the North West to promote environment issues in the Merseyside region. The Government office are currently actively working with others to raise awareness in the North West about biodiversity issues. The Government office is a member of the North West Biodiversity Forum whose aims are to support, encourage and positively influence the conservation of biological diversity in the North West. Other members of the Forum include Lancashire County Council, the Environment Agency, English Nature, the Royal Society for the Protection of Birds, the Joint Countryside Advisory Service, County Wildlife Trusts and North West Water.

The Government office is currently promoting the production of a biodiversity booklet via the Forum to raise awareness among decision makers about biodiversity in the region to highlight, particularly, those species and habitats deemed to be under threat from development.

It is not a policy of the Government to carry out research into public awareness of the Wildlife and Countryside Act 1981 anywhere in the United Kingdom, although they aim to make as much information available as possible through the Department's website.

Depleted Uranium

Mr. Neil Turner: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of aircraft using UK airports use depleted uranium as ballast; and what assessment he has made of the potential risk to health in the event of a crash. [106307]

Mr. Mullin: Data are not collected in the form requested. However, it is known that early Boeing 747s, of which about 550 were constructed up until 1981, used depleted uranium counterbalance weights in their control surfaces.

A risk to health could arise only in the unlikely event that a crash, followed by a sufficiently severe and long lasting fire, were to cause aerosolisation and dispersal of the material. It has been established from the condition of the recovered counterweights and the evidence of fire damage following the recent Korean B747 aircraft crash that there has been no airborne dispersal of uranium from the crash site. Sixteen of the 20 counterweights used in the aircraft have so far been recovered.

Commercial Leases

Mr. Darvill: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the outcome of his Department's review of the operation of the Commercial Leases Code of Practice. [106860]

Ms Beverley Hughes: My hon. Friend the Minister for Housing and Planning hopes to make an announcement in the spring.

Ministerial Meetings

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if he will make it his policy to place in the Library a copy of notes taken at meetings between Ministers of his Department and officials from non-departmental public bodies responsible to his Department after each such meeting. [106693]

Ms Beverley Hughes: Ministers meet NDPB chairmen and others to discuss a range of strategic issues, including confidential matters. Implementing this proposal would constrain the full and frank discussion that makes such meetings useful. It will therefore not be policy to place in the Library a copy of notes taken at such meetings.

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the meetings he or his ministerial colleagues have had in the last 12 months with the local government network, listing who was present at such meetings and the topics discussed. [106818]

Ms Beverley Hughes: Over the last 12 months, Ministers have met many involved with local government. A wide range of topics have been discussed, including the Government's modernisation agenda and other issues which cross departmental boundaries. Such meetings will continue.

District Councils (Funding)

Mr. Barnes: To ask the Secretary of State for the Environment, Transport and the Regions by how much the financial settlement for district councils would change if the calculations based on enhanced population figures were removed from the provisional standing spending assessments for 2000–01; and if he will rank these figures in descending order. [106411]

Ms Beverley Hughes: The provisional standard spending assessments for 2000–01 were updated on 16 December 1999. These have been compared with figures obtained by removing (i) section *(a)* from the formula in paragraph 4.41 of "The Local Government Finance Report (England) 2000–01" and (ii) sections *(a)* (i) and *(b)* (i) in paragraph 4.47. The differences have been ranked in descending order and the information has been placed in the Library.

SARP (UK) Ltd

Mr. Barnes: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the Health and Safety Audit of operations at the SARP (UK) Ltd. plant at Killamarsh, Derbyshire, and the reports of the Health and Safety Executive and the Environment Agency into incidents of the escape of acid vapour at the plant on 14 and 30 May 1998; and if he will make a statement. [106458]

Mr. Meacher: The investigations into the two incidents involving chemical releases at SARP UK were carried out by the Health and Safety Executive as a joint exercise with the Environment Agency. SARP UK was prosecuted in relation to those incidents and the penalties and costs awarded against the company were £120,000 and £150,000 respectively—a measure of how seriously the Court viewed these offences. In addition a detailed inspection of activities on the site was subsequently carried out resulting in a large number of recommendations for improvement of health and safety. The report of the investigation and of the findings of the inspection are being made public in a report published by the HSE so that the lessons can be understood by other companies. The report will be available from 3 February at the HSE Information Centres in London, Bootle and Sheffield. It will also be available at the Environment Agency Library in Bristol. I am placing copies in the Library of both Houses.

Genetically Modified Organisms

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer to the hon. Member for South Swindon (Ms Drown), of 17 January 2000, *Official Report*, column 245W, on genetically modified organisms, if he will estimate the proportion of genetically modified organisms which will come within the scope of the Advanced Informed Agreement. [106963]

Mr. Meacher: The scope of the Advanced Informed Agreement (AIA) procedure within the Biosafety Protocol to the United Nations Convention on Biological Diversity is one of the issues currently under negotiation in Montreal. Therefore it is not possible to estimate the proportion of living modified organisms (LMOs) that will come within its scope. The position of the United Kingdom and its European Union partners is that an effective and workable AIA procedure is necessary for the Protocol to contribute to biosafety, and that LMOs for food, feed or processing (commodities) should be included within the scope of the Protocol. At the negotiations, informal contact groups have been set up to look specifically at issues of transboundary movements of commodity LMOs and the scope of the Protocol.

PRIME MINISTER

General Pinochet

Mr. Corbyn: To ask the Prime Minister what recent representations he has received from other heads of Government concerning the proposed extradition of General Pinochet. [106020]

The Prime Minister *[holding answer 20 January 2000]:* The President of Chile has made representations to me on a number of occasions over the last 15 months.

Minister for Youth

Mr. Tony Clarke: To ask the Prime Minister what plans he has to appoint a Minister for Young People. [106452]

The Prime Minister: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Batley and Spen (Mr. Wood) on 6 December 1999, *Official Report*, column 353W.

Referendums

Dr. Julian Lewis: To ask the Prime Minister (1) pursuant to his oral statement on 19 January 2000, *Official Report*, column 841, if he will list the limits which will apply to each political party in relation to their spending on a referendum on the single European currency; [106790]

(2) what is his policy on equalisation of spending limits on money raised by political parties on either side of the argument in future referenda. [106791]

The Prime Minister: We do not think it is practicable to regulate spending by political parties in such a way as to ensure that exactly equal amounts are spent by those on either side of a referendum argument. We do, however, think it is desirable to place a limit on what each party individually can spend.

Accordingly, schedule 13 to the Political Parties, Elections and Referendums Bill provides that in any referendum held throughout the United Kingdom the expenditure limits for a registered political party should be based on the percentage of the vote secured by the party at the previous general election, namely:

£ million

Percentage of vote	*Permitted limit*
More than 30	5
20–30	4
10–20	3
5–10	2
Less than 5	0.5

Arms Sales (Zimbabwe)

Ann Clwyd: To ask the Prime Minister (1) how many defence manufacturers have made representations to *(a)* him, *(b)* his advisers and *(c)* officials about arms sales to Zimbabwe over the last 17 months; and if he will list the individuals and companies concerned, indicating the dates on which representations were made; [106937]

(2) how many representatives of arms manufacturers have made representations to *(a)* him, *(b)* his advisers and *(c)* officials about arms sales to Zimbabwe over the last 17 months; and if he will list the individuals and companies concerned, indicating the dates on which representations were made. [106938]

The Prime Minister: Neither I nor my Office has received any representations from defence manufacturers or their representatives about the sale of arms to Zimbabwe.

Communications (Interception)

Mr. Baker: To ask the Prime Minister under what circumstances interception by the United States of communications initiated by UK citizens is permitted from UK territory. [106654]

The Prime Minister: It is long-standing policy not to comment on such matters.

DEFENCE

Future Carrier-borne Aircraft

Mr. Hancock: To ask the Secretary of State for Defence what assessment he has made of the Future Carrier-borne Aircraft programme; and if he will make a statement. [106311]

Mr. Kilfoyle: I refer the hon. Member to the answer I gave on 7 December 1999, *Official Report*, column 453W, sub-para 14 to the hon. Member for Salisbury (Mr. Key).

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for Defence if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106303]

Mr. Kilfoyle: The information requested is not held centrally and could be provided only at disproportionate cost. Our largest public consultation exercise on policy matters in the last five years was that conducted to inform the strategic defence review which was launched on 28 May 1997. The then Secretary of State invited everyone who wished to contribute to the review to put forward their ideas and over 570 submissions were received. Each submission was analysed to record the subjects of concern, and circulated to the appropriate Working Groups for consideration. 486 authors consented to having their submissions made public. These were placed in the Libraries of the House and provided on microfiche to 12 public libraries across the United Kingdom.

In addition, in July and November 1997, the then Secretary of State and the Foreign Secretary jointly hosted three seminars to contribute to the strategic defence review to which a wide range of academics, journalists, Opposition Members and members of non-Governmental organisations were invited. Summaries of each seminar were placed in the Libraries of the House and published on the Ministry of Defence website.

The assessment of the submissions and the seminars formed part of the strategic defence review, the recommendations of which were published as the Strategic Defence Review White Paper (Cm3999) and the Strategic Defence Review Supporting Essays. Both documents were also published on the Ministry of Defence website.

Army Technical Support Agency

Mr. Ernie Ross: To ask the Secretary of State for Defence if he will make a statement on the future of the Army Technical Support Agency. [107038]

Mr. Spellar: The strategic defence review (SDR) announced that the Army Equipment Support Organisation was being re-structured and that ATSA would be absorbed into the new organisation. Director General Equipment Support (Land) DG ES (Land) is being formed on 1 April 2000 as part of the Defence Logistics Organisation, incorporating the staff and functions of ATSA. ATSA is therefore to be disestablished formally as an agency with effect from 1 April 2000. The agency's final set of accounts will be laid before the House in the normal way.

British Garrisons (Germany)

Mr. Key: To ask the Secretary of State for Defence what discussions he or his officials have held with the German Government about the deployment of additional troops from *(a)* Northern Ireland and *(b)* Great Britain to British garrisons in Germany. [105647]

Mr. Hoon *[holding answer 19 January 2000]:* There have been no such discussions.

Pakistan

Mr. Duncan Smith: To ask the Secretary of State for Defence (1) what discussions he had with *(a)* the Prime Minister and *(b)* the Foreign Secretary about the remit of the visit of the Chief of the Defence Staff to Pakistan; [106171]

(2) what issues he asked the Chief of the Defence Staff to discuss during his visit to Pakistan. [106172]

Mr. Hoon *[holding answer 24 January 2000]:* The Prime Minister, Foreign Secretary and I agreed that the Chief of the Defence Staff, General Sir Charles Guthrie, should visit Pakistan to deliver tough messages to General Musharraf, as one military man to another, on the imperative for a transition to democracy and regional security.

EDUCATION AND EMPLOYMENT

Access Funds and Hardship Loans

Mr. Ben Chapman: To ask the Secretary of State for Education and Employment if he will make a statement on the outcome of his review of Access Funds and Hardship Loans. [105977]

Mr. Blunkett: I have today announced a package of extra measures for 2000–01 and 2001–02 to widen access to higher education and tackle student hardship in England and Wales. The full year cost of the package has been estimated at £68 million. This honours the commitment I gave to Parliament on 13 July 1998 to monitor the new student support arrangements introduced after the Dearing Report. It also builds on the findings of the Review of Access Funds and Hardship Loans carried out last autumn.

The system of student support is working well: full-time entrants to higher education have increased by nearly 5,000 this year and more money is now going into universities and colleges. The system is fair and equitable to students, families, and the taxpayer. But our Review highlighted the specific financial concerns of older students, notably the costs of child care, especially for lone parents, school meals, and travel. The Review also found that mature students, in particular, need guarantees of financial support if they are to undertake and complete courses of higher education. These new measures target extra help at full-time mature students, disadvantaged young people and parents on low incomes with children in higher education.

In 2000–01, £17 million will be set aside for non-repayable Access Funds Bursaries for mature students of up to £1,000 per student, according to need, available at the start of the academic year. Further support, depending on circumstances, will also be available from a Hardship Fund of £57 million, for students who run into financial difficulties during the course. Hardship Loans will remain available to mature students but they will no longer have to take out a Hardship Loan before receiving support from the Hardship Fund. We will additionally provide an income-assessed grant to meet the cost of school meals for students with dependant children aged 4 to 16. We have also decided to ease substantially the income assessment for mature students who will now be able to have £7,500 of their income disregarded without losing entitlement to student support, instead of a minimum of £820.

In 2001–02, three further measures will be introduced to widen access and tackle hardship. We will raise the parental contribution threshold from £17,370 (at 1999–2000 rates) to £20,000, which will mean around 50,000 more families on modest incomes will no longer have to contribute towards their children's higher education. I shall also review the other contribution thresholds. Up to £10 million will be available for non-repayable Bursaries through Access Funds of up to £1,000 for young students from disadvantaged backgrounds, building on schemes already developing at a number of universities. Both these measures will help students from families on low incomes with no history of entry to higher education. We will provide further help for mature students by introducing a means-tested child care grant, based on the actual costs of child care of up to £100 a week per child, for those with dependant children, which will be fully disregarded by the Department of Social Security for benefits purposes.

Where necessary, we will make amendments to the Education (Student Support) Regulations 1999 and the Education (Mandatory Awards) Regulations 1999 to give effect to these changes for 2000–01. Amendments to Regulations to give effect to the changes for 2001–02 will also be made in due course. Changes to the guidance on the use of the Access and Hardship Funds will be given to the Higher Education Funding Council for England, and individual Higher Education Institutions, shortly.

Schools Adjudicators

Mr. Beith: To ask the Secretary of State for Education and Employment if he will list the persons appointed as schools adjudicators, indicating in each case whether they have served as members of local education authorities and to which political group in the authority they belonged. [105642]

Ms Estelle Morris: The list of adjudicators appointed is as follows:

Sir Peter Newsam
Dr. Alan Billings
June Brown
John Clark
Andrew Collier CBE
Peter Downes OBE
John Evans
Gordon Hainsworth
Ann Holt
Louise Kidd
Robert Lanwarne
Peter Neafsey
Professor David Newton
Dr. Hilary Nicolle
Anthony Webster
Robin Squire (resigned).

No adjudicator has been a member of a local education authority within the last five years. We do not hold full information on membership before that period.

Mr. Willis: To ask the Secretary of State for Education and Employment if he will list the names of the adjudicators he has appointed under the School Standards and Framework Act 1998 and their political affiliation. [106565]

Ms Estelle Morris *[holding answer 24 January 2000]:* The list of adjudicators appointed is as follows:

Sir Peter Newsam
Dr. Alan Billings
June Brown
John Clark
Andrew Collier CBE
Peter Downes OBE
John Evans
Gordon Hainsworth
Ann Holt
Louise Kidd
Robert Lanwarne
Peter Neafsey
Professor David Newton
Dr. Hilary Nicolle
Anthony Webster
Robin Squire (resigned).

We hold no information about the present political affiliation of adjudicators. As a matter of public record, Peter Downes declared at the time of his application that he had undertaken significant political activity in the last five years as a member of the Liberal Democrats and an elected member of Huntingdonshire District Council. No other adjudicator at present in post declared an engagement in significant political activities during the previous five years.

Summer Camps

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what representations he has had from uniformed youth organisations following his announcement about proposals for summer activity camps for 16-year-olds; and if he will make a statement. [106469]

Jacqui Smith: We have received expressions of interest in summer activities from two uniformed youth organisations: the Scout Association and the Boys' Brigade.

Special Needs

Dr. Cable: To ask the Secretary of State for Education and Employment if he will list the percentage of special needs statements issued within 18 weeks by each London local education authority in *(a)* 1997–98 and *(b)* 1998–99. [106756]

Jacqui Smith: The Audit Commission publishes information on the percentage of draft statements of special educational needs produced by local education authorities within 18 weeks. Data for 1998–99 will not be available until the end of March and will be placed on the Audit Commission's internet website. The 1997–98 percentages for the London authorities given below do not include statements for which allowable exceptions from the relevant time limits, as set out in Part 3 of my Department's "Code of Practice on the Identification and Assessment of Special Educational Needs", have been made. In 1998 officials in my Department provided good-practice guidance to those LEAs whose performance was weakest. When the data for 1998–99 are available my officials will consider the need for further action to help LEAs improve their performance in this area.

LEA	*Percentage*
Inner London:	
Camden	49
Greenwich	6
Hackney	56
Hammersmith and Fulham	98
Islington	88
Kensington and Chelsea	85
Lambeth	52
Lewisham	92
Southwark	92
Tower Hamlets	43
Wandsworth	99
Westminster	82
(no figure is available for the City of London)	
Outer London:	
Barking and Dagenham	12
Barnet	50
Bexley	97
Brent	90
Bromley	98
Croydon	78
Ealing	20
Enfield	30
Haringey	20
Harrow	33
Havering	94
Hillingdon	22
Hounslow	79
Kingston-upon-Thames	100
Merton	98
Newham	65
Redbridge	47
Richmond-upon-Thames	30
Sutton	29
Waltham Forest	32

Children in Care

Dr. Cable: To ask the Secretary of State for Education and Employment what recent guidance his Department has issued on educational provision for children looked after by local authorities. [106753]

Jacqui Smith: In June last year, my Department and the Department of Health jointly consulted on draft guidance on the education of children looked after by local authorities. Some 205 consultees replied by the mid-October deadline, and officials have since discussed some of the key issues arising from the consultation with partners in local government and the voluntary sector. Officials are now revising the guidance, and I expect the final guidance to issue before the end of March.

We believe that this guidance, backed up by support for local authorities during the implementation period, should enable them to fulfil better their role as corporate parents

and raise the level of educational attainment of this group of young people. Higher educational attainment should in turn improve their general life chances.

Ethical Trading

Dr. Tonge: To ask the Secretary of State for Education and Employment what consultations his Department has had with the Department for International Development to promote awareness of ethical trading among school children. [106127]

Jacqui Smith *[holding answer 24 January 2000]:* My officials, and the Qualifications and Curriculum Authority, are currently working with the Department for International Development to develop a guidance document for schools on the opportunities and benefits of bringing a global perspective into different subjects and the wider life of school. This will draw attention to the many opportunities that the revised National Curriculum offers for raising children's awareness of a range of issues including ethical trading. It will also let teachers know where they can find advice, support and high quality resources which will support teaching and learning about these issues.

The programmes of study for Geography and Citizenship in the National Curriculum provide ample opportunities for pupils to learn about ethical trading since they include specific provision for teaching about the world as a global community, global interdependence and sustainable development. The emphasis is on explanatory discussion of contemporary issues and ethical trading would fall into that category.

School Buses

Mr. Kidney: To ask the Secretary of State for Education and Employment what assessment the School Travel Advisory Group has made of the contribution that the use of school buses can make to reducing traffic congestion. [106163]

Jacqui Smith: The School Travel Advisory Group (STAG), which presented its report to Ministers on 13 January, has made a number of recommendations in relation to school travel. A copy of the report has been placed in the Library. In particular, STAG has commissioned research into best practice on increasing bus use for journeys to school, to report in June 2000.

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for Education and Employment if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106302]

Mr. Wicks: Full information in the form requested is not available. Details of the public exercises listed on our consultations calendar for 1999 are as follows. I will write to my hon. Friend giving as full a reply as possible by the end of February. My Department has now set up a central Consultation Unit to advise on best practice in public policy consultations.

Access Funds: Proposed Changes to Guidance

Admission Arrangements for September 2001

Adult Basic Skills Standards

Adventure Activities Licensing Scheme

Allocation Method for the Careers Service Budget

Annual Capital Round 2000–2001

Arrangements for Revised Criteria and Re-Recognition of National Training Organisations

Assessment Orders—Key State 1–3

Asset Management Plans

Asset Management Plans—Section 4

Asset Management Plans—Sufficiency

Asset Management Plans—Options Appraisals

Bringing Young People Back to School

Budget Statements and Guidance

Capacity Assessment Methods

Categories of Fees

Considering School Organisation Proposals—Changes in Arrangements

Control of Premises

Development of Value Added Measures for Performance Tables

Devolution of Surplus Places—Draft Regulations

DfEE/Employment Service Annual Performance Agreement

Disability Rights Task Force Recommendations on Schools—Implementation

Education (Adjudicators Procedure) Regulations 1999

Education (GM and GM Special Schools) Capital Grants Regulations 1999

Education (Non-Maintained Special School—England) Regulations 1999

Education (Schedule 32 of the School Standards Framework) Regulations 1999

Education (School Government England) Regulations 1999

Education (Student Fees) (Exceptions) Regulations 1999 and accompanying guidance

Education Act 1996: Local decision making on school organisations

Education of Children Looked After by Local Authorities—Draft Guidance

Education National Curriculum Attainment Targets and Programme of Study in England 1999

Employment Zones

Equal Opportunities (Sex Discrimination and Equal Pay Act)—Green Paper

European Social Fund 2000–2006 Objective 3 Community Support Framework

Exclusions Panels—LEA Guidance

Extending the Widening Participation Factor for 1999–2000

Financing of Maintained Schools—Regulations

Foundation Body Regulations under s21 of the School Standards and Framework Act

General Teaching Council for England, The—A Register of Teachers

General Teaching Council Regulations 1999—Draft Composition

Hardship Loans and Access Funds to Determine Optimum Use of Funding to Increase Access for HE Students and to Support Students Facing Financial Hardships

Harmonised Framework for Inspection, Quality Assurance and Performance Indicators Across Schools, FE and Private Training Providers

Individualised Student Record: Consultation on Proposed Changes to 2000–01 Specification

Induction of Newly Qualified Teachers—Draft Regulations

Information for Parents About Home Education

Investors in People

Learning Information Networks

Learning to Succeed School Sixth Form Funding

Learning to Succeed: A New Framework for Post 16 Learning—White Paper

LEAs—Electronic Version of the Standard Fund Grant Application Form

LEAs—Good Practice in Relation to Resolving Disputes with Parents—Draft Guidance

LEA Responsibility Towards Pupils Being Educated at Home by Their Parents

Local Assisted Places Scheme

Local Information, Advice and Guidance for Adults in England—Towards a National Framework

Local and National Arrangements for Lifelong Learning, Skills and Workforce Development

Local Publication of 1999 Primary School (Key Stage 2) Performance Tables

Mandatory Awards Regulations (Education Act 1962)

Nanny Agencies—Draft Code of Practice

National Curriculum in England

National Curriculum—Legal Language in Orders

National Curriculum—Draft Proposals for New Orders

National Professional Qualification for Head Teachers

Networking Lifelong Learning: An Information and Learning Technology Development Strategy for Further Education

New Arrangements Governing the Basis on Which Governing Bodies and LEAs Meet Specified Costs of Building Work at Voluntary Aided Schools

New Opportunities Fund: Community Access to Lifelong Learning

New Opportunities Fund: Funding for Green Spaces and Sustainable Communities

New Schools (England)—Draft Regulations

Nursery Education: Desirable Outcomes for Children's Learning on Entering Compulsory Education

Nutritional Standards—Draft Regulations

Organisation of School Places—Guidance

Parent Governor Representation on Local Education Committees

Policy Action Teams for Jobs

Post 16 Structures for Learning and Workforce Development—Requests for Oral Evidence

Pupil Restraint in Special Education Needs Settings—Draft Guidance

Qualifying for Success: Changes to the Post 16 Curriculum: A Guide for Parents

Registration and Monitoring Arrangements for Independent Schools

Report of Research by National Children's Bureau on Good Practice in Special Educational Needs Parent Partnership and Research Brief

School Admission Appeals Code of Practice

School Governance (Terms of Reference) Regulations 1999—Draft Guidance

School Lunches for Primary School Pupils

School Lunches for Secondary School Pupils

School Lunches for Under Fives

School Meals Staff Regulations—The Next Steps

School Organisation Committees and Draft Education (School Organisation Committees) Regulations 1999

School Organisation Plans

School Organisation Proposals (Transition to New Framework) Regulations 1999

School Reorganisation—Transitional Regulations 1998

School Target Setting in 1999 and Beyond

Schools Admission Appeals Code of Practice

School Capital Strategy

Schools Capital: Discussion on the Possible Shape of Allocation Arrangements for 2000–2001

Schools Causing Concerns

Secondary Schools and Colleges Performance Tables

Special Educational Needs Code of Practice

Special Educational Needs Tribunal Regulations

Sex Equality Green Paper

Social Exclusion Unit Report Bridging the Gap—Youth Support Service

Social Inclusion—Pupil Support

Special Schools—Draft Circular

Schools Standards and Framework Act 1998 and the Teaching and Further Education Act 1998—Implications for Colleges in the Further Education Sector

Staff Individualised Record: Proposed Changes to the 1999–2000 Specification

Standards Fund

Strategic Planning 2000 and Beyond

Student Loans Repayment Regulations 1999

Student Support Regulations 1999/2000

Suitability and Sufficiency Assessment

Supported Employment Programme, The—Employment Service

Tackling Truancy Together (Strategy Document)

Teachers and Headteacher Appraisal Regulations 1999—Draft

Teachers Meeting the Challenge of Change

Teachers Pension Scheme and Additional Voluntary Contributions Arrangements

Teachers Pensions Regulations—Compensation for Redundancy and Early Retirement

Teachers Research Scholarship Programme—Round 1 and 2

Teachers: Taking Forward the Challenge of Change

Test Dates for 2002

Transitional Grants 1999–2000

Welsh Language Scheme.

Thalassaemia

Ms Oona King: To ask the Secretary of State for Education and Employment what plans he has to raise awareness in schools of the problems facing sickle cell anaemia and thalassaemia sufferers. [106197]

Jacqui Smith: Schools will have their own health policies reflecting the needs of their pupils. Clearly where pupils suffer from particular conditions schools should include these in their policy where it is appropriate, taking advice from the local medical service and specialist organisations as necessary.

We have made available to schools advice and information on sickle cell anaemia and thalassaemia via the Government's Wired for Health website which has links to the Sickle Cell Society and UK Thalassaemia Society. The Wired for Health site is part of the Healthy Schools Programme, run jointly by the Department for Education and Employment and Department of Health (www.wiredforhealth.gov.uk).

Teachers' Pay

Mr. Gill: To ask the Secretary of State for Education and Employment if he will require teachers in receipt of salaries in excess of point 9 on the Standard Pay Scale to submit themselves for assessment for threshold payments as a requirement of maintaining their existing salary levels. [106154]

Ms Estelle Morris: We have no plans to compel teachers to apply for the threshold—teachers will be able to choose to apply on a voluntary basis. We said in the Technical Consultation Document on teachers' pay reform that no serving teacher would lose out on existing salary entitlements as a result of our proposals. We have proposed to the School Teachers' Review Body that teachers who are successful at the threshold should receive a salary increase of up to £2,000.

Mr. Matthew Taylor: To ask the Secretary of State for Education and Employment how many teachers are in the salary bands *(a)* less than £10,000, *(b)* £10,000 to £12,500, *(c)* £12,500 to £15,000, *(d)* £15,000 to £17,500, *(e)* £17,500 to £20,000, *(f)* £20,000 to £22,500, *(g)* £22,500 to £25,000, *(h)* £25,000 to £30,000, *(i)* £30,000 to £35,000, *(j)* £35,000 to £40,000, *(k)* £40,000 to £45,000, *(l)* £45,000 to £50,000, *(m)* £50,000 to £55,000, *(n)* £55,000 to £60,000 and *(o)* more than £60,000. [106048]

Ms Estelle Morris: The table shows full and part-time teachers in the maintained nursery, primary, secondary and special sector in England and Wales for whom data have been provided to the Teachers' Pension Scheme, by salary bands at 31 March 1998[1].

Salary bands	*Full-time*	*Part-time*[2]
£12,500–14,999	15,100	1,000
£15,000–17,499	40,600	2,500
£17,500–19,999	24,100	2,700
£20,000–22,499	68,300	30,800
£22,500–24,999	95,100	11,300
£25,000–29,999	85,100	2,400
£30,000–34,999	25,300	100
£35,000–39,999	5,400	[3]—
£40,000–44,999	2,000	0
£45,000–49,999	1,000	0
£50,000–54,999	600	0
£55,000–59,999	200	0
£60,000 and over	[3]—	0
Total	362,700	50,800

[1] All figures are rounded to the nearest 100
[2] Salaries for part-time teachers are shown as the full-time equivalent
[3] = less than 50 teachers

Post Offices

Mr. Jack: To ask the Secretary of State for Education and Employment what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105852]

Mr. Wills: I refer the right hon. Member to the reply I gave to the hon. Member for Northavon (Mr. Webb) on 20 December 1999, *Official Report*, column 387W.

Disability Discrimination (Employment)

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what plans he has to improve the services available to help people with disabilities to obtain employment and retain jobs; and if he will make a statement. [104582]

Ms Hodge: Better employment services for people with disabilities are an important element of our commitment to comprehensive civil rights and an intrinsic part of our Welfare to Work policy. That is why we have devoted an additional £30 million for the Employment Service's specialist disability programmes over the three years 1999–2000, 2000–01 and 2001–02, with more resources for Access to Work, Supported Employment and the Job Introduction Scheme. Significant improvements to services to support disabled people have been a feature of all New Deals. Through New Deal for Disabled People we are testing new ways of helping people on incapacity benefits to return to work. We are considering how the main lessons from the pilots should be built into the next stage of this New Deal. We hope to make an announcement in the near future.

HOUSE OF COMMONS

Nursery

45. **Mr. Corbyn:** To ask the President of the Council to ask the hon. Member for Roxburgh and Berwickshire, representing the House of Commons Commission, when he expects a review to take place of the provision of child care facilities in the Palace of Westminster. [104972]

Mr. Kirkwood: I refer the hon. Member to the reply I gave him on 14 December 1999, *Official Report*, column 122W. We have no plans for any further review.

Written Questions

50. **Mr. Barnes:** To ask the President of the Council if it is her policy that hon. Members should be able *(a)* to have written questions answered and *(b)* to table and have published early-day motions during parliamentary adjournments; and if she will make a statement. [104980]

Mrs. Beckett: The Select Committee on Modernisation of the House of Commons is currently examining whether written questions might be tabled and answered during adjournments of the House. No proposal has been put to the Committee for the publication of early-day motions.

Millennium Bug

51. **Dr. George Turner:** To ask the President of the Council what assessment she has made of the benefits resulting from the preventive measures in respect of the millennium bug. [104981]

Mr. Tipping: The huge effort the UK's public and private sectors invested in tackling the Millennium Bug will yield real benefits. There are also many useful lessons to be learned. We are currently undertaking a cross-governmental review to ensure these lessons and benefits are captured. I will submit a report to Parliament on this issue later in the year.

House of Lords (Reform)

52. **Mr. Dismore:** To ask the President of the Council what progress has been made in reforming the House of Lords; and when that reform is expected to be completed. [104982]

Mr. Tipping: The House of Lords Act 1999 has removed the right of anyone to be a member of the House of Lords solely by virtue of a hereditary peerage. The Royal Commission under Lord Wakeham published its recommendations for further reform last week. The Government are now considering those recommendations and encouraging others to do the same. It is too early to estimate when the whole process might be completed.

Modernisation

53. **Mrs. Gilroy:** To ask the President of the Council if she will make a statement on progress in modernising the House since May 1997. [104983]

Mrs. Beckett: I refer my hon. Friend to the reply I gave earlier today to my hon. Friend the Member for Gillingham (Mr. Clark), *Official Report* columns 143–44.

Mr. Blizzard: To ask the President of the Council what progress there has been in the modernising of the House since May 1997. [104977]

Mrs. Beckett: Since the Modernisation Committee began its work, the House has had greater opportunities for scrutiny of the Government through the provision of extra time for debate in Westminster Hall; Thursday sittings have been introduced on an experimental basis to help Members balance constituency and Parliamentary duties; legislation has increasingly been published in draft and given Select Committee scrutiny; and better explanatory material has been provided with Bills.

Electronic Voting

54. **Mr. Bercow:** To ask the President of the Council what proposals she intends to put forward for electronic voting in the House. [104984]

Mrs. Beckett: The Select Committee on Modernisation of the House of Commons examined this matter in Session 1997–98. It is for the Committee to decide whether or not to come forward with proposals for change in future.

INTERNATIONAL DEVELOPMENT

Conservation Projects

Mr. Andrew George: To ask the Secretary of State for International Development what recent assessment she has made of the impact of conservation projects funded or partly funded by her Department on indigenous local peoples living within the area of the projects. [105289]

Clare Short *[holding answer 24 January 2000]:* In my reply to the hon. Member of 12 January 2000, *Official Report,* column 183W, I mentioned the major global evaluation study commissioned by DFID of British bilateral and joint-funded project support for environmental improvement and protection, and made specific reference to projects in Kenya and Tanzania.

The study also assessed DFID-funded projects for environmental protection and management in India, China and Brazil, including their impact on local people. The study reviewed 19 projects in India and found that all except two will have positive environmental impacts. Social impact has been varied. While many achieved environmental improvements benefiting local people, negative social impacts associated with resettlement and environmental health were noted in two projects.

In China, 16 projects were reviewed. It has been difficult to address social issues and identify social impacts in these projects given the reluctance of the Chinese authorities to support inputs which could be confused with political interference. Local people have benefited from the environmental improvements achieved by several of the projects but involuntary resettlement posed 'a potentially serious problem' in at least one project.

In Brazil, the key focus has been on environmental protection in Amazonia. All projects reviewed were found to have been at least moderately effective, with objectives complete or largely achieved in three projects out of the sample of six. Three of the projects were environmental research projects and two aimed to strengthen scientific capacity. As a result, immediate social impacts, positive or negative, were limited.

Biosafety Protocol

Joan Ruddock: To ask the Secretary of State for International Development if she will make a statement on her Department's contribution to the formulation of the negotiating position adopted by the United Kingdom and the EU at the Biosafety Protocol talks taking place in Montreal. [106961]

Clare Short: My Department has played an active role in developing the position adopted by the UK and the EU throughout the negotiations of the Biosafety Protocol to ensure that it takes account of developing country concerns. One of the main benefits of the Protocol for developing countries would be to provide channels for financial and technical assistance to help them build capacity for the safe use and development of genetically modified organisms.

CABINET OFFICE

Drug Dealers (Bank Accounts)

Mr. Dalyell: To ask the Minister for the Cabinet Office what proposals she has put forward to the Treasury, the Home Office and the Foreign and Commonwealth Office to deal with the problem of anonymous numbered bank accounts held by drug dealers in *(a)* Great Cayman, *(b)* the Virgin Islands, *(c)* the Bahamas, *(d)* Bermuda, *(e)* Luxembourg, *(f)* Switzerland, *(g)* Belize and *(h)* the City of London. [106581]

Mr. Ian McCartney: The Government actively support international initiatives to improve anti-money laundering standards worldwide, including measures to prevent the laundering of the proceeds of drug trafficking. In particular,

we support and contribute to the work of the Financial Action Task Force on money laundering, the leading international body responsible for setting and enforcing effective international standards. The prohibition of anonymous accounts is an important element of these standards.

UK financial institutions are required by the Money Laundering Regulations 1993 to establish the identity of their customers and, under the Financial Services and Markets Bill, the Government are significantly enhancing the UK's efforts to enforce anti-money laundering standards.

Magistrates (Appointments)

Mr. Gordon Prentice: To ask the Minister for the Cabinet Office what steps she is taking to transfer responsibility for the appointment of magistrates in the County Palatine to the Lord Chancellor. [104957]

Marjorie Mowlam: As my hon. Friend knows, I am consulting widely within the Duchy on a proposal that these responsibilities should transfer to the Lord Chancellor. The final decision, as with all such machinery of government matters, will be for the Prime Minister.

CULTURE, MEDIA AND SPORT

Digital Television

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what plans he has for a public information campaign to advise consumers about the choices available in the digital television market. [106353]

Mr. Chris Smith *[holding answer 24 January 2000]:* The Government's objectives are to encourage the take-up of digital services by ensuring that consumers have clear and objective information about the benefits of digital television, the choice between free-to-air and pay services, the availability of various packages and platforms and the equipment needed to receive digital services. The Government also want to reassure consumers about the timetable and process for digital switch-over. With these objectives in mind, I had an initial meeting with leading figures in the broadcasting industry last November to discuss a prospective public information campaign. My officials are currently taking this process forward with the aim of launching an industry-wide campaign in the next few months.

Wembley Stadium

Mr. Gardiner: To ask the Secretary of State for Culture, Media and Sport if all seats in the stadium at Wembley as proposed by Wembley Stadium Ltd. under the athletics mode accommodating 80,000 people meet the C60 minimum sightlines specification of the Green Guide and the Football Stadiums Advisory Design Council. [104330]

Kate Hoey *[holding answer 10 January 2000]:* Based on the ideal focal point at ground level on the outside edge of the running track, the independent report submitted by DLA Ellerbe Beckett confirms that the proposals put forward by Wembley National Stadium Ltd. to provide 80,000 seats in athletics mode, would reduce the C value of the first eight rows of seating in the lower bowl, and some seats at the end of the stadium, to below C60.

Farmers (Tourism)

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport what advice and assistance his Department offers to farmers who wish to diversify into the tourism business. [104920]

Janet Anderson: At a national level, as well as working closely with those with an interest in farm diversification, in particular, MAFF and the Countryside Agency, Tomorrow's Tourism highlights the need to maintain the economic viability of rural businesses through diversification such as farm tourism. Regional Tourist Boards, funded in part by the English Tourism Council (ETC), have primary responsibility for encouraging farm tourism by giving advice, support and guidance to new and existing tourism businesses, as well as those wishing to enter the sector. The Department's officials working in the Government Offices for the Regions also provide advice and support where appropriate. The ETC is currently considering a number of bids for funding from Regional Tourist Boards, including proposals to promote farm tourism more effectively. We will ensure this work is closely co-ordinated with the existing new proposals for farm diversification announced by right hon. Friend the Minister of Agriculture, Fisheries and Food at the end of 1999.

Tourism Industry

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport how much per head of population was spent on the promotion of tourism in *(a)* England, *(b)* Scotland, *(c)* Wales and *(d)* the UK in the last year for which figures are available. [105051]

Janet Anderson *[holding answer 17 January 2000]:* In 1999–2000, the National Tourist Boards are receiving grant-in-aid as follows:

Board	*Grant-in-aid (£ million)*	*Population (million)*	*Grant-in-aid per head of population (£)*
ETB (now ETC)	11.8	49.59	0.24
STB	19.3	5.11	3.78
WTB	15.4	2.94	5.24
BTA	36.0	57.64	0.62

Note:
The population figures used to calculate the BTA's grant-in-aid per head exclude Northern Ireland

In addition, the industry is this year contributing over £16 million to the BTA's work. But support for tourism is not limited to Government support for tourist boards. This year DCMS will spend around £1 billion on the arts, museums, galleries and sport, much of which directly benefits tourism. Moreover, in 1998–99, the latest available figures suggest that English local authorities spend some £75 million and Welsh local authorities nearly £5 million on tourism promotion, while Scottish local authorities provided £7.4 million in grants to area tourist boards.

FOREIGN AND COMMONWEALTH AFFAIRS

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the items in the National Assets Register sold by his Department, its agencies and associated public bodies since 16 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104488]

Mr. Hain: Since 16 February 1999 the FCO has sold 23 estate assets and 141 vehicles. Details are as listed. Total proceeds to date from completed sales amount to £29 million. Property sales are expected to realise a further £12 million in 1999–2000. Figures for this financial year are estimates.

The FCO receipts from sale of assets from 16 February 1999 to date

	Country	*Number of sales*	*Proceeds (£)*
Property/description:			
Staff accommodation	Botswana, Gaborone	1	155,000
Staff accommodation	Chile, Santiago	1	103,000
Staff accommodation	Denmark, Copenhagen	2	190,000
Residence	France, Lille	1	289,000
Staff accommodation	France, Paris	1	134,000
Office	Germany, Bonn	1	6,388,000
Staff accommodation	Germany, Bonn	1	364,000
Residence	Ireland, Dublin	1	[1]9,900,000
Staff accommodation	Ireland, Dublin	1	297,000
Staff accommodation	Israel, Tel Aviv	1	159,000
Staff accommodation	Malaysia, Kuala Lumpur	1	31,000
Staff accommodation	New Zealand, Wellington	1	206,000
Staff accommodation	Spain, Madrid	1	262,000
Staff accommodation	Swaziland, Mbabane	1	23,000
Staff accommodation	Sweden, Stockholm	2	126,000
Staff accommodation	Switzerland, Geneva	2	194,000
Office	UK, London	1	8,500,000
Wireless Station	UK, Gawcott	1	355,000
Wireless Station	UK, Poundon	1	477,000
Residence	USA, Cleveland	1	353,000
			28,506,000
Vehicles:			
Heavy commercial		3	576,000
Light commercial		17	
Motor cars		121	
Total Proceeds			29,182,000

[1] A further £10.0 million will be received from this sale in March 2000, and a further £3.6 million will be received in 2001–02

Iran

Mrs. Ellman: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will make representations to the Government of Iran concerning their support for groups opposed to the Middle East peace process; [106541]

(2) if he will make representations to the Foreign Minister of Iran concerning Iran's supervision of training for Hamas and Hezbollah in Lebanon. [106542]

Mr. Hain: Iranian opposition to the Middle East peace process and support for groups that oppose the peace process featured prominently in the discussions between my right hon. Friend the Foreign Secretary and his Iranian counterpart during the latter's visit from 10–12 January. The Iranian authorities are fully aware of the importance that we and our EU partners attach to the Middle East peace process.

Mrs. Ellman: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the comments in Amnesty International's 1999 Annual report on violations of basic human rights in Iran. [106543]

Mr. Hain: We welcome Amnesty International's latest report covering the human rights situation in Iran in 1998. Given Iran's continued failure to invite the United Nations Commission for Human Rights Special Representative, Maurice Copithorne, to visit, Amnesty's reports represent an important source of information on human rights issues in Iran.

Palestinian Jihad

Mrs. Ellman: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the sources of funds for the Palestinian Islamic Jihad. [106540]

Mr. Battle: Any assessment by HMG of the sources of funds could only come from intelligence and would, therefore, be exempted from disclosure under Exemption 1 of the Code of Practice on Access to Government Information.

Departmental Staff

Mr. Stephen Twigg: To ask the Secretary of State for Foreign and Commonwealth Affairs what percentage of his Department's staff were *(a)* registered disabled, *(b)* women, *(c)* from ethnic minorities and *(d)* from (i) independent, (ii) grammar and (iii) other schools in (1) 1970, (2) 1979, (3) 1989 and (4) 1999. [106761]

Mr. Hain: As at 1 April 1999, the percentages were:

	Percentage
(a) Registered disabled	2
(b) Women	37
(c) From ethnic minority backgrounds	4

It is not possible to provide the information for the earlier years. To provide information on types of schools staff attended would involve disproportionate costs.

Biosafety Protocol

Joan Ruddock: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his Department's contribution to formulation of the United Kingdom and EU negotiating position being adopted at the Biosafety Protocol talks taking place in Montreal. [106959]

Mr. Hain: The FCO has worked closely with the Department of the Environment, Transport and the Regions and other Government Departments in preparing, with EU partners, for the resumption of negotiations on the Protocol. Two FCO officials are attending the talks in Montreal this week in the team led by my right hon. Friend the Minister for the Environment. Along with our EU partners, we are firmly committed to achieving a Biosafety Protocol that secures worldwide protection from any adverse effects on the environment or human health from the transboundary movement of living or genetically modified organisms.

SOCIAL SECURITY

Benefit Review Procedures

Mr. Levitt: To ask the Secretary of State for Social Security what plans he has to change Housing Benefit and Council Tax Benefit review procedures; and if he will make a statement. [107149]

Angela Eagle: From April 2001, we propose to modernise the review procedures in Housing Benefit and Council Tax Benefit by bringing them into line with the arrangements for decision-making and appeals in child support and Social Security introduced under the Social Security Act 1998. Those arrangements have now been successfully implemented in other Social Security benefits. The Appeals Service has made—and is continuing to make—improvements to the level of service provided to appellants. We are proposing to extend that service to people who wish to appeal against local authority decisions on their Housing Benefit and Council Tax Benefit claims.

The changes will mean that, as now, people will be able to ask their local authority to look again at any disputed decision, but if the differences cannot be resolved they will have a right of appeal to a tribunal administered by the Appeals Service. People claiming Housing Benefit and Council Tax Benefit will also be expected to provide prompt evidence and information in support of their claims, in the same way as for other Social Security benefits.

These arrangements will ensure a consistent approach to decision-making and appeals across the benefits. Satisfactory decision-making procedures are an important element in the rights guaranteed by the Human Rights Act 1998.

Retirement Pension

Laura Moffatt: To ask the Secretary of State for Social Security (1) what benefit arrangements exist for retired people awaiting assessment of retirement pension; [105909]

(2) if he will make a statement on the timescale for the assessment and payment of pension on retirement. [105936]

Mr. Rooker: Prospective pensioners are invited to claim Retirement Pension four months prior to attaining minimum State pension age. This period allows time for the customer to make a claim and the Benefit's Agency to obtain the information needed to put the correct Retirement Pension entitlement into payment.

There are times, particularly at the beginning of a new tax year, when the contribution information needed to confirm Retirement Pension entitlement is not available. In this circumstance, the Benefit Agency makes an award based on the contribution information available and makes arrangements for payments to be made at an interim rate until a full assessment can be made. When the contribution information is available a revised award is made. The customer will receive revised notification of their entitlement and payment of any arrears due.

The Benefits Agency aims to clear 95 per cent. of Retirement Pension claims in 60 days. This is measured from the date of receipt of a claim form to the date an award is recorded on the Pensions Strategy Computer System.

If my hon. Friend has any particular problems regarding pension assessments, I will be happy to look into them if she provides details.

Benefits (Under-25s)

Mr. Swinney: To ask the Secretary of State for Social Security if he will estimate the cost of bringing benefit levels for people under 25 years in line with benefit levels for people aged over 25 years in *(a)* the United Kingdom and *(b)* Scotland. [106576]

Mr. Bayley: The information is not available in the format requested. Such information as is available is in the tables.

We are unable to estimate with any accuracy the cost of bringing Housing Benefit levels for the under-25s up to the 25 years and over levels. There is insufficient quantitative information on how this group responded to the change introduced in 1996, and without this information we cannot estimate the behavioural effects of reversing the change.

Costs for Great Britain

£ million

Age group	*New entitlement*	*Existing case load*	*Total*
16–17	25	45	70
18–24	10	180	190
Total	35	225	260

Costs for Scotland included in the figures for Great Britain

Age group	*New entitlement*	*Existing case load*	*Total*
16–17	0	5	5
18–24	0	45	45
Total	5	50	50

Notes:

1. Data are for Great Britain not the UK, as the Secretary of State for Social Security is not responsible for Social Security in Northern Ireland.

2. Figures have been rounded to the nearest £5 million.

3. There are costs of less than £5 million for new entitlement in Scotland. Totals do not match due to rounding.

Sources:

1. Estimates from the Family Resources Survey of 1996–97, uprated to 1999–2000.

2. Data from the Quarterly Statistical Enquiry of August 1999.

Minimum Pension Guarantee

Mr. Cousins: To ask the Secretary of State for Social Security when he expects the review of the minimum funding requirement for the minimum pension guarantee to reach a conclusion. [106736]

Mr. Rooker: I will write to my hon. Friend.

Mr. Cousins: To ask the Secretary of State for Social Security if he will estimate how many additional pensioners would qualify for the minimum pension guarantee if the saving limits were lowered by *(a)* £1,000, *(b)* £2,000, *(c)* £3,000, *(d)* £4,000 and *(e)* £5,000. [106707]

Mr. Rooker: No additional pensioners would benefit, if the savings limits in the Minimum Income Guarantee were reduced by the amounts proposed; in fact some pensioners would lose benefit entitlement completely.

Pensioners

Mr. Ashdown: To ask the Secretary of State for Social Security what percentage of the population are pensioners in *(a)* each county in the United Kingdom and *(b)* each constituency in the United Kingdom; and if he will make a statement. [104759]

Mr. Rooker *[holding answer 20 January 2000]:* The information has been placed in the Library.

Pensions Uprating (Overseas Residents)

Mr. O'Hara: To ask the Secretary of State for Social Security when he will respond to the Third Report of the Social Security Select Committee 1996–97, Uprating of State Retirement Pensions Payable to People Resident Abroad. [106422]

Mr. Rooker: The previous Government responded to the Third Report of the Social Security Select Committee 1996–97, Uprating of State Retirement Pensions Payable to People Resident Abroad on 19 March 1997, recorded in the *Official Report*, 19 March 1997, column 680W. There is no requirement for the present Government to respond.

Thalassaemia

Ms Oona King: To ask the Secretary of State for Social Security what plans he has to improve financial and respite support for carers of sickle cell and thalassaemia sufferers. [106198]

Mr. Bayley: We have introduced the Carers Special Grant, amounting to £140 million over three years for English local authorities. The Grant must be spent on improving short term breaks for carers and on consulting them on the type of services they would value.

In addition, the National Carers strategy committed the Government to keeping financial support for carers under review, which we are doing.

Tariff Incomes Schedule

Mr. Cousins: To ask the Secretary of State for Social Security what plans he has to review the tariff incomes schedule of attributed income from savings of pensioners; and if he will estimate how many additional pensioners would qualify for the minimum pensions guarantee if it were lowered to a national yield of 6 per cent. [106657]

Mr. Rooker: An estimated 10,000 pensioners would become newly entitled to the Minimum Income Guarantee if a 6 per cent. rate of return is applied to savings over £3,000. Overall, 70,000 pensioners would gain from the change.

However, it should be noted that around 50,000 pensioners with savings at the lower end of the tariff scale would lose benefit, with a small number losing entitlement completely.

Rent Restriction

Mr. Salmond: To ask the Secretary of State for Social Security if he will estimate the cost of abolishing the single room rent restriction for under 25s in *(a)* the UK and *(b)* Scotland. [106575]

Angela Eagle: We are unable to estimate with any accuracy the cost of abolishing the Single Room Rent restriction. There is insufficient quantitative information on how this group responded to the change, and without this information we cannot estimate the behavioural effects of reversing the change.

Pensioner Incomes

Dr. Lynne Jones: To ask the Secretary of State for Social Security what is his estimate of the additional annual cost of the minimum income guarantee if annual increases are in line with earnings rather than prices in *(a)* 2005, *(b)* 2010, *(c)* 2020 and *(d)* 2050; and what would be the further cost in each of those years of paying the basic state pension at the same rate as the minimum income guarantee. [105474]

Mr. Rooker: Estimates for the cost of the Minimum Income Guarantee (MIG) for the years shown are not available. This is because it is extremely difficult to obtain accurate projections of the future level and distribution of income and assets.

The cost of paying the basic State pension, including linked benefits, at the same rate as the MIG is shown in the table. The net cost takes into account savings made in means-tested benefits.

£ billion

	Gross cost	Net cost
2005–06	10.8	8.7
2010–11	15.7	13.5
2020–21	28.3	24.6
2050–51	87.3	—

Notes:
1. Figures are in £ billion and are in 2000–01 price terms.
2. Figures are rounded to the nearest £100 million.
3. Gross costs are estimates provided by the Government Actuary's Department. Costs net of means-tested benefits have been calculated using the 1999–2000 Policy Simulation Model based on the 1996–97 Family Resources Survey, and by PENSIM, a dynamic microsimulation model used to project pensioners' incomes to 2025. Net cost estimates for 2050–51 are not available.

HEALTH

Care Standards Bill

Mr. Hammond: To ask the Secretary of State for Health if he will list the formal and informal consultation exercises conducted by *(i)* his Department and *(ii)* the Department of the Environment, Transport and the Regions which are *(a)* current and *(b)* recently completed and which are relevant to the matters covered by the Care Standards Bill [Lords]. [104177]

Mr. Hutton: The matters covered by the Care Standards Bill (Lords) have been subject to extensive consultation over a long period. Many of the measures were set out in the White Paper "Modernising Social Services" (Cm 4169—copies of which are available in the Library), which followed various consultation exercises. The matters relating to private and voluntary healthcare were subject to consultation following the publication of "Regulating Private and Voluntary Healthcare: A Consultation Document", copies of which are available in the Library.

Since the Bill's publication, I and my Ministerial colleagues, and officials in the Department have held a number of discussions about the provisions of the Bill with representatives of provider interests, service user groups and professional interests. The Department of the Environment, Transport and the Regions has held no consultations specific to the Care Standards Bill.

Methadone

Mr. Chope: To ask the Secretary of State for Health what is the current annual cost to the National Health Service of methadone; and what is the latest estimate of the number of patients in each health authority area being prescribed methadone. [105257]

Ms Stuart: The net ingredient cost of prescription items dispensed in the community for methadone hydrochloride in England in 1998 was £10.8 million. Information on methadone dispensed in hospitals or drug treatment clinics and the number of patients receiving prescribed methadone in each health authority is not available.

Section 64 Grants

Helen Jones: To ask the Secretary of State for Health if he will make it his policy to require health authorities which make Section 64 grants to charities to include a term in their contracts requiring them to be notified of changes in the charities' objects. [104821]

Mr. Hutton *[holding answer 17 January 2000]:* Health authorities have wide discretion over the terms and conditions they apply in the use by recipient voluntary organisations of Section 64 grants. This is appropriate given the wide variety of circumstances that may arise. In all their financial transactions, health authorities are required to exercise the standards of financial management and control specified in their standing orders and standing financial instructions—which follow the normal conventions for public bodies—and are audited on their performance. Making a specific requirement to be notified of changes in the objects of the organisation would not necessarily provide an additional safeguard, since changes may not necessarily have any bearing on the purpose for which the grant was made.

Foster Care

Mr. Jim Cunningham: To ask the Secretary of State for Health (1) what plans he has to regulate the independent foster care home sector in respect of *(a)* quality of care provided and *(b)* charges to local authorities; [105911]

(2) what discussions he has had with the independent foster care home sector with regard to quality of care and cost to local authorities; [105912]

(3) what assessment he has made of the levels of charges made for the provision of foster care by *(a)* the independent foster care home sector and *(b)* local authorities; and if he will make a statement. [105910]

Mr. Hutton: We announced in the White Paper "Modernising Social Services" that independent fostering agencies will, in future, be regulated. The intention is that they will have to register with and be inspected by the new National Care Standards Commission. The changes are being introduced in the Care Standards Bill. As an interim measure, we are planning to introduce a voluntary accreditation scheme for independent fostering agencies.

If a local authority decides to place a child with a foster carer operating in the independent sector, it is a matter for that authority to satisfy itself that they are getting quality and value for money from the agency. This requirement is set out at Standard 24 of the recently launched National Standards for Foster Care, which seeks to underpin the provision of high quality foster care for children and young people throughout the United Kingdom.

We are aware that local authorities tend to pay considerably higher weekly rates for foster care when that care is through independent foster agencies, rather than directly through local authority foster carers. At least to some extent, this results from the extra functions provided by agencies and the particular needs of the individual children. We have no control over the rates paid by local authorities to independent fostering agencies or to their own carers. This is, however, an issue that we are looking at in the context of the Quality Protects programme, and in particular in relation to our plans to improve the number and quality of placement options for looked after children.

We are unable to provide a breakdown between local authority and independent sector foster care charges, as such figures are not collected centrally. We do, however, have information on the overall amount spent on local authority foster placements and for 1997–98 (the latest year we have available) the gross expenditure figure for England was £339 million. £15 million was also spent on children in other community placements.

There is also a Social Services Performance Indicator that showed the reported unit cost of foster care (gross weekly expenditure per child looked after in foster care) as £199 for 1998–99 and £211 for 1997–98.

Officials in the Department have had some discussion with representatives of the independent foster care sector about ensuring good quality standards, and these will be continued in the context of the voluntary accreditation scheme.

Road Traffic Charges

Mr. Syms: To ask the Secretary of State for Health what was the amount of charges collected in 1999 under the Road Traffic (NHS Charges) Act 1999. [106192]

Mr. Hutton: The Road Traffic (NHS Charges) Act 1999 came into force on 5 April 1999. In the initial three months no payments were made to trusts. In the second quarter £2,671,409 was collected and paid to National Health Service trusts in England, Scotland and Wales. In the third quarter this figure rose to £13,823,013, making the total paid to NHS trusts by the end of December 1999 £16,494,422.

Generic Drugs

Mr. Cousins: To ask the Secretary of State for Health if he will list the allocations he proposes to make to each health authority in 2000–01 in respect of additional funding for generic drugs. [106665]

Ms Stuart: £90 million has been made available to help meet the additional costs of generic drugs in 1999–2000. The table shows the additional allocations made to health authorities on 11 January 2000.

Health authority	*£000*
Bradford	1,009
Calderdale and Kirklees	1,143
County Durham	1,418
East Riding	1,062
Gateshead and South Tyneside	905
Leeds	1,491
Newcastle and North Tyneside	1,167
North Cumbria	606
North Yorkshire	1,432
Northumberland	666
Sunderland	647
Tees	1,167
Wakefield	743
Northern and Yorkshire Region total	13,457
Barnsley	503
Doncaster	693
Leicestershire	1,425
Lincolnshire	1,151
North Derbyshire	737
North Nottinghamshire	788
Nottingham	1,066
Rotherham	496
Sheffield	1,240
South Derbyshire	974
South Humber	630
Trent Region total	9,703
Bedfordshire	870
Cambridgeshire	1,166
East and North Hertfordshire	831
Norfolk	1,457
North Essex	1,504
South Essex	1,094
Suffolk	1,153
West Hertfordshire	808
Eastern Region total	8,883
Barking and Havering	636
Barnet	493
Bexley and Greenwich	652
Brent and Harrow	699
Bromley	459
Camden and Islington	550
Croydon	466
Ealing, Hammersmith and Hounslow	1,012
East London and the City	1,071
Enfield and Haringey	741
Hillingdon	377
Kensington, Chelsea and Westminster	423
Kingston and Richmond	479
Lambeth, Southwark and Lewisham	1,150
Merton, Sutton and Wandsworth	804
Redbridge and Waltham Forest	674
London Region total	10,684
Berkshire	1,189
Buckinghamshire	974
East Kent	1,057
East Surrey	585
East Sussex, Brighton and Hove	1,358
Isle of Wight	259
North and Mid Hampshire	757
Northamptonshire	1,002
Oxfordshire	903
Portsmouth and South East Hampshire	966
Southampton and South West Hampshire	987
West Kent	1,533
West Surrey	880
West Sussex	1,346
South East Region total	13,795
Avon	1,675
Cornwall and Isles of Scily	986
Dorset	1,404
Gloucestershire	899
North and East Devon	938
Somerset	884
South and West Devon	1,205
Wiltshire	978
South West Region total	8,969
Birmingham	2,076
Coventry	594
Dudley	542
Herefordshire	272
North Staffordshire	961
Sandwell	597
Shropshire	686
Solihull	390
South Staffordshire	999
Walsall	484

Health authority	*£000*
Warwickshire	812
Wolverhampton	459
Worcestershire	842
West Midlands Region total	9,714
Bury and Rochdale	878
East Lancashire	1,214
Liverpool	1,050
Manchester	1,052
Morecambe Bay	654
North Cheshire	665
North West Lancashire	1,122
Salford and Trafford	1,043
Sefton	613
South Cheshire	1,259
South Lancashire	617
St. Helens and Knowsley	918
Stockport	649
West Pennine	1,000
Wigan and Bolton	1,303
Wirral	758
North West Region total	14,795
England Total	90,000

SCOTLAND

Student Finance

5. **Mr. Evans:** To ask the Secretary of State for Scotland what representations his Department made to the Scottish independent inquiry into student finance. [104931]

Dr. Reid: My hon. Friend the Minister of State met the Chairman and Secretary of the committee in his capacity as a former education Minister at the Scottish Office.

8. **Mr. Nicholas Winterton:** To ask the Secretary of State for Scotland what recent discussions he has had with the First Minister regarding the Scottish independent inquiry into student finance. [104934]

10. **Mr. Robathan:** To ask the Secretary of State for Scotland what discussions he has had with the First Minister of the Scottish Executive about reserved matters referred to in the Cubie report on education. [104936]

Dr. Reid: I meet the First Minister regularly and we discuss a wide range of issues.

9. **Mr. Flight:** To ask the Secretary of State for Scotland what discussions he has had with the Secretary of State for Social Security regarding the implications of the report from the independent inquiry into student finance. [104935]

Dr. Reid: I have had no such discussions.

13. **Mr. Peter Atkinson:** To ask the Secretary of State for Scotland if he will make a statement on the submissions made by the UK Government to the Scottish independent inquiry into student finance. [104939]

Mr. Wilson: The Department for Education and Employment made a submission to the Cubie Committee on 18 October. I also met the Chairman and Secretary of the Committee in my capacity as a former education Minister at the Scottish Office.

Food Labelling

6. **Mr. Gray:** To ask the Secretary of State for Scotland what discussions he has had with the Scottish Executive about proposals to require special country-of-origin labelling for UK meat products originating in Scotland. [104932]

Mr. Wilson: None. Product labelling is an issue for the Scottish Executive devolved under Section 5 of the Scotland Act 1998.

Post Office

7. **Mr. Russell Brown:** To ask the Secretary of State for Scotland what representations he has made to the Secretary of State for Trade and Industry on the Government's plans for the Post Office in Scotland. [104933]

Mr. Wilson: I am in contact with my right hon. Friend the Secretary of State for Trade and Industry over a range of issues including post offices. This Government are committed to maintaining a nationwide network of post offices, and to enabling the Post Office to develop to its full business potential.

Public Safety

11. **Mr. Hood:** To ask the Secretary of State for Scotland what plans he has to meet the Health and Safety Executive to discuss public safety in Scotland. [104937]

Dr. Reid: I shall meet the Director General and Director Scotland of the Health and Safety Executive on 14 February to update myself on health and safety matters generally in Scotland.

Air Passenger Duty

12. **Mr. David Stewart:** To ask the Secretary of State for Scotland if he will make a statement on the effects of air passenger duty in the highlands and islands. [104938]

Dr. Reid: I welcome the announcement by the Chancellor to consult on changes to Air Passenger Duty that recognise the particular dependence of the Highlands and Islands' on air transport. My hon. Friend the Minister of State and I have encouraged a wide response to the consultation exercise. I know that the Chancellor will consider carefully the responses he receives and the effect of any changes he may make.

19. **Mr. Donohoe:** To ask the Secretary of State for Scotland what representations he has made to the Chancellor of the Exchequer regarding the consultation exercise on the future of air passenger duty; and if he will make a statement. [104946]

Dr. Reid: I am in regular contact with the Chancellor on a range of issues. I welcome the consultation that has taken place on changes to Air Passenger Duty that recognise the particular dependence of the Highlands and Islands on air services.

Defence-related Employment

14. **Ms Squire:** To ask the Secretary of State for Scotland what discussions he has had with the First Minister on the level of defence-related employment in Scotland. [104940]

Dr. Reid: I am in regular contact with the First Minister on a range of issues including defence-related matters. Total defence-related employment in Scotland, on the most recently available figures, stands at 61,000. Clearly Scotland benefits greatly from defence-related employment.

Strategic Rail Authority

15. **Mr. Savidge:** To ask the Secretary of State for Scotland what steps are being taken to establish the Strategic Rail Authority; and what its impact will be in Scotland. [104941]

Dr. Reid: The Transport Bill makes provision for the establishment of the Strategic Rail Authority. In Scotland it will administer all passenger rail franchises including the making of franchise payments to the relevant train operating companies. The Authority will also receive directions and guidance for Scottish passenger rail services from the Scottish Ministers together with financial provision from the Scottish Consolidated Fund to help meet the costs of these services.

Low Pay

16. **Mr. Jim Murphy:** To ask the Secretary of State for Scotland if he will make a statement on low pay in Scotland. [104942]

Mr. Wilson: The Government are committed to tackling low pay through the national minimum wage. The Low Pay Commission found, in their First Report, that low pay occurs throughout the country and there is often much variation within different parts of the country as there is between one part of the country and another. Latest figures indicate that some 40,000 low paid workers in Scotland had already benefited from the introduction of the national minimum wage at the time of implementation (March-May 1999). The second report of the Low Pay Commission will be published soon, and we expect this to give more detail about low pay by region.

Coastguard (Oban)

18. **Mrs. Ray Michie:** To ask the Secretary of State for Scotland what plans he has to discuss with the Deputy Prime Minister the proposed closure of the Oban coastguard station and matters relating to maritime safety in the area. [104945]

Mr. Wilson: My right hon. Friend is in regular contact with the Deputy Prime Minister on a wide range of issues including matters relating to maritime safety and coastguard stations. Substantial investment in new digital technology will allow a more responsive service to be provided from fewer centres. Oban will not close until October 2000 and Pentland will not close until December 2000 when the new equipment will be installed and the staff trained. There will be no compulsory redundancies.

Asylum Seekers

20. **Mr. Swayne:** To ask the Secretary of State for Scotland what discussions he has held with the *(a)* Home Secretary and *(b)* Scottish Executive on the number of asylum seekers and refugees placed in Scotland. [104947]

Mr. Wilson: My right hon. Friend has been fully involved in the development of the Government's policies relating to asylum seekers and refugees, and recently discussed the implementations of these policies in Scotland with the First Minister.

Rail Bridge (Forth)

21. **Mr. Dalyell:** To ask the Secretary of State for Scotland what representations he has received in relation to health and safety and repairs to the rail bridge across the Forth. [104948]

Dr. Reid: On this matter I have received representations only from my hon. Friend the Member for Linlithgow (Mr. Dalyell).

European Single Currency

22. **Mr. Cash:** To ask the Secretary of State for Scotland what discussions he has had with the First Minister regarding the impact on the Scottish economy of the European single currency. [104949]

Dr. Reid: I have had no such discussions recently.

Poverty

23. **Mr. Eric Clarke:** To ask the Secretary of State for Scotland what progress is being made in tackling poverty among children and pensioners in Scotland; and if he will make a statement. [104950]

Mr. Wilson: The UK Government have a range of initiatives to alleviate poverty among children and pensioners in Scotland: the Working Families Tax Credit, increases in child benefit, the restoration of free eye tests for pensioners, the Minimum Income Guarantee for pensioners, cutting VAT on domestic fuel and increasing the winter fuel allowance. In addition, the Joint Ministerial Committee on Poverty met last month and will ensure that the UK Government and the devolved administrations work effectively in partnership to alleviate poverty.

Shipbuilding (Clyde)

Dr. Godman: To ask the Secretary of State for Scotland when he last met representatives of the STUC; and if they discussed matters relating to the shipbuilding industry on the Clyde. [104943]

Dr. Reid: I last met representatives of the STUC on 1 November and discussed a broad range of industrial issues. I very much welcome the recent positive development for the Govan shipyard following its sale by Kvaerner.

ADVOCATE-GENERAL

Scottish Bills

25. **Mr. Hood:** To ask the Advocate-General what powers she has to refer Bills of the Scottish Parliament to the judicial committee of the Privy Council before they are finally enacted. [104952]

The Advocate-General for Scotland: I have the power to refer Bills of the Scottish Parliament, before they are finally enacted, to the Judicial Committee so that they can decide whether the Bill, or any provision of it, would be within the legislative competence of the Parliament.

European Convention on Human Rights

26. **Mr. Dalyell:** To ask the Advocate-General what representations she has received from the Prison Officers Association on matters pertaining to the European convention on human rights. [104953]

The Advocate-General for Scotland: I have not received any representations from the Prison Officers Association on such matters.

28. **Mr. Kirkwood:** To ask the Advocate-General what steps she is taking to monitor the impact of the European convention on human rights on the Scottish legal system. [104955]

The Advocate-General for Scotland: The Scottish legal system is a devolved matter. It is the responsibility of the Scottish Executive to administer it and to take account of the impact of the Convention on it. Under the Scotland Act 1998 I receive notices of all devolution issues raised in the Scottish courts, including all those which raise human rights questions, and seek more information where appropriate.

Ministerial Duties

29. **Mr. Savidge:** To ask the Advocate-General what assessment she has made of the scope of her duties in relation to *(a)* the UK Government and *(b)* the Scottish Executive; and if she will make a statement. [104956]

The Advocate-General for Scotland: I am a Law Officer in the UK Government. I advise them on legal matters affecting Scotland (including matters of common interest to the whole UK, such as European Law and human rights). I exercise statutory functions as a Law Officer, particularly functions under the Scotland Act 1998. I have no duties directly in relation to the Scottish Executive. However, I may have to advise the UK Government on questions whether actings of the Executive, or Bills promoted by them, are within devolved competence. I can intervene in court proceedings raising such questions or raise such proceedings myself.

Immigration and Asylum

Dr. Godman: To ask the Advocate-General what recent representations she has received concerning the implementation of sections 101 and 102 of the Immigration and Asylum Act 1999. [104954]

The Advocate-General for Scotland: I have not received any representations concerning the implementation of these sections.

LORD CHANCELLOR'S DEPARTMENT

Trials (Timetabling)

36. **Mr. Peter Atkinson:** To ask the Parliamentary Secretary, Lord Chancellor's Department how often the Lord Chancellor meets the officers of the Council of Circuit Judges to discuss the timetabling of trials. [104966]

Jane Kennedy: The Permanent Secretary and the Chief Executive of the Court Service usually meet with the Council of Circuit Judges twice a year. The most recent meeting with the Chief Executive was on 2 December 1999. Although a wide range of policy and operational issues are discussed, the topic of the timetabling of trials was not raised, but if the hon. Member means listing, that is a judicial function and would not be discussed between the executive and the judiciary.

Youth Justice System

38. **Mr. David Heath:** To ask the Parliamentary Secretary, Lord Chancellor's Department, what assessment he has made of the impact of measures to reform the youth justice system on local magistrates courts. [104968]

Jane Kennedy: The impact of measures to reform the youth justice system, including measures aimed at reducing delay, is closely monitored. Piloted measures are the subject of separate evaluation.

Judicial Appointments

39. **Mr. Dismore:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the implementation of the report of Sir Len Peach on judicial and Queen's Counsel appointments. [104969]

Jane Kennedy: Following publication of Sir Leonard Peach's report, the Lord Chancellor has embarked on an action programme to introduce developments in the selection procedures for judges and Queen's Counsel reflecting its recommendations. The Lord Chancellor has accepted the recommendation for the appointment of a Commissioner for Judicial Appointments and hopes that a Commissioner will be appointed during the first half of this year.

Sheriffs

40. **Mr. Hinchliffe:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will take steps to increase the accountability of sheriffs. [104970]

Mr. Lock: It remains our intention to examine the role of the various organisations involved in enforcement, including sheriffs, in the course of the review of enforcement. Work on this element of the review will begin later in the year. The accountability of sheriffs will be among the issues examined.

County Courts (Closure)

41. **Mr. Brady:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the proposals to close county courts in England and Wales. [104971]

Jane Kennedy: The Court Service constantly monitors and reviews the viability of its court network in the light of changing business needs and workload trends. This in turn will lead us to consider new ways of delivering civil justice which are not dependent on our present structure

of civil courts. In addition, it is necessary to ensure that the civil courts and their locations continue to meet local user needs.

The following criteria form part of the consideration given to potential county court closures: workload trends, the condition and availability of accommodation and facilities in the local area, judicial sittings and waiting times, together with analysis of court users' needs. Before consideration can be given to closure, at least one survey of court users is carried out. Proposals for closure are always subject to public consultation, authorised by the Lord Chancellor. The Lord Chancellor has authorised public consultation on closure proposals for the following courts: Aberdare, Caerphilly, Chepstow, Gravesend, Lichfield, Monmouth and Workington; and has approved closure of Grays Thurrock and Great Yarmouth to take effect from 31 January 2000.

Rural Magistrates Courts

Mr. Paterson: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the service provided by rural magistrates courts. [104967]

Jane Kennedy: The Government's policy is that magistrates courts are best managed locally by magistrates courts committees under the provisions of the Justices of the Peace Act 1997. Decisions concerning the service provided at magistrates courts in their area, irrespective of location, are for the relevant magistrates courts committee to determine.

AGRICULTURE, FISHERIES AND FOOD

Beef

Mr. Davidson: To ask the Minister of Agriculture, Fisheries and Food if he will list those countries which are presently refusing to permit the import of British beef. [104872]

Ms Quin: Among the EU member states, only France and Germany still ban British beef. Outside the EU, there are a variety of import bans, some of which are UK-specific, some are EU-wide and some apply to countries which have registered BSE cases among their cattle. British beef can, however, be exported to those non-EU countries with which we have so far agreed the necessary export health certification, i.e. Cyprus, the Falkland Islands, Hong Kong and Mauritius.

Over-30-Months-Scheme

Mr. Randall: To ask the Minister of Agriculture, Fisheries and Food (1) what is the total tonnage of meat and bone meal forecast to be incinerated each year for the duration of the over-30-months-scheme; [104240]

(2) what is the total tonnage of meat and bonemeal resulting from the over-30-months-scheme forecast to be incinerated each year by each of the companies awarded contracts under the scheme. [104239]

Ms Quin: In the period to 31 December 1999, some 35,600 tonnes of meat and bonemeal (MBM) produced under the over-30-months-scheme (OTMS) was incinerated in the high temperature waste incinerator operated by Shanks at Fawley. This contract is due to expire on 31 March 2000. The Intervention Board's current forecast of future MBM incineration by the three companies awarded large scale incineration contracts is given in the following table.

Tonnes

Period	*Shanks*	*Fibrogen*	*PDM*	*Total*
1 January-31 March 2000	4,400	17,000	0	21,400
1 April 2000–31 March 2001	0	85,000	27,600	112,600
1 April 2001–31 March 2002	60,000	85,000	55,850	200,850
1 April 2002–31 March 2003	60,000	78,000	60,400	198,400
1 April 2003–31 March 2004	60,000	0	51,150	111,150
1 April 2004–31 March 2005	10,000	0	0	10,000
Totals	194,400	265,000	195,000	654,400

Note:

For the purpose of this exercise the forecast assumes that the OTMS will continue in its current form until at least the end of 2002–03, and that the contracted companies will obtain the necessary consents and commence incineration in line with their autumn 1999 programmes. The forecast will be updated in January/February 2000 to reflect the latest position.

Slaughter Premium

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement setting out the *(a)* policy and *(b)* economic reasons for paying a slaughter premium for cull cows. [105298]

Ms Quin *[holding answer 19 January 2000]:* The EU Slaughter Premiums for adult cattle and calves are paid in partial compensation for the cuts in support prices which will be made on 1 July in each of the years 2000 to 2002. Those price cuts will affect the price of most animals sold on the EU market, including cull animals. While the price paid for animals slaughtered under the Over Thirty Months Scheme in the UK is set by Commission Regulation rather than by market forces, the Agriculture Council decided not to exclude such animals from Slaughter Premium, because to do so would be to discriminate against UK producers.

Beef Imports

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food how many tonnes of beef have been imported into the UK in each year since 1990 from *(a)* Argentina, *(b)* Uruguay, *(c)* Paraguay, *(d)* Brazil, *(e)* USA and *(f)* Canada. [105652]

Ms Quin *[holding answer 19 January 2000]:* The table shows the volume of beef and veal, beef offal and beef preparations (i.e. corned beef, canned meats, etc.) imported into the UK from *(a)* Argentina, *(b)* Uruguay, *(c)* Paraguay, *(d)* Brazil, *(e)* USA and *(f)* Canada between 1990 and 1998 and January and November 1999 as recorded in the Official Overseas Trade Statistics.

UK imports of beef 1990–99 [1]

Tonnes

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999* [2]
Imports of beef from Brazil	39,629	54,330	76,114	58,211	41,072	45,342	36,226	41,632	43,062	53,644
of which:										
Beef preparations [3]	36,505	50,327	69,249	52,916	37,991	42,181	32,235	36,893	38,146	43,330
Beef and veal	2,985	4,002	6,758	5,181	3,041	3,049	3,809	4,575	4,794	10,156
Beef offal	139	—	107	114	39	112	183	164	123	159
Imports of beef from Argentina	31,476	18,036	15,565	14,285	14,917	28,289	22,754	23,121	10,636	9,387
of which:										
Beef preparations [3]	24,485	15,375	13,932	12,672	12,279	20,043	14,756	15,201	9,228	7,159
Beef and veal	6,815	2,398	1,486	1,425	2,286	7,154	7,455	7,659	1,253	2,000
Beef offal	177	262	148	188	352	1,092	543	260	155	228
Imports of beef from Uruguay	11,633	8,985	8,381	7,708	7,575	13,219	12,127	18,165	12,616	9,303
of which:										
Beef preparations [3]	3,720	3,409	3,566	2,980	3,419	4,410	3,851	4,741	4,906	4,780
Beef and veal	7,827	5,503	4,698	4,628	3,780	8,535	8,115	13,364	7,677	4,419
Beef offal	86	73	117	99	376	274	162	61	32	104
Imports of beef from U.S.A.	742	607	1,827	2,260	2,768	4,281	3,992	1,958	1,636	939
of which:										
Beef preparations [3]	104	194	329	49	374	866	394	489	40	19
Beef and veal	151	163	566	493	696	1,901	2,847	1,394	1,580	920
Beef offal	487	250	932	1,718	1,698	1,515	752	75	16	0
Imports of beef from Canada	230	20	514	138	115	103	5	3	20	—
of which:										
Beef preparations [3]	7	—	—	—	—	—	—	—	2	—
Beef and veal	24	—	—	6	9	8	5	3	17	—
Beef offal	199	20	514	132	106	96	—	—	0	—
Imports of beef from Paraguay	82	34	133	34	12	150	115	64	13	12
of which:										
Beef and veal	82	34	133	34	12	150	115	64	13	12

[1] Overseas trade statistics are subject to a degree of error. Although the overall level of errors is low, small values are affected disproportionately. Care should therefore be taken when interpreting such data.
[2] January to November
[3] Principally corned beef

Hedges

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food which European laws set out the dimensions of field margins of cultivation adjacent to hedges. [103132]

Ms Quin: The European Community legislation which is relevant to this issue is that governing the farm-based arable and livestock aid schemes introduced as part of the 1992 reform of the Common Agricultural Policy (CAP). Under the rules of Arable Area Payments Scheme (AAPS), farmers in the United Kingdom are allowed to use the full field areas which are shown on Ordnance Survey maps as the basis of their claims, provided that their fields are fully utilised. If this condition is not fulfilled, then only that part of the total area which is actually cropped can be claimed. The use of total field areas is of considerable benefit to our farmers but it can only be justified if the extent of uncropped areas around field margins, including the area occupied by any hedges which may be present, is kept within reasonable limits. AAPS applicants have recently been notified about new guidance from the European Commission about the maximum width of field margins that is consistent with the use of full Ordnance Survey areas in aid applications. They have also been urged to seek advice about minimising the environmental impact of any action they may need to take in order to comply with the new guidance.

Intervention Board

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food what weighting was given to the journey time of livestock in recent award of contracts to abattoirs by the Intervention Board under the over 30 month scheme. [102359]

Ms Quin: The Intervention Board, which is responsible for the administration of the over thirty month scheme (OTMS), attaches considerable importance to ensuring that sufficient slaughtering capacity is available in the right areas to minimise the travelling time for animals entering the scheme, consistent with the need to protect the public purse and ensure a good quality service. Tenders were grouped and evaluated by region to ensure that all areas received a reasonable level of service. East Anglia and South East England were grouped as a single region in view of the relatively small number of cattle coming forward from these areas for slaughter. As a result of the changes being introduced following the tender, some journey times will, inevitably, increase, but in no case will journey times exceed those laid down in animal welfare guidelines. Some journey times will decrease. Farmers will continue to be able to access the scheme through the network of 170 markets registered to collect OTMS cattle.

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food if he will rank in order of importance the criteria *(a)* past trade record, *(b)* location, *(c)* quality of service, *(d)* ability to offer a dedicated service, *(e)* ease

of supervision, *(f)* throughput and *(g)* price used for evaluating bids in the recent award of contracts to abattoirs by the Intervention Board under the over 30 month scheme. [102356]

Ms Quin: Tenders were considered on a regional basis to ensure that sufficient capacity was contracted for the number of animals coming forward for slaughter in the region. Within this regional approach, under which East Anglia and South East England were grouped as a single region, the ranking (highest to lowest) of the criteria for evaluating bids received for OTMS slaughter services were: quality of service, price, ability to offer a dedicated service, ease of supervision and throughput (equal ranking), location.

BSE

Dr. Brand: To ask the Minister of Agriculture, Fisheries and Food if he will list the incidence of new cases of BSE for each of the last five years. [102352]

Ms Quin: Numbers of cattle notified as BSE suspects to Agriculture Departments in Great Britain for each of the last five complete years are given in the table. Figures for those subsequently confirmed as BSE cases are also shown.

Year	*Suspects restricted*	*Suspects in which BSE confirmed*
1994	30,259	23,943
1995	17,945	14,301
1996	10,697	8,013
1997	5,604	4,309
1998	4,291	3,178

For 1999, the latest figures up to 3 December show that 2,824 cattle have been restricted as BSE suspects. Of these, 1,904 have been confirmed as BSE cases and 247 results are still pending. No confirmed cases have been found in animals born after August 1996.

Farming (Leicestershire)

Mr. Reed: To ask the Minister of Agriculture, Fisheries and Food how many people were employed in the farming sector in Leicestershire in *(a)* 1996–97, *(b)* 1997–98, *(c)* 1998–99 and *(d)* 1999–2000; and how many he projects will be employed in 2000–01. [101060]

Ms Quin: The information requested is as follows:

People employed in the farming sector in Leicestershire

	Farmers, partners, directors and spouses working on the holding	*Salaried managers and all other workers* [1]	*Total workforce* [2]
(a) June 1996	3,884	3,003	6,887
(b) June 1997	3,833	3,003	6,836
(c) June 1998	3,837	2,974	6,811
June 1999	3,805	2,725	6,530

[1] Including hired, family and casual workers working on 1 June
[2] Excludes youth training

Notes:

1. The figures have been taken from the annual June Agricultural and Horticultural Census. These data relate to main holdings only.

2. In 1998 fundamental changes were introduced to the labour questions. It appears that this change may have led to the recording of additional labour who were not previously included in the returns. The change in questions has also led to a redistribution of labour between the various categories, most notably for salaried managers. Caution is therefore advised when comparing the 1998 and 1999 results with previous years.

MAFF does not have any projections for the year 2000–01.

Anaphylaxis

Mr. Gardiner: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of recent reports that sesame seed and oil in foods intended for young children can produce serious anaphylactic attacks; and what discussions his Department has had with Nestlé on the matter. [103363]

Ms Quin: It has been known for some time that sesame seeds can produce potentially severe reactions in individuals who have a pre-existing sesame allergy. Sesame oil could in theory also produce reactions depending on how much of the allergenic sesame protein is present.

It would seem sensible to advise that certain infants should avoid sesame seeds and food containing sesame, in case the consumption of sesame increases the risk of the infant developing sesame allergy. This advice is by analogy with the Committee on Toxicity's (COT) advice on peanuts. In its report on Peanut Allergy, the COT advised that during weaning, and until at least three years of age, the diets of infants with a parent or sibling with atopic disease (i.e. liable to develop allergic conditions) should not include peanuts and foods containing peanuts. This is because these foods may increase the risk of sensitisation and should be avoided. Further expert advice is being sought on this and the situation will be kept under review in the light of developing knowledge.

There have been no discussions with Nestlé on this specific issue.

Meat Hygiene Service

Mr. Edwards: To ask the Minister of Agriculture, Fisheries and Food if he will review the level of charges for Meat Hygiene Service veterinary surgeons in independent abattoirs. [105472]

Ms Quin: On 1 December the Government announced that Meat Hygiene Service (MHS) hygiene inspection charges for this financial year (1999–2000) would be frozen at the levels set for 1998–99. This will result in a saving to the meat industry of some £7 million in charges in 1999–2000.

The Government have also given a commitment that the rates of MHS hygiene inspection charges in 2000–01 should not rise by more than the level of inflation above the levels charged in 1999–2000.

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what progress has been made in the review of the operations of the Meat Hygiene Service. [103351]

Ms Quin: The results of the efficiency review of the Meat Hygiene Service have been published as an annex to the report of the regulatory review of the meat industry,

the "Meat Industry Red Tape Working Group", which was issued on 13 December 1999, *Official Report*, column 89W. Copies of the report have been placed in the Library of the House.

The results of the efficiency review will be considered in the context of the recommendations made by the Red Tape Working Group. The Government expects to respond shortly.

Abattoirs and Meat Processing Plants

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food how many abattoirs and meat processing plants have failed to pay inspection charges for completed inspections in the last year. [103352]

Ms Quin: A total of 89 licensed slaughterhouses have failed to pay meat inspection charges in the last year for completed inspections. Meat processing plants are not subject to inspection charges.

Failure to pay has been defined as a slaughterhouse with an outstanding invoice dated October 1999 or earlier.

All 89 are subject to full debt recovery procedures within the terms of the new Civil Procedure Rules that came into force as of April 1999. At present these debts are regarded as civil cases and, where necessary, recovery will be pursued through the courts.

To address the problem of unpaid meat inspection charges, the Government has formally consulted on a proposal to amend the Meat (Hygiene and Inspection) (Charges) Regulations 1998. The proposed amendment would provide powers for the withdrawal by the Meat Hygiene Service of inspection services from individual licensed meat premises as a matter of last resort and in clearly defined circumstances.

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what representations he has made to the European Commission concerning the levels of veterinary supervision in abattoirs and meat processing plants; and what response he has received. [103354]

Ms Quin: In 1997 the European Commission initiated legal proceedings against the United Kingdom for the under-implementation of the veterinary supervision requirements of EU meat hygiene legislation. Since then the Government have made a number of representations to the Commission about the level of veterinary supervision in licensed premises (abattoirs, cutting plants and cold stores) in Great Britain producing or handling fresh (red) meat. The Government have accepted the need to bring the UK's veterinary supervision levels into line with the EU requirements in as short a time as possible, but pointed to the shortage of veterinarians willing to undertake meat hygiene work in the UK as a key obstacle to immediate compliance. The Government therefore set out a plan for achieving full and complete compliance by stages, over a number of years, as additional veterinary resource became available to the Meat Hygiene Service.

The Commission has noted the UK's programme and has made clear that it expects all the relevant controls and supervisory measures to be in place in the UK, in accordance with EU legislation, by the middle of 2001.

Separately, the Government also sought the European Commission's views earlier this year on the level and frequency of veterinary supervision required by the Fresh Meat Directive (64/433/EEC, as amended) for those low throughput (permanently derogated) slaughterhouses and cutting plants approved under Article 4 of the Directive. In summary, the Commission's advice was that the official veterinarian must carry out ante mortem inspections in red meat slaughterhouses, although post mortem inspections may be performed by either the official veterinarian or by an auxiliary. In addition, the hygiene rules must be monitored in all low throughput premises by either an official veterinarian or an auxiliary acting under his/her responsibility. Copies of the Commission's advice were placed in the Library of the House on 13 October 1999.

The Government are actively considering the veterinary supervision requirements for low throughput abattoirs and cutting plants in the light of the Commission's advice and will make an announcement on this in due course.

River Medway

Mr. Wyatt: To ask the Minister of Agriculture, Fisheries and Food (1) if his Department controls the rights to *(a)* fishing and *(b)* fishing sea bass from Garrison Point to Allington Locks on the River Medway; [105900]

(2) if he will make a statement on the relationship of the jurisdiction vested in *(a)* his Department and *(b)* Rochester Oyster and Floating Fishery over who can fish from Garrison Point to Allington Lock on the River Medway. [105901]

Mr. Morley *[holding answer 20 January 2000]:* The English common law recognises a public right of fishing in territorial tidal waters. However, that common law right can have been abrogated or limited (including in relation to the methods by which it may be exercised) in a number of ways in the past, including by domestic or European legislation, by private Act of Parliament, by Charter or by ancient usage.

As far as is known, there is no exhaustive list of instances where the common law right has been abrogated or limited in the ways described. Therefore, only the courts are in a position to be able to rule on whether the fishery referred to by my hon. Friend between Garrison Point and Allington Lock is a public fishery or a private fishery owned by or granted to the Rochester Oyster and Floating Fishery and, if the latter, the extent of that private fishery.

However, the private rights, if any, in this fishery have been limited by various elements of EC legislation, including restrictions on minimum landing size and mesh size as well as by the establishment of the bass nursery area at the Isle of Grain Power Station Outfall.

Common Agricultural Policy Payments (Worcestershire)

Mr. Michael J. Foster: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 10 January 2000, *Official Report*, column 99W, if he will list by value the CAP payments including agri-environment schemes, broken down by individual category which were paid to farmers in Worcestershire in the calendar year 1998. [105589]

Ms Quin: Provisional figures for CAP payments made to farmers in Hereford and Worcester in 1998 were as follows.

£

Schemes	*Payments*
Arable area payments	25,553,526
Environmentally sensitive area[1]	29,839
Sheep annual premium	8,288,360
Suckler cow premium	6,452,000
Farm woodland premium[1]	216,811
Farm woodland[1]	250,990
Organic aid[1]	34,559
Nitrate sensitive area[1]	31,657
Countryside stewardship[1]	497,908
Habitat[1]	6,838
Beef special premium	6,757,687
Total	48,120,175

[1] These amounts include national as well as EU funding

Note:

Data is not available separately for Worcester because our administration operates on the combined county of Hereford and Worcester. We estimate that Worcester totals are broadly 40 per cent. of the combined total.

Mr. Michael J. Foster: To ask the Minister of Agriculture, Fisheries and Food what the total value was of CAP payments made to Worcestershire farmers in the calendar years 1990 to 1997. [105497]

Ms Quin: The total value of CAP payments to farmers in Hereford and Worcester for the years 1994–97 were as follows:

	£
1994	41,755,007
1995	49,161,871
1996	54,819,063
1997	49,498,031

Finalised data are not available separately for Worcestershire because our administration operates on the combined county of Hereford and Worcester.

These totals include national as well as EU funding.

Data for 1990–93 are unavailable as computer systems were not in place at that time.

Mr. Michael J. Foster: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answers of 10 January 2000, *Official Report*, column 99W, if he will list the 10 largest recipients of CAP payments made to farms in Worcestershire in the calendar year 1998. [105512]

Ms Quin: Such a list is commercially sensitive, and as such the rules of confidentiality preclude disclosure and publication.

Pig Sector

Mr. Cawsey: To ask the Minister of Agriculture, Fisheries and Food what the estimated cost to the pig sector is of the Spongiform Encephalopathy Advisory Committee's requirement to remove and dispose of offal. [105138]

Ms Quin: *[holding answer 17 January 2000]:* The Sponigform Encephalopathy Advisory Committee (SEAC) has no such requirement for the pig sector. The cost to the pig sector of the legal ban on using mammalian meat and bone meat in farm animal feed has been estimated by the Meat and Livestock Commission as £5.26 per pig.

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what grants and other assistance his Department *(a)* gives and *(b)* plans to give to pig farmers outside assisted areas. [105109]

Ms Quin *[holding answer 17 January 2000]:* Formal and informal pig farming co-operatives were eligible to apply for a marketing grant under the Agriculture Development Scheme 1999. The scheme closed for applications on 30 November 1999 and successful applications will be announced in a few weeks. My right hon. Friend the Minister has also announced his intention that pig producers will benefit significantly from an extra £5 million earmarked to help farmers improve their marketing, collaboration and competitiveness. Discussions with the industry are presently taking place on ways of making best use of the money. In addition, pig producers may be eligible for grants under the Business Link and Small Business Schemes administered by the Department of Trade and Industry.

Mr. Cawsey: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the progress of his initiative to increase the level of procurement of pork and pigmeat products by Government Departments and public authorities. [105140]

Ms Quin *[holding answer 17 January 2000]:* Following my right hon. Friend the Minister's letter to public authorities in October 1999, a number of the authorities have expressed an interest in developing a sourcing specification which would result in the purchase of product which conforms to British standards. This is being followed up by the Meat and Livestock Commission and the Minister's Meat Trade Adviser. The industry and some hon. Members, including my hon. Friend, have also become involved with the initiative.

Beef Exports

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what support is provided by his Department for the export of bull semen. [105031]

Ms Quin *[holding answer 17 January 2000]:* The Department does not provide direct financial support to farmers wishing to export cattle semen. We do, however, work closely with other interested organisations, including the Meat and Livestock Commission, to try and open up new markets for United Kingdom cattle semen and to promote exports via trade fairs and other events both here and abroad.

Live Animal Exports

Mr. Prosser: To ask the Minister of Agriculture, Fisheries and Food how many live sheep were exported from the United Kingdom in 1999 for *(a)* slaughter and *(b)* further fattening. [105208]

Ms Quin: The provisional number of live sheep exported from the UK to other member states in 1999 for slaughter was 9,033 and 1,125,460 for further fattening.

EU Surplus Food Scheme

Mr. Bercow: To ask the Minister of Agriculture, Fisheries and Food what was the total available sum available under the EU surplus food scheme; what was his Department's budget in advertising the scheme; and how much grant was finally used. [105661]

Ms Quin: The last year that the UK participated in the EU surplus food scheme was 1998 when the sum made available to the UK for the distribution of surplus beef was £20.3 million. No separate Departmental budget allocation was made for advertising the scheme; expenditure for advertising the scheme was made available from overall Intervention Board funds. The funds allocated to the UK by the EU for the surplus food scheme were fully utilised.

Sugar

Mr. Hunter: To ask the Minister of Agriculture, Fisheries and Food what is his policy in respect of ensuring that changes in the Sugar Protocol and Lomé Convention do not create further competitive advantages for beet at the expense of cane. [105492]

Ms Quin: EU/ACP trade talks are due to conclude next month. They are expected to roll forward the Sugar Protocol for a further eight years, and to provide for its review by 2008. In any review a major UK policy consideration will be the need for an equitable outcome for the cane refining sector to maintain its competitive position relative to the beet sugar sector.

Common Agricultural Policy Payments (South-West)

Mr. Chope: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the total value to farmers in Dorset of CAP payments for *(a)* the 1998 calendar year and *(b)* the 1998–99 financial year. [105260]

Ms Quin: The information requested is not yet available. Figures for the calendar year 1998 are expected to become available in the near future.

Mr. Chope: To ask the Minister of Agriculture, Fisheries and Food how many farms in *(a)* Cornwall, *(b)* Devon, *(c)* Somerset and *(d)* Dorset received CAP payments in 1998. [105259]

Ms Quin: CAP payments in 1998 were paid to the following number of farms:

	Number of farms
Cornwall[1]	3,796
Devon	6,807
Somerset	3,524
Dorset	1,648

[1] Includes holdings on the Isles of Scilly.

These figures may exclude some farms which made small claims under agri-environment schemes. Precise figures on those farms could be obtained only at disproportionate cost.

EU Flax Regime

Sir Peter Emery: To ask the Minister of Agriculture, Fisheries and Food what steps he is taking to ensure that the implementation of reform proposals of the EU flax regime will not take effect until after the 2000 harvest. [105609]

Ms Quin: The proposed implementation in 2000 of the reform depends on political agreement being reached by the Council of Ministers. Negotiations are underway at official level where the UK has already made clear the difficulties for industry and for enforcement authorities that early implementation would cause.

Food Labelling

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the labelling of British meat products. [105110]

Ms Quin *[holding answer 17 January 2000]:* Rules on labelling of food products are harmonised at EU level. These are implemented in the UK by the Food Labelling Regulations 1996 (as amended) and the Food Safety Act 1990. There are additional national rules in the Meat Products and Spreadable Fish Products Regulation 1984. All British meat products must comply with the rules laid down in both these sets of Regulations. Enforcement of these rules is carried out by local authorities through their trading standards or environmental health departments.

Mr. Cawsey: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the progress of a new labelling regime for food products. [105134]

Ms Quin *[holding answer 17 January 2000]:* The Government are committed to giving consumers clear, easily understood information so they can make informed choices about the food they buy. We have already taken a number of steps for labelling ingredients derived from genetically modified crops and for labelling the quantities of key ingredients. We are encouraging the development of voluntary industry guidelines aimed at providing better, more consistent information to those consumers with specific allergies and will continue to press for appropriate changes to European and international rules.

We are also launching a new initiative to stimulate public debate on food labelling and find out what information ordinary consumers want to be given about the food they buy. We will also be considering different ways of making information available, including the use of modern technology, and whether new approaches are called for to deal with internet shopping. We are funding consumer research into these questions. We shall be holding open meetings and inviting consumers to write or e-mail us with their views.

The results of this exercise will feed into the work of the Food Standards Agency to whom the Government have given responsibility for developing food labelling policy. The aim is to improve the clarity of information for consumers, and help establish appropriate labelling regimes at national and international level.

Rats

Ms Walley: To ask the Minister of Agriculture, Fisheries and Food what the findings were of the 1996 English House Condition Survey on the relationship between rat infestations in and around dwellings and *(a)* unfitness and *(b)* poor living conditions. [105483]

Mr. Morley: The results of the 1996 survey were published in the recent MAFF report "Rodent infestations in domestic properties in England". Figure 3.2 in the report relating to the fitness of dwellings shows that 1.3 per cent. of satisfactory and acceptable dwellings have rats outside, compared to around 3 per cent. of defective and unfit dwellings. Less than 1 per cent. of fit and unfit dwellings have rats inside the dwelling. Figure 3.4 relating to problems in the area shows that rat infestations were higher in areas with the most problems.

A copy of the report is in the Library of the House.

Departmental Smoking Policy

Mr. Crausby: To ask the Minister of Agriculture, Fisheries and Food what action he is taking to reduce smoking in his Department. [105809]

Mr. Morley: The Ministry of Agriculture, Fisheries and Food has a Smoking at Work Policy which has been in place since 1994. Smoking is only allowed on Ministry premises in suitably equipped and ventilated rooms. In the few premises where it is not feasible to provide dedicated facilities, a total ban on smoking has been introduced. The Policy applies to all staff and visitors—it is made known to job applicants, forming part of the recruitment and advertising literature.

Support for smokers who would like to stop smoking is available for staff within the Ministry.

Farm Subsidies (Shropshire)

Mr. Paul Marsden: To ask the Minister of Agriculture, Fisheries and Food if he will provide a breakdown of subsidy payments to farmers in Shropshire in the last year for which data are available; and if he will make a statement. [105528]

Ms Quin: Subsidy payments to farmers in Shropshire for 1998 were as follows:

	£
CAP Schemes	
Beef Special Premium	5,756,340
Environmentally Sensitive Area	1,506,008
Arable Area	22,562,468
Suckler Cow Premium	4,712,063
Sheep Annual Premium	6,842,521
Other Payments[1]	784,446
Guidance Schemes	
Hill Livestock Compensatory Allowance	1,416,414
Farm and Conservation Grants (1989 Scheme)	5,488
Farm and Conservation Grants (1991 Scheme)	1,997

[1] A small proportion of this total relates to non CAP schemes funded by the EU.

In some cases amounts include an element of national as well as EU funding.

Beef Special Premium Scheme

Mr. Sawford: To ask the Minister of Agriculture, Fisheries and Food (1) what was the *(a)* total value of payments made annually under the beef special premium scheme and *(b)* average payment per farmer, in each of the last five years for which figures are available; [105207]

(2) how much money was received from the European Union for funding the beef special premium scheme, and how much was paid to British farmers, in each of the last five years for which figures are available; [105205]

(3) how many claims were made under the beef special premium scheme, in each of the last five years for which figures are available; how many of these were rejected; and what percentage this figure represents, of the total number of claims. [105206]

Ms Quin: The information given refers to England only. All payments made were 100 per cent. funded by the EU.

	1994	*1995*	*1996*	*1997*	*1998*
Annual payments (£)	81,320,242	101,908,237	112,923,171	108,482,281	101,157,691
Average payment per farmer (£)	1,888.02	2,412.43	2,693.46	2,697.29	2,654.57
Number of claims made	114,599	123,221	135,877	134,373	117,311
Number of claims rejected	2,023	1,994	2,263	2,108	1,349
Rejected claims as a percentage of the total claims made	1.77	1.62	1.67	1.57	1.15

TRADE AND INDUSTRY

Insolvency

Mr. Bercow: To ask the Secretary of State for Trade and Industry if he will make a statement on his position regarding the draft regulation on insolvency proceedings, indicating the ways in which the regulation differs from the 1995 Convention in terms of financial impact through cost compliance. [106387]

Dr. Howells: The draft Regulation on insolvency proceedings was considered by the Council of Ministers on 2 December 1999 and will be further considered later this year.

A Compliance Cost Assessment was prepared as part of an Explanatory Memorandum dated 10 July 1996 on the draft Convention on insolvency proceedings. A Regulatory Impact Assessment was also prepared as part of an Explanatory Memorandum dated 23 September 1999 on the draft EC Council Regulation on insolvency proceedings. Copies of both documents were placed in the Library of the House.

Parental Leave

Dr. Cable: To ask the Secretary of State for Trade and Industry what representations he has received on the scope of the parental leave regulations; and if he will make a statement. [106830]

Mr. Alan Johnson: The Department received over 300 responses to the consultation on the draft Maternity and Parental Leave Regulations. Since the publication of the final regulations it has received a wide range of views

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on various aspects of the legislation from both employers' and employees' representatives, individuals and other interested parties.

We are of the view that the regulations fully meet the requirements of the Parental Leave Directive and fairly balance the needs of employees and the concerns of employers.

Ice Cream Industry

Dr. Cable: To ask the Secretary of State for Trade and Industry what recent representations he has received from ice cream manufacturers on *(a)* competition within and *(b)* barriers to entry to the ice cream industry. [106140]

Dr. Howells: My Department has received a number of representations from ice cream manufacturers about the ice cream market.

MOX Fuel

Mr. Chaytor: To ask the Secretary of State for Trade and Industry when BNFL first informed the Nuclear Installations Inspectorate of a problem with MOX fuel that had been dispatched to Japan. [105723]

Mrs. Liddell *[holding answer 20 January 2000]:* I understand that the Health and Safety Executive's Nuclear Installations Inspectorate (NII) was first notified by BNFL on 10 September 1999 of a problem concerning the possible falsification of quality assurance data for MOX fuel manufactured at the MOX Demonstration Facility. I understand BNFL told NII they were investigating the possibility that the problem affected both fuel still in the plant and already dispatched to Japan.

Mr. Chaytor: To ask the Secretary of State for Trade and Industry when his Department was first informed of a quality control problem at the BNFL MOX Demonstration Facility involving Japanese fuel. [105724]

Mrs. Liddell *[holding answer 20 January 2000]:* My Department was first notified by BNFL on 10 September 1999 of a problem concerning falsification of quality assurance data for MOX fuel manufactured at the MOX Demonstration Facility.

Mr. Chaytor: To ask the Secretary of State for Trade and Industry if he will make a statement on the supply of MOX fuel by BNFL to Switzerland and Japan. [105725]

Mrs. Liddell *[holding answer 20 January 2000]:* BNFL will continue to pursue Mixed Oxide (MOX) fuel business in overseas markets. In Japan, in particular, the company is making major efforts to rebuild confidence.

Mr. Chaytor: To ask the Secretary of State for Trade and Industry (1) when BNFL first informed the Nuclear Installations Inspectorate of a problem with MOX fuel that had been supplied to a Swiss utility; [105721]

(2) when his Department were first informed of a problem with MOX fuel supplied by BNFL to a Swiss utility; [105722]

(3) by what methods the damaged MOX fuel supplied by BNFL to a Swiss utility was returned to the UK for examination; when the fuel was returned; and if he will place copies of the assessments made in the Library; [105727]

(4) what action was taken by the Nuclear Installations Inspectorate regarding the problem with BNFL MOX fuel supplied to a Swiss utility. [105726]

Mrs. Liddell *[holding answer 20 January 2000]:* A batch of 12 MOX fuel assemblies each containing 179 individual fuel pins supplied by BNFL were delivered to NOK's Beznau 1 reactor in November 1995. During a routine shutdown of the reactor in September 1997, it was confirmed that fuel pins in three of these assemblies had failed. The suspect fuel pins were removed from the affected assemblies and returned to BNFL by road and sea in March 1998 using the approved nuclear materials transport flasks which are routinely used in the transport of irradiated nuclear fuel. Post irradiation examination was undertaken by BNFL and the results provided to NOK. The assessments made on the fuel pins in question contain commercially confidential data which are a matter for BNFL and NOK. The matter is referred to in the annual reports for 1997 and 1998 published by the Swiss nuclear safety regulator, HSK. I have asked the Company Secretary of BNFL to write to my hon. Friend enclosing copies of the relevant extracts from those reports. A copy of that letter will be placed in the Library of the House.

I understand that, as this is a matter for the Swiss nuclear safety regulator rather than the UK's nuclear safety regulator, the Health and Safety Executive's Nuclear Installations Inspectorate, BNFL did not inform the NII about it.

My Department first became aware of a problem concerning MOX supplied by BNFL to the Swiss utility NOK on 14 September 1999.

Mr. Chaytor: To ask the Secretary of State for Trade and Industry (1) if he will make a statement on the case of BNFL staff who have been dismissed in connection with allegations of falsifying quality control data for MOX fuel; [105832]

(2) if BNFL plans further disciplinary measures against members of their staff following the falsification of MOX fuel quality control data. [105831]

Mrs. Liddell: *[holding answers 20 January 2000]:* These are matters for BNFL's management. To date, three workers have been dismissed, and further disciplinary actions have been taken, or are in train, against a number of individuals.

World Trade Organisation

Mr. Chaytor: To ask the Secretary of State for Trade and Industry what recent research reports he has received on the global economic impact of the first five years of the World Trade Organisation trading regime on *(a)* developed and *(b)* developing countries. [105586]

Mr. Caborn: My Department receives many academic articles which seek to analyse developments in the world trading system since the formation of the WTO and the contributions made by that institution to these developments. These articles appear in academic journals including *The World Economy* and *Journal of World Trade*.

Aero-engines

Mr. Crausby: To ask the Secretary of State for Trade and Industry if he will make a statement about launch investment contracts in the aero-engine sector. [107147]

Mr. Alan Johnson: Under previous launch aid contracts between the Government and Rolls-Royce plc, that company is entitled to a reduction in the amount of levy which it pays in respect of engines which are derivatives of engines which have previously benefited from launch aid, in recognition of the extra investment which the company has made in producing those derivatives. Agreement has recently been reached between my Department and Rolls-Royce plc on the revised rates of levy which are payable on certain derivatives of the RB211–524, V2500, Spey, Tay and Industrial RB211 engines. My Department will be seeking a Spring Supplementary Estimate in due course which will include provision for the repayment to Rolls-Royce plc of certain of the amounts which have been overpaid by that company in respect of these derivative engines.

Deregulation

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what orders his Department has made under the Deregulation and Contracting Out Act 1994 in each year since 1994; and what plans it has to introduce such orders. [106085]

Dr. Howells *[holding answer 20 January 2000]:* The Deregulation and Contracting Out Act 1994 contains two order-making powers: for deregulation orders (Sections 1–4 of the Act) and contracting out orders (Sections 69–70). The Department has made use of the powers as follows:

Deregulation Orders

The Deregulation (Fair Trading Act 1973) (Amendment) (Merger Reference Time Limits) Order 1996 SI 1996/345

The Deregulation (Restrictive Trade Practices Act) (Amendment) (Variation of Exempt Agreements) Order 1996 SI 1996/346

The Deregulation (Restrictive Trade Practices Act) (Amendment) (Time Limits) Order 1996 SI 1996/347

The Deregulation (Long Pull) Order 1996 SI 1996/1339

The Deregulation (Resolutions of Private Companies) Order 1996 SI 1996/1471

The Deregulation (Gun Barrel Proving) Order 1996 SI 1996/1576

The Deregulation (Insurance Companies Act 1982) Order 1996 SI 1996/2102

The Deregulation (Rag Flock and other Fillings Material Act 1951) (Repeal) Order 1996 SI 1996/3097

The Deregulation (Non-Fossil Fuel) Order 1997 SI 1997/1185

The Deregulation (Deduction from Pay of Union Subscriptions) Order 1998 SI 1998/1529

The Deregulation (Weights and Measures) Order 1999 SI 1999/503

The Deregulation (Pipelines) Order 1999 SI 1999/742.

In addition the Department has consulted on proposals to use the deregulation order-making power to provide a mechanism for redenominating share capital.

Contracting Out Orders

The Contracting Out (Functions in relation to the Registration of Companies) Order 1995 SI 1995/1013

The Contracting Out (Functions of the Official Receiver) Order 1995 SI 1995/1386

The Contracting Out (Functions relating to Wireless Telegraphy) Order 1995 SI 1996/2290.

In addition the draft Contracting Out (Functions in relation to Petroleum Royalty Payments) Order 2000 is currently being considered by Parliament.

Single Currency

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what representations he has received from overseas investors in the United Kingdom in respect of the UK's non-adoption of the single currency. [106312]

Mrs. Liddell: My right hon. Friend the Secretary of State regularly receives views from overseas investors in the UK on a range of issues, including the single currency. The Government's position on EMU membership is well understood by investors.

The UK remains the premier location in Europe for inward investment and the Government are committed to providing a stable economic framework to ensure that this remains the case.

Consumer Protection

Mr. Denis Murphy: To ask the Secretary of State for Trade and Industry what progress is being made to extend the law in relation to a cooling off period to protect consumers who *(a)* purchase holidays and *(b)* join a holiday club following a high pressure intensive sales presentation. [106933]

Dr. Howells: As announced in our White Paper "Modern Markets: Confident Consumers", the Government plan to review aspects of timeshare legislation and whether it needs updating. Among the issues to be reviewed will be holiday/vacation club schemes. However, my Department has received no representations for a cooling off period for consumers generally purchasing holidays and we have no plans to introduce one. We will be consulting on our timeshare proposals shortly.

Garment Industry

Mr. Rowlands: To ask the Secretary of State for Trade and Industry how many people were employed in the garment industry in the United Kingdom *(a)* in the last 12 months in which figures are available, *(b)* in 1979 and *(c)* in 1992. [106922]

Mr. Alan Johnson: The information is available in the following table:

United Kingdom employee jobs—Wearing Apparel

Monthly data	*Thousand*
1979	
June	317.3
1992	
June	165.3
1998	
November	139.8
December	137.2
1999	
January	136.2
February	132.8
March	130.2
April	127.2
May	125.5
June	124.5
July	123.2

United Kingdom employee jobs—Wearing Apparel

Monthly data	*Thousand*
August	121.9
September	120.4
October	120.6

Notes:
1. Comprises Standard Industrial Classification division 18—manufacture of wearing apparel; dressing and dyeing of fur
2. Rounded to thousands
3. Not seasonally adjusted

Source:
Office for National Statistics

Soya Imports

Joan Ruddock: To ask the Secretary of State for Trade and Industry further to his answer of 20 January 2000, *Official Report*, columns 520–21W, how much soya was imported from countries other than the United States of America in *(a)* 1996, *(b)* 1997, *(c)* 1998 and *(d)* 1999; and how much was GM soya. [106962]

Mr. Caborn: The available information is given in the following table. Statistics compiled by HM Customs and Excise do not distinguish between GM soya and non-GM soya.

UK imports of soya from countries other than the USA

£000

SITC/CN and description	*1996*	*1997*	*1998*	*January to September 1999*
08131				
Oil cake and residues of soya beans	231,866	210,606	166,801	109,028
22220				
Soya beans	124,461	104,795	88,509	54,706
120810000				
Flours and meals of soya beans	3,903	16,070	9,370	596
42111				
Crude soya bean oil	17,405	10,711	8,728	3,762
42119				
Refined soya bean oil	19,971	24,926	26,094	10,091
Total	397,606	367,108	299,502	178,183

Source:
Overseas Trade Statistics of the United Kingdom, HM Customs and Excise

Postal Services Commission

Ms Christine Russell: To ask the Secretary of State for Trade and Industry when the Chief Executive of the Postal Services Commission will be appointed. [107146]

Mr. Alan Johnson: Mr. Martin Stanley has been appointed as Chief Executive of the Postal Services Commission. He is a serving senior civil servant with considerable experience of working with industry.

Shipbuilding

Ms Perham: To ask the Secretary of State for Trade and Industry if he will make a statement about the availability of Shipbuilding Intervention Fund grants for 2000. [107148]

Mr. Alan Johnson: I have decided to extend the Shipbuilding Intervention Fund for currently eligible shipbuilding yards until 31 December 2000. Last year's rates were the highest possible within the EU's Shipbuilding Regulation for new-build orders—and the Government will be keeping those rates for this year in a bid to help UK shipbuilders win more contracts and compete overseas.

The rates of support will be unchanged from those in 1999, namely 9 per cent. for large ships and 4½ per cent. for small ships. Both rates are inclusive of Shipbuilders' Relief of 2 per cent. I will also be extending the Shipbuilding Intervention Fund for conversion contracts at 2.25 per cent.

Science

Dr. Starkey: To ask the Secretary of State for Trade and Industry what action has been taken since May 1997 by each of the research councils to improve participation, retention and progression in science of *(a)* women and *(b)* members of the ethnic minorities. [106052]

Ms Hewitt: The Research Councils are equal opportunities employers and actively monitor both gender and ethnicity in recruitment, salaries and staff performance. They have implemented specific activities to support this policy including: training staff of recruitment panels; support for the Daphne Jackson Fellowship scheme for women returnees; and participation in the Research Council-Wellcome study to investigate why fewer women than men apply for research funds. The Councils are also considering setting up an Equal Opportunities management group to share good practice and expertise.

In 1997 the Research Careers Concordat signatories set up the Research Councils' initiative to implement improved terms and conditions of award for grant holders, students and fellows taking maternity leave.

All Councils make efforts to ensure that women are nominated for committees and public bodies and collectively sponsor the publication of the AWISE (Association for Women in Science and Engineering) magazine.

Further detail is available on the specific activities of each Council in its Annual Report.

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Trade and Industry if he will list the items in the National Asset Register sold by his Department, its agencies and associated public bodies since 22 February

1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104491]

Dr. Howells: The information requested by the hon. Member is not available in the form requested.

The Department estimates that assets totalling approximately £6 million will be sold in the year beginning 1 April 1999 as set out in Table 3 of the Departmental Investment Strategy available in the Library of the House.

Although not comprehensive in terms of all receipts, those from the sale of major assets, eg property, investments are separately identified in the Department's Appropriation Accounts which are published annually. Details of other asset sales are unavailable and could be extracted from records only at disproportionate cost. The Department's Resource accounts for 1999–2000 which will contain information about asset holdings and disposals will be published for the first time in autumn 2000. The Department's Executive Agencies already produce Annual Reports and Accounts, which contain similar information relating to assets. These Accounts are laid before Parliament and are available in the Library of the House. Accounts for our other associated public bodies are also available in the Library of the House.

EU Copyright Directive

Dr. Cable: To ask the Secretary of State for Trade and Industry (1) what was discussed at the DTI-sponsored meeting on 7 October 1999, on the draft EU Directive on Copyright in the Information Society; [106054]

(2) if it is the Government's policy to support the European Parliament's authorised wording of the draft EU Directive on Copyright in the Information Society. [106055]

Dr. Howells *[holding answer 24 January 2000]:* We are not convinced that the mandatory exception for certain temporary copies as proposed in Article 5.1 of the draft Directive is the right approach, and we feel that the European Parliament's proposal to limit this exception to cases where use of protected material has been authorised by right owners would achieve a fairer balance between the different interests involved. We do not consider that this amendment would prevent or inhibit caching or other acts by intermediaries, which would clearly be inappropriate. However, the Commission and several other Member States are opposed to the European Parliament amendment, and its seems unlikely that it will receive sufficient support to be adopted. We have therefore encouraged dialogue between intermediaries and right owners, who are concerned that Article 5.1 will impair their ability to control illegal uses of their material, in order to establish whether other approaches can be found which are mutually acceptable.

We have no record of any meeting on the draft Directive arranged by the Department on 7 October 1999. However, we have facilitated several meetings between intermediaries and right owners on Article 5.1, and these discussions are continuing. We have also had numerous other meetings with a wide range of interested parties on various aspects of the Directive. We will, of course, continue with these consultation processes until negotiations on the Directive are completed.

Military Exports (Pakistan)

Mr. Cohen: To ask the Secretary of State for Trade and Industry how many applications for *(a)* standard and *(b)* open individual export licences for (i) military list and (ii) dual-use goods for proposed exports to Pakistan are currently awaiting a decision; and how many of these applications were made before 12 October 1999. [106645]

Dr. Howells *[holding answer 24 January 2000]:* The entry in the relevant legislation under which the export of goods is controlled is known as their rating. The Export Control Organisation's computer databases have been interrogated. As of 14 January 2000, decisions had not yet been taken on 76 applications for a Standard Individual Export Licence (SIEL) and 29 applications for an Open Individual Export Licence (OIEL) to export to consignees or end-users in Pakistan goods listed in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, commonly known as the Military List, entered in the Council Regulation (EC) 3381/94 setting up a Community regime for the control of exports of dual-use goods, or in Schedule 2 to the Dual-Use and Related Goods (Export Control) Regulations 1996. Applications for individual licences may cover a range of goods with various ratings (and applications for OIELs may also cover a range of countries). Where this is so, the application is included in the table in the total for all of the relevant ratings.

Applications for individual licences pending as of 14 January 2000 covering the export of military goods to Pakistan

Rating	*Number of applications for a SIEL pending covering goods with this rating*	*Number of applications for an OIEL pending covering goods with this rating*
ML1	5	0
ML2	2	0
ML3	3	0
ML4	2	0
ML5	1	0
ML6	4	2
ML9	10	5
ML10	17	6
ML11	2	2
ML13	0	4
ML15	0	1
ML16	4	1
ML17	2	1
ML18	8	0
ML22	0	2
PL5001	0	1
PL5017	2	1
End use	15	0

Applications for individual licences pending as of 14 January 2000 covering the export of dual-use goods to Pakistan

Rating	*Number of applications for a SIEL pending covering goods with this rating*	*Number of applications for an OIEL pending covering goods with this rating*
S1 P1 G2	0	3
1A005	0	3
1C950	0	1
2B350	0	1
3A002	1	0
5A002	0	1
5D002	0	1

Applications for individual licences pending as of 14 January 2000 covering the export of dual-use goods to Pakistan

Rating	*Number of applications for a SIEL pending covering goods with this rating*	*Number of applications for an OIEL pending covering goods with this rating*
6A001	0	1
6A003	0	3
7A101	0	1
9A110	0	1

Of these pending applications, 41 of those for SIELs and all of those for OIELs were received before 12 October 1999.

This information should be considered in light of the answer I gave to my hon. Friend the Member for Kingswood (Mr. Berry) on 27 July 1999, *Official Report*, columns 307–08W.

Mr. Cohen: To ask the Secretary of State for Trade and Industry how many and what categories of *(a)* standard and *(b)* open individual export licences have been (i) granted and (ii) refused for proposed exports of controlled goods to Pakistan since 12 October 1999. [106644]

Dr. Howells *[holding answer 24 January 2000]:* The entry in the relevant legislation under which the export of goods is controlled is known as their rating. The Export Control Organisation's computer databases have been interrogated. Between 12 October 1999 and 14 January 2000, no Standard Individual Export Licences (SIELs) and no Open Individual Export Licences (OIELs) were issued covering the export to consignees or end-users in Pakistan of goods subject to export control by being listed in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, commonly known as the Military List, and goods entered in the Council regulation (EC) 3381/94 setting up a Community regime for the control of exports of dual-use goods, or in Schedule 2 to the Dual-Use and Related Goods (Export Control) Regulations 1996.

In the same period two SIELs were refused covering goods with the rating end use, and no OIELs were refused.

This information should be considered in light of the answer I gave to my hon. Friend the Member for Kingswood (Mr. Berry) on 27 July 1999, *Official Report*, columns 307–08W.

Export Licences (RDX)

Mr. Harvey: To ask the Secretary of State for Trade and Industry how many different United Kingdom companies or organisations have applied for export licences in respect of RDX in its raw form in the last two years. [106441]

Dr. Howells *[holding answer 24 January 2000]:* The entry in the legislation under which the export of goods is controlled is known as their rating and most ratings cover a range of goods. RDX in its raw form is controlled under entry ML8 in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, commonly known as the Military List.

The Export Control Organisation's computer databases have been interrogated. Between 1 January 1998 and 31 December 1999, the Export Control Organisation received 112 applications for a Standard Individual Export Licence (SIEL) and five applications for an Open Individual Export Licence (OIEL) covering the export of goods with the rating ML8.

These applications were made by 23 different United Kingdom companies or organisations. It would entail disproportionate cost to undertake an examination of the paper records of each of the 117 individual applications to establish which covered the export of RDX in its raw form.

This information should be considered in light of the answer I gave to my hon. Friend the Member for Kingswood (Mr. Berry) on 27 July 1999, *Official Report*, columns 307–08W.

All applications for licences to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994 are assessed against the criteria announced by my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs on 28 July 1997, *Official Report*, columns 26–29W, and the European Union Code of Conduct on Arms Exports.

Labour Market (Stafford)

Mr. Kidney: To ask the Secretary of State for Trade and Industry what assistance his Department makes available to businesses and local government agencies seeking to *(a)* diversify the labour market in and *(b)* promote inward investment to Stafford. [106673]

Mr. Caborn: Some £280 million European Social Funding under Objective 3 is being made available for training-related activities in the West Midlands. These can be targeted particularly at the disadvantaged in the labour market, including those made redundant or with outdated skills.

My Department provides core funding for the inward investment activities of Advantage West Midlands. AWM works in partnership with InStaffs in Staffordshire and other local agencies to attract new investment from overseas and to support existing businesses.

Mr. Kidney: To ask the Secretary of State for Trade and Industry what recent assessment he has made of the opportunities for diversification of the labour market in Stafford. [106672]

Mr. Caborn: On 17 January I announced a team which will be drawn from local agencies to investigate the problems facing local businesses and communities in Stoke and North Staffordshire.

I am pleased to confirm that I have asked Advantage West Midlands (The Development Agency) to extend this work to include Stafford.

The first meeting of local partners and the team is on 26 January. I have asked for an interim report to be completed by 11 February.

My right hon. Friend the Secretary of State is visiting the West Midlands on 25 February and has asked officials to see if it is possible to include a visit to Stafford in his programme.

Mr. Kidney: To ask the Secretary of State for Trade and Industry if he will visit Stafford to meet representatives of local government agencies and businesses to discuss diversification of the labour market in Stafford and promotion of inward investment. [106674]

Mr. Caborn: I am always prepared to meet with colleagues to discuss such issues and I recognise the particular problems in Stafford resulting from the recent redundancies announced by Alstom.

My Department provides core funding for the inward investment activities of Advantage West Midlands (The Development Agency). AWM works in partnership with InStaffs in Staffordshire and other local agencies to attract new investment from overseas and to support existing businesses.

Alstom

Mr. Kidney: To ask the Secretary of State for Trade and Industry what assessment he has made of the impact of the restructuring by Alstom of its operations in Stafford on the local labour market. [106677]

Mr. Caborn: It is too early to assess the impact on Stafford's labour market of the proposed redundancies at Alstom. Officials from Staffordshire Training and Enterprise Council and the Employment Service will be meeting the company on 25 January. Following that meeting a clearer picture of the company's plans should emerge.

Mr. Kidney: To ask the Secretary of State for Trade and Industry what support his Department will make available to *(a)* Alstom, *(b)* the Employment Service and *(c)* the local authorities following the announcement of job losses at Alstom's Stafford sites. [106678]

Mr. Caborn: I understand that representatives of the Employment Service and Staffordshire Training and Enterprise Council are to meet with the Company on 25 January to determine the precise nature of the support package required for those people who may be made redundant at Alstom.

They will then consider with the local authorities and Advantage West Midlands whether to apply for additional support from the Government's Rapid Response Fund to supplement what they are currently able to offer redundant workers. These include guidance interviews, retraining and job search facilities.

Synchrotron

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what requests the Office of Science and Technology has received from the Wellcome Trust to host an open competition to decide the location of the new synchrotron. [105626]

Ms Hewitt *[holding answer 18 January 2000]:* According to the records of the Office of Science and Technology there have been no formal requests from the Wellcome Trust on hosting an open competition to decide the location of the new synchrotron. However, this issue was raised by the Wellcome Trust in a number of meetings with the Office of Science and Technology early in 1999, specifically on the 19 January and on the 26 January. Later discussions with the Wellcome Trust concerning the location of the new synchrotron have focused on the outcome of the investment appraisal that was undertaken for the Office of Science and Technology in June 1999. This study concluded that the current CCLRC sites would be more cost effective than a "green-field" site.

Mirror Group

Mrs. Browning: To ask the Secretary of State for Trade and Industry what representations he has received from other Government departments in respect of the cost of the inquiry into Mirror Group Newspapers. [106352]

Mr. Byers *[holding answer 24 January 2000]:* I have received no such representation.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will place in the Library the representations he has received calling on him to conclude his Department's inquiry into Mirror Group on the grounds of cost. [106021]

Mr. Byers *[holding answer 20 January 2000]:* I have received no such representations.

TransTec

Mrs. Browning: To ask the Secretary of State for Trade and Industry what departmental scrutiny has been applied to the Department for Trade and Industry grant awarded to TransTec for new premises at Coleshill, Birmingham, in 1988 since it was awarded. [106345]

Mr. Byers *[holding answer 24 January 2000]:* The Department operates established procedures to verify that businesses comply with the conditions attached to payments of grant. These include visits to premises and project reports with independent certification. There is provision for grant to be reclaimed if the conditions are not met. Following newspaper allegations, the Department is inviting Mr. Ayriss and Mr. Dickinson in for interview concerning the circumstances surrounding grants to the Trans Tec group of companies.

Mrs. Browning: To ask the Secretary of State for Trade and Industry when his Department first received reports of the financial difficulties of TransTec. [106347]

Mr. Byers *[holding answer 24 January 2000]:* Following the announcement of the suspension of shares on 24 December 1999.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will list the Government grants received by TransTec, since 1987. [106346]

Mr. Byers *[holding answer 24 January 2000]:* The Department's Selective Assistance database has no records of any grants or loans having been made to TransTec plc.

In order to give as full a reply as possible I asked officials to identify grants paid to subsidiary companies which, according to TransTec plc's Annual Report for 1998 principally affected the results of the Group and its assets in that year. The Department has not been able to establish whether these companies were subsidiaries of TransTec plc at the time offers and payments of grants were made.

The Department has no record in the database of any loans having been made to these companies.

Companies from TransTec plc Annual Report who have had grant payments since 1 January 1987

Company	*Scheme*	*Amount paid (£)*	*Date paid*
Transfer Technology Ltd.	LINK[1]	50,624	1994 to 1995
	LINK[1]	121,939	1990 to 1992
	GICP[2]	164,554	1988 to 1989
	CA[3]	4,354	1989
	GICP[2]	153,796	1987 to 1988
	S7[4]	90,000	1987 to 1989
Elliott Plastic Components Ltd. (formerly Caradon Elliott Ltd.)	S7[4]	200,000	1989 to 1991
A. L. Dunn & Co. Ltd.	SFMP[5]	29,799	1987
B. S. K. Aluminium Ltd.	S7[4]	60,000	1993 to 1995
	S7[4]	175,000	1997
Plasmar Ltd.	CA[3]	3,795	1991
	CA[3]	3,723	1990
	S7[4]	75,000	1988 to 1990
Amchem Co. Ltd.	CA[3]	1,164	1990
	SFI[6]	29,275	1987 to 1988
Marwin Production Systems Ltd.	CA[3]	4,025	1990
Sarclad International Ltd.	SPUR[7]	111,226	1993 to 1995
	SFI[6]	24,650	1987

[1] LINK: Collaborative research
[2] GICP: General Industrial Collaborative Projects
[3] CA: Consultancy Initiative
[4] S7: Regional Selective Assistance (Section 7)
[5] SFMP: Support For Major Projects (S8)
[6] SFI: Support for Innovation
[7] SPUR: Support for Projects Under Research

In light of recent allegations I have asked officials to verify that for each of the grants listed in the table the conditions attached to the payment of grant have been complied with.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will list the meetings and events that Ministers and officials of his Department attended at which directors and personnel of TransTec were present in *(a)* 1995, *(b)* 1996, *(c)* 1997, *(d)* 1998 and *(e)* 1999. [106351]

Mr. Byers *[holding answer 24 January 2000]:* No central record is maintained which could provide the information in the form requested.

Ministerial Conflicts of Interest

Mrs. Browning: To ask the Secretary of State for Trade and Industry when he last reviewed his Department's guidance on ministerial conflicts of interest; and if he will publish the outcome of that review. [106350]

Mr. Byers *[holding answer 24 January 2000]:* Guidance on the avoidance of conflicts of interest by Ministers is contained in the Ministerial Code, published by the Prime Minister in July 1997.

Misuse of Government Grants

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will place in the Library a list of his Department's procedures for dealing with reports of misuse of *(a)* DTI grants and *(b)* other Government grants. [106348]

Mr. Byers *[holding answer 24 January 2000]: (a)* The Department's Finance Handbook requires that whenever there is a suspected case of external fraud it should be notified immediately to Internal Audit Directorate, the Finance and Resource Management Directorate and Solicitors.

(b) The procedures adopted by other Departments are a matter for each Department.

Inquiries (Independent Inspection)

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will list the DTI inquiries since 1985 that have been subject to independent inspection under section 432 of the Companies Act 1985. [106349]

Mr. Byers *[holding answer 24 January 2000]:* The following schedule lists those appointments under section 432 which have been announced and where one or more of the inspectors were non-Departmental staff. However, all inspectors have a statutory authority separate from the Department.

Company	*Date of appointment*
Milbury plc	27 August 1985
Guinness plc	28 November 1986
House of Fraser Holdings plc	9 April 1987
The Animal Defence Society Ltd.	20 November 1987
James Furguson Holdings plc	10 June 1988
Barlow Clowes Gilt Managers Ltd.	10 June 1988
Aldermanbury Trust plc	1 September 1988
County NatWest Ltd.	19 December 1988
County NatWest Securities Ltd.	19 December 1988
Sound Diffusion plc	9 March 1989
Blue Arrow plc	26 May 1989
The Bestwood plc	23 June 1989
Atlanta Fund Managers Ltd.	23 June 1989
The Milford Docks Company	30 June 1989
BOM Holdings Ltd.	6 February 1990
Atlantic Computers plc	15 June 1990
Atlantic Computer Systems plc	15 June 1990
London United Investments plc	2 November 1990
CR Driver and Company Ltd.	2 November 1990
Norton Group plc	7 January 1991
National Westminster Bank plc	12 March 1992
Mirror Group Newspapers plc	8 June 1992
Chancery plc	5 August 1993
Queens Moat Houses plc	12 November 1993
TransTec plc	20 January 2000

Lord Archer

Mrs. Browning: To ask the Secretary of State for Trade and Industry when his Department expects to conclude its investigations of Lord Archer of Weston-super-Mare's share dealing. [106006]

Mr. Byers *[holding answer 20 January 2000]:* Inspectors were appointed by the then Secretary of State on 8 February 1994 to inquire into dealings in the shares of Anglia Television Group plc between 10 and 21 January 1994. The inspectors reported on 19 July 1994.

The inspectors were reappointed by the Secretary of State on 4 May 1995 to inquire into dealings in the shares of Anglia between 20 December 1993 and 21 January 1994. The inspectors reported on 26 July 1996.

On both occasions, in accordance with established procedures and legal constraints followed by successive Governments, the reports were not made public.

Hollis Industries plc

Mrs. Browning: To ask the Secretary of State for Trade and Industry (1) what the cost was of the investigation into Hollis Industries plc; [106024]

(2) what were the grades of the officials who investigated Hollis Industries plc; [106028]

(3) when he received the result of the inquiry into Hollis Industries plc; [106022]

(4) how many hours his Department's officials spent investigating Hollis Industries plc; [106026]

(5) pursuant to his answer of 21 December 1999, *Official Report*, column 465W, concerning Hollis Industries plc, if he will place in the Library the documents setting out the normal procedures adopted by his Department in respect of internal DTI inquiries; [106097]

(6) what steps were taken by his predecessor to examine the options available under the Companies Act 1985 to determine the appropriate method of inquiry into Hollis Industries plc; [106027]

(7) if his Department's inquiry into Hollis Industries plc included examination of the disposal of Lock and PSS to TransTec; [106025]

(8) if, upon taking office, he reviewed the terms of reference of the investigation into the affairs of Hollis Industries plc. [106023]

Mr. Byers *[holding answer 20 January 2000]:* In line with normal procedures on such matters neither my predecessor nor myself took part in deciding the terms of reference of the investigation or the procedures or options under the Companies Act in relations to Hollis Industries inquiries.

The procedures adopted in relation to the investigation into Hollis Industries were conducted in accordance with "the Investigation handbook" and "Investigations—how they work", copies of which are in the Library of the House.

Records are not maintained in a way which enables figures to be given for the costs incurred. Staff at various grades were involved.

I was informed on 9 December 1999 that the investigation was complete.

In relation to the disposal of Lock and PSS to TransTec it is the long-established practice under successive Governments not to disclose details of individual investigations. However, when I appointed independent inspectors under Section 432(2) of the Companies Act 1985 on 20 January I asked them to investigate and report on the affairs of TransTec plc. It will be for the independent inspector to determine the detailed approach of the investigation.

If they think it necessary for the purpose of their inspection they have the power to investigate other companies in the TransTec group and events from earlier in the company's history, including its acquisition of the assets of Lock and PSS.

Indonesia (Military Exports)

Ann Clwyd: To ask the Secretary of State for Trade and Industry if he will list by *(a)* type of equipment and *(b)* date of export the (i) military aircraft, (ii) light tanks and (iii) armoured vehicles which have been exported from the United Kingdom to Indonesia *(a)* from January 1998 to 16 September 1999 and *(b)* from 17 September 1999 to date. [105889]

Dawn Primarolo: I have been asked to reply.

Details of major equipment exported to Indonesia in 1998 are included in Part 3 of the Government's second Annual Report on Strategic Export Controls. This information is taken from the UK entry to the UN Arms Register. Details of exports from 1 January 1999 to 16 September 1999 will be published in due course in the next Annual Report. There was an EU embargo on export of military goods between 17 September 1999 and 16 January 2000.

Information on the date of export is not published by Customs and could be made available only at disproportionate cost.

TREASURY

Stamp Duty

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the annual revenue yield from increasing stamp duty rates on properties selling at *(a)* £500,000 and over and *(b)* £1 million and over, by 1 per cent. from existing levels in each case. [106506]

Miss Melanie Johnson *[holding answer 24 January 2000]:* The 1999 Pre-Budget Report projection of stamp duty yield from land and property transactions was £3.2 billion for 2000–01. The estimates of extra revenue that would be raised from increasing the existing rate of duty of 3.5 per cent. to 4.5 per cent. are given in the table below:

£ million

Increasing rate on:	*Estimated yield*
Properties over £500,000[1] (including those over £1 million)	400
Properties over £1 million[1]	300

[1] Land and property including both residential and commercial

VAT (Vehicle Repairs)

Mrs. Lawrence: To ask the Chancellor of the Exchequer if Her Majesty's Customs and Excise has completed the review into the VAT treatment of vehicle repairs carried out by motor insurers; and if he will make a statement. [107039]

Dawn Primarolo: Customs and Excise have completed their review after consulting insurers, car repairers, and motoring organisations, including the Association of British Insurers and the Automobile Association, as well as the Office of Fair Trading. The insurers' investment in productivity helps the competitive development of the car repair market and I do not propose any change to the current rules.

Poinding and Warrant Sales

Dr. Godman: To ask the Chancellor of the Exchequer what discussions he has had with the Scottish Executive concerning the implications of the Abolition of Poinding

and Warrant Sales Bill for the debt-recovery procedure of the Inland Revenue and Customs and Excise; and if he will make a statement. [105748]

Dawn Primarolo: Officials in the Revenue Departments and the Scottish Executive have discussed the implications of this Bill. They will also be considering the Scottish Law Commission's discussion paper on Poinding and Warrant Sales published in November last year. This raises similar considerations and looks at options for reform, and will be considered very carefully. Our main concern is to ensure that there will remain an adequate power of recovery in Scotland for the Revenue Departments.

EU Budget

Mr. Bercow: To ask the Chancellor of the Exchequer what proportion of the EU's budget, broken down by substantial composite budget category, is taken up by administrative costs (i) in real terms and (ii) expressed as a percentage. [106393]

Miss Melanie Johnson: In 1998 (the most recent year for which final data are available) total administrative costs in the EU were 4,250 million euros in real terms.

Total administrative costs as a percentage of the total Community budget in 1998 were 4.8 per cent.

Health Insurance

Mr. Efford: To ask the Chancellor of the Exchequer (1) what representations he has received regarding the regulation of permanent health insurance companies by the Financial Services Authority; and if he will make a statement; [106494]

(2) what representations he has received regarding third party access to the Financial Services Authority's single ombudsman service for employees covered by permanent health insurance; and if he will make a statement; [106497]

(3) if permanent health insurers will be required to be authorised by the Financial Services Authority; [106498]

(4) if he will list the criteria under which businesses with group permanent health insurance policies can complain to the insurance industry's ombudsman service; and if he will make a statement; [106502]

(5) if group permanent health insurance policies will be covered by the Financial Services Authority's ombudsman scheme; [106499]

(6) how many businesses have complained to the insurance industry's ombudsman service during the last year for which statistics are available; and how many complaints were successful. [106503]

Miss Melanie Johnson: Permanent health insurers carrying on business in the United Kingdom will be required to be authorised either by the Financial Services Authority (FSA) or, in the case of European Community companies incorporated and with their head offices in another member state, to be authorised in accordance with Article 6 of the first long term insurance Directive.

No data are available which would distinguish enquiries and complaints brought by businesses as distinct from individuals.

The Treasury receives considerable correspondence on a range of issues concerning the insurance industry, but representations about the regulation of permanent health insurance companies have not been especially prominent.

The criteria that render a complaint eligible for consideration under the rules of the two main Ombudsmen schemes are determined by the schemes' terms of reference and by the interpretation of those terms by the parties to those arrangements.

The Financial Services Authority and the Financial Services Ombudsman Scheme issued a consultation paper (FSA Consultation Paper 33) last November on various aspects of the proposed scheme. The consultation ends on 10 February 2000. Copies of the consultation document are available from the FSA.

Departmental Productivity

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what percentage of his Department's activity, as targeted under Objective Ten of the PSA productivity targets, has been reviewed. [106800]

Miss Melanie Johnson: The Treasury's Public Service Agreement committed it to draw up a forward programme for reviewing services and activities systematically over five years under the Better Quality Services initiative by September 1999 and this has been achieved. Activities representing 34 per cent. of costs will have been reviewed by the end of the first year, and 60 per cent. of reviews should be complete by March 2003.

Early Retirement

Mr. Gardiner: To ask the Chancellor of the Exchequer how many employees of his Department took early retirement packages; and at what total cost in the financial year 1996–97. [104100]

Miss Melanie Johnson: Eight Treasury staff left the Department on early retirement terms in the financial year 1996–97. The Department incurred costs in respect of five of these totalling £195,324.63 in 1996–97.

Venture Capital

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what is his estimate of the revenue yield for *(a)* the first year and *(b)* a full year from abolishing the (i) enterprise investment scheme and (ii) venture capital trusts; and if he will make a statement. [106463]

Dawn Primarolo *[holding answer 24 January 2000]:* The estimated costs of tax reliefs for the Enterprise Investment Scheme and Venture Capital Trusts are £100 million and £80 million respectively for 1999–2000. Investors generally claim tax relief under these schemes in their tax returns so the first year yield from abolition would be small. In practice it is unlikely that a yield of this order would be realised as the money which would have been invested in the schemes would be diverted elsewhere with a knock-on effect on other reliefs. The Enterprise Investment Scheme and Venture Capital Trust

scheme play a valuable role in encouraging investment in small higher risk trading companies which have difficulty in raising capital from other sources to develop and grow.

Capital Gains Tax

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the *(a)* first year and *(b)* full year revenue yield from introducing a single, untapered, rate of capital gains tax of 40 per cent.; how this yield would change over each of the next 10 years; and if he will make a statement. [106508]

Dawn Primarolo *[holding answer 24 January 2000]:* The full year yields, first year and medium terms, of charging a 40 per cent. tax rate, irrespective of income, on the untapered gains of all individuals and trusts are shown in the table. Estimates are given after taking into account the likely effect on capital gains tax yield of changes to the volume and timing of disposals in a full year, caused by changes in taxpayers' behaviour. Capital Gains Tax liabilities for 2000–01 will normally be payable in 2001–02.

Capital gains made

Charge all untapered gains to tax at 40 per cent.	*Full year yield 2000–01 £ million*	*Full year yield Medium term £ million*
With behavioural effects (volume and timing)	600	800

Capital gains made by companies, including those gains of insurance companies which are attributable to policy holders, are chargeable to corporation tax and, as such, excluded from the above figures.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what is his estimate of the revenue yield from abolishing capital gains tax relief on gains accrued but unrealised at death; and if he will make a statement. [106460]

Dawn Primarolo *[holding answer 24 January 2000]:* The latest available estimate of the cost of Capital Gains Tax relief for gains accrued but unrealised at death is £850 million for 1999–2000.

In practice, the yield from abolition of the relief may be significantly different from the existing cost owing to changes in taxpayers' behaviour.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will estimate the annual *(a)* first year and *(b)* full year revenue yield from reducing the capital gains tax annual exempt amount for individuals to (i) £5,000, (ii) £2,500 and (iii) zero; and if he will make a statement. [106507]

Dawn Primarolo *[holding answer 24 January 2000]:* The full year yields from reducing the Annual Exempt Amount to £5,000 and £2,500 respectively from 2000–01 are shown in the table. Estimates are given after taking into account the likely effect on capital gains tax yield of changes to the volume of disposals in a full year, caused by changes in taxpayers' behaviour. Capital Gains Tax liabilities for 2000–01 will normally be payable in 2001–02.

Reducing annual exempt amount to:	*Full year yield 2000–01 £ million*	*Full year yield medium term £ million*
With behavioural effects		
£5,000	100	150
£2,500	350	450

Comparable estimates for very low levels of the AEA, and zero in particular, cannot be made with sufficient precision as some of the underlying assumptions become increasingly inappropriate and the effect of taxpayers' behaviour cannot be estimated reliably.

However, the latest estimate of the cost of the Annual Exempt Amount is £2,000 million for 1999–2000.

Child Benefits

Ms Kelly: To ask the Chancellor of the Exchequer (1) what are the *(a)* post-tax earnings and *(b)* total child-related benefits of a dual-earner couple with two children under the age of 11 years, both earning the minimum wage and where one works (i) full-time and (ii) 16 hours a week; [106137]

(2) what are the *(a)* post-tax earnings and *(b)* total child-related benefits of a single parent with two children under the age of 11 years, earning the minimum wage and working (i) full-time and (ii) 16 hours a week. [106136]

Dawn Primarolo: Figures for those earning the minimum wage and with two children under 11 are given in the table. Child benefit is the only child-related benefit.

£/week

	Earnings, less income tax and National Insurance contributions, plus Working Families Tax Credit	*Child Benefit*
Couple		
Both working full time	256.80	24.00
One working full time, one working 16 hours per week	231.45	24.00
Lone Parent		
Working full time	205.53	[1]24.00
Working 16 hours per week	149.60	[1]24.00

[1] Lone parents who claimed child benefit before July 1998 and have claimed continuously as lone parents are entitled to a higher rate of child benefit. It can also be claimed by lone parents in continuous receipt of the lone parent premium in IS/JSA moving off benefit into work; or who come off certain other benefits providing the claim is made within one month of coming off the other benefit. With two children under 11 such lone parents would receive £26.70 instead of £24.00.

National Insurance

Mr. Webb: To ask the Chancellor of the Exchequer if he will estimate the additional yield for National Insurance contributions in each of the next five financial years if the upper earnings limit for employee contributions and the upper profits limit for self-employed contributions were to be raised in line with average earnings. [103142]

Dawn Primarolo: The levels of upper earnings limits have been announced for 2000–01 and 2001–02. However, if the limits were increased in the following three years by average earnings instead of inflation then the additional yield this would generate is shown in the table:

	Weekly level of the UEL/UPL if increased by average earnings from 2001–02 (£)	*Yield against current proposals (£ million)*
2002–03	600	130
2003–04	625	200
2004–05	650	335

The estimates are consistent with projections given in the November 1999 pre-Budget Report.

Tax and Benefits Reform

Mr. Chaytor: To ask the Chancellor of the Exchequer what assessment he has made of the effectiveness of his tax and benefits reforms in making work pay. [106862]

Dawn Primarolo: The Government are committed to creating employment opportunities for those who want to work while providing security for those who cannot.

A key element of this strategy is to ensure that work pays by creating the right incentives, through the tax and benefit system, at every level of the labour market.

The Working Families Tax Credit, combined with the reforms to income tax and National Insurance Contributions, extends employment opportunity for all and increases the rewards from work.

Combined with the National Minimum Wage and other tax and benefit reforms the WFTC will guarantee a minimum income of £200 a week for a family with someone in full-time employment—£80 a week more than a couple would receive on Income Support;

The Working Families Tax Credit helps make work pay for 1.4 million low and middle income working families with children who gain, on average, £24 a week more than under Family Credit;

The 10p rate of income tax halves the marginal tax rate for 2.3 million people of which 1.7 million are low paid;

Reforms to National Insurance Contributions will remove 1 million low paid people from national insurance.

Taxes

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what proportion of its income an average family paid in direct and indirect taxes from 1970–71 to date; what estimate he has made of the proportion from 2000–01 to 2004–05; and on what assumptions these figures are based. [104278]

Dawn Primarolo: The available data are as follows:

Percentage of income paid in direct taxes by an average family

Year	*Percentage*
1970–71	18.8
1971–72	17.7
1972–73	17.5
1973–74	19.6
1974–75	22.2
1975–76	25.7
1976–77	24.6
1977–78	22.5
1978–79	20.9
1979–80	18.9
1980–81	20.8
1981–82	22.5
1982–83	22.8
1983–84	22.4
1984–85	22.0
1985–86	22.0
1986–87	21.9
1987–88	21.4
1988–89	20.7
1989–90	20.8
1990–91	20.8
1991–92	20.7
1992–93	20.2
1993–94	20.3
1994–95	21.7
1995–96	22.4
1996–97	21.5
1997–98	20.9
1998–99	21.0
1999–2000	20.4
2000–01	20.5
2001–02	18.9

Direct taxes are defined as Income Tax plus National Insurance minus Child Benefit. In line with long-standing convention, Child Benefit is treated as a negative component of income tax, making it consistent with child tax allowances prior to 1976. In order to provide data back to 1970 figures provided are for a one earner married couple on male mean earnings with two children.

No estimates of the tax burden at the detailed household level are available beyond 2001–02.

Estimating the impact of indirect taxes is imprecise as spending patterns vary widely between households with the same composition and income. The level of council tax payments will also vary depending on where families live.

VAT

Dr. Iddon: To ask the Chancellor of the Exchequer, pursuant to his answer of 17 January 2000, *Official Report*, column 352W, on VAT, what assessment he has made of the feasibility of making further reductions on the level of VAT charged on the installation of energy saving measures. [106696]

Dawn Primarolo: This Government have already introduced a reduced rate of 5 per cent., the lowest rate possible in EC law, for grant-funded installations of energy saving materials. EC law does not permit us to introduce a reduced rate for supplies of energy saving materials for do-it-yourself installation.

Windfall Tax

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he plans to use all the receipts from the windfall tax by May 2002. [106797]

Dawn Primarolo: Table 4.1 of the 1999 Pre-Budget Report sets out the latest estimated allocation of the windfall tax receipts between different welfare-to-work programmes.

HOME DEPARTMENT

Animal Welfare

Mr. Baker: To ask the Secretary of State for the Home Department if a licensed establishment would need to obtain permission from his Department to cut the vocal cords of dogs. [106656]

Mr. Mike O'Brien: Any procedure performed on a living animal at an establishment designated under the Animals (Scientific Procedures) Act 1986 for an experimental or other scientific purpose that might have the effect of causing pain, suffering, distress or lasting harm to that animal would require a licence. This would include the cutting of the vocal cords of dogs. However, if that procedure was performed as an act of veterinary surgery, and not for an experimental or other scientific purpose, a licence under the 1986 Act would not be required.

Commercial dog breeding establishments and licensed pet shops, that sell dogs to the general public, are subject to licensing control under the Breeding of Dogs Act 1973 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999. The Home Office has issued detailed guidance to local authorities on the legislation but it has no role to play in enforcing this legislation, which is the responsibility of the local authorities.

Mr. Baker: To ask the Secretary of State for the Home Department (1) how many pigs were used in the xenotransplantation research carried out in the UK during *(a)* 1996, *(b)* 1997, *(c)* 1998 and *(d)* 1999; [106659]

(2) how many deaths of primates there were in kidney and heart xenotransplantation research carried out in the UK during *(a)* 1996, *(b)* 1997, *(c)* 1998 and *(d)* 1999; and what was the reason for each death. [106658]

Mr. Mike O'Brien: My officials are seeking to collate these data but require more time. I will write to the hon. Member.

Mr. Baker: To ask the Secretary of State for the Home Department (1) what plans he has to review and improve the regulations concerning the standards of care and welfare of circus animals; and if he will make a statement; [106662]

(2) if he will make it his policy to require circus trainers to undertake formal courses in animal care and welfare; and if he will make a statement; [106664]

(3) if he intends to restrict circus trainers to the use of a positive reinforcement approach when training animals; and if he will make a statement; [106667]

(4) if he will take steps to require more precise record-keeping in respect of the welfare of individual circus animals; and if he will make a statement; [106663]

(5) if he will introduce standards of care and welfare for circus animals to ensure that all performance routines are extensions of natural behaviour and within the capability of the animal; and if he will make a statement. [106666]

Mr. Mike O'Brien: The Government are considering recommendations about circus animals submitted by the Associate Parliamentary Group for Animal Welfare, at this time. We have not prepared new regulations or requirements concerning the training and welfare of such animals, but a draft code has been prepared by the Association of Circus Proprietors. This seeks to promote best practice on all aspects of the care of circus animals and, as part of that approach, it requires trainers to be suitably qualified and to use positive reinforcement methods. We are examining the draft.

There is likely to be little opportunity for Government legislation on the matter in the near future, but it is already an offence under the Protection of Animals Act 1911 to cause any captive animal unnecessary suffering. Further protection is provided by the Performing Animals (Regulation) Act 1925. Under this, police and local authority officers have inspection powers and recourse to magistrates courts, which may make orders prohibiting or restricting the use of performing animals that have been cruelly treated when trained or exhibited.

Mr. Baker: To ask the Secretary of State for the Home Department what recent assessment he has made of the adequacy of controls on pet suppliers; and if he will make a statement. [106660]

Mr. Mike O'Brien: We consider the existing controls to be adequate and have no plan to review them at the moment.

Pet shops are licensed by local authorities under the Pet Animals Act 1951 (as amended in 1983), and subject to licence conditions to safeguard the health and welfare of the animals in their charge. In addition, it is an offence under the Protection of Animals Act 1911 to cause unnecessary suffering to any domestic or captive animal—this applies to pet shop keepers as to anyone else. Certain endangered animals imported for the pet trade are also protected under European Wildlife Regulations, which implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In addition, some exotic pets can only lawfully be sold to people subject to stringent licence controls imposed under the Dangerous Wild Animals Act 1976, and there are statutory restrictions on trade in United Kingdom wildlife species.

The Pet Care Trust has produced a code of practice for retailers of pets. This highlights key licence conditions, and includes a recommendation that, where appropriate, customers of pet shops should be given leaflets or other literature containing advice on how to care for the animals they have purchased.

Internet Betting

Mr. Cousins: To ask the Secretary of State for the Home Department what plans have been made by the Tote to establish an Internet-based betting centre offshore. [106705]

Mr. Mike O'Brien: Pluto (Alderney) Limited, in which the Tote is a minority partner, has obtained a licence to operate an electronic betting site in Alderney; further steps remain under consideration.

Drug Use (Prisons)

Mr. Flynn: To ask the Secretary of State for the Home Department how many cases of drug use have been detected in prisons for each year since 1997. [106580]

Mr. Boateng: The table gives figures on the number of samples that have tested positive for drugs under the mandatory drug testing programme for each financial year since 1997. The figures include the results of both random and targeted testing.

	Number of mandatory drug test samples testing positive
1997–98	20,346
1998–99	19,318
1999–2000[1]	11,658

[1] Year to date figures, April-November 1999

Correspondence

Mr. Kaufman: To ask the Secretary of State for the Home Department when he intends to reply to the letters dated 23 September, 11 November and 16 December from the right hon. Member for Manchester, Gorton with regard to Munir Alam. [106836]

Mrs. Roche: My right hon. Friend the Home Secretary, wrote to my right hon. Friend today. I am sorry for the delay in replying.

Mr. Kaufman: To ask the Secretary of State for the Home Department when he intends to reply to the letters dated 28 September, 11 November and 16 December from the right hon. Member for Manchester, Gorton with regard to Muzzamil Hussain. [106835]

Mr. Boateng: I offer unreserved apologies to my right hon. Friend for the failure to reply on time to his letters of 28 September, 11 November and 16 December with regard to Muzzamil Hussain a prisoner currently in Sudbury prison. Performance of this kind in relation to correspondence from hon. Members is, of course, unacceptable and I have taken steps to ensure that the circumstances of this particular case are not repeated.

In keeping with the sentiments expressed by my right hon. Friend in his correspondence, the prisoner concerned was released from Wealdstun prison on 28 September on compassionate grounds and again on 29 September 1999 to enable him to attend his father's funeral.

Alexander Schweidler

Mr. Winnick: To ask the Secretary of State for the Home Department (1) what investigation his Department has undertaken into the war-time activities of Alexander Schweidler; [106828]

(2) when Alexander Schweidler received UK citizenship; and if he will review the information given in the application for naturalisation; [106827]

(3) what police investigations have taken place in relation to Alexander Schweidler under the War Crimes Act 1991; and if he will make a statement. [106829]

Mr. Straw: Mr. Schweidler was granted British citizenship in 1964. I understand that he died on 24 January. His case was one of just under 400 cases involving allegations of offences under the War Crimes Act 1991 investigated by the Metropolitan police service War Crimes Unit during the 1990s. Police investigations into allegations against Mr. Schweidler started in 1994. I understand there was insufficient evidence to support a prosecution. There have been no investigations separate to these.

Data Protection

Mr. Cohen: To ask the Secretary of State for the Home Department with respect to the draft of the Data Protection (Crown Appointments) Order 1999, for what reasons it is proposed to make personal data about the Provost of Eton, the Poet Laureate and the Astronomer Royal subject to an exemption. [106060]

Mr. Mike O'Brien: The Order exempts from the subject information provisions personal data processed for the purposes of assessing any person's suitability for certain offices. Like the other positions cited in the draft Order, these are Crown appointments. They typically involve communications between the Sovereign and the Prime Minister and involve information and judgments on individuals, often provided in confidence by third parties.

Mr. Cohen: To ask the Secretary of State for the Home Department with respect to the draft of the Data Protection (Processing of Sensitive Personal Data) Order 1999, for what reasons each exemption is necessary; if he will provide examples illustrating the distinction between public interest and substantial public interest wherever the latter term is used in the Order; what discussions he had on paragraph 5 of the Order with those authorities responsible for advising the Government on matters relating to genetics; and if he has notified the European Commission of the effect of the Order. [106058]

Mr. Mike O'Brien: Each provision in the Schedule to the draft order is necessary to permit the processing of sensitive personal data in connection with the purpose or function referred to in the paragraph. Without such an order the first data protection principle in Schedule 1 of the Data Protection Act 1998 would prohibit the processing. As required by article 8.4 of the European Commission Data Protection Directive (95/46/EC), the processing may be carried out only if it is in the substantial public interest. There is no express reference to the substantial public interest in paragraphs in the Schedule to the draft order where the categories of processing described are considered always to be in the substantial public interest. Where there is such a reference, this is required to meet the requirements of article 8.4, as the general category of processing described may otherwise include some processing which may not be in the substantial public interest. The draft order has been prepared following a public consultation exercise and discussions with many organisations which process sensitive data and with the Data Protection Registrar. The Government have not expressly sought the views of genetics advisory bodies. The Government do not intend to inform the European Commission of the provision made in the draft order prior to it being considered by Parliament.

Post Offices

Mr. Jack: To ask the Secretary of State for the Home Department what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105864]

Mr. Straw: I refer the right hon. Member to the answer given by my hon. Friend the Minister for Competitiveness on 20 January 2000, *Official Report*, column 520W.

Ronnie Biggs

Mr. Cohen: To ask the Secretary of State for the Home Department if he will grant an amnesty to Mr. Ronnie Biggs on grounds of the state of his health to enable him to return to the UK; and if he will make a statement. [106073]

Mr. Boateng: My right hon. Friend the Secretary of State has no plans to grant any form of "amnesty" to Mr. Ronnie Biggs.

Police Salaries

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department how many employees in the police are in the salary bands *(a)* less than £10,000, *(b)* £10,000 to £12,500, *(c)* £12,500 to £15,000, *(d)* £15,000 to £17,500, *(e)* £17,500 to £20,000, *(f)* £20,000 to £22,500, *(g)* £22,500 to £25,000, *(h)* £25,000 to £30,000, *(i)* £30,000 to £35,000, *(j)* £35,000 to £40,000, *(k)* £40,000 to £45,000, *(l)* £45,000 to £50,000, *(m)* £50,000 to £55,000, *(n)* £55,000 to £60,000 and *(o)* more than £60,000. [106049]

Mr. Charles Clarke: Information is not held centrally on the numbers of police officers and police support staff paid within these specific salary bands. It is possible, however, to give the numbers of police officers serving in each rank, using figures correct at 31 March 1999, together with the range of salaries in each rank effective from 1 September 1999. The salary ranges given are for officers serving in provincial forces; officers serving in London receive additional allowances. The salary figures do not include overtime (where applicable) or other allowances.

As at 31 March 1999 the total number of police officers (including those at the National Criminal Intelligence Service and the National Crime Squad) was 125,417 comprising:

51 at Chief Constable rank on a salary of £73,617 or above.

157 at Assistant Chief Constable rank on a salary range of £61,428 to £74,040.

1,241 at Superintendent rank on a salary range of £43,143 to £53,556.

6,039 at Inspector and 1,651 at Chief Inspector rank on a salary range of £32,862 to £39,687.

19,039 at Sergeant rank on a salary range of £25,407 to £29,634.

97,239 at Constable rank on a salary range of £16,635 to £26,325.

As at 31 March 1999 there were 53,031 full-time equivalent civilian police support staff (excluding traffic wardens). There is no centrally held data on the gradings and salaries of these staff.

Police Officers (Benefits)

Mr. Luff: To ask the Secretary of State for the Home Department what assessment he has made of the number of police officers who are in receipt of means-tested benefits; and if he will make a statement. [105605]

Mr. Charles Clarke: There is no data held centrally on the numbers of police officers who may be in receipt of means-tested benefits.

Police Recruitment

Mr. Luff: To ask the Secretary of State for the Home Department (1) if it is his policy to encourage these with experience of other professions and with skills developed in other careers to join the police; and what assessment he has made of the adequacy of police rates of pay to attract such recruits; [105610]

(2) what account is taken of their prior skills and experience in setting the starting pay of new entrants to the police forces of England and Wales; [105607]

(3) what assessment he has made of the recruitment of mature individuals by the police and of the pay levels of such new entrants in their previous employment. [105614]

Mr. Charles Clarke: The recruitment of police officers is a matter for individual forces. There is no upper age limit for recruits, and applicants of all ages and background who fulfil the force entry criteria are encouraged to join. Clearly there is value in recruiting people with a wide range of skills and experience. Centrally held data are not available on the ages of recruits or their previous work experience.

Police rates of pay are contained within Police Regulations. There is an annual pay award for federated ranks, settled by a formula which keeps police pay in line with inflation. In 1998, pay was increased by 4.0 per cent. and in 1999 by 3.6 per cent.

Starting pay for recruits has been raised as a possible deterrent to applications from mature candidates who would be otherwise suitable for appointment. We are considering the issue and will refer it to the Police Negotiating Board if this seems warranted.

Mr. Luff: To ask the Secretary of State for the Home Department what the level of starting salary was for new recruits to the police forces of England and Wales in each of the last three years *(a)* in cash terms and *(b)* as a proportion of earnings. [105604]

Mr. Charles Clarke: The annual pay award for federated ranks is paid with effect from 1 September each year. The starting salary for appointments on probation (new recruits to the police service) in the year from 1 September 1997 was £15,438; it was £16,056 in the year from 1 September 1988 and £16,635 in the year from 1 September 1999.

At current rates of pay, a recruit will receive a pay rise to £18,612 on completion of 32 weeks initial training and a further rise, on completion of 2 years probation, to £19,713.

In 1997, the starting pay of appointments on probation (£15,438) was 80 per cent. of national average earnings; in 1998 (£16,056), 81 per cent. and in 1999 (£16,635), 79 per cent.

Written Answers to Questions

Thursday 27 January 2000

DEFENCE

HMS Glorious

Mr. Dalyell: To ask the Secretary of State for Defence what steps he took, following his oral statement of 28 January 1999, *Official Report*, columns 564–76, to ensure that contrary opinions to the official view of the HMS Glorious affair were fully taken into account in the latest revision of the official account; and if he will make a statement. [104751]

Mr. Kilfoyle *[holding answer 24 January 2000]:* The circumstances surrounding the sinking of HMS Glorious have been most thoroughly researched within the MOD, during which opinions and interpretations from a wide variety of sources have been considered. In the course of these exhaustive investigations some new information has come to light which has enabled the MOD to make further minor revisions to the account already provided. This new information incudes the fact that it was the Commander in Chief Home Fleet who insisted that the Glorious should be diverted to Scapa Flow to conduct a court-martial, and not the captain of the carrier himself. In addition, since January 1999, the Naval Historical Branch has been able to track down the daily intelligence summaries which show that the late Sir Harry Hinsley's recollections, broadcast in the Channel 4 programme, were in error. These records, which in the original, are signed off by Sir Harry show that Bletchley Park did indeed report increased wireless signal traffic in the Western Baltic and the Kattegat during the relevant period, but that the assessment of experts at the time was that it was associated with U-boat activity, and not that of heavy German surface ships.

This extra information does not bring into question the conclusions arrived at in the MOD paper reviewed by my predecessor after the adjournment debate in this House in January last year. I shall arrange for a copy of the revised paper, incorporating these slight amendments to be placed in the Library of the House.

Parachute Regiment

Mr. Duncan Smith: To ask the Secretary of State for Defence what is the current strength of each of the battalions of the Parachute Regiment. [106564]

Mr. Spellar *[holding answer 24 January 2000]:* The current UK trained strength for each of the three Regular parachute battalions and the Territorial Army battalion, as at 1 December 1999, is shown in the table.

Battalion	*Trained strength*
1 Para[1]	538
2 Para[1]	[2]531
3 Para[1]	[3]644
4 Para (V)	[4]387

[1] The figures are for UK Trained Army Personnel only, and exclude Locally Employed personnel, Royal Irish (Home Service) personnel, Reservists mobilised for duties associated with Bosnia, Full-time Reserve Service personnel, and Gurkhas.

[2] Strength of 2 Para does not include the Gurkha Reinforcement Company (GRC) that is currently attached to it.

[3] 3 Para are currently on an operational tour which is reflected in their increased numbers.

[4] On 1 July 1999, 4 and 10 Para merged to form a new 4 Para (V).

Departmental Staff

Mr. Stephen Twigg: To ask the Secretary of State for Defence what percentage of the armed forces were *(a)* registered disabled, *(b)* women, *(c)* from ethnic minorities and *(d)* from (i) independent, (ii) grammar and (iii) other schools in (1) 1970, (2) 1979, (3) 1989 and (4) 1999. [106760]

Mr. Spellar: The information requested is as follows:

(a) disabled people; I refer my hon. Friend to the answers given to the right hon. Member for Wokingham (Mr. Redwood) on 12 January 1998, *Official Report*, column 132W, and the hon. Member for Salisbury (Mr. Key) on 23 July 1999, *Official Report*, columns 694–95W.

(b) women; The percentage of serving women in the Armed Forces, as at 1 April for each of the years requested, were:

	Percentage
1970	3.80
1979	4.86
1989	5.22
1999	7.74

(c) ethnic minorities; In my reply to the hon. Member for Mid-Norfolk (Mr. Simpson) on 21 July 1997, *Official Report*, column 400W, I stated that a new management-led, self-classification survey of the ethnic origin of serving personnel was introduced in July 1996. I also stated that prior to that date, records could not be relied on. On 1 April 1999, 1.1 per cent. of the Armed Forces were from ethnic minorities.

(d) education backgrounds; The information is not available in the form requested. I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) on 10 January 2000, *Official Report*, columns 89–90W, which gave an estimated breakdown of the education background of Army officer cadets at the Royal Military Academy Sandhurst for each of the last five financial years. With regard to the Naval Service and the RAF, an estimated breakdown of the education background of the officers accepted for training (by percentage) for each of the last financial years (where known) is:

Percentage

	Independent	*State*	*Others*
Naval Service			
1994–95	29	71	n/k
1995–96	20	80	n/k
1996–97	24	76	n/k
1997–98	25	73	2
1998–99	22	75	3

			Percentage
	Independent	*State*	*Others*
RAF			
1994–95	27	73	n/k
1995–96	23	77	n/k
1996–97	20	80	n/k
1997–98	n/k	n/k	n/k
1998–99	n/k	n/k	n/k

Note:
Since 1997–98, the RAF no longer record the type of secondary school that officer candidates have attended, but only the last educational establishment that they had been to which, in most cases, is a university or other college.

The education background of serving other ranks is not held centrally and can be obtained only at disproportionate cost.

Equal Opportunities

Mr. Stephen Twigg: To ask the Secretary of State for Defence if he will make a statement on his policy regarding equal opportunities for women, disabled people, ethnic minorities and those from social classes IIIM, IV and V in the armed forces. [106573]

Mr. Spellar: The Armed Forces Equal Opportunities goal, published in March 1999, is to achieve universal acceptance and application of a working environment free from harassment, intimidation and unlawful discrimination, in which all have equal opportunity, consistent with our legal obligations, to realise their full potential in contributing to the maintenance and enhancement of operational effectiveness. The armed forces respect and value every individual's unique contribution, irrespective of their race, ethnic origin, religion or gender and without reference to social background or sexual orientation.

Members of the armed forces are exempt from the employment provisions of the Disability Discrimination Act 1995. Disability or a history of disability is not compatible with the need for a combat effective fighting force, able to undertake a full range of military operations anywhere in the world. Service personnel disabled on duty are, depending on circumstances, allowed to continue to serve as long as such service will not undermine overall combat effectiveness. This approach reflects the Services' duty of care to the individual and allows them to benefit from the individual's experience and ensures a return on their training investment.

Depleted Uranium

Mrs. Mahon: To ask the Secretary of State for Defence what information British forces in Kosovo have given to the Kosovar population about measures to reduce exposure to the insoluble radioactive alpha-particles given off by depleted uranium dust. [106925]

Mr. Spellar: The health risks from DU have been assessed as low. It is unlikely that anyone other than those in an armoured vehicle penetrated by a DU projectile, or those spending prolonged periods within a few tens of metres of the point at which a DU penetrator had impacted with a hard target, would be exposed to large enough quantities of particulate material for them to receive a radiation dose greater than 20–30 millisieverts. For comparison purposes, the UK statutory annual dose limit for employees aged 18 years and over is 50 millisieverts. Consequently, I understand that no specific advice has been promulgated by UNMIK for civilians in Kosovo.

Mrs. Mahon: To ask the Secretary of State for Defence what information Her Majesty's Government have issued to the Government of the Federal Republic of Yugoslavia about the radioactive and chemical toxicity of depleted uranium weapons. [106926]

Mr. Spellar: None. We are not aware of anyone in the Federal Republic of Yugoslavia who might have been exposed to possible contamination from depleted uranium munitions.

Mrs. Mahon: To ask the Secretary of State for Defence (1) if the US Department of Defense has informed his Department of the location of areas in *(a)* Serbia and *(b)* Kosovo which are contaminated with depleted uranium as a result of NATO bombing; [106930]

(2) if he will list the areas believed to be contaminated by depleted uranium munitions dropped during the NATO bombing of Kosovo and Serbia. [106929]

Mr. Spellar: The UN Secretary General has requested that NATO make available more detailed information concerning the use of Depleted Uranium (DU) rounds in Kosovo, including locations of use. NATO staff are currently preparing this detailed information for release to the United Nations. I will write to my hon. Friend and a copy of my letter will be placed in the Library of the House.

Mrs. Mahon: To ask the Secretary of State for Defence what plans the Government have to decontaminate those areas in the former Yugoslavia affected by depleted uranium munitions. [106927]

Mr. Spellar: Reconstruction and remediation is primarily a matter for civil agencies within the international community rather than specifically for NATO or the MOD. However, British forces have played their part—particularly in the clearance of unexploded ordnance.

The UN report on the consequences for the environment of the Kosovo conflict was published on 5 October 1999. Preliminary radiation measures were taken from destroyed military vehicles and from around the heavily damaged Police Station and Post Office in Pristina. No indications of DU contamination were found, although the report acknowledges that this does not exclude the possibility of DU-contaminated areas elsewhere in Kosovo.

Kosovo

Mr. Key: To ask the Secretary of State for Defence how many British personnel are posted to operate Pristina airfield in Kosovo, broken down where appropriate *(a)* by military service and rank, *(b)* by Civil Service grade and *(c)* in the case of contractors, by company. [107088]

Mr. Spellar: As at 25 January, there were 196 UK service personnel directly involved in the operation of the airfield at Pristina. Of these, 18 were RAF officers, 34 were RAF senior non-commissioned officers, 143 were RAF other ranks and one was an Army other rank. There are no UK based civil servants or contractor employees directly involved in the operation of the airfield.

Underspends

Mr. Key: To ask the Secretary of State for Defence (1) for what reasons there were underspends in subsections *(a)* A2 and *(b)* B2, C2, D2, E2, F2, G2, H2 and J2 of the latest systems procurement and research account; [107086]

(2) for what reasons there were underspends in subsections *(a)* A2, B2 and C3 and *(b)* C2 of the latest Logistics Service Account; [107084]

(3) for what reasons there were underspends in subsections *(a)* A2, B2, C2, C4, E2, G2, H2, H3, H4, I4 and *(b)* B3, D2, D3, F2, F3 and I2 of the latest Operational and Support Costs Account. [107085]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Falklands

Mr. Ottaway: To ask the Secretary of State for Defence if he will make a statement on naval patrols in the Falkland Islands. [107247]

Mr. Spellar: Naval patrols in the Falkland Islands are undertaken by the Falkland Islands Guard Ship (currently HMS Somerset) and a Castle class Offshore Patrol Vessel (currently HMS Dumbarton Castle) supported by a Royal Fleet Auxiliary Vessel (currently RFA Grey Rover). The Guardship maintains a presence in the Falkland Islands area for most of the year, but can, on occasions, be held at longer notice to allow the ship to carry out other activities elsewhere. Other Naval assets also deploy to the area from time to time.

Mr. Ottaway: To ask the Secretary of State for Defence what plans he has to withdraw HMS Dumbarton Castle from the Falklands; and if he will make a statement. [107248]

Mr. Spellar: We have no plans to withdraw HMS Dumbarton Castle from the Falkland Islands.

Medical Services

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his recent letter to the hon. Member for Linlithgow, on medical services in the Forces, whether it was with his authority that a senior Admiralty officer made a statement on the condition of medical services in the Navy; and if he will make a statement. [107028]

Mr. Spellar: I have not authorised any senior naval officer to make a statement on medical services in the Royal Navy, nor have I been asked to do so. This Government have long recognised the problems we inherited in the Defence Medical Services (DMS), the most significant of which is the shortage of manpower. We are committed to ensuring that our Armed Forces have the medical support they require and, following the Strategic Defence Review, we have made an additional £140 million available for the DMS over the four years to 2001–02 for medical equipment and personnel. In December 1998, we announced a new strategy for the DMS, covering a range of measures, a key element of which is the creation of a Centre for Defence Medicine (CDM). The University Hospital Birmingham NHS Trust has been selected as the host Trust for the Centre which we plan to open in April 2001. As well as being the professional focus for the DMS, and providing clinical services, the CDM will be an important centre for military training and research and we believe it will encourage recruitment and retention of DMS personnel.

Northern Ireland

Rev. Martin Smyth: To ask the Secretary of State for Defence (1) what is his policy on the carrying of weapons for personal protection by members of the Territorial Army in Northern Ireland; [107138]

(2) how many members of the Territorial Army and Reserve forces have been *(a)* killed and *(b)* attacked by terrorists in Northern Ireland in the last 20 years; [107140]

(3) under what circumstances Territorial Army units from Northern Ireland are required to relinquish their weapons when undertaking training exercises in Scotland. [107139]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Nimrod Pilots

Mr. Robathan: To ask the Secretary of State for Defence how many serving RAF pilots are available and trained in date to fly the Nimrod aircraft. [107046]

Mr. Spellar: As at 25 January, there are 73 Nimrod pilots who are qualified and current. This figure is made up of 65 Nimrod MR2 pilots and eight Nimrod R1 pilots.

HOME DEPARTMENT

Immigration (Un-opened Mail)

Miss Widdecombe: To ask the Secretary of State for the Home Department what was the earliest postmarked date of unopened mail in the Immigration and Nationality Directorate on *(a)* 1 November 1999, *(b)* 1 December 1999 and *(c)* 1 January 2000; and how many items of mail remained unopened on each date. [105674]

Mrs. Roche: Significant and continuing improvements have been made in the handling of mail in the Immigration and Nationality Directorate.

Directly addressed applications for variation of leave are opened when they are initially processed, which now takes place within three days of receipt. The earliest postmarked dates and numbers of unopened items of this category of mail were as follows on the dates specified:

Date	*Earliest postmark*	*Unopened items*
1 November 1999	17 September 1999	12,000
1 December 1999	1 October 1999	7,500
1 January 2000	20 December 1999	3,500

Information on the postmarked dates of mail addressed to the Travel Documents Section is not available, but the numbers of unopened items were as follows.

Date	Unopened items
1 November 1999	1,573
1 December 1999	897
1 January 2000	461

Information on the unopened items and earliest postmarks of mail that was not directly addressed at the dates specified is not available. Since 1 November 1999, all mail which is not directly addressed has been sent to a Document Management Centre, where it is opened and sent to the correct location. All such mail items are currently opened and despatched on the date of receipt.

Departmental Fees

Mr. Matthew Taylor: To ask the Secretary of State for the Home Department if he will list the fees his Department, its agencies and associated public bodies collect; how much has been raised or it is anticipated will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [105999]

Mr. Straw: The fees received in years for which the information is readily available and for which reasonable future estimates can be made are given in the table.

Fee receipts: Home Office and associated public bodies

£000

Service	1992–93 [1]	1993–94 [1]	1994–95 [1]	1995–96 [1]	1996–97 [1]	1997–98 [1]	1998–99 [1]	1999–2000 [2]	2000–01 [2]
Immigration: Additional Service	378	588	806	1,347	1,627	1,620	972	882	n/a
Accommodation provided for non-Home Office bodies	65	96	101	150	106	62	131	190	29
Animals (Scientific Procedures) Act 1986, licences	1,964	2,109	2,028	2,049	3,432	2,398	2,297	2,354	n/a
Immigration Detention costs recovered from carriers	773	790	291	372	640	1,360	976	1,997	2,250
Crime Prevention Centre	90	60	67	80	92	127	84	93	95
Data Protection Registrar	7,820	4,471	3,226	7,072	5,057	6,067	6,182	6,302	6,414
Data Subject Access Requests	110	111	171	259	506	668	784	1,200	1,500
Emergency Planning College	55	201	325	482	496	767	948	970	1,200
Fire Service College	12,688	12,979	13,712	13,375	13,069	13,524	14,296	13,956	14,654
Forensic Science Service	24,662	25,755	28,653	31,188	50,839	59,732	68,138	74,506	81,122
Gaming Board for Great Britain: Gaming	3,292	3,347	3,115	3,508	3,142	3,054	3,015	3,161	3,379
Lotteries [3]	n/a	n/a	228	243	275	294	293	304	304
HMIC—Inspection of non Home Office police forces	102	0	98	0	170	215	202	183	n/a
Licences issued under the Misuse of Drugs Act 1971	319	359	409	432	390	494	494	570	n/a
Nationality fees	4,424	5,537	5,560	5,433	5,747	5,615	7,608	6,462	6,500
UK Passport Agency	71,321	89,261	87,354	91,061	88,923	78,249	89,600	95,800	116,300
Police Promotion Exams Board	13	53	36	58	60	59	64	51	41
Police Staff College	1,184	1,250	1,473	1,087	1,194	1,057	1,137	1,459	n/a
Police Training Centres	794	1,024	944	776	637	580	1,122	995	n/a
Specialist Crime Centre	1	0	1	1	0	0	1	1	1
Travel Documents	173	323	514	514	736	640	462	420	1,423

[1] Actual
[2] Estimate
[3] The fee receipts from Lotteries are included with those from Gaming until 1994–95

At present, receipts from every on-Vote service are treated wholly or partly as negative expenditure by the Department.

Naturalisation Applications

Dr. Starkey: To ask the Secretary of State for the Home Department in each of the last five years, how many applications for naturalisation were *(a)* made, *(b)* decided on and *(c)* outstanding at the year end; and what was the average time taken to process an application in each year. [106046]

Mrs. Roche: The information requested for naturalisation applications is given in the table.

Year	Applications received	Decisions (grants and refusals)	Outstanding at year end	Average waiting time (months)
1995	19,736	31,143	[1]n/a	13.6
1996	26,134	33,084	[1]n/a	14.8
1997	22,365	26,199	[1]n/a	16.8
1998	41,966	42,219	[1]n/a	19.9
1999	38,478	41,487	[1]n/a	20.4

[1] Information is not available in the form requested, as applications are not always completed in the year of receipt.

Currency Counterfeiting

Mr. Bercow: To ask the Secretary of State for the Home Department (1) if he will make a statement on Council Decision 1999/C 322/04 (C322 of 10 November 1999), with reference to the *(a)* manner of legislative implementation in the United Kingdom and *(b)* consequences for extradition arrangements; [106403]

(2) what assessment he has made of the impact on UK law of the German initiative on increasing penal sanctions against counterfeiting the euro, set out in document 11302/99 of 5 October 1999; what court of law would try UK cases; and what supreme court would take final appeals. [106429]

Mr. Charles Clarke: An amended version of Germany's initiative on increasing penal sanctions against counterfeiting the Euro was "agreed in substance" at the Justice and Home Affairs Council in December. The text agreed was similar to that deposited for scrutiny with the House in November (reference: 12585/99). The text did not receive final approval at the Council because a number of member states, including the United Kingdom, held parliamentary scrutiny reservations, and because the European Parliament had not yet given its opinion. The Council hopes to adopt the Framework Decision in March.

The draft Framework Decision, as provisionally agreed in December, contains three main legislative implications for the United Kingdom. First, the United Kingdom would be required to ensure that pre-circulation Euro notes and coins are covered by United Kingdom legislation. This requirement would be met by Part I of the Forgery and Counterfeiting Act 1981 in relation to pre-circulation Euro notes, and Part II of the 1981 Act in relation to pre-circulation Euro coins. The Forgery and Counterfeiting (Protected Coins) Order (1999) designates Euro coins as protected coins within the meaning of Section 27(1) of the 1981 Act. Second, the United Kingdom would be required to take jurisdiction over counterfeiting offences committed in whole or in part within the United Kingdom's jurisdiction. The Government intend to meet this requirement through an amendment to Part I of the Criminal Justice Act 1993. Finally, should the United Kingdom adopt the Euro, the United Kingdom would be required to take universal jurisdiction for cases of counterfeiting of the Euro (i.e. to empower United Kingdom courts to try offences of counterfeiting of the Euro which had been committed anywhere in the world).

Cases of counterfeiting of the Euro within the United Kingdom's jurisdiction, like all other criminal offences, would be tried by United Kingdom courts, and the normal avenues of appeal would apply. I do not expect the draft Framework Decision to have any consequences for the United Kingdom's extradition arrangements.

Schengen Information System

Mr. Bercow: To ask the Secretary of State for the Home Department which delegation has stated its objection to the UK partial participation in the Schengen Information System; and if he will make a statement. [106423]

Mrs. Roche: It is not our practice to disclose the negotiating positions of member states. Following discussion at the Justice and Home Affairs Council on 3 December of the United Kingdom's application to participate in parts of the Schengen acquis, no objections remain to the United Kingdom's partial participation in the Schengen Information System.

Prison Service

Jackie Ballard: To ask the Secretary of State for the Home Department what criteria govern decisions by the Prison Service to make out-of-court settlements; and what changes there have been to these criteria in the last 10 years. [106141]

Mr. Boateng: In deciding to settle out-of-court, the Prison Service will take professional advice as to the likelihood and financial implications of the claim succeeding, and will normally agree to settle out-of-court those cases where it considers the claim is likely to succeed and the proposed settlement figure is at or below the level a court is likely to award. Savings in costs are also taken into account, as are any wider operational or public policy implications of the case.

This approach has not changed over the last 10 years, but in handling claims the Prison Service has of course taken into account developments in the law and the civil justice system. The Woolf reforms to civil justice encourage out of court settlements.

Jackie Ballard: To ask the Secretary of State for the Home Department how often the Prison Service has made out-of-court settlements; and how much was paid, in each case, in each year since 1990. [106142]

Mr. Boateng: This information is not available and could be obtained only at disproportionate cost.

Jackie Ballard: To ask the Secretary of State for the Home Department what is the average weekly cost per inmate of imprisonment in each category of prison for each year since 1990. [106112]

Mr. Boateng: The average weekly cost per prisoner in each category of prison is listed in the tables in cash terms and at 1992–1993 prices, when the Prison Service became an Executive Agency. Data have been obtained from the Prison Service Annual Reports and Accounts.

Cost per prisoner cash

Cost per prisoner (weekly)	*1990–91*	*1991–92*	*1992–93*	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*
Local prisons and remand centres	408	437	526	442	449	435	396	369	398
Dispersal prisons	636	807	816	661	681	656	704	702	753
Category B training	388	438	518	405	417	458	429	396	423
Category C training	317	363	387	337	352	342	329	313	327
Adult male open	313	316	331	270	283	323	325	310	325
Young offender closed	410	452	492	416	417	385	362	346	363
Young offender open	570	551	634	474	457	477	463	481	491
Young offender remand	—	—	—	—	421	451	421	365	354	402
Male juvenile	—	—	—	—	—	—	—	—	—	684
Female establishments (combined)	583	629	657	541	513	—	—	—	—	—
Local female	—	—	—	—	—	581	540	544	533
Closed female	—	—	—	—	—	502	475	467	563
Open female	—	—	—	—	—	385	321	310	333

Cost per prisoner 1992–93 prices

Cost per prisoner (weekly)	*1990–91*	*1991–92*	*1992–93*	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*
Local prisons and remand centres	467	464	526	430	432	406	358	325	339
Dispersal prisons	728	857	816	644	654	612	636	617	641
Category B training	444	465	518	395	400	427	388	348	360
Category C training	363	386	387	329	338	320	297	276	278
Adult male open	358	336	331	263	272	302	294	272	277
Young offender closed	470	480	492	405	400	359	327	304	309
Young offender open	653	585	634	462	439	445	419	423	418
Young offender remand	—	—	—	410	434	393	330	311	342
Male juvenile	—	—	—	—	—	—	—	—	583
Female establishments (combined)	668	668	657	527	493	—	—	—	—
Local female	—	—	—	—	—	542	489	479	454
Closed female	—	—	—	—	—	468	430	411	480
Open female	—	—	—	—	—	359	290	272	284

Notes:
1. A dash indicates that no comparable data are available.
2. Data have been obtained from the Annual Report and Accounts in the years concerned.
3. Where weekly figures are not available in the reports they have been derived by dividing the annual outturn by 52 weeks.
4. Establishments have been categorised by their main role only.

Prisons

Jackie Ballard: To ask the Secretary of State for the Home Department (1) how many new prisons are planned to open in the next five years; what each will cost; how many places will be provided; and who will manage them; [106117]

(2) how many new prisons have been *(a)* constructed and *(b)* commissioned since 1990; at what cost; and who manages each prison. [106118]

Mr. Boateng: The information requested is set out in the tables.

New prisons constructed and commissioned since 1990

A: Construction managed by the public sector

£ million

Prison	*Opening date*	*Cost of construction* [1]	*Operator*
Belmarsh	1991	159	Prison Service
Moorland	1991	54	Prison Service
Whitemoor	1991	57	Prison Service
Brinsford	1991	45	Prison Service
Elmley	1992	83	Prison Service
Bullingdon	1992	64	Prison Service
Wolds	1992	37	Group 4
Holme House	1992	66	Prison Service
Woodhill	1992	118	Prison Service
Highdown	1992	91	Prison Service
Lancaster Farms	1993	73	Prison Service
Blakenhurst	1993	91	[2]U.K.D.S.
Doncaster	1994	92	[3]P.P.S.
Buckley Hall	1994	20	Group 4
The Weare	1997	13	Prison Service

B: Constructed and managed by the private sector under PFI

£ million

Prison	*Opening date*	*NPV cost of contract* [4]	*Operator*
Parc	November 1997	266	Securicor
Altcourse	December 1997	247	Group 4
Lowdham Grange	February 1998	137	[3]P.P.S.

B: Constructed and managed by the private sector under PFI

£ million

Prison	*Opening date*	*NPV cost of contract* [4]	*Operator*
Ashfield	November 1999	121	[3]P.P.S.
Forest Bank	January 2000	197	[2]U.K.D.S.

[1] The Construction Costs are actual costs at the time of construction, ie they have not been adjusted to present day values

[2] United Kingdom Detention Services

[3] Premier Prison Services

[4] The "Cost at NPV" is the total cost of designing, constructing, financing and managing the prison over the 25 year life of the contract, expressed in Net Present Value (NPV) terms

Prisoners (Self-harm)

Jackie Ballard: To ask the Secretary of State for the Home Department how many incidents of self-harm were recorded by people held in *(a)* court cells and *(b)* on prison escort, in each of the last five years. [106113]

Mr. Boateng: Information systems used by the Prison Service do not allow a differentiation between incidents of self-harm committed by people in court cells and on prison escort. The information available on self-harm incidents of people while on prison escort undertaken by private sector companies acting under contract to the Prison Service is the total number reported to the incident management support unit (IMSU) in Prison Service headquarters. These figures are given in the table.

Care should be taken when interpreting the data because, although the majority of incidents of self-harm occur while in court, some incidents do take place in cellular vehicles. In addition, it should be noted that responsibility for the escorting of prisoners to and from court was progressively contracted out in England and Wales between April 1993 and August 1997. Consequently, the figures for 1995–96 and 1996–97 are low because incidents involving prisoners under escort by prison staff would have been recorded against the establishment involved, while those relating to prisoners in police custody would have been collected locally.

Reported incidents of self-harm by people while on prison escort 1995–96 to 1999–2000

Year	*Total*
1995–96	16
1996–97	57
1997–98	145
1998–99	156
1999–2000[1]	184

[1] As at 19 January 1999

Notes:

1. These data are derived from information provided by escort contract monitors to the Incident Management Support Unit (IMSU) in Prison Service Headquarters.
2. Incidents do not necessarily equate to numbers of prisoners as an individual prisoner may self-harm on more than one occasion.
3. Statistics on self-harm are collated on a financial year basis.

Prison Mother and Baby Units

Jackie Ballard: To ask the Secretary of State for the Home Department what is the weekly cost of accommodating an inmate in each of the mother and baby units in the United Kingdom. [106143]

Mr. Boateng: At present no separate budget is allocated to the mother and baby units. The cost of running the unit is met from the individual establishment's central budget. Mother and baby units (MBUs), do not have a standard cost as the physical accommodation offered is different in each one. Additionally, the regimes offered differ from prison to prison depending on its security category and its function within the female estate. The information requested is given in the table.

	Prisoner places	*Open/closed*	*Weekly cost per prisoner place on MBUs (£)*
Askham Grange	20	Open	731
Holloway	13	Closed	751
New Hall	9	Closed	742
Styal	20	Closed	628

Prison Suicides

Jackie Ballard: To ask the Secretary of State for the Home Department how many suicides of prisoners have occurred *(a)* in prisons and *(b)* while on escort from prisons; and if he will indicate the company responsible for the escort at the time in each of the last five years. [106114]

Mr. Boateng: The information requested is given in the table.

Year	*Total number of self-inflicted deaths*	*Number of self-inflicted deaths while on escort from prisons*	*Contractor*
1995	59	0	—
1996	64	1	Group 4 Court Services
1997	68	2	Securicor Custodial Services Premier Prison Services
1998	82	0	—
1999	91	5	Group 4 Court Services (x3) Securicor Custodial Services (x2)
2000[1]	3	0	—

[1] As at 19 January 1999

Notes:

1. The term employed by the Prison Service in England and Wales to refer to an apparent suicide is "self-inflicted death". This is broader than the term suicide and includes all those deaths where it is clear that the person has acted specifically to take his/her own life. It is not restricted to the official verdict from the Coroner's inquest, where verdicts of "suicide", "open" or "misadventure" may be recorded in cases where there was doubt about a person's intent to end their life.
2. Self-inflicted deaths while on escort from prisons are included in the overall annual figures shown in the table.

Prison Places

Jackie Ballard: To ask the Secretary of State for the Home Department how many places have been made available in each new prison opened since 1990. [106139]

Mr. Boateng: Since 1990, 20 new prisons have opened. These are listed in the table along with the calendar year of opening and the number of prisoner places available on 17 December 1999, the latest date for which official figures are available. The figure for Forest Bank, which opened last week, is provisional.

Prison	*Year opened*	*Prisoner places*
Belmarsh	1991	869
Moorland	1991	779
Whitemoor	1991	408
Brinsford	1991	509
Elmley	1992	950
Bullingdon	1992	891
Wolds	1992	405
Holme House	1992	971
Woodhill	1992	781
High Down	1992	714
Lancaster Farms	1993	536
Blakenhurst	1993	850
Doncaster	1994	1,111
Buckley Hall	1994	390
Weare	1997	400
Parc	1997	920
Altcourse	1997	860
Lowdham Grange	1998	524
Ashfield	1999	400
Forest Bank	2000	800

EU Mutual Assistance Convention

Mr. Bercow: To ask the Secretary of State for the Home Department if he will make a statement on his policy on Article 18 of the Draft Convention on Mutual Assistance in Criminal Matters, between the member states of the European Union, with special reference to the legal status of UK amendments and declarations. [106395]

Mr. Charles Clarke: On 2 December 1999 the Justice and Home Affairs Council agreed a legally-binding Declaration on the scope of Article 18 of the draft Convention on Mutual Assistance in Criminal Matters between the member states of the European Union. This makes clear that, in the United Kingdom, Article 18 will apply to interception warrants issued by the Secretary of State to the Police Service and Her Majesty's Customs and Excise for the purpose of the detection of serious crime. The Declaration also applies Article 18 to interception warrants issued to the Security Service for this purpose (in accordance with its remit under the Security Service Act 1996).

Mr. Bercow: To ask the Secretary of State for the Home Department what number of intercepts his Department estimates will be requested annually, by member states, under the Convention on Mutual Assistance in Criminal Matters; and if he will break down that estimate by category of criminal activity. [106397]

Mr. Charles Clarke: It is not possible to provide a meaningful estimate of the number or category of requests since this will be determined by the requirements of other member states once the draft Convention is agreed and ratified. However, any request for mutual legal assistance to intercept the communications of a person in the United Kingdom will need to meet the criteria for issuing a warrant for the purpose of the prevention or detection of serious crime under the United Kingdom's legislation on interception of communications.

Serious crime is defined in the Interception of Communications Act 1985 as conduct which, if it took place in the United Kingdom, would constitute one or more offences if, and only if:

> it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose; or
>
> the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more.

Mr. Bercow: To ask the Secretary of State for the Home Department if he will deposit the Commission paper on Article 17 of the Draft Convention on Mutual Assistance in Criminal Matters, which was examined by the Article 36 Committee on 9 and 10 November 1999, in the Library; and if he will make a statement on the *(a)* role and *(b)* composition of the Committee. [106396]

Mr. Charles Clarke: I am depositing the paper produced by representatives of the European Commission in the Library.

The Article 36 Committee was established under Article 36 of the Treaty on European Union (TEU) as a co-ordinating body. The committee's terms of reference are limited to police (including customs) and judicial co-operation in criminal matters. It gives opinions for the attention of the Justice and Home Affairs Council and (with COREPER) contributes to preparation of Council discussions. The committee is composed of senior officials of the member states and the European Commission.

Firearms

Mr. William Ross: To ask the Secretary of State for the Home Department (1) on what date Mr. Winser ACC Cambridge Constabulary chaired the first meeting of the working group into the National Firearms Database set up under the Association of Chief Officers Sub-committee (group) on the administration of firearms licensing; [106416]

(2) if he will place in the Library copies held by his Department of all documents, letters, agendas and minutes provided by the Association of Chief Officers Sub-committee (group) on the administration of firearms licensing since 1996; [106412]

(3) if he will place in the Library a copy of the names of the current membership of the Association of Chief Officers Sub-committee (group) on the administration of firearms licensing, giving the names of their forces and the dates on which they took up positions on that committee. [106413]

Mr. Charles Clarke: The arrangements made for appointing members and for managing and publishing the work of the Sub-committee on the Administration of Firearms and Explosives Licensing and any associated working groups are matters for the Association of Chief Police Officers.

Mr. William Ross: To ask the Secretary of State for the Home Department if he will place copies in the Library of the reports compiled by the PNC directorate into the resource and financing implications of the National Firearms Database computerisation. [106417]

Mr. Charles Clarke: A realistic estimate of the resource and finance implications for this database can be compiled only when a detailed impact assessment has been completed. The Police Information Technology Organisation plans to begin work on this assessment in February and to complete it in April. It will be placed in the Library as soon as it is available.

Mr. William Ross: To ask the Secretary of State for the Home Department in relation to the implementation of section 39 of the Firearms (Amendment) Act 1997 *(a)* who is responsible for the problem, *(b)* who are the stakeholders and *(c)* what are the success criteria; and if he will make a statement. [106419]

Mr. Charles Clarke: As indicated in the reply I gave to the hon. Gentleman on 18 January 2000, *Official Report*, column 370W, the Act does not specify the person or organisation which is to provide the central register referred to in section 39. When completed, the register will form part of the PHOENIX database and the principal stakeholders will be the police service and the Police National Computer Directorate. The success criteria will be the establishment of a computer system accessible on-line to all police forces and containing details of all persons who have applied for a firearm or shotgun certificate or to whom a firearm or shotgun certificate has been granted or whose certificate has been renewed. It is not possible at this stage to give a firm date but it is hoped that the system will be up and running by the summer of 2001.

Mr. William Ross: To ask the Secretary of State for the Home Department if he will place a copy in the Library of the user requirement of the Central National Firearms Database, indicating the date when it was drafted. [106415]

Mr. Charles Clarke: A copy of the user requirement was placed in the Library in March 1999 shortly after it was finalised.

Mr. William Ross: To ask the Secretary of State for the Home Department if he will list the dates of all meetings attended by Mr. Paul Pugh of the Home Office OPPU and his deputies since January 1997 concerning the proposed implementation of the computerisation of the National Firearms Database requirement contained in

section 39 of the Firearms (Amendment) Act 1997; and if he will place copies of all such documents produced and discussed in the Library. [106414]

Mr. Charles Clarke: Apart from a presentation which was given by the Police National Computer Directorate at Hendon on 11 February 1997, no staff of the Operational Policing Policy Unit (OPPU) have attended specific meetings to discuss the proposed implementation of the database. The initial work to establish the database was undertaken by a working group set up under the auspices of the Association of Chief Police Officers Sub-Committee on the Administration of Firearms and Explosives Licensing, on which OPPU is not represented. We have no plans to place ephemeral papers considered by the group in the Library, but copies of final documents such as the user requirement and detailed impact assessment have been or will be made available in this way.

Mr. Gill: To ask the Secretary of State for the Home Department how many crimes involving firearms were committed in each of the past 10 years. [106313]

Mr. Charles Clarke: The information requested was published in an Annexe to the statistical bulletin "Firearm Certificate Statistics, England and Wales 1998" on 26 November 1999. A copy is in the Library.

Mr. William Ross: To ask the Secretary of State for the Home Department if he will list the *(a)* software and *(b)* hardware systems used by the *(a)* City of London, *(b)* Cumbria, *(c)* Dorset, *(d)* Humberside, *(e)* Norfolk and *(f)* West Mercia police forces to hold the register of privately held firearms and persons holding firearms certificates; and if he will place a copy of the functional specification and user guide of each system in the Library. [106768]

Mr. Charles Clarke: As indicated in my reply of 18 January 2000, *Official Report*, column 370W, the functional specifications and user guides of systems used by the police to record details of firearm certificate holders are not held centrally.

Mr. William Ross: To ask the Secretary of State for the Home Department, pursuant to his answer of 18 January 2000, *Official Report*, column 370W, on firearms what steps he *(a)* has taken and *(b)* is taking to ensure full compliance with section 39 of the Firearms Amendment Act 1997; for what reasons the system is not in full operation; and if it has been piloted. [106772]

Mr. Charles Clarke: Development of the national firearms database currently features in the Police Information Technology Organisation's business plan for 2000–01. Development could not have begun earlier because the resources available were required for projects of even higher priority. It has not been piloted and the next step is to carry out a detailed impact assessment which should be completed in April. It is not possible to give a firm implementation date at this stage but it is hoped that the system will be in place by the summer of 2001. I propose to monitor the situation carefully.

Mike Tyson

Mr. Caton: To ask the Secretary of State for the Home Department what factors he took into account in deciding to permit Mr. Mike Tyson to enter the United Kingdom on compassionate grounds. [106457]

Mr. Baker: To ask the Secretary of State for the Home Department if he will set out the compassionate grounds for exempting Mr. Mike Tyson from refusal of entry to the UK. [106651]

Mr. Straw *[holding answer 25 January 2000]:* There were no compassionate grounds in relation to Mr. Tyson which affected my decision to admit him. In reaching my decision one of the factors to which I gave particular weight was the lack of consistency in the effect of the Immigration Rules. I also considered the likely effect of cancellation of the fight on those who had already purchased tickets and smaller enterprises and individuals who were probably least able to bear any losses.

I weighted these factors against the nature and seriousness of Mr. Tyson's convictions and I decided on balance that the exceptional circumstances of this case were such that Mr. Tyson should be granted entry solely for the purpose of participating in the scheduled sporting event. This decision was made in accordance with the Immigration Act 1971 and the Immigration Rules.

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Aylesbury (Mr. Lidington) of 18 January 2000, *Official Report*, columns 368–69W, on Mr. Mike Tyson, if he will list the companies and individuals with a direct or indirect interest in the promotion, whose comments formed part of the representations from Mr. Frank Warren. [106975]

Mr. Straw: In addition to his own letter, Mr. Warren's representations to the Immigration Service of 12 January consisted of 25 pages of copies of requests for media accreditation for the boxing match and 32 other letters from companies and individuals, either associated with the sports and leisure industry or the sport of boxing, including boxers due to fight in Manchester on 29 January.

As a matter of practice, representations made to the Immigration and Nationality Department about individual cases are treated in confidence.

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Aylesbury (Mr. Lidington) of 18 January 2000, *Official Report*, column 417W, what representations he received from BSkyB *(a)* directly and *(b)* indirectly in respect of Mr. Mike Tyson's application to enter the country. [106977]

Mr. Straw: Representations were submitted to the Immigration Service by Mr. Frank Warren, the promoter of the event. He referred in these representations to the investment in the promotion by television networks including Showtime in the United States of America and BSkyB in this country. I considered these factors but I did not regard them as relevant to the decision I took.

In reaching my decision to admit Mr. Tyson one of the factors to which I gave most particular weight was the lack of consistency in the effect of the relevant Immigration Rule, as well as the likely effect of cancellation of the fight on those who had already purchased tickets and smaller enterprises and individuals who were probably least able to bear any losses.

Mr. Lidington: To ask the Secretary of State for the Home Department if he will state *(a)* the number of officers involved in policing the visit of Mr. Mike Tyson

to Brixton, *(b)* the cost of policing Mr. Tyson's visit and *(c)* how much he has asked Mr. Tyson and his promoters to contribute towards that cost. [107081]

Mr. Charles Clarke: The Commissioner of Police of the Metropolis informs me that a total of 82 police officers were involved in policing the visit of Mike Tyson to Brixton on 21 January. The net additional manpower costs of these officers was approximately £9,700. I understand that the Lambeth borough Commander did not regard the policing of this event as a "special service" and therefore did not seek a contribution from Mr. Tyson or his promoters.

Mr. Lidington: To ask the Secretary of State for the Home Department how many police officers were on duty in Brixton at 3 p.m. on *(a)* 14 January, *(b)* 21 January and *(c)* 15 January; and if he will make a statement. [107080]

Mr. Charles Clarke: The Commissioner of Police of the Metropolis informs me that the number of uniformed officers available for routine patrol duties in Brixton at 3pm on these dates were as follows: *(a)* 14 January, 56; *(b)* 21 January, 25 with another 82 officers specifically deployed for the policing of the visit of Mike Tyson; *(c)* 15 January, 42.

Asylum Seekers

Mr. Lidington: To ask the Secretary of State for the Home Department what consultations his Department has held with the Scottish Executive on the *(a)* dispersal of asylum seekers and *(b)* designation of reception zones. [107074]

Mrs. Roche: Officials in my Department have kept in regular contact with officials in the Scottish Executive to discuss a range of issues concerning the dispersal programme for asylum seekers.

Hunting (Committee of Inquiry)

Mr. Michael J. Foster: To ask the Secretary of State for the Home Department who appointed the members of the Committee of Inquiry into the Impact of Hunting with Dogs in England and Wales. [106770]

Mr. Mike O'Brien: The members of the Committee of Inquiry were appointed by my right hon. Friend, the Home Secretary, following consultation with the noble Lord Burns, the chairman of the inquiry team.

Police Funding

Mr. Alan Campbell: To ask the Secretary of State for the Home Department how he plans to allocate police grant in 2000–01; and what the final funding allocations for police authorities will be for that year. [107555]

Mr. Straw: I have today, laid before the House, the Police Grant Report (England and Wales) 2000–01 (HC 169). The Report sets out my determination for 2000–01 of the aggregate amount of grants that I propose to pay under section 46(2) of the Police Act 1996, and the amount to be paid to each police authority including the Receiver for the Metropolitan Police District.

Funding allocations for each police authority in England for 2000–01 are set out in the table. The table also shows allocations approved by Parliament for 1999–2000. Final funding allocations for police authorities in Wales will be announced shortly when the National Assembly for Wales publishes Standard Spending Assessment determinations for Welsh authorities.

Allocation [1] (£ million)

Police Authority	*1999–2000*	*2000–01*
English Shire forces		
Avon and Somerset	168.4	173.7
Bedfordshire	61.4	64.1
Cambridgeshire	74.8	77.2
Cheshire	109.0	111.9
Cleveland	81.7	84.7
Cumbria	60.1	62.2
Derbyshire	102.1	105.4
Devon and Cornwall	174.3	178.9
Dorset	70.1	72.4
Durham	81.3	83.9
Essex[4]	163.0	174.8
Gloucestershire	62.4	63.5
Hampshire	194.5	202.7
Hertfordshire[4]	100.0	117.2
Humberside	113.0	116.9
Kent	183.1	191.2
Lancashire	178.2	185.3
Leicestershire	102.3	105.6
Lincolnshire	63.4	65.4
Norfolk	83.4	86.5
North Yorkshire	77.6	79.7
Northamptonshire	65.3	67.7
Nottinghamshire	126.3	130.0
Staffordshire	113.0	116.8
Suffolk	68.6	70.9
Surrey[4]	91.9	112.8
Sussex	166.4	172.4
Thames Valley	224.6	231.7
Warwickshire	52.2	54.3
West Mercia	113.0	117.2
Wiltshire	64.9	66.7
English Metropolitan forces		
Greater Manchester	375.7	386.1
Merseyside	236.3	242.3
Northumbria	213.0	218.4
South Yorkshire	171.3	177.2
West Midlands	380.6	392.7
West Yorkshire	286.3	297.1
London forces		
Metropolitan Police[2,4]	1,743.9	1,731.2
City of London[3]	55.4	56.4
English Total	6,852.8	7,045.1

[1] Rounded to the nearest £100.000. The Allocation is the sum of: Police Grant Transitional Grant, Police SSA Capital Finance SSA, SSA Reduction Grant and Central Support Protection Grant.

[2] Figure for the Metropolitan Police does not include funding allocated to the Receiver under the Environmental, Protective and Cultural Services SSA for school crossing patrols, Magistrates' Courts and the Probation Service. It does include its Special Payment.

[3] Figure for the City includes Police SSA, Grant and SSA Reduction Grant, but excludes other SSAs (e.g. Capital Financing) and Central Support Protection Grant. These are allocated to the Common Council of the City of London as a whole in respect of all its functions.

[4] These authorities will be effected by the changes to police force boundaries around London on 1 April 2000. To provide comparison, indicative 1999–2000 totals for these authorities as on the new boundaries are Essex: £169.8 million, Hertfordshire: £114.3 million, Surrey: £113.6 million and Metropolitan Police. £1,701.9 million.

Security Services

Mr. Leslie: To ask the Secretary of State for the Home Department when he will respond to the Home Affairs Committee's Third report of Session 1998–99 on the Accountability of the Security Service; and if he will make a statement. [107649]

Mr. Straw: The Government will respond tomorrow by way of a Command Paper.

Passports

Mr. Lidington: To ask the Secretary of State for the Home Department if he will estimate the full economic unit cost performance of the UK Passport Agency's passport unit in *(a)* actual and *(b)* real terms for (i) 1999–2000, (ii) 2000–01 and (iii) 2001–02. [107078]

Mrs. Roche: The latest estimate of the Passport Agency's actual full economic unit cost, as indicated in Annexe B of the Passport Agency's Corporate and Business Plan 1999–2002 which was published on 6 December 1990, is shown in the table. The real terms figures are at 1999–2000 prices.

£

	1999–2000	*2000–01*	*2001–02*
Actual Terms	15.37	17.22	17.45
Real Terms[1]	15.37	16.80	16.61

[1] 1999–2000 prices

Mr. Lidington: To ask the Secretary of State for the Home Department if it is his objective that passport applications should in future be available at the Passport Agency's public counters; and what is his timetable for attaining that objective. [107073]

Mrs. Roche: Passport applications can already be made at the public counters of individual passport offices. All the Passport Agency's public counter areas also have a stock of application forms, available to customers.

Mr. Lidington: To ask the Secretary of State for the Home Department what plans he has to introduce a tiered service for passport applicants of the kind outlined by the Chief Executive of the Passport Agency on pages 2 and 3 of "A Blueprint for the Future". [107071]

Mrs. Roche: Subject to the results of market research the Passport Agency plans to introduce, by early 2001, a fast track service for people applying through the Passport Agency's partners and at counters, and a premium service, for counter service callers only, to meet urgent travel requirements.

Mr. Lidington: To ask the Secretary of State for the Home Department when the level of productivity of the Passport Agency's PASS system will match that of the PIMIS system. [107075]

Mrs. Roche: Passport Application Support System (PASS) productivity should match that of the Passport Issuing and Management Information System (PIMIS) by this summer.

Mr. Lidington: To ask the Secretary of State for the Home Department if he will publish a version of the table showing the Passport Agency's income and expenditure printed in page 19, paragraph 5.3 of the Agency's current corporate and business plan which takes account of the income and expenditure relating to the proposed new Passport Office in Durham. [107076]

Mrs. Roche: The table showing the Passport Agency's income and expenditure which is printed in page 19, paragraph 5.3 of the Agency's Corporate and Business plans 1999–02 already takes account of the income and expenditure relating to the proposed new passport office in Durham.

Passport services—Income and expenditure

	Turnover (£ million)	*Resource expenditure (£ million)*	*Surplus (intended to cover FCO costs) (£ million)*	*Units costs (£)*	*Staff (FTE)*
1998–99					
Outturn	89.6	57.5	32.1	12.13	1,778
1999–2000					
Forecast in March 1999	93.8	72.8	21.0	14.00	1,950
Current projection	98.1	86.1	12.0	15.37	2,100
2000–01					
Latest projection	116.3	86.1	30.2	17.22	2,200
2001–02					
Latest projection	116.3	87.3	29.0	17.45	2,200

Integrated Casework Directive

Mr. Lidington: To ask the Secretary of State for the Home Department if he will place in the Library the figures for the analysis of the work of the Integrated Casework Directorate which he placed in the Library in graph form as part of his answer of 13 December 2000, *Official Report*, column 1W, on the Integrated Casework Directive; and if he will update those figures to the present date. [107091]

Mrs. Roche: I have placed in the Library a table giving a breakdown of the weekly output of the Integrated Casework Directorate (ICD) in the four categories against which the recovery of the ICD's business would be measured in the first instance, from 1 January 1999 to the week ending 14 January 2000.

ICD—overall BMA output 1999–2000

BMA category	1998[1]	January 1	8	15	22	29	February 5	12	19	26	March 5	12
a General/Settlement casework	4,100	52	494	856	805	981	1,288	1,926	2,141	2,563	3,272	3,030
c Asylum 1st Decisions	650	0	25	142	159	192	230	246	173	228	185	362
d Asylum Appeals despatched to I.A.A	250	0	0	37	59	59	91	127	126	118	143	134
h European	250	0	0	26	23	35	45	115	95	156	197	222
Total	5,250	52	519	1,061	1,046	1,267	1,654	2,414	2,535	3,065	3,797	3,748

	March 20	27	April 3	10	17	24	May 1	8	15	22	29	June 5
a General/Settlement casework	2,801	4,068	3,150	2,769	3,550	4,150	3,471	3,028	3,474	4,133	4,020	3,400
c Asylum 1st Decisions	250	226	268	284	351	575	557	400	964	1,013	1,072	1,014
d Asylum Appeals despatched to I.A.A	180	178	75	134	130	143	140	184	201	178	241	193
h European	179	187	272	165	213	239	122	140	292	247	185	86
Total	3,410	4,659	3,765	3,352	4,244	5,107	4,290	3,752	4,931	5,571	5,518	4,693

	June 12	19	26	July 3	10	17	24	31	August 7	14	21	28
a General/Settlement casework	3,521	3,252	4,611	3,539	3,686	3,153	4,020	3,602	2,955	3,847	4,643	4,607
c Asylum 1st Decisions	1,091	1,141	860	1,066	655	451	652	685	833	711	807	710
d Asylum Appeals despatched to I.A.A	231	260	253	269	243	262	290	254	215	164	153	102
h European	94	168	117	313	341	562	734	599	399	411	404	191
Total	4,937	4,821	5,841	5,187	4,925	4,428	5,696	5,140	4,402	5,133	6,007	5,610

	September 4	10	17	24	October 1	8	15	22	29	November 5	12	19
a General/Settlement casework	4,093	4,366	5,772	4,387	5,519	5,422	5,624	6,616	4,894	6,029	5,256	5,969
c Asylum 1st Decisions	690	587	607	493	687	592	628	565	567	554	469	615
d Asylum Appeals despatched to I.A.A	158	186	224	250	146	163	176	118	142	87	135	128
h European	162	115	99	177	133	128	161	67	158	140	165	228
Total	5,103	5,254	6,702	5,307	6,485	6,305	6,589	7,366	5,761	6,810	6,025	6,940

	Nov. 25	December 3	10	17	24	31	January 7	14
a General/Settlement casework	6,105	5,790	6,021	5,059	1,526	3,280	3,831	5,759
c Asylum 1st Decisions	620	681	525	638	95	523	547	870
d Asylum Appeals despatched to I.A.A	146	135	125	142	132	31	109	110
h European	280	206	222	237	0	7	108	202
Total	7,151	6,812	6,893	6,076	1,753	3,841	4,595	6,941

[1] Agreed average

Commission for Racial Equality

Mr. Lidington: To ask the Secretary of State for the Home Department when Sir Herman Ouseley will retire as Chairman of the Commission for Racial Equality; and when he will announce the name of his successor. [107072]

Mr. Mike O'Brien: Sir Herman Ousely is scheduled to retire as Chairman of the Commission for Racial Equality on 31 January 2000. My right hon. Friend, the Home Secretary, expects to announce his successor shortly.

UK Passport Agency (Sick Leave)

Mr. Lidington: To ask the Secretary of State for the Home Department what was the average number of days lost through sickness in the Passport Agency in *(a)* 1997, *(b)* 1998, *(c)* 1999 and *(d)* in each month of 1999. [107077]

Mrs. Roche: The information requested is set out in the table.

Average sick absence per employee (working days)

Year	Average number of days
1997	13.76
1998	12.96
1999	12.60

The agency has reduced its sickness absence rate by nearly 14 per cent. since 1996.

The monthly breakdown for 1999 is as follows:

	Percentage
January	1.4
February	1.1
March	1.1
April	0.8
May	1.0
June	0.8
July	0.7
August	1.0
September	1.1
October	1.2
November	1.5
December	0.9

Family Reunification Directive

Mr. Lidington: To ask the Secretary of State for the Home Department what assessment he has made of the impact on the United Kingdom's immigration policy of the draft EC Directive on family reunification; and if he will make a statement on Government policy on that draft directive. [107070]

Mrs. Roche: The Protocol on the position of the United Kingdom and Ireland, annexed to the Treaties by the Treaty of Amsterdam, provides that the United Kingdom is bound by Community measures adopted under Title IV only where it opts in to any measure. The Government will decide whether to opt in to the draft Directive on family reunification within three months of the formal publication of the proposal and will inform Parliament accordingly. The Government's Explanatory Memorandum on the proposal, submitted for scrutiny on 10 January, provides an initial analysis of the impact of the draft Directive on United Kingdom law were the United Kingdom to opt in to this measure.

Indirect Discrimination

Ms Rosie Winterton: To ask the Secretary of State for the Home Department what the Government's policy is on indirect discrimination; and if he will make a statement. [107345]

Mr. Straw: The Government are committed to achieving a step change in race equality in this country. The Race Relations (Amendment) Bill is part of our programme to ensure that the public sector sets the pace in this drive towards equality. We want to send the clearest possible message that discrimination is not acceptable and will not be tolerated. The Government are, therefore, proposing two changes to strengthen the provisions of the Bill.

First, after very careful deliberation we have decided to extend the indirect discrimination provisions of the Race Relations Act 1976 to the functions of public authorities to be newly caught by the Act and we will bring forward an amendment to provide for that. The Government have always been in favour of this in principle, but were concerned to ensure that such a provision would be effective without leaving public bodies open to routine legal challenge in circumstances where their policies were entirely proper. Since the Bill was published, however, we have listened carefully to the arguments put forward about the issue and have concluded that, on balance, the risk of spurious challenge is outweighed by the principle of including indirect discrimination in respect of public sector functions in the Bill.

Direct and Indirect racial discrimination is already prohibited under the Race Relations Act 1976 in the fields of employment, training, education, housing and the provision of goods, facilities and services in respect of the public and private sector. The Act is already being extended by the Bill to new fields in the public sector which have previously been determined by case law not to be a "service" and to which prohibitions on direct or indirect discrimination did not, therefore, apply. The Act will now extend to areas such as the implementation of central and local government's regulatory, economic and social policies and law enforcement in respect of indirect discrimination as well.

Secondly, the Government also see the promotion of equality as a positive way of eliminating unjustifiable indirect discrimination in these and other fields. Our setting of targets for ethnic minority recruitment, retention and promotion and our guidelines for mainstreaming race equality into policy development and implementation are examples. We are already committed to placing the promotion of equality by public bodies on a statutory footing. We will reinforce that commitment by bringing forward a Government amendment to the Race Relations (Amendment) Bill to enshrine the principle on the face of the Bill as a positive duty, leaving room for consultation on how the duty will operate in practice and how it will be enforced.

The amendments will be brought forward at Commons Committee stage. We are meanwhile considering whether there should be any procedural safeguards consistent with the principle of non-discrimination.

Attendance Centres

Ms Rosie Winterton: To ask the Secretary of State for the Home Department what plans he has to reform attendance centres. [107346]

Mr. Charles Clarke: In January last year, we set up a small working group, including attendance centre representatives and other experts, to consider the centres' future operation. It made a number of useful proposals for reform of their management and operation, including developing more individual programmes to tackle offending problems.

For the 84 junior attendance centres, we have decided to combine reforms on these lines with organisational changes to match the philosophy of the youth justice reforms launched in the Government's November 1997 White Paper, "No More Excuses—A New Approach to Tackling Youth Crime in England and Wales".

From April 2000, the Youth Justice Board for England and Wales will take over from the Home Office the central responsibility for commissioning and funding junior attendance centres. The Board will invite youth offending teams to start taking over as local agents for these centres from April, that is generally from chief officers of police. Close liaison with the police will continue, through police membership of youth offending teams. The local changes will be made first in a number of pilot areas. They will also be invited to develop the centres' programmes in line with the working group's principles, and liaise with the courts to ensure centres play an appropriate role in the new range of youth justice disposals.

Senior attendance centres, which cater mainly for offenders aged 18 to 24, will remain the responsibility of the Home Office nationally and the police locally. Their future operation will be reviewed in the context of the adult sentencing framework.

Police Statistics

Mr. Amess: To ask the Secretary of State for the Home Department if he will make a statement on the total number of police officers in *(a)* Essex and *(b)* Southend in (i) 1995, (ii) 1996, (iii) 1997, (iv) 1998 and (v) 1999. [107270]

Mr. Charles Clarke: The information available is set out in the table. The data about the number of officers in the Southend Division have been provided by the Chief Constable of Essex. The force is not able to provide figures for 1995 and 1996.

Essex police and Southend division police numbers—1995 to 1999

Year [1]	*Essex police*	*H Division, Southend*
1995	2,921	n/a
1996	2,884	n/a
1997	2,961	319
1998	2,929	320
1999	2,891	304

[1] As at 31 March

Fine Defaulters

Mr. Lidington: To ask the Secretary of State for the Home Department if he will make a statement on the pilot schemes to test the alternatives to custody for fine defaulters which were provided by the Crime (Sentences) Act 1997. [107069]

Mr. Charles Clarke: Measures in the Crime (Sentences) Act 1997 which allow courts to impose a community service order, a curfew order or disqualification from driving on fine defaulters instead of sending them to prison are being piloted in Norfolk and Greater Manchester. A report on the findings from the pilots will be published soon and a decision taken over whether or not to make the provisions available nationally. A Research Finding detailing interim findings was published last year evaluating the use of these measures during 1998.

Home Detention Curfew Scheme

Miss Widdecombe: To ask the Secretary of State for the Home Department what was the average length of sentence *(a)* received and *(b)* served by prisoners released under the Home Detention Curfew scheme in 1999. [107031]

Mr. Boateng: The average sentence length of those released under the Home Detention Curfew scheme in 1999 was 14.5 months, of which 5.7 months (39 per cent.), including time on remand, was served before release.

Miss Widdecombe: To ask the Secretary of State for the Home Department what criminal offences were committed by prisoners released under the Home Detention Curfew Scheme in 1999; and how many prisoners convicted of each type of offence were released. [107036]

Mr. Boateng: The original offences committed by prisoners released under the Home Detention Curfew scheme in 1999, and the estimated number (to the nearest hundred) of prisoners convicted of each type of offence who were released, are shown in the table.

	Number
Violence	2,600
Robbery	600
Burglary	1,500
Theft and handling	2,000
Fraud and forgery	1,300
Drugs	2,400
Other	4,500
Total	14,900

Crown Court Appeals

Miss Widdecombe: To ask the Secretary of State for the Home Department (1) what estimate he has made of the average *(a)* cost of, *(b)* length of and *(c)* waiting time for a hearing of an appeal to the Crown Court from the decision of magistrates on mode of trial, under the provisions of the Criminal Justice (Mode of Trial) Bill; [107034]

(2) what estimate he has made of the number of defendants in each of the last three years who would have exercised the right of appeal to the Crown Court on mode of trial, under the provisions to be introduced by the Criminal Justice (Mode of Trial) Bill; [107029]

(3) what estimate he has made of the average *(a)* cost of, *(b)* length of and *(c)* waiting time for a trial in the magistrates court following the dismissal of an appeal to the Crown Court from the decision of magistrates on mode of trial, under the provisions of the Criminal Justice (Mode of Trial) Bill. [107033]

Mr. Straw: The new appeal procedure would be fast and efficient with determination within forty-eight hours in most cases. Our estimate is that even if as many as a quarter of defendants who had been refused Crown Court trial were to appeal, the cost of the resulting hearings would be less than £500,000. No additional delay would be caused by these appeals, since they would run concurrently with the progress of the case in the magistrates court.

Police Complaints Authority

Miss Widdecombe: To ask the Secretary of State for the Home Department how many police officers were undertaking investigations under the supervision of the Police Complaints Authority in each month for each of the last five years for which figures are available; and what was the annual cost of these investigations. [107032]

Mr. Charles Clarke: Information is not recorded centrally on the number of police officers undertaking Police Complaints Authority supervised investigations or on the cost of those investigations.

The number of cases accepted by the Police Complaints Authority for a supervised investigation in each of the last five years is as follows:

Year	*Number*
1995–96	1,142
1996–97	998
1997–98	979
1998–99	953
1999–2000	638 [1]

[1] Up to 31 December 1999

Alexander Schweidler

Mr. Jim Murphy: To ask the Secretary of State for the Home Department if he will make a statement on the Government investigations into Alexander Schweidler. [106941]

Mr. Straw: Mr. Schweidler was granted British citizenship in 1964. I understand that he died on 24 January. His case was one of just under 400 cases involving allegations of offences under the War Crimes Act 1991 investigated by the Metropolitan Police Service

War Crimes Unit during the 1990s. Police investigations into allegations against Mr. Schweidler started in 1994. I understand there was insufficient evidence to support a prosecution. There have been no investigations separate to these.

Senator Pinochet

Mr. John M. Taylor: To ask the Secretary of State for the Home Department what has been the cost to public funds of the proceedings concerning Senator Pinochet since his arrest. [105494]

Mr. Townend: To ask the Secretary of State for the Home Department what has been the total cost to date of the detention of Senator Pinochet broken down into *(a)* legal, *(b)* security and *(c)* other costs. [105247]

Mr. Straw: Total costs will be estimated once the case is completed. The costs we are able to calculate at this stage total £1,322,326.83. The breakdown of this is as follows:

(a) *Legal Costs*

Costs incurred to date by the Crown Prosecution Service

Counsel's fees: £353,000

Interpreter's fees: £4,200

Other cost (including Crown Prosecution Service (CPS) staff time, photocopying, etc): £238,000

Costs to Treasury Solicitors.

Amicus curiae (approximate costs and disbursements including counsel's fees: £70,000

Other costs and disbursements: £18,000

Costs incurred to date by the Home Office

Counsel's fees:

£144,000 of which:

£38,110.29p is, subject to agreement or assessment by the court recoverable under costs orders made against Senator Pinochet by the Divisional Court.

Treasury Solicitors fees: £36,000

Costs incurred to date by the Lord Chancellor's Office

1st hearing at the House of Lords: £270,935.89

Application to vacate at the House of Lords: £151,361.30

Hearing dealt with to date in the Divisional Court: £31,328.39

(b) *Security Costs*

Police costs incurred in detaining Senator Pinochet are a matter for the Commissioner of Police of the Metropolis and the Chief Constable of Surrey.

(c) *Other Costs*

Cost of Medical Examination: £5,501.25.

The figures exclude VAT, (which is payable in some but not all items).

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for the Home Department which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105869]

Mr. Straw *[holding answer 24 November 1999]:* I refer the right hon. Member to the reply my right hon. Friend the Chief Secretary to the Treasury gave the right hon. Member on 24 January 2000, *Official Report*, columns 117–18W.

SOCIAL SECURITY

Medical Assessments

Dr. Naysmith: To ask the Secretary of State for Social Security (1) how many medically qualified panel members appointed under the Social Security Act 1998 are *(a)* employed and *(b)* contracted on a sessional basis, by the Sema Group to carry out medical assessments on behalf of the Benefits Agency; [103733]

(2) how many medically qualified panel members appointed under the Social Security Act 1998 were formerly *(a)* employed and *(b)* contracted on a sessional basis, by the (i) Benefits Agency and (ii) Sema Group to carry out medical assessments in connection with social security benefit claims. [103732]

Mr. Bayley: The information is not available in the format requested. Such information as is available is as follows.

Salaried staff employed by Medical Services (SEMA) who are medically qualified are excluded by the Lord Chancellor's Department from appointment as medically qualified Appeals Panel Members.

On leaving full-time employment for Medical Services (SEMA), the doctors are excluded from undertaking Tribunal work for a period of two years. There is only a finite pool of doctors who possess the requisite skills in Disability Assessment Medicine and also meet the criteria for appointment as Medical Members of the Appeals Panel. The great majority of these doctors are engaged as part-time sessional fee paid doctors by Nestor Disability Analysis Ltd (NDA) which is an approved subcontractor to SEMA Group in the delivery of Medical Services on behalf of the Benefits Agency. Doctors who are engaged by Medical Services (SEMA) via NDA are allowed to be appointed as medical members of Appeals panels.

The Appeals Service has in place stringent procedures to ensure that medical members of Appeals Panels do not sit on Tribunals where the Appellant has had any previous professional relationships with a medical member or where a medical member has had any involvement whatsoever in giving advice to, or undertaking assessments for, the first tier decision making process which is under appeal.

Expenditure

Mr. Webb: To ask the Secretary of State for Social Security (1) if he will estimate the expenditure in current prices in (1) 1978–79, (2) 1982–83, (3) 1986–87, (4) 1991–92, (5) 1996–97 and (6) 2001–02 on *(a)* supplementary benefit, *(b)* income support, *(c)* family income supplement, *(d)* family credit, *(e)* working families tax credit, *(f)* disability working allowance, *(g)* disabled persons tax credit, *(h)* rent rebates and allowances, *(i)* rates rebates, *(j)* community charge rebates, *(k)* council tax benefit, *(l)* social fund grants and *(m)* social fund loans, including any social security expenditure by local

authorities; and if he will provide, where available, a breakdown in each case for (i) pensioners, (ii) disabled non-pensioners, (iii) unemployed non-pensioners and (iv) other non-pensioners; [105533]

(2) if he will estimate the expenditure in current prices in (1) 1978–79, (2) 1982–83, (3) 1986–87, (4) 1991–92, (5) 1996–97 and (6) 2001–02 on *(a)* the basic state retirement pension, including Christmas bonus, *(b)* additional retirement pensions, *(c)* invalidity benefit, *(d)* incapacity benefit, *(e)* industrial injuries and death benefits, *(f)* national insurance widow's benefits, including lump sums, *(g)* sickness benefit, *(h)* statutory sick pay, *(i)* statutory maternity pay, *(j)* national insurance maternity benefits, *(k)* unemployment benefit, *(l)* contribution-based jobseeker's allowance, *(m)* national insurance lump-sum maternity grants and *(n)* national insurance lump-sum death grants, including any social security expenditure by local authorities; and if he will provide, where available, a breakdown in each case for (i) pensioners, (ii) disabled non-pensioners, (iii) unemployed non-pensioners and (iv) other non-pensioners; [105532]

(3) if he will estimate the expenditure in current prices in (1) 1978–79, (2) 1982–83, (3) 1986–87, (4) 1991–92, (5) 1996–97 and (6) 2001–02 on *(a)* child benefit, *(b)* one parent benefit, *(c)* non-contributory retirement pensions, *(d)* war pensions, *(e)* attendance allowance, *(f)* disability living allowance, *(g)* mobility allowance, *(h)* invalid care allowance, *(i)* non-contributory invalidity pension, *(j)* severe disablement allowance, *(k)* maternity grants not funded from the National Insurance Fund, *(l)* winter fuel payments and *(m)* concessionary television licences, where funded by his Department, including any social security expenditure by local authorities; and if he will provide where available, a breakdown in each case for (i) pensioners, (ii) disabled non-pensioners, (iii) unemployed non-pensioners and (iv) other non-pensioners. [105534]

Mr. Rooker: Great Britain figures for 1978–79 to 1996–97 for each benefit are published in the Social Security Departmental Report 1999 (Cm 4214) and earlier equivalents. Projections for each DSS benefit and additional Local Authority expenditure for 2001–02 are in my reply to the hon. Member for Havant (Mr. Willetts) on 26 November 1999, *Official Report*, columns 218–20W.

Projections for the cost of the Working Families Tax Credit and the Disabled Person's Tax Credit for the United Kingdom in 2001–02 are in Table B13 of the November 1999 pre Budget Report. A breakdown of individual benefits by client group, where available, is in the table.

Expenditure £ million (cash prices)

	1978–79	*1982–83*	*1986–87*	*1991–92*	*1996–97*	*2001–02*
Supplementary Benefit						
Pensioners	561	941	1,453	0	0	0
Disabled non-pensioners	130	259	539	0	0	0
Unemployed non-pensioners	515	2,567	4,336	0	0	0
Other non-pensioners	355	845	1,632	0	0	0
Total Supplementary Benefit	1,561	4,612	7,960	0	0	0
Income Support						
Income Support for over 60s	0	0	0	2,725	3,814	4,196
Disabled under 60	0	0	0	1,400	3,507	4,643
Unemployed under 60	0	0	0	4,200	2,359	0
Other people under 60	0	0	0	3,288	4,764	4,456
Total Income Support	0	0	0	11,612	14,444	13,295
Expenditure on Housing Costs						
Expenditure for over 60s	510	1,478	2,324	3,327	4,793	5,790
Disabled under 60	79	228	359	660	2,387	3,063
Unemployed under 60	241	700	1,101	1,747	2,523	1,966
Other people under 60	277	805	1,266	2,159	3,977	4,957
Total	1,107	3,211	5,050	7,892	13,680	15,776
Social Fund						
Social Fund for over 60s	0	0	0	32	41	25
Social Fund for under 60s	0	0	0	178	198	204
Total Social Fund	0	0	0	210	239	229
Christmas Bonus—contributory						
Pensioners	87	91	96	99	111	107
Christmas Bonus paid with Disability Benefits	9	11	11	15	17	15
Total Christmas Bonus—contributory	96	102	107	114	129	122

Note:
Figures may not sum due to rounding.

Correspondence

Mr. Garnier: To ask the Secretary of State for Social Security if he will instruct the Independent Tribunal Service in Broad Street, Birmingham, to reply to the letter dated 13 October 1999 from the hon. and learned Member for Harborough on behalf of Mrs. Jo Plant of Oadby, Leicestershire. [106952]

Angela Eagle: Administration of the Appeals Service (formally the Independent Tribunal Service) is the responsibility of the Chief Executive, Neil Ward. I understand Neil Ward wrote to the hon. Member on 25 January 2000.

Examining Medical Practitioners

Mr. Dismore: To ask the Secretary of State for Social Security if he will state the number of examining medical practitioners contracted to *(a)* the Benefits Agency Medical Service and *(b)* SEMA; how many of them had qualified four years or fewer previously; and how many were aged over 65 years. [106686]

Mr. Bayley: The Benefits Agency Medical Services (BAMS) provided medical advice and examinations for this Department and other Government Departments in support of the delivery of Incapacity and Disability Benefits.

The service was provided by, approximately, 3,000 part-time contracted doctors.

The work previously undertaken by BAMS has been contracted out, from 1 September 1998, to Sema Group. The services previously provided by BAMS are now undertaken by Sema Group 'Medical Services', and are provided on behalf of the Benefits Agency (BA).

Medical Services have a total of 2,968 doctors contracted to undertake medical examinations, of these a total of 570 are over the age of 65.

Records held do not show any doctors with less than four years experience.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Social Security which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105872]

Mr. Rooker *[holding answer 24 January 2000]:* I refer the right hon. Member to the written answer from my right hon. Friend the Chief Secretary to the Treasury on 24 January 2000, *Official Report*, columns 117–18W.

Child Support Agency

Mr. Bob Russell: To ask the Secretary of State for Social Security what powers are available to the Child Support Agency to investigate and take action against elected members or former elected members of local authorities who withhold details of attendance allowances and other allowances in their disclosure of financial details on which the level of child support is determined; and if he will make a statement. [106470]

Angela Eagle: It is not right that some parents can seek to avoid their maintenance obligation by failing to provide information to the Child Support Agency (CSA) or by providing the wrong information.

Two new criminal offences are being introduced in the Child Support, Pensions and Social Security Bill which is currently before Parliament. The offences apply to anyone who fails to provide information or gives false information to the CSA, there is a fine of up to £1,000 on conviction.

Local authority councillors are treated as being employed by Local authorities. Flat-rate allowances and attendance allowances paid to local authority councillors are therefore treated as earnings for child support purposes.

Where the CSA receives an allegation that a non-resident parent is not declaring his full earnings they will contact his employer direct for the information. If details of the earnings are still not forthcoming, an inspector may be sent out to obtain them. If it were established that a councillor had deliberately withheld information about attendance or other allowances, a prosecution under the proposed new powers would certainly be considered. The Agency already has powers to pursue and enforce any arrears of maintenance which may become due.

Winter Fuel Allowance

Mr. Edwards: To ask the Secretary of State for Social Security when male pensioners over the age of 60 years will be paid winter fuel allowance. [106921]

Mr. Hogg: To ask the Secretary of State for Social Security (1) for what reason no winter fuel payments have to made to male claimants aged between 60 and 65 years following the decision of the European Court; [106795]

(2) when he plans to start making winter fuel payments to male claimants between 60 and 65 years of age, pursuant to the decision of the European Court. [106794]

Angela Eagle: I refer my hon. Friend and the right hon. and learned Member to the written answer I gave the hon. Member for Isle of Wight (Dr. Brand) on 24 January 2000, *Official Report*, column 81W.

Carers

Mr. Burstow: To ask the Secretary of State for Social Security for what reason he chose not to introduce home responsibilities protection into SERPs for carers and disabled people from April 1999. [106845]

Mr. Rooker: The pension needs of carers and disabled people are being met through the State Second Pension, for which legislation is currently being considered by Parliament.

State Pension

Mr. Ashdown: To ask the Secretary of State for Social Security how many representations he has received about the planned April 2000 uprating of the state pension; how many of these are *(a)* in favour and *(b)* not in favour of the uprating; and if he will make a statement. [106739]

Mr. Rooker: Around 5,000 letters were received up to 19 January regarding the April 2000 uprating of the State Pension. Only the subject of each inquiry is recorded, so the specific information requested is not available. Two early-day motions have been tabled, and several petitions, including newspaper campaigns, received. These claimed that the increase was inadequate.

Mr. Burstow: To ask the Secretary of State for Social Security (1) how many more people would receive a state second pension if the child care qualification was amended to include individuals paid child benefit for children under *(a)* eight, *(b)* 10, *(c)* 12, *(d)* 14 years and *(e)* 16 years assuming retirement in (i) 2005, (ii) 2010, (iii) 2015, (iv) 2025 and (v) 2047; [106848]

(2) how many more people would be recipients of the state second pension if he aligned the rules for home responsibilities protection for the state second pension with those that currently apply to the basic state pension taking *(a)* 2005, *(b)* 2010, *(c)* 2015, *(d)* 2025 and *(e)* 2047 as the year at retirement. [106849]

Mr. Rooker: The number of additional people who would be brought into State Second Pension by the suggested changes is likely to be negligible.

Benefits (Young People)

Mr. Swinney: To ask the Secretary of State for Social Security if he will estimate the annual cost of restoring benefits to 16 and 17-year-olds in *(a)* the United Kingdom and *(b)* Scotland. [106668]

Angela Eagle: We believe that every young person should have the opportunity to achieve their potential. That is why our aim is to engage 16 and 17-year-olds in education, training or work with training, rather than starting their adult lives dependent on the benefits system.

Departments are working together to develop and implement the proposals in the Government White Paper, "Learning to Succeed", and the Social Exclusion Unit's report, "Bridging the Gap", which are aimed at supporting young people in making a successful transition from childhood to adult life.

The estimated cost of restoring full entitlement to Social Security benefits to 16 to 17-year-olds in Great Britain would be £100 million per annum, at present rates for the under 18s. The equivalent cost for Scotland would be in the order of £10 million per annum. These costs do not make any allowance for possible changes in labour market behaviour as a result of these changes.

The figures refer to Great Britain and Scotland. For information about Northern Ireland I refer the hon. Member to my right hon. Friend the Secretary of State for Northern Ireland.

Notes:

1. Based on data taken from the 1997–98 Family Resources Survey.
2. Rounded to the nearest £10 million.

National Minimum Wage

Mr. Swinney: To ask the Secretary of State for Social Security if he will estimate the impact on the level of benefit payments of setting the minimum wage for young people at £3.60 per hour. [106670]

Mr. Bayley: It is estimated that expenditure on departmental benefits will decrease by £15 million if the minimum wage for young people is increased from £3.00 per hour currently to £3.60 per hour. This assumes there are no secondary effects on employment or wages.

Notes:

1. Estimates based on 1996–97 Family Resources Survey data, uprated to 2000–01 prices and benefit rates.
2. Estimates rounded to the nearest £5 million. This covers Income Support, Housing Benefit and Council Tax Benefit only.

Mr. Swinney: To ask the Secretary of State for Social Security if he will estimate the impact on the level of benefit payments of maintaining the minimum wage at its present level. [106669]

Mr. Bayley: It is estimated that the cost to the Social Security budget of maintaining the minimum wage at its present level is £10 million at 2000–01 prices.

Notes:

1. Estimates based on 1996–97 Family Resources Survey data, uprated to 2000–01 prices and benefit rates.
2. Estimates rounded to the nearest £5 million.

Dr. Cable: To ask the Secretary of State for Social Security if he will estimate the impact on each benefit payable to those in paid employment of a national minimum wage of *(a)* £3.80 and *(b)* £4.00 for the next financial year. [107144]

Mr. Bayley: The information is in the table.

Estimated savings in 2000–01 on benefits payable to those in paid employment of a national minimum wage of (A) £3.80 and (B) £4.00

£ million

	£3.80	*£4.00*
Income Support/JSA(IB)	−15	−30
Housing Benefit	−25	−50
Council Tax Benefit	−5	−10
Total	−50	−90

Notes:

1. Estimates based on 1996–97 Family Resources Survey data, uprated to 2000–01 prices and benefit rates.
2. Estimates rounded to the nearest £5 million. Totals may not add up owing to rounding.
3. Estimates assume no secondary effects on employment or wages.

Pensioner Statistics

Mr. Ashdown: To ask the Secretary of State for Social Security what is his estimate of the number of *(a)* retired people, *(b)* pensioners, and *(c)* people over the age of 65 in each (i) English county and (ii) parliamentary constituency; and what is the average figure in each category. [106738]

Mr. Rooker: This information is not available in the format requested. Such information as is available has been placed in the Library.

Mr. Ashdown: To ask the Secretary of State for Social Security what is his estimate of the number of pensioners over the age of *(a)* 75 and *(b)* 80 in (i) Yeovil constituency and (ii) South Somerset; and if he will make a statement. [106737]

Mr. Rooker: The information is not available in the format requested. Such information as is available is in the table.

1991 census information of the population by age group in Yeovil constituency

	Aged 75 and over	Aged 85 and over
Yeovil	7,800	1,600

Mid-98 estimates of the population by age group in South Somerset

	Aged over 75	Aged over 80
South Somerset	13,100	7,100

Notes:
1. For part (i), mid-year population estimates are not compiled by the Office for National Statistics (ONS) for parliamentary constituencies. The lowest level at which population estimates are available is the local authority level. 1991 Census information has therefore been used. Figures by the precise age groups requested are not available.
2. For part (ii), mid-98 population estimates for South Somerset have been provided. These are the latest available population estimates.
3. The people in these age groups are not necessarily pensioners.
4. Figures are rounded to the nearest hundred persons throughout.

State Second Pension

Mr. Burstow: To ask the Secretary of State for Social Security how many people, by gender, would benefit, and at what cost, from crediting carers for the state second pension on a weekly basis. [106850]

Mr. Rooker: It is not possible to provide the costs requested without further detailed assumptions on how such a system would work. Furthermore, it is unlikely to be operationally feasible to provide entitlement based on weeks rather than whole tax years.

Mr. Burstow: To ask the Secretary of State for Social Security (1) how many more people would receive the state second pension, at what cost, and how much would be payable in pension, if he aligned 35 hours of care qualification for credits to the state second pension with the minimum wage qualification of 18 hours, taking *(a)* 2005, *(b)* 2010, *(c)* 2015, *(d)* 2025 and *(e)* 2047 as the retirement years; [106847]

(2) how many *(a)* men and *(b)* women in each of the last five years have notified the Contributions Agency of the home responsibilities protection entitlement (i) at state pension age, (ii) two years before state pension age, (iii) five years before state pension age, (iv) 10 years before state pension age and (v) 15 years before state pension age. [106846]

Mr. Rooker: The information is not available.

Invalid Care Allowance

Mr. Burstow: To ask the Secretary of State for Social Security, pursuant to his answer of 20 December 1999, *Official Report*, column 327W, concerning invalid care allowance, if he will estimate the cost of crediting for each year those invalid care allowance recipients whose award *(a)* has been terminated *(b)* is current, where awards were made from (i) 1981, (ii) 1991, (iii) 1995 and (iv) 1999, their state second pension, assuming a retirement in (1) 2002, (2) 2005, (3) 2010, (4) 2015, and (5) 2025. [106853]

Mr. Rooker: The information is not available.

Press Releases

Mr. Webb: To ask the Secretary of State for Social Security how many press releases his Department issued in each year from 1995 to 1999. [106560]

Mr. Rooker: The information is in the table.

Number of press releases issued by the Department and it agencies from 1995–1999

Year	HQ	Benefits Agency	Contributions Agency	Child Support Agency
1995	180	29	20	2
1996	294	34	21	1
1997	291	60	50	10
1998	311	42	28	4
1999	324	48	—	3

Notes:
1. Press releases for the War Pensions Agency and Information Technology Agency are included in the figures given for Headquarters.
2. The 1999 column for Contributions Agency does not show a figure as the Agency has transferred to the Inland Revenue.

Independent Living Funds

Mr. Levitt: To ask the Secretary of State for Social Security if he will make changes to the payments limits and earnings disregard operated by the Independent Living Funds. [107383]

Mr. Bayley: I am pleased to be able to announce changes to both the ILF payment limits and the earnings disregard. The limit for payments from the Extension Fund will be increased from £560 a week to £625 a week, and the £300 a week limit for 1993 Fund cases will be raised to £375 per week. Within the 1993 Fund the overall joint limit, in conjunction with local authorities, on care packages that can be funded will be raised from £500 a week to £625 a week.

A more generous disregard of earnings will also be introduced, to allow those severely disabled people who are able to work to gain greater reward from that work. At present only the first £30 a week of reckonable earnings is disregarded. In future, in addition to this £30 a week of reckonable earnings is disregarded. In future, in addition to this £30, the Funds will also disregard 45 per cent. of the remaining earnings up to a maximum of £200 reckonable earnings per week. The new disregard will apply to household earnings, not just the earnings of the disabled person. The changes will come into effect immediately.

Chief Adjudication Officer's Report

Fiona Mactaggart: To ask the Secretary of State for Social Security when he will publish the final report of the Chief Adjudication Officer; and if he will make a statement. [107723]

Angela Eagle: The report is published today and copies have been placed in the Library. The Chief Adjudication Officer's findings record that, in a difficult transitional period for the Agencies as they adopted the new decision making and appeals processes, standards have in general been maintained. He is, in particular, encouraged by the fact that the Agencies continued to look for ways to effect improvements across benefits. As this is his final report

and with his staff moving on to new areas of work, the Chief Adjudication Officer has taken the opportunity to praise them for their work.

The Chief Adjudication Officer welcomes the changes to decision-making and appeals that were introduced last year. As he acknowledges, those changes lie at the very heart of Ministers' plans for modernising Social Security delivery and promise substantially improved standards of service for customers.

Chief Executives have taken on the Chief Adjudication Officer's responsibilities for guidance to decision makers and monitoring and reporting on standards. They are now accountable for the quality of decision making in their agencies. The changes help to get decisions right. If a mistake is made, it can be put right more easily. Notifications will be clearer and easier to understand.

Improvements have been made to the handling of appeals. The ending of the rigid requirement for three person tribunals means that expert resources can be better focused on the issues raised in each appeal. Appeal waiting times will be cut. A new agency is being set up to handle the administration of appeals and we will set demanding targets for clearing appeals.

These changes will deliver real improvements in service to clients. And we have preserved the essential elements of the current system: decisions continue to be made impartially by applying the law to the facts of each case, and clients still have the right of appeal to an independent tribunal.

TREASURY

Public Expenditure

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if the existing planned total for public expenditure for 2001–02 will be adhered to when the next Comprehensive Spending Review is announced; and if he will make a statement. [106461]

Mr. Andrew Smith *[holding answer 24 January 2000]:* I refer the hon. Member to the answer I gave him on 11 November 1999, *Official Report*, column 781W.

Post Offices

Mr. Jack: To ask the Chancellor of the Exchequer what proposals are being considered by his Department, the Inland Revenue and Customs and Excise to help sustain and develop the viability of rural and urban sub post offices. [105862]

Mr. Timms: I refer the right hon. Member to the answer given to him by the Minister for Competitiveness on 20 January 2000, *Official Report*, columns 519–20W.

Economic Stability

Mr. Cohen: To ask the Chancellor of the Exchequer what measures he plans to take to protect the UK economy in the event of a considerable stock exchange fall in the United States and the impact that would have on the world economy; and if he will make a statement. [106525]

Miss Melanie Johnson: The Government have taken firm action to lock in economic stability and open the way to steady growth. Sound public finances and low and stable inflation have greatly enhanced the ability of the UK economy to withstand adverse external shocks. In particular, the Government's symmetrical inflation target ensures that policy can respond quickly to risks on the downside, such as from an unforseen fall in equity prices, as well as to risks on the upside. The Government have also played a leading role in promoting macroeconomic stability across the world, to help reduce the likelihood of future global shocks.

Brussels Council

Mr. Hood: To ask the Chancellor of the Exchequer what the outcome was of the Budget Council held in Brussels on 18 January; and if he will make a statement. [106563]

Miss Melanie Johnson: There was no Budget Council on 18 January.

Mortgages

Barbara Follett: To ask the Chancellor of the Exchequer if he has decided to set CAT standards for mortgages. [107384]

Miss Melanie Johnson: Yes. The Treasury will set CAT standards for two types of mortgage: one charging variable interest rates, and one charging fixed or capped rates. Like the CAT standards for individual savings accounts, CAT standards for mortgages will define products with reasonable charges, easy access and decent terms and which can readily be understood.

The standards will be voluntary and non-CAT standard mortgages may be appropriate for many borrowers. But because they will be simple, clear and fair, CAT standard mortgages will help customers to make better informed and more confident choices about mortgage loans. Subject to consultation, FSA's disclosure regime will help prospective borrowers understand how particular mortgage offers measure up to the CAT standards.

The basic features of CAT standard mortgages are set out.

Variable rate	*Fixed or capped rate*
Charges—No separate charge for mortgage indemnity guarantee insurance. Any other fees disclosed up front, including any fees and charges which may be payable later in the mortgage. Interest calculated and capitalised daily.	
No fee payable by the borrower for arranging the mortgage. Interest rate no higher than two percentage points above base rate. Interest rates to adjust to keep within the prescribed margin against base rate within four weeks for downward movements. No redemption or early settlement charge at any time.	Any booking fee not to exceed £150. Any redemption charge should be a maximum of 1 per cent. of the loan for each remaining year of the fixed period, reducing monthly, and expressed in cash terms. No redemption charge after the fixed or capped rate period. No redemption charge if the borrower continues the mortgage with a new purchasing a new property with or without a top-up loan.

Variable rate	*Fixed or capped rate*
Access—No restriction to existing customers. Mortgages available on the normal terms on which the lender grants loans, including loans for the lender's normal range of residential properties, and the lender's standard criteria for creditworthiness. Borrowers must be able to continue a CAT standard mortgage when moving house provided the existing lender is willing to lend on the new property. Regular payments available on any day of the month of the borrower's choosing. Early repayments permitted at any time.	
Terms—All mortgage documents, including advertising and marketing literature, and explanations of charges, to be put in language which is fair, clear and not misleading. No tying in, i.e. no obligation for borrowers to buy any other product with the mortgage. Any linked special offers to be priced item by item, with discounts expressed explicitly where they apply. If the lender can no longer continue with CAT standard terms in an existing mortgage, borrower's must have at least six months' notice of the change. Borrowers in arrears equivalent to up to three months' repayments pay standard interest charges only on the outstanding debt (including accrued interest). After that period the lender may decide that CAT standard terms no longer apply.	

A more full description of the CAT standards, subject to further consultation with the industry to firm up the technical specification, is being made available in the Library.

Barbara Follett: To ask the Chancellor of the Exchequer if he has decided whether the Financial Services Authority should regulate mortgage lending. [107385]

Miss Melanie Johnson: The Government are determined that lenders should not take advantage of mortgage borrowers at a time when they are often vulnerable because their main priority is home purchase. In a modern competitive economy they should expect to be able to finance residential property purchases with confidence that they will understand the nature of the product they are buying and the risks.

The Treasury carried out a consultation exercise in the second half of last year to examine the case for giving the Financial Services Authority (FSA) responsibility for regulating mortgage business. This was the recommendation of the Joint Committee on the Financial Services and Markets Bill (HC328/HL50) and of the Treasury Committee (HC 73). I am grateful to those in the mortgage industry, as well as borrowers and consumer representatives, for engaging in purposeful dialogue and contributing constructive feedback. The exercise showed that prospective borrowers' main need is better information about the many loans on offer in this competitive and sometimes confusing market.

I have therefore decided that a statutory instrument under the Financial Services and Markets Bill, now before this House, will give the FSA statutory responsibility for regulating nearly all residential mortgages. This will mean that all mortgage lenders will have to be authorised by FSA with specific permission to lend on mortgage. It will not be necessary for mortgage brokers to be authorised unless they also carry out investment business such as advising on endowment policies, where authorisation is already required.

This will make the mortgage market more transparent for borrowers. The new power will enable the FSA to regulate mortgage advertising and to require all mortgage lending activity to include specific disclosure of the main features of the loan. The FSA will consult on its policy approach and rules, including their regulatory impact, later this year, with a view to bringing the new regulatory regime for mortgages into effect next year. These rules will be designed to complement the voluntary Code operated by the Council of Mortgage Lenders. This has helped deliver welcome improvements, for instance in the competence and expertise of mortgage advisers.

The introduction of mortgage regulation and CAT standards, which I am announcing separately today, will take place in parallel with several other measures designed to help home buyers. Recent announcements include the proposed revision to the regulations on annual percentage rates (APRs), which my right hon. Friend, the Secretary of State for Trade and Industry laid before the House on 26 November, the package of measures announced by my hon. Friend the Minister for Housing on 11 October about improving the house-buying process, and the proposal, announced by my right hon. Friend, the Secretary of State for Trade and Industry on 17 December, to prevent lenders making a compulsory link between mortgages and home insurance deals.

The approach to regulation of the mortgage market reflects the nature of mortgage loans. If information is clear mortgages are intrinsically easier to understand than, for instance, many retail investments, such as endowments. With the new safeguards, we expect there to be many fewer consumers who regret their choice and it will be much easier for mortgage borrowers who do then come to regret their choice to disengage and remortgage at reasonable cost. The FSA already regulates advice on investment products designed to repay mortgages, such as endowment policies.

These complementary measures will improve the quality and coverage of the information available to prospective mortgage borrowers and house buyers. They will deliver the essential protections borrowers need without burdening them with requirements which could unnecessarily slow down the sales process.

I am today making available in the Library a summary of the evidence about detriment in the mortgage market collected in the course of the recent consultation exercise.

School and Hospital Budgets

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what plans he has to provide for longer-term funding settlements for key public services by fixing budgets for schools and hospitals for three year periods; and if he will make a statement. [106466]

Mr. Andrew Smith *[holding answer 24 January 2000]:* There are no such plans at present.

Working Families Tax Credit

Mr. Martlew: To ask the Chancellor of the Exchequer, pursuant to his answer of 19 January 2000, *Official*

Report, column 513W, concerning households receiving working families tax credit, how much of the information requested is available; and if he will publish it. [106735]

Dawn Primarolo: Reliable estimates of the number of households in receipt of the Working Families Tax Credit are not yet available, but will be available shortly.

Fees

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he will list the fees his Department, its agencies and associated public bodies collect; how much has been raised or it is anticipated will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [106001]

Mr. Timms: The following fees and charges are collected by the Chancellor of the Exchequer's Departments and can be used to offset the relevant expenditure.

£000

Department/Fee	*1997–98*	*1998–99*	*1999–2000*
HM Treasury			
Insurance Supervisory Service	8,258	9,787	12,204
HM Customs and Excise			
To prohibit the release of counterfeit goods	126	137	137
Registry of Friendly Societies			
General charge on building societies	2,258	3,753	2,881
General charge on friendly societies	863	1,006	1,300
Statutory fees from mutual societies	1,546	1,740	1,350
Government Actuary's Department			
Actuarial advice	6,232	6,486	7,178
Office for National Statistics			
Sale of registration certificates[1]	4,806	[2]5,191	4,700
National Investment and Loans Office			
Public works Loan Board	1,934	2,048	2,000
National Debt Office	581	546	500

[1] Fees count as income rather than negative expenditure
[2] Forecast outturn

Information for the full requested spread of years prior to 1997–98 could not be gathered without disproportionate cost. Fee levels for 2000–01 and later are not available.

Parliamentary Questions

Mr. Oaten: To ask the Chancellor of the Exchequer how many questions to his Department tabled for ordinary written answer during Session 1998–99 were answered *(a)* within two weeks of tabling, *(b)* within one month of tabling, *(c)* within three months of tabling and *(d)* after three months of tabling. [106489]

Mr. Timms: The information is as follows *(a)* 1,170; *(b)* 1,245; *(c)* 1,286 and *(d)* none.

Mr. Oaten: To ask the Chancellor of the Exchequer how many questions to his Department tabled for written answer on a named day during Session 1998–99 were answered *(a)* on or before a named day, *(b)* within one week of a named day, *(c)* within one month of a named day, *(d)* within three months of a named day and *(e)* after three months of a named day. [106482]

Mr. Timms: The information is as follows *(a)* 288; *(b)* 665; *(c)* 780; *(d)* 813; and *(e)* none.

Mr. Oaten: To ask the Chancellor of the Exchequer how many questions to his Department were tabled for written answer during session 1998–99; and how many of these he replied to *(a)* by means of a letter placed in the Library rather than by substantive answer in the *Official Report*, *(b)* by stating that a substantive answer could not be given due to information not being held centrally and *(c)* by stating that a substantive answer could not be given due to disproportionate cost. [106485]

Mr. Timms: 2,099 written questions were tabled to the Chancellor of the Exchequer in 1998–99.

The other information sought by the hon. Member is not held in an accessible form. However, Treasury Ministers seldom reply to Parliamentary questions by letter rather than by substantive answer printed in the *Official Report*, and would normally do so only in the case of questions tabled shortly before the Summer Recess or Prorogation which could not be answered before the House rose.

Public Debt

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if he plans to amend his net public debt target to a target of public sector net wealth following the introduction of resource accounting. [106775]

Mr. Andrew Smith: No.

Northern Ireland

Mr. Walker: To ask the Chancellor of the Exchequer how much funding from the Capital Modernisation Fund will be allocated to Northern Ireland in the next financial year; and how the amount will be determined. [106806]

Mr. Andrew Smith: Northern Ireland's share of funding from the Capital Modernisation Fund is determined by applying the Barnett formula to successful bids to the Fund for projects in England. In the 1999 Budget Northern Ireland was assigned a minimum allocation from the Capital Modernisation Fund of £50 million from 1999–2000 to 2001–02, which represents an indicative allocation of £19.5 million in 2000–01. The funding will be reviewed when final allocations are made from the fund.

Public Investment

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what the base year is from which he intends to double net public investment by 2002; and which year is the final year. [106777]

Mr. Andrew Smith: Comparisons over the Comprehensive Spending Review period take a baseline of 1998–99 and a final year of 2001–02.

Departmental Budgets

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if departments will be allowed to exceed their expenditure limits in 2000–01 and 2001–02 if they receive budgetary transfers from other departments that have spent below their departmental expenditure limits. [106776]

Mr. Andrew Smith: Details of planned transfers in 2000–01 and 2001–02 between departmental expenditure limits, reflecting transfers of financing responsibility between Departments or spending sectors or machinery of government changes, are set out in Chapter 2 of "Public Expenditure Statistical Analyses 1999–2000," published in March 1999 (Cm 4201).

Farming

Mrs. Gillan: To ask the Chancellor of the Exchequer how many farming businesses paid corporation tax *(a)* in the last year for which information is available and *(b)* five years ago. [106536]

Dawn Primarolo: Only a small minority of farmers run their businesses as incorporated concerns subject to corporation tax with the majority being self employed and paying income tax. An estimated 10,500 farming incorporated businesses had a corporation tax liability for accounting periods ending in 1997–98 compared with 12,200 such businesses in 1992–93.

Electronic Business

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what proportion of the Treasury's business is undertaken electronically at present; and what target has been set. [106801]

Dawn Primarolo: The Treasury has already met its target, due to be achieved in 2002, to increase the proportion of business undertaken electronically, in accordance with Government targets, to more than 25 per cent. of external communications.

Specific targets have been set for non-ministerial correspondence, where the Treasury now has 100 per cent. capability, and for electronic procurement of goods and services, where the current achievement of 55 per cent. exceeds the 40 per cent. target.

The Treasury carries out a very high proportion of its internal business electronically. The principal constraint to carrying out more external business electronically is the capability of external contacts.

Small Companies (Employee Incomes)

Mr. Field: To ask the Chancellor of the Exchequer how many employees working in companies employing fewer than five people have earnings between *(a)* the lower earnings limit and £5,000, *(b)* £5,001 and £7,000, *(c)* £7,001 and £8,000, *(d)* £8,001 and £9,000, *(e)* £9,001 and £9,500, *(f)* £9,501 and £10,000, *(g)* £10,001 and £12,000, *(h)* £12,001 and £14,000, *(i)* £14,001 and £16,000, *(j)* £16,001 and £18,000 and *(k)* £18,001 to £18,500 for each of the past five years. [106709]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Frank Field, dated 27 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question regarding the number of people working in companies which employ fewer than 5 people, and receive earnings in various earnings bands above the lower earnings limit.

The New Earnings Survey (NES), carried out in April of each year, is a one per cent. sample of all employees who are members of pay-as-you-earn (PAYE) schemes. However, I am only able to provide estimates of the percentage of employees whose earnings lie within specified ranges, rather than numbers, because appropriate factors to gross the survey results to accommodate this sample frame are not currently available. Additionally, I am unable to provide data for years prior to 1998 since estimates of annual earnings and enterprise size are not available.

The available information, from the 1998 and 1999 New Earnings Surveys, is attached.

I will arrange for a copy of this letter to be placed in the House of Commons Library.

New Earnings Survey, April of each year (GB)

Employees on adult rates, who have been in the same job for at least 12 months [1]. Companies employing between 1 and 4 employees.

Percentage of employees with gross annual earnings in the range

1999	*Full-time employees*	*Part-time employees*	*All employees*
£3,432[2]-£5,000	1.6	18.7	6.1
£5,001-£7,000	5.8	18.4	9.1
£7,001-£8,000	4.7	6.8	5.2
£8,001-£9,000	5.6	4.2	5.2
£9,001-£9,500	2.5	1.7	2.3
£9,501-£10,000	3.3	1.5	2.9
£10,001-£12,000	14.4	3.5	11.5
£12,001-£14,000	10.7	2.0	8.4
£14,001-£16,000	10.9	1.5	8.4
£16,001-£18,000	8.7	1.0	6.6
£18,001-£18,500	1.6	0.1	1.2

Percentage of employees with gross annual earnings in the range

1998	*Full-time employees*	*Part-time employees*	*All employees*
£3,328[2]-£5,000	1.9	21.3	7.0
£5,001-£7,000	7.5	17.9	10.2
£7,001-£8,000	5.2	7.1	5.7
£8,001-£9,000	6.6	3.2	5.7
£9,001-£9,500	2.8	1.7	2.5
£9,501-£10,000	3.9	1.2	3.2
£10,001-£12,000	14.6	2.8	11.5
£12,001-£14,000	11.0	2.6	8.8
£14,001-£16,000	9.9	1.5	7.7
£16,001-£18,000	7.3	1.0	5.6
£18,001-£18,500	1.5	0.0	1.1

[1] Annual earnings have been calculated only for those employees that have been in the same job for at least 12 months. Employees with less than 12 months attachment may have relevant annual earnings from another employer but these would not be identified in the NES. Consequently, taking annual earnings for all employees would give a misleading (under) estimate.

[2] The lower earnings limit was £3,328 in April and £3,432 in April 1999.

Ministerial Meetings

Mr. Rowlands: To ask the Chancellor of the Exchequer if he will make a statement on the outcome of his recent meeting with the Portuguese Finance Minister. [107035]

Dawn Primarolo: The Chancellor met the Portuguese Finance Minister, Pina Moura, on 13 January 2000. Their discussion focused on the Portuguese Presidency programme, including the Lisbon Special European Council on employment, economic reform and social cohesion.

Landfill Tax

Ms Squire: To ask the Chancellor of the Exchequer how much money has been raised from Landfill Tax, broken down by local authority areas in Scotland in each of the last three years. [106369]

Mr. Timms: As Landfill Tax declared by operators is not allocated to specific sites we cannot provide receipts broken down by local authority areas.

Receipts from operators based in Scotland are estimated at £26 million in 1998–99, £33 million in 1997–98 and £11 million in the part year 1996–97, following the introduction of Landfill Tax on 1 October 1996; all figures are net of contributions to the environmental credit scheme.

EU Structural Funds

Mr. Wigley: To ask the Chancellor of the Exchequer what derogations he has *(a)* sought and *(b)* secured from the European Commission with regard to the application of the principle of additionality, to allow Her Majesty's Treasury to receive structural funds from the EU, designated for specific regions, without having to pass on those funds to the relevant regions. [107016]

Mr. Andrew Smith: The Government have neither sought nor secured derogations from the European Commission in respect of the application of the principle of additionality.

Asset Sales

Mr. Bob Russell: To ask the Chancellor of the Exchequer what directions for Government Departments and local authorities to sell surplus state assets he issued *(a)* prior to 18 October 1999 and *(b)* subsequently; and if he will make a statement. [107153]

Mr. Andrew Smith: The Government have put in place a number of incentives to ensure public sector assets are managed efficiently. The National Asset Register was published in November 1997, setting out for the first time the assets held by central Government. New incentives to dispose of surplus assets were introduced from 1 April 1998, which allow Departments to recycle receipts from disposals to be reinvested in public sector assets.

As part of the Comprehensive Spending Review Departments prepared investment strategies, which were published in March 1999, setting out plans for new investment, improved asset utilisation and procedures and systems to ensure value for money. As part of the move to resource accounting and budgeting, Departments are currently producing balance sheets which will show the full value of their asset holdings and budgets that include the cost of capital consumption in the form of a capital charge. Local authorities are currently producing investment overviews across their estate which build upon their ongoing work drawing-up asset management plans.

Mr. Bob Russell: To ask the Chancellor of the Exchequer what steps he has taken to ensure that the sale of surplus assets will not result in the loss of playing fields. [107173]

Mr. Andrew Smith: The Government have put in place a number of measures to protect playing fields. The Department for Education and Employment have introduced new legislation to require all state schools to seek consent for the disposal of playing fields, which includes consultation with community and user groups. The Department for the Environment, Transport and the Regions have published a Direction enabling Ministers to consider planning applications concerning local authority playing fields and those used by educational establishment where Sport England have objected to the proposals.

Sport England also remains statutory consultee on all playing field planning applications and ask local authority planning policies to permit development on playing fields only where it can be demonstrated that there is a proven excess of provision. Finally, Lottery funding of £125 million will be devoted to a new green space initiative, including the creation of new playing fields.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Local Government Finance (London)

Mr. Coleman: To ask the Secretary of State for the Environment, Transport and the Regions what proposals he has for the budgets of the Greater London Authority, Transport for London, the London Development Agency, the Metropolitan Police Authority and the London Fire and Emergency Planning Authority for 2000–01 and for the Greater London Authority's precepts for that year. [107724]

Mr. Hill: I have today issued a consultation paper setting out my proposals to the London boroughs, the ALG, representatives of industry and commerce, predecessor bodies and other interested parties. Subject to consultation, it is proposed to set a consolidated budget requirement for the GLA and functional bodies for 2000–01 of £2,179 million. We estimate that this will support total spending of some £3,600 million. Of this only £333 million will need to be raised from council taxpayers. For a Band D council taxpayer, this is equivalent to about £123 a year in the London Boroughs and £32 a year in the City.

Just £1.70 of this is to fund the additional cost of the new GLA services: about 3 pence a week for a Band D council taxpayer as promised in the White Paper "A Mayor and Assembly for London" (March 1998, Cm 3897). Nearly three-quarters of the council tax goes to fund the Metropolitan police. Since the Metropolitan police district does not include the City, this accounts for the lower cost borne by City council taxpayers.

From 2001–02 onwards the consolidated budget for the GLA and functional bodies will be set by the Mayor.

Rent Levels

Mr. Portillo: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the impact on rent levels of the Court of Appeal's decision in the case of Spath Holme Ltd. *vs.* Department of the Environment, Transport and the Regions; and if he will make a statement on the impact of the judgment on his Department's policies. [107183]

Mr. Raynsford: The Court of Appeal's decision to quash the Rent Acts (Maximum Fair Rent) Order 1999 is likely to lead to significant increases in fair rents which would have been capped under the Order.

We are giving careful consideration to the implications of the judgment. We remain committed to protecting tenants from excessive increases in fair rents.

Regeneration (Birmingham)

Mr. Burden: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to make an announcement on the Arena Central Regeneration Project in Birmingham. [106978]

Ms Beverley Hughes: The Government have set a target for deciding called-in planning applications within 13 weeks of receipt of the Inspector's Report following the local inquiry. In this case the primary target for decision was 4 January 2000. Although the Secretary of State has not been able to complete his consideration of all the issues raised by this proposal within the primary target, the Government do fully recognise the importance of speedy decisions for the local economy. I therefore expect to be able to issue a decision within the secondary target of 22 February.

Sutton Railway Station

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions if he will ask the Shadow Strategic Rail Authority to investigate the cause of the delayed implementation of the refurbishment of Sutton Station by Connex and take steps with both Railtrack and the train operating company to expedite the project. [106852]

Mr. Hill: This is a matter which is primarily for the train operator and Railtrack to resolve. However, I have asked the Shadow Strategic Rail Authority to monitor the situation.

Green Belt

Sir Sydney Chapman: To ask the Secretary of State for the Environment, Transport and the Regions what was the total area of land within the established green belt in England on 1 January *(a)* 1976, *(b)* 1979, *(c)* 1982, *(d)* 1985, *(e)* 1988, *(f)* 1991, *(g)* 1994, *(h)* 1997 and *(i)* 2000. [106874]

Mr. Raynsford: Figures published in December 1999 show that green belt in England in 1997 amounted to 1,652,300 hectares of land. This estimate is based on a new analysis of information in local plans and is more reliable than previously published figures for earlier years, which have been shown to be inaccurate.

Sir Sydney Chapman: To ask the Secretary of State for the Environment, Transport and the Regions what was the total area of established green belt land given non-conforming use planning permissions in each of the past 20 years. [106875]

Mr. Raynsford: The information requested is not held centrally by the Department, and could not be obtained without disproportionate cost.

Architects Registration Board

Sir Sydney Chapman: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the work and progress of the Architects Registration Board. [106876]

Mr. Raynsford: The Architects Registration Board came into being in April 1997 and has made good progress since its inception.

I look forward to the election of new registered architect members and the appointment by the Board of a new Registrar/Chief Executive.

Rail Safety

Ms Rosie Winterton: To ask the Secretary of State for the Environment, Transport and the Regions when the report on signals passed at danger in December 1999 will be published. [107469]

Mr. Hill: I have today placed in the Library a copy of HSE's report on signals passed at danger (SPADs) for December. Future monthly reports will be placed in the Library as a matter of course.

In December there were 22 SPADs on the national railway. This figure is lower than for the same month in the last two years and half the December average for the last six years. Taken with the significant improvement in November, the December figure appears to indicate that the measures being taken by the industry to cut down on SPADs are beginning to have a positive effect, although it is of course too early to draw definitive conclusions.

As explained in the October report, Railtrack and the HSE use different criteria to assess the severity and significance of a SPAD. This has led to some confusion as to how to identify for non-specialist purposes a consistent and simple definition by which a SPAD could be considered serious, to the extent that it gives rise to a potential for damage to passengers, staff, or equipment.

Ministers have accepted a recommendation by Her Majesty's Railways Inspectorate to define as "serious" those SPADs which fall into Railtrack's severity categories 3–8. These categories cover those SPADs which lead to a train over-running by at least 200 yards (the normal safety overlap distance) and/or which cause damage or casualties. This definition gives three serious SPADs in December. On this definition there were 14 serious SPADs in October and 10 in November.

Millennium Towns

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions (1) what plans he has to announce the development of millennium towns; and if he will make a statement; [106877]

(2) if he plans to announce the creation of a millennium town in Kent; [106879]

(3) what criteria he will use in deciding to allow the building of millennium towns; [106880]

(4) how many millennium towns he intends to create. [106878]

Ms Beverley Hughes: Proposals for a new town and areas of plan-led expansion have been put forward respectively by the Panels examining draft Regional Planning Guidance for the Eastern and South East regions. The Secretary of State will shortly consult on draft changes to the draft Regional Planning Guidance for both regions.

Conveyancing

Mr. Kidney: To ask the Secretary of State for the Environment, Transport and the Regions what are the terms of reference of the pilot scheme in Bristol for testing the Government's proposals for speeding up the system of buying and selling homes in England and Wales; and what will be the cost to public funds of the pilot scheme. [107261]

Mr. Mullin: The Government announced on 11 October 1999 a package of complementary measures aimed at making the home buying and selling process in England and Wales faster, more transparent and consumer-friendly. The announcement also highlighted the Government's intention to set up a study to pilot some aspects of the seller's information pack with approximately 250 home sellers in the Bristol area, covering properties in different price bands and in popular and less-popular local housing markets.

The pilot was launched on 10 December 1999, and will run for the first half of 2000, reporting in September 2000. The results will help provide a clear picture of the practical operation of a modernised system of home buying and selling. However, the pilot cannot entirely replicate the Government's proposals: there is no element of compulsion; transactions may still experience delays especially where there are chains involving people not in the scheme; and voluntary elements of the Government's proposals are not included, for example faster mortgage processing, and faster release of title deeds.

Terms of Reference

1. To identify which elements of the pack work best, and where the practical difficulties lie, including consumer and professional attitudes to the home condition report, and the legal material required for the pack.

2. To provide clear information on the difference that a seller's pack makes to the process of buying and selling, including, where possible, whether packs help to avoid problems and delays, which occur under the present system.

3. To assess the potential housing market effects of seller's packs and the benefits of packs for properties in different price bands.

4. To compare the results of the Bristol pilot with existing initiatives which are being taken forward on a voluntary basis.

Cost to Public Funds

Total cost: £315,015.

Pollution Control

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the cost to the pig and poultry sectors of the charges levied by the Environment Agency in the implementation of the Integrated Pollution Prevention and Control EU Directive 96/61. [107233]

Mr. Hill: No decisions have yet been taken on the level of charges to be applied to the pig and poultry sectors under regulations implementing integrated pollution prevention and control. The Environment Agency is still engaged in discussions with the National Farmers' Union, pig and poultry trade bodies and officials from my Department.

New Year's Eve

Mr. Fearn: To ask the Secretary of State for the Environment, Transport and the Regions what was the total cost of cleaning up *(a)* central London and *(b)* its parks following the New Year's Eve celebrations. [104918]

Mr. Hill: The riparian boroughs, who have made a major contribution to the success of the Millennium celebrations in Central London, initially estimate that the cost of cleaning up the area covered by the event will be in the region of £500,000.

The Millennium Commission made grants available, under the Millennium Festival programme, to 22 UK cities, as a contribution towards the cost of clearing up after New Year's Eve. London is receiving £180,000 under these arrangements.

The Royal Parks Agency estimates that the total cost of the clear up operations in St. James's park, Green park and Victoria Tower Gardens will be between £55,000-£60,000.

Freight Forwarding Companies

Mr. Shaw: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with representatives of the haulage industry about the freight forwarding companies; and if he will make a statement. [105240]

Mr. Hill: Ministers and officials in my Department have frequent contact with the representatives of the haulage industry. If my hon. Friend has any particular concerns about the freight forwarding companies, perhaps he could write to me.

VED Discounts

Mr. Breed: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the details of the scheme for vehicle excise duty discounts for vehicles with low carbon dioxide emissions, announced in November 1999. [105865]

Mr. Hill *[holding answer 20 January 2000]:* The Chancellor of the Exchequer announced in his 1998 Budget Statement his plans for the introduction of a graduated system of Vehicle Excise Duty for new cars. Under this system, cars first registered after Autumn this year will be placed in one of four bands according to their carbon dioxide emissions. The system, which is being introduced on a revenue-neutral basis, will be introduced in a flexible way with the potential, for example, to create further incentives for cars which run on less polluting fuels.

Further details of the scheme will be announced in the forthcoming Budget, in advance of the system's introduction.

Nabishi Radios

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions on how many occasions the use of Nabishi hand-held radios has been reported as presenting problems for freight marshalling yards in the railway industry; and how many radio frequencies are available to train companies. [106289]

Mr. Hill: Information about the use of Nabishi hand-held radios having caused problems for freight marshalling yards in the railway industry is not available. Problems involving hand-held radios are not statutorily reportable to the Health and Safety Executive's Railway Inspectorate, unless they relate to a reportable accident or dangerous occurrence as defined by the 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995' (RIDDOR).

The number of radio frequencies available to train operators is the responsibility of the Radiocommunications Agency, who authorise the use of radio by licensing.

Local Government (Camden)

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has had about Camden Council's decision to reject an executive structure. [106321]

Ms Armstrong: Ministers have spoken on a number of occasions to interested parties about Camden's plans for modernisation.

Car Statistics

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions how many cars per mile there were on Britain's roads in *(a)* 1996, *(b)* 1997, *(c)* 1998 and *(d)* 1999. [106688]

Mr. Hill: The calculations are shown in the table. Data for road length in 1999 are not available.

	1996	*1997*	*1998*	*1999*
Total road length (miles)	229,185	229,835	230,914	—
Number of cars	21,639,462	22,298,304	22,984,336	23,458,476
Cars per mile	94.4	97.0	99.5	—

Road lengths are as of 1 April each year. For the number of cars, figures are from 31 March for 1997, 1998 and 1999 but the 1996 figure is an estimate based upon figures from the end of 1995 and the end of June 1996. The road lengths do not necessarily reflect the amount of carriageway available to cars. For example, a mile of motorway is treated the same as a mile of minor road.

DVLA

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 2000, *Official Report*, column 210W, concerning the DVLA, what percentage of *(a)* car and motorcycle and *(b)* lorry and bus licence applications in which the applicant declared a medical condition were processed within the published standards in each month of 1999; and how many were outstanding with the DVLA for longer than the published standards in each month. [106716]

Mr. Hill *[holding answer 24 January 2000]:* The published standards contain a time allowance for the receipt of advice from third parties necessary to complete the Agency's consideration. Taking that into account, the percentage number is as follows.

Percentage

Months	*Car/motorcycle*	*Lorry/bus*
January 1999	55	72
February	57	76
March	54	75
April	50	72
May	54	64
June	46	61
July	43	59
August	37	63
September	40	64
October	40	74
November	39	71
December	41	64

The number of new cases opened each month which either exceeded at closure or are still currently exceeding the published service standards was:

Months	*Car/motorcycle*	*Lorry/bus*
January 1999	10,150	1,497
February	11,551	1,281
March	11,514	1,304
April	11,705	1,003
May	9,118	999
June	12,923	1,369
July	11,687	1,105
August	10,164	972
September	14,405	1,137
October	12,734	790
November	14,485	978
December	9,185	786

As at 31 December the number of current cases outstanding which has exceeded the published service standards totalled 35,490 (car/motorcycle) and 1,981 (lorry/bus).

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 2000, *Official Report*, column 210W, concerning the DVLA, how many people were advised by the DVLA that the Medical Unit would take longer than the published standards of five to seven weeks to complete its investigations in each year since 1995. [106734]

Mr. Hill *[holding answer 24 January 2000]:* Figures were not produced for 1995–96 financial year and earlier. The figures for subsequent completed years are as follows:

Year	*Letters sent*
1996–97	41,987
1997–98	52,285
1998–99	84,600
1999–2000[1]	69,338

[1] To date.

Customers will also be advised of progress by telephone but no summary records are kept of this means of notification.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 13 January 2000, *Official Report*, column 210W, concerning the DVLA, how many people

currently have an application with the DVLA for a *(a)* car and motorcycle and *(b)* lorry and bus licence in which the applicant declared a medical condition, which has been outstanding for longer than the published standards of five to seven weeks. [106717]

Mr. Hill *[holding answer 24 January 2000]:* The Agency deals with an annual total of some 320,000 applicants and notifications, involving medical investigations. At close of business on 20 January 2000, there were *(a)* 33,699 car and motorcycle and *(b)* 1,881 lorry and bus transactions which had been outstanding for longer than the published standards. This includes drivers who have notified a medical condition but are not currently applying for a licence.

Standard Spending Assessments

Mrs. Anne Campbell: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each shire county, the SSA and actual expenditure, with the deviation as a percentage of SSA for *(a)* social services and *(b)* education for each year for which data are available since 1990–91. [106558]

Ms Beverley Hughes: The requested information has been placed in the Library of the House.

Driving Licences

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the advantages and disadvantages of allowing applicants for driving licences to present alternative forms of identification from those currently required; and if he will make a statement. [106680]

Mr. Hill: The documents required in support of a photocard driving licence application have been agreed by the Ministerial Group on Welfare Reform. The requirements are the same for all driving licence applicants and are in line with Government policy on combating welfare fraud. To accept alternative documents from certain applicants would mean different standards of identity checking and a two-tier system.

A more flexible arrangement to assist individuals whose cases are under consideration by the Immigration and Nationality Department of the Home Office is being looked into as a temporary measure.

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions what assistance is offered to applicants for driving licences who are awaiting the issue of travel documents or naturalisation papers by the Home Office, in proving their identity for the purpose of obtaining driving licences; and if he will make a statement. [106683]

Mr. Hill: Driving licence applicants who are awaiting the issue of travel documents or naturalisation papers by the Home Office are advised to contact the Home Office to ask for confirmation of details to be provided for driving licence application purposes.

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions what arrangements are in place to assist applicants for driving licences who cannot produce the original documents required to prove their identity, due to these being *(a)* held, and *(b)* not yet issued by the Immigration and Nationality Department for immigration or nationality purposes; and if he will make a statement. [106684]

Mr. Hill: Driving licence applicants whose documents are being held or not yet issued by the Immigration and Nationality Department are advised to contact that Department to ask for confirmation of details to be provided for driving licence application purposes.

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions how many applications for driving licences were not proceeded with in the last year for which figures are available because the applicant was unable to produce the necessary identification on the grounds that it was *(a)* being held and *(b)* had not been issued by the Immigration and Nationality Department; and if he will made a statement. [106682]

Mr. Hill: Since August 1999, following Home Office advice on evidence of identity some 7,500 photocard driving licence applications have been rejected because the applicant was unable to produce the necessary identification on the grounds that *(a)* it was being held or *(b)* had not been issued by the Home Office. It should be noted that those persons included in *(b)* may never become eligible for the issue of a necessary identity document by the Home Office.

Air Service Agreements

Mr. Goggins: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the balance of benefits to the United Kingdom regions and to the South East of England in pursuing a mini-deal on transatlantic bilateral air service agreements with the USA. [106788]

Mr. Mullin: Transatlantic air services between the UK and the US are governed by the provisions of an air services agreement, commonly referred to as Bermuda II. The Government will contemplate changes to Bermuda II only on terms which are no less advantageous to the generality of UK interests than to US interests. In determining this balance, the Government have regard not only to the interests of airlines but to the interests of airports (London and regional), the regions in which those airports are situated and the interests of consumers. This approach has guided the Government's consideration of a range of options for a possible mini-deal during the current round of talks.

Airlines

Mr. Goggins: To ask the Secretary of State for the Environment, Transport and the Regions (1) what progress he is making towards eliminating restriction on the ability of United Kingdom and foreign airlines to serve United Kingdom regional airports without the need for bilateral negotiations; [106789]

(2) what is his policy on the applications for fifth freedom rights from foreign airlines wishing to serve Manchester airport; and if he will make a statement on how wider regional interests are taken into account in the process of deciding the award of fifth freedoms to air carriers. [106786]

Mr. Mullin: In June 1998 we offered to bilateral partners with whom we did not already have liberal agreements unrestricted third/fourth freedom access to all UK airports (except Heathrow and Gatwick) as long as UK airlines were also allowed to operate on the same routes. Fifth freedom rights were not included in the offer and remain subject to negotiation although in evaluating exchanges of rights we do take account of possible regional economic benefits. In the Department's response to the Select Committee on Environment, Transport and the Regions report on Access to Regional Airports we undertook to review this policy. Officials have consulted interested parties and a response will shortly be made to the Select Committee.

Mr. Goggins: To ask the Secretary of State for the Environment, Transport and the Regions what is his timetable for achieving full liberalisation of air service agreements. [106787]

Mr. Mullin: It is impossible to set a timetable for achieving full liberalisation of air services agreements as this is dependent on bilateral partners. Liberal air service arrangements are already in place with EEA States and a number of other states and officials seek to liberalise our arrangements in other air services negotiations.

Portsmouth Harbour

Mr. Hancock: To ask the Secretary of State for the Environment, Transport and the Regions on what grounds he rejected the representations from the applicants for the proposed Portsmouth Harbour (Gunwharf Quays) (Millennium Tower) Order concerning the objections to this Order due to be received by him by 20 December; what criteria he uses to make such decisions; and how much time he will give the applicants to revise their representations. [106804]

Mr. Hill: The application by the Berkeley Festival Waterfront Company Ltd. for powers to construct the Millennium Tower is subject to the written representations procedure under the Transport and Works Act 1992. The applicants complied with the first stage of this procedure on 20 December by sending to the Department representations on each objection to their application. They did not, however, include in their representations information which had been sought by the Department concerning the proposed use of the Tower. We need to be satisfied that the essential purpose of the Tower would fall within the definition of an observation structure, in order to establish that it would be within the powers of the 1992 Act to make the proposed Order. It would not be appropriate to progress the application further until this fundamental issue has been addressed. We expect the applicants to respond shortly on this issue.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for the Environment, Transport and the Regions which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105873]

Ms Armstrong *[holding answer 24 January 2000]:* I refer the right hon. Member to the reply given by my right hon. Friend the Chief Secretary to the Treasury on 24 January 2000, *Official Report,* columns 117–18W.

Trains (Deaths)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions how many people were killed by trains in each year since 1995; and what estimate he has made of how many such deaths were suicides. [106704]

Mr. Hill: For the period 1 April 1995–31 March 1999, the number of people killed by trains was:

Year	*Total fatalities*	*Suicides*	*Passenger fatalities in train accidents*
1995–96	249	131	1
1996–97	249	119	1
1997–98	278	147	7
1998–99	254	123	0

The figures include all fatalities due to train accidents and the movement of trains reported to the Health and Safety Executive's (HSE's) HM Railway Inspectorate. However, 1998–99 was the first time in 5 years (ie since privatisation) that no passenger was killed in a train accident.

The figures for suicides are included in the total fatalities figures. The total figures also include fatalities to trespassers which have averaged well over 100 a year. The figures in this table are based on published statistics, subject to subsequent change by Coroners verdicts, which are contained in the HSE Chief Inspector of Railways' Annual Reports on Railway Safety for Great Britain, and are available in the House Library.

Private Hire Vehicles

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made in respect of restoring the position on private hire vehicles which existed prior to the decision in the case of Benson v. Copeland Borough Council concerning the personal use of a private hire vehicle by the spouse of the licence holder. [106464]

Mr. Hill: I refer the hon. Member to my reply to my hon. Friend, the Member for Oldham, East and Saddleworth (Mr. Woolas), on 21 December 1999 *Official Report,* column 521W.

Departmental Staff

Mr. Stephen Twigg: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of his Department's staff were *(a)* registered disabled, *(b)* women, *(c)* from ethnic minorities and *(d)* from (i) independent, (ii) grammar and (iii) other schools in (1) 1970, (2) 1979, (3) 1989 and (4) 1999. [106764]

Ms Beverley Hughes: As of the end of 1999 the percentages in the Department of Environment, Transport and the Regions (including its Agencies) were 3 per cent. disabled staff, 46 per cent. women and 5.2 per cent. ethnic minority staff.

Figures for 1970, 1979 and 1989 are not available due to the merging of the former Departments of Environment and Transport in 1997 and the formation of the Agencies and Government Offices. Similarly, although records of staff members' educational qualifications and the institutions from which they attained them are now kept, no record is kept of the type of school attended.

Rail Franchises

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions if he will take steps to ensure that Wales is placed within a single franchise area when railway franchises are next allocated. [107017]

Mr. Hill: As part of his preparations for franchise replacement, the Franchising Director has invited proposals for improved services in Wales and the North West. These need not necessarily be based on the existing franchise map. In any re-negotiations the Franchising Director will seek the best deal he can for passengers, in line with the Instructions and Guidance the Deputy Prime Minister gave him last year. The Franchising Director has consulted interested parties, including the Welsh Assembly, and will continue to do during the re-negotiation process.

PRIME MINISTER

Security Services

Mr. Baker: To ask the Prime Minister under what circumstances expenditure by the security services can be incurred outside the funds allocated to the Single Intelligence Vote; and if he will make a statement. [106653]

The Prime Minister *[holding answer 25 January 2000]:* None.

Policy Unit

Dr. Tonge: To ask the Prime Minister how many members of staff at the Number 10 Policy Unit are employed as experts on *(a)* non-European international affairs and *(b)* African affairs. [106987]

The Prime Minister: None.

Arms Exports

Dr. Tonge: To ask the Prime Minister what assessment he has made of the compliance of the export of spare parts for British made Hawk Jets with *(a)* criterion 4 and *(b)* criterion 8 of the EU Code of Conduct for Arms Exports. [107018]

The Prime Minister: Licences to export arms and other goods whose export is controlled for strategic reasons are issued by the Secretary of State for Trade and Industry acting through the Export Control Organisation (ECO) of the Department of Trade and Industry. All relevant individual licence applications are circulated by the DTI to other Government Departments with an interest as determined by those Departments in line with their policy responsibilities. These include the Foreign and Commonwealth Office, Ministry of Defence and Department for International Development.

All applications for licences to export goods entered in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, commonly known as the Military List, are assessed against the criteria announced by my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs on 28 July 1997, *Official Report*, columns 26–29W, and European Union Code of Conduct of Arms Exports, including Criteria 4 and 8.

Intelligence and Security Committee

Kali Mountford: To ask the Prime Minister when he will respond to the Intelligence and Security Committee's Annual report for 1998–99. [107650]

The Prime Minister: I intend to present the Government response to the Intelligence and Security Committee's Report before Parliament tomorrow.

TRADE AND INDUSTRY

Inward Investment

19. **Charlotte Atkins:** To ask the Secretary of State for Trade and Industry if he will make a statement on inward investment in the UK. [105768]

Mr. Caborn: The UK had another record year for attracting inward investment projects in 1998–99. The Invest in Britain Bureau recorded 652 decision to invest in the UK with almost 119,000 associated jobs. These figures are underscored by latest Office for National Statistics data which show that at the end of the third quarter 1999, the total stock of inward investment in the UK amounted to £222 billion, an increase of 21 per cent. over the previous year.

The UK remains the number 1 location in Europe for inward investment and this Government are committed to providing a stable economic framework to ensure that the UK stays ahead of its competitors.

Metrication

20. **Mr. Nicholas Winterton:** To ask the Secretary of State for Trade and Industry if he will make a statement on his policy on metrication. [105769]

Dr. Howells: The Government are taking forward the policy adopted by successive Governments since 1965 of overseeing the change to metric units as the primary system of measurement in the United Kingdom. A report by my Department on the progress since 1965, particularly for goods sold by weight or measure, was placed in the Library of the House on 23 July last year.

E-Commerce

21. **Dr. Kumar:** To ask the Secretary of State for Trade and Industry what action he is taking to provide a network of support for those businesses which trade on the internet. [105770]

Ms Hewitt: We have established a network of 100 Support centres throughout the UK under the Information Society Initiative (ISI) at which businesses can get impartial, jargon-free advice and support. In England, these Centres will be fully integrated into the new Small Business Service.

We are also working with a newly formed Digital Content Forum on an action plan for growth in this rapidly developing sector which includes many of the key content and service providers for e-commerce based businesses.

Beyond this, work is under way to develop a new, industry led mentoring scheme for internet based start ups, building on recommendations in the Performance and Innovation Unit's report "e-commerce@its.best.uk".

22. **Mr. Russell Brown:** To ask the Secretary of State for Trade and Industry what account he has taken in framing his policy on e-commerce, of representations received from the IT industry. [105771]

Ms Hewitt: The report "e-commerce@its.best.uk", launched by the Prime Minister in September 1999, sets out the Government's e-commerce strategy. In preparing this report, extensive consultation took place with representatives from the IT industry among others.

In general terms, the Government meet regularly to discuss e-commerce policy with the Information Age Partnership, in which business leaders from the IT industry participate.

23. **Dr. George Turner:** To ask the Secretary of State for Trade and Industry what steps he is taking to ensure that the UK is among the world leaders in the exploitation of IT. [105772]

Ms Hewitt: We are determined to make the UK the best place in the world for Information Technology and e-commerce. The Government's vision and strategy for e-commerce is set out in the report "e-commerce@its.best.uk", which was launched by the Prime Minister in September.

The Electronic Communications Bill, currently in committee stage, will give digital signatures legal parity with their written equivalents and will put wholly electronic contracts on a sound legal footing.

30. **Mr. Savidge:** To ask the Secretary of State for Trade and Industry what steps he is taking to ensure the security and privacy of internet transactions. [105780]

Ms Hewitt: Government alone cannot ensure the privacy and the security of the internet. We are, however, taking steps to ensure that both business and the public have the tools at their disposal to address their own needs. In particular we have introduced the Electronic Communications Bill, which will both promote the use of electronic signatures and encryption, and enhance the availability of cryptographic support services, such as the issue of authentication certificates. The Department has also been involved in the creation and promulgation of BS7799, the standard for Information Security Management, which is now recognised internationally as an important tool for business in securing their internet transactions. Finally the 1998 Data Protection Act, which will be implemented later this year, ensures that all those who process customer data have to adopt mechanisms to safeguard its privacy.

Post Offices

24. **Mr. Stephen O'Brien:** To ask the Secretary of State for Trade and Industry what plans he has to assist rural sub-post offices. [105773]

Mr. Alan Johnson: The Government are making a substantial contribution to the costs of automating the entire post office counters network to strengthen the viability of the network as a whole. Automation will enable Post Office Counters Ltd. to offer substantial enhancements to the services it is able to offer to clients and customers which in turn will increase the attractiveness of post offices compared with other service delivery channels. In addition, the Performance and Innovation in the Cabinet Office is carrying out an urgent study on the post office network. Various rate relief schemes already apply to many rural post offices.

National Minimum Wage

25. **Mr. Edwards:** To ask the Secretary of State for Trade and Industry what plans he has to review the level of the national minimum wage. [105774]

Mr. Alan Johnson: Any future changes to the national minimum wage will be made sensibly and taking account of the economic conditions prevailing at the time.

28. **Mr. Tony Lloyd:** To ask the Secretary of State for Trade and Industry what recent representations he has received concerning the level of the minimum wage. [105778]

Mr. Alan Johnson: My Department has received a small number of representations on this issue in the past few weeks. Any future changes to the national minimum wage will be made sensibly and taking account of the economic conditions prevailing at the time.

Telecommunications

26. **Mr. Dismore:** To ask the Secretary of State for Trade and Industry what consultations were held with *(a)* local authorities and *(b)* the cable telecommunications industry prior to the laying before Parliament of the Telecommunications (Licence Modifications) (Cable-Local Delivery Operators Licences) Regulations 1999 in relation to the effects of the regulations on local authorities plans to control the height and width of roadside cable telecommunications cabinets; and if he will make a statement. [105775]

Ms Hewitt: Telecommunication operators, the Local Government Association and other interested bodies were first consulted on the changes planned to telecommunication licences in November 1997. These changes came into force on 27 September 1999. There were no specific consultations on the maximum size of street cabinets as the proposed measurements had at the date of consultation already become the standard for new licences.

Furthermore, the licences do not alter the limitations of what operators may do within the Town and Country Planning (General Permitted Development) Order 1995. Cabinets which are larger than that permitted under that Order require planning permission.

Pollution

27. **Mr. Gill:** To ask the Secretary of State for Trade and Industry what representations he has received about integrated pollution prevention and control changes; and if he will make a statement. [105776]

Mr. Alan Johnson: My right hon. Friend the Secretary of State for Trade and Industry has received a small number of representations concerning integrated pollution prevention and control changes.

Representations on issues including scope, timing and charges have also been made to officials in the Department of Trade and Industry.

DTI officials have discussed industry concerns with officials in the Department of the Environment, Transport and the Regions. DETR is responsible for regulations implementing integrated pollution prevention and control (IPPC) on a phased basis in England and Wales. These are expected to be laid and to come into force later this year.

However, the application of the IPPC Directive to offshore combustion installations is the responsibility of the DTI and was part of a wider public consultation exercise on the future of the offshore oil and gas environmental regime undertaken in the spring of 1999. A further consultation on the regulations covering offshore combustion installations was initiated in December 1999.

Science Parks

29. **Dr. Palmer:** To ask the Secretary of State for Trade and Industry what actions his Department is taking to promote science parks based at leading universities. [105779]

Ms Hewitt: The Government are wholly aware of the importance of business incubation and science parks and has provided £35 million to set up UK Business Incubation as a centre for promoting best practice among fledging companies. The centre acts as a catalyst to extract the maximum benefit from the business incubation process in the UK by promoting best practices, better networking, and encouraging uptake of business incubation. Turning to science parks there over 60 science parks in the UK, including Cambridge, Aston, Durham and Coventry; the majority are based in or around major universities. There are close links between the parks and universities which strengthen the transfer of technology and business skills in order to foster the development and growth of business.

Out-of-town Supermarkets

31. **Mr. Clifton-Brown:** To ask the Secretary of State for Trade and Industry if he will make a statement on the Government's competition policy in relation to out-of-town supermarkets. [105781]

Dr. Howells: The Competition Commission is currently investigating the supply of groceries in the UK. It would not be appropriate for me to comment on matters which may form part of the Commission's inquiry.

Scientific Research

32. **Mr. Ian Stewart:** To ask the Secretary of State for Trade and Industry what action he is taking to enable the longer-term planning of Government-funded scientific research. [105782]

Ms Hewitt: As a result of the Government's decision in the Comprehensive Spending Review to allocate money for three years instead of one, Departments and Research Councils can now plan ahead with more certainty than before.

The Government confirmed, in their response of 13 September 1999 to the July 1999 report by the Council for Science and Technology (CST) of its review of science and technology across Government, that it fully accepted the advice that Departments should adopt a more strategic forward-looking approach to science and technology. The response noted that many departments already made substantial efforts here and went a long way towards meeting the recommendation but accepted that there was more that could be done.

Many Departments are already closely engaged with the UK Foresight programme which aims to develop a culture of forward thinking on science and technology. In response to the CST report, Departments will decide how to make better use of Foresight as part of the development of their science and technology strategies. Work to implement this and other recommendations from the Council for Science and Technology's report is ongoing as part of wider work on a science and innovation strategy.

Manufactured Goods

33. **Mr. Jim Cunningham:** To ask the Secretary of State for Trade and Industry if he will make a statement on prospects for trade in manufactured goods between Britain and its European Union partners. [105783]

Mr. Caborn: The prospects for trade with our European Union partners are improving. Respected forecasters expect that market growth across the European Union will strengthen this year. This is already reflected in better export figures, which show that in the three months to November the value of exports to Germany, our main European Union trading partner, were 4 per cent. higher than the previous three months.

The CBI survey of manufacturers shows that optimism about export prospects for the coming 12 months is positive for the first time since October 1996, suggesting that companies share this view.

TransTec

34. **Mr. Robathan:** To ask the Secretary of State for Trade and Industry what steps his Department is taking to recover Government grants to TransTec; and if he will make a statement. [105784]

Mr. Caborn: Details of the Department's dealings with businesses over grants are confidential.

Mr. Robathan: To ask the Secretary of State for Trade and Industry how much public money has been given by his Department to TransTec since its establishment in *(a)* grants and *(b)* loans. [105635]

Mr. Byers *[holding answer 18 January 2000]:* I refer the hon. Member to the reply given to the hon. Member for Tiverton and Honiton (Mrs. Browning) on 25 January 2000, *Official Report,* columns 205–06W.

Science Base

35. **Mr. Michael J. Foster:** To ask the Secretary of State for Trade and Industry what plans he has to ensure that the exploitation of the UK science base will lead to increased wealth and job creation. [105785]

Ms Hewitt: The Government are committed to encouraging the exploitation of the UK science base and spending on this sector has increased steadily over the last few years. A number of schemes have been set up to encourage the development and exploitation of research which will place the UK at the cutting edge of technology thereby increasing its ability to compete in the 21st Century and in so doing boosting the economy and creating jobs.

Renewable Energy

36. **Mr. Drew:** To ask the Secretary of State for Trade and Industry when he will be announcing new measures to help renewable energy producers. [105786]

Mrs. Liddell: The Government intend to make a statement on new and renewable energy shortly, at the time of the Second Reading of the Utilities Bill.

Synchrotron

37. **Mrs. Curtis-Thomas:** To ask the Secretary of State for Trade and Industry when he expects to make an announcement on the location of the new synchrotron. [105787]

Ms Hewitt: My right hon. Friend the Secretary of State in his reply to Parliamentary Question 99739, dated 25 November 1999, *Official Report*, column 164W, said that he would make a final decision as to the location of the new synchrotron in the light of all the evidence and announce it by mid January. He is currently evaluating all the information available and will be making the announcement in the near future.

Cluster Developments

38. **Mr. Kidney:** To ask the Secretary of State for Trade and Industry what action his Department is taking to promote cluster developments. [105788]

Ms Hewitt: The Government attach considerable importance to clusters and are currently putting in place new mechanisms for taking forward the development of its clusters policy. These include a Clusters Policy Steering Group to be chaired by my noble friend Lord Sainsbury, the Minister for Science and a full mapping study of cluster activity in the UK. Membership of the Steering Group and the successful bidders for the mapping study will be announced shortly.

Miners Compensation

Mr. Watts: To ask the Secretary of State for Trade and Industry what progress has been made in meeting retired miners health-related compensation claims. [105767]

Mrs. Liddell: We have made over 6,000 offers based on spirometry testing and so far 927 claimants have accepted. Over 16,000 individual interim payments have been made. So far over £45 million in compensation has been paid to ex-miners and their families. The first full medical assessments have begun and we anticipate that substantial numbers of offers will rapidly follow.

In addition we have settled over 10,000 claims for Vibration White Finger and paid out over £63 million in compensation to ex-miners.

Mr. Denis Murphy: To ask the Secretary of State for Trade and Industry what progress his Department is making in relation to the settlement of damages claims made by former mineworkers for chronic bronchitis and emphysema; how many claims have been *(a)* received and *(b)* settled; and what action is being taken to ensure the speedy processing of the outstanding claims. [106931]

Mrs. Liddell: As at 25 January, the Department has received 94,011 claims of which 1,047 have been settled in full and final payment. In addition the Department has made 16,390 interim payments to ex-miners and their families. To date over £46 million has been paid in damages.

Some 39,479 screening spirometry tests have now been conducted meeting the required target when the contract was let. Screening spirometry should be completed for the vast majority of remaining claimants by March 2000.

Eight centres have so far been established to provide the services for the full Medical Assessment Process and 23 teams are currently engaged in collecting medical records. A total of 25 centres will be established by the end of February 2000. The first assessments have begun and the infrastructure is in place to process claims fully in accordance with the Handling Agreement reached with the solicitors representing former miners.

Phthalates

Mr. Baker: To ask the Secretary of State for Trade and Industry if he will quantify the risk his Department assesses can be posed to young children from the ingestion of phthalates. [106965]

Dr. Howells: The European Commission's independent Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE) was consulted on the use of six phthalates in toys and child care articles intended to be mouthed. It concluded that these phthalates could be safely used, provided that any leaching from the toy or child care article did not exceed scientifically established tolerable daily intake (TDI) levels. The DTI, on the advice of the Department of Health, has supported the SCTEE conclusions with regard to DINP. As well as being subject to a very high safety margin for use, there is considerable evidence to indicate that humans are much less sensitive to the liver toxicity which rats exposed to extremely high doses demonstrate. Where the UK does consider there may be cause for greater EU-wide restrictions is in the use of another phthalate, DEHP, where scientific concerns have been raised. DEHP is not used in toys in the UK.

Mr. Baker: To ask the Secretary of State for Trade and Industry for what reason he does not support a ban on phthalates in toys which are not designed to be sucked or chewed by young children but could be. [106968]

Dr. Howells: The Government have taken their steer from the European Commission's independent Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE). The SCTEE has held that, provided migration

does not exceed scientifically established levels, phthalates can be safely used. Testing has shown that products currently on UK shelves do not give any cause for concern. However, given public concern, and to try to bring in a harmonised EU approach, the Commission introduced a Decision, supported by all member states, to ban phthalates in items intended to be mouthed by small children. Phthalates leach only with difficulty, requiring very prolonged chewing before they are dislodged. When we consider the science and the risks, the ban reflects a very cautious approach. Had the science indicated otherwise, the Commission would have proposed a more stringent measure than the current ban.

Drug Companies (Mergers)

Dr. Cable: To ask the Secretary of State for Trade and Industry what representations he has received from *(a)* Glaxo Wellcome, *(b)* SmithKline Beecham and *(c)* other drug companies about the proposed merger between Glaxo Wellcome and SmithKline Beecham. [106144]

Dr. Howells: This Department has received one representation on the proposed merger. It is not our policy to disclose the identity of those who make representations on cases so that interested parties may comment freely without any concern that their comments might then be disclosed. Any such representations are forwarded to the Director General of Fair Trading who will take them into account in his advice to this Department on the case.

Dr. Cable: To ask the Secretary of State for Trade and Industry what consultations he has had with the Secretary of State for Health on the likely impact of the merger of SmithKline Beecham and Glaxo Wellcome on *(a)* the price and availability of (i) prescription and (ii) non-prescription medicines and *(b)* competition among health service suppliers. [106145]

Dr. Howells: The Director General of Fair Trading will consult interested parties about the proposed merger and will advise this Department on the case in due course. His advice will take into account any comments on these issues that he has received from my right hon. Friend the Secretary of State for Health.

Clean Coal Technology

Mr. Denis Murphy: To ask the Secretary of State for Trade and Industry how much was spent by the Government in each of the last five financial years on the research and development of clean coal technology. [106934]

Mrs. Liddell: The expenditure by my Department in respect of research and development of cleaner coal technologies is shown in the table.

Year	*£ million*
1994–95	8.0
1995–96	7.8
1996–97	6.9
1997–98	3.1
1998–99	2.9

Note:
Provision for 1999–2000 is £3.7 million, and planned expenditure for 2000–01, as published in Energy Paper 67, is £4.0 million. All figures are net.

Photovoltaics

Mr. Robathan: To ask the Secretary of State for Trade and Industry (1) what assessment he has made of the potential long-term economic benefits of supporting renewable energy sources, with particular reference to photovoltaics, on the basis of the German model; [106782]

(2) what assessment he has made of the potential for photovoltaics in reducing carbon emissions in the United Kingdom on the basis of a support scheme for renewable energy similar to the German model. [106783]

Mrs. Liddell: I refer the hon. Gentleman to a recent assessment of the potential for renewable energy, including photovoltaics, commissioned by my Department. This has been reported in "New and Renewable Energy: Prospects in the UK for the 21st Century". "Supporting analysis, March 1999—ETSUR-122", a copy of which will be placed in the Library of the House shortly; this is also available on the Departmental website at www.dti.gov.uk/renew/condoc. This includes information on the potential for reducing carbon emissions and the economics of renewables.

We have not carried out any specified assessments looking at the German model, but the cost to the German taxpayer of the interest free loans being offered in support of the 100,000 roofs programme is estimated at around £300 million for an installed capacity of 300 MW. Several German cities and utilities are also offering premium rates—up to 2DM (70p) a unit—to householders exporting electricity to the grid from PV systems. These extra costs are spread over the remaining majority of electricity consumers in those areas.

Regional Assistance

Mr. Wigley: To ask the Secretary of State for Trade and Industry what advice his Department gives to those businesses in areas which have ceased to be eligible for regional assistance since 1 January. [106515]

Mr. Caborn: Financial assistance to industry outside England is a matter for the devolved administrations. In England, we have given advice that while discussions continue with the Commission over the new Assisted Areas map, Government Offices will, as a temporary measure, continue to receive applications for RSA from businesses located in the Assisted Areas proposed in July 1999. Government Offices will undertake a full appraisal of such cases but any offers of financial assistance will be conditional on confirmation from the Commission that the location is within the approved map and that the project complies with the appropriate aid ceilings for that area. Similar arrangements are in place in Wales and Scotland. Any area which is outside the Assisted Areas when the map is approved will not be eligible for RSA under Community law. However, in the English regions we have introduced new tier 3 areas which include areas of need outside the Assisted Areas proposed to the Commission. In tier 3, qualifying SMEs may apply for financial assistance from a new discretionary Enterprise Grant scheme.

Export Credits Guarantee Department

Dr. Cable: To ask the Secretary of State for Trade and Industry if he will estimate the public expenditure on the ECGD's business for *(a)* 1998–99, *(b)* 1999–2000,

(c) 2000–01 and *(d)* 2001–02, (i) in aggregate, (ii) with highly indebted land mine developing countries and (iii) related to defence. [105418]

Mr. Caborn: Aggregate public expenditure on ECGD operations is estimated as:

Year	*£ million*
1998–99	[1]318.7
1999–2000	1,025.4
2000–01	947
2001–02	947

[1] Outturn

These public expenditure estimates relate to a number of financial facilities which ECGD provides in support of its main trading operations. The vast majority of the amounts relate to the refinancing with public funds of export finance loans and will be repaid as the loans mature. The balance is accounted for by the cost of interest rate support to banks under ECGD's Fixed Rate Export Finance (FREF) Scheme.

Costs arising from these public expenditure facilities are not estimated or recorded on a basis which allows them to be broken down by country or industrial sector. Fuller details of these facilities can however be found in ECGD's Annual Report and Trading Accounts for 1998–99 of which there is a copy in the Library of the House.

ECGD's main trading operations are not scored against public expenditure since ECGD looks to cover the cost of claims arising from this business through premium and recoveries of claims paid.

Dr. Cable: To ask the Secretary of State for Trade and Industry if he will list the *(a)* countries and *(b)* bodies which have bought arms from the United Kingdom in the last five years under the export credits guarantee scheme and defaulted on their payments, indicating the amounts involved in each case. [105337]

Mr. Caborn: The only defence business covered by ECGD in the last five years where the country has subsequently defaulted was with Indonesia. The value of defence business in the last five years to Indonesia is £529 million and the current value of the defaults on this business is £55.9 million.

Dr. Cable: To ask the Secretary of State for Trade and Industry if he will make a statement on the estimate prepared for the Defence Committee concerning annual ECGD net costs attributable to arms exports. [105338]

Mr. Caborn: I refer the hon. Member to the response by my hon. Friend the Minister for Defence Procurement on behalf of the Government to the House of Commons Defence Commitment's Report of 31 March 1999. This welcomed the Committee's invitation to the Ministry of Defence to undertake further work on the costs and benefits to the UK economy of defence exports. This analysis, which will include ECGD costs, is under way and the results will be published in due course.

Ann Clwyd: To ask the Secretary of State for Trade and Industry what support the Export Credits Guarantees Department has given for Land Rover to establish a licensed production agreement with Otakar in Turkey; and if ECGD support contained *(a)* export control and *(b)* human rights criteria. [104159]

Mr. Caborn: In March 1998 ECGD finally concluded financing arrangements through the Supplier Credit Facility in relation to Land Rover's supply to Otakar in Turkey. The financing arrangements, inter alia, include a specific condition that Land Rover has to provide a warranty that all relevant government approvals including export licences where appropriate have been obtained and remain valid.

Production equipment and technology, components and sub-assemblies whose export from the UK is subject to control are set out in a range of headings in the Export of Goods (Control) Order 1994, as amended, and the Dual-Use and Related Goods (Export Control) Regulations 1996, as amended and Council decision 94/942/CFSP, as amended (which has effect through Council Regulation (EC) 3381/94). While a valid export licence is needed for the export of controlled goods or technology, exporters are not required to obtain one before they conclude an agreement for production overseas.

Mr. Flynn: To ask the Secretary of State for Trade and Industry what proportion of the sum paid out in claims authorised by the Export Credits Guarantee Department on exports to Nigeria between 1996–97 and 1998–99 was for defence-related exports. [105930]

Mr. Caborn *[holding answer 24 January 2000]:* None of the claims authorised between 1996–97 and 1998–99 were for defence-related exports.

Mr. Flynn: To ask the Secretary of State for Trade and Industry what amount of money underwritten by the Export Credits Guarantee Department in each of the past 10 years for defence-related equipment has been claimed by manufacturers but not recovered from *(a)* Indonesia, *(b)* Jordan, *(c)* Kenya, *(d)* Egypt and *(e)* Algeria. [105935]

Mr. Caborn *[holding answer 24 January 2000]:* From information readily available, the balances of claims outstanding for defence-related exports are as follows:

	£ million
Indonesia	131
Jordan	253
Kenya	16
Egypt	46
Algeria	98

Energy Safety Management Audit

Ms Southworth: To ask the Secretary of State for Trade and Industry when the Health and Safety Executive will publish its report on the Safety Management Audit of British Energy. [107558]

Mrs. Liddell: I understand that HSE's report, 'Safety Management of British Energy Generation Limited' and 'British Energy Generation (UK) Limited', has been published today. Copies of the report have been placed in the Libraries of both Houses.

North Yorkshire Power Line

Dr. Kumar: To ask the Secretary of State for Trade and Industry when the Lackenby to Norton overhead power line will be removed. [107559]

Mrs. Liddell: Although approval for the North Yorkshire Power Line was given in March 1998 there was an error in the consent documentation resulting in a gap in the line of approximately 160 metres. The filling of this gap had to be the subject of a lengthy legal process, including public consultation. Having considered the representations following that consultation, I have concluded, first, that there is no need to hold a public inquiry before making a decision in respect of this gap in the consents for the line, and second, that it is reasonable to grant the National Grid Company consent for the section of line which was not granted on initial consideration in 1998.

While this decision resolves the matter of the "gap", there are still a number of issues to be resolved before the National Grid Company can begin the construction of the new line and the dismantling of the existing one.

Copies of the Press Notice and decision letter are being placed in the Library of the House.

Export Licences (RDX)

Mr. Harvey: To ask the Secretary of State for Trade and Industry which company, organisation or individual in China was to receive the raw RDX for which a standard individual export licence was issued between 7 May and 10 November 1999. [106440]

Dr. Howells *[holding answer 24 January 2000]:* As set out in my letter of 23 September, a copy of which is in the Library of the House, the stated end-use for the RDX in its raw form covered by the licence was wellhead abandonment and oilfield use. The enduser was Halliburton International Inc., and I am disclosing this information in accordance with the Code of Practice on Access to Government Information.

UK Competitiveness Indicators

Mr. Cohen: To ask the Secretary of State for Trade and Industry what assessment he has made of the factors underlying the conclusions of his report, "UK Competitiveness Indicators 1999", on *(a)* working hours and *(b)* per capita national income in the UK, in relation to that in other G7 countries. [106530]

Mr. Byers: The analysis underlying "UK competitiveness Indicators 1999" showed that, on average, we work more hours than our main European competitors and yet we achieve a lower national income per head. The analysis showed that, in comparison to France and Germany, both the proportion of population in employment in the UK and the number of hours worked per person employed are relatively high. Despite this, poor productivity means that GDP per head is some 18 per cent. below the average for the G7. The factors underlying this are assessed in "UK Competitiveness Indicators 1999". Closing the gap will require improvements in several areas, including innovation performance, management and work force skills, and entrepreneurship.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Trade and Industry which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105871]

Dr. Howells *[holding answer 24 January 2000]:* I refer the right hon. Member to the answer given by my right hon. Friend the Chief Secretary to the Treasury on 24 January 2000, *Official Report,* columns 117–18W.

EU Structural Funds

Mr. Cousins: To ask the Secretary of State for Trade and Industry which areas of Newcastle upon Tyne receive *(a)* the maximum level of state support and *(b)* the full level of Objective 2 support from the European Union; and which areas will receive the maximum levels of support in each category in the next financial year. [106706]

Mr. Caborn *[holding answer 25 January 2000]:* The maximum level of state support permitted under Community Law in the English regions is available in areas designated under the terms of Article 87(3)A of the Treaty of Rome. There are no such areas in Newcastle upon Tyne, nor will there be in the next Financial Year. Under proposals which are currently awaiting final endorsement from Brussels Objective 2 support will be available in all areas of Newcastle upon Tyne except for the Wards of Castle and Westerhope.

Fuel Poverty

Mrs. Gilroy: To ask the Secretary of State for Trade and Industry pursuant to the answer of 26 November 1999, *Official Report,* column 210W, on fuel poverty (1) if he will indicate the date of the first meeting of the inter-ministerial group to examine fuel poverty; [105470]

(2) if he will list the membership of the inter-ministerial group to examine fuel poverty. [105469]

Mrs. Liddell *[holding answers 25 January 2000]:* The Group met on Wednesday 19 January 2000. It is jointly chaired by myself and my noble Friend the Parliamentary Under-Secretary of State for the Environment, Transport and the Regions. The other members are: my right hon. Friend the Minister for the Cabinet Office; my right hon. Friend the Chief Secretary to the Treasury; my hon. Friend the Minister for Public Health; the Parliamentary Under-Secretary of State for Social Security, my hon. Friend the Member for City of York (Hugh Bayley), and Callum McCarthy, Director General of the Office of Gas and Electricity Markets.

The Group discussed and agreed its terms of reference and objective, and approved a programme of work. The agreed terms of reference are:

> To take a strategic overview to ensure policies and new initiatives with a bearing on fuel poverty are co-ordinated across Government and integrated with the activities of relevant external bodies, such as the regulator and the energy industries.

The Group's objective is:

> "To develop and publish a strategy setting out the Government's fuel poverty objectives, targets for acnieving those objectives, the policies to deliver those objectives, and how progress should be monitored".

The programme of work to take these forward was agreed as:

To improve identification of the fuel poor.

To research the effect of changes in income, energy prices and energy efficiency on the number of fuel poor.

To identify the projected impact of existing and planned policies on the fuel poor.

To develop an understanding of the gap between the impact of existing and planned policies and fuel poverty objectives, and the policies and resources required to meet objectives.

To develop a comprehensive strategy, setting out Government fuel poverty objectives, policies to deliver them, and targets and timescales for those objectives.

To identify areas where further work is needed to ensure co-ordination of Government policy activity among the various different players, and setting up mechanisms to take this work forward.

To establish methods of developing indicators, monitoring progress, and evaluating outcomes.

Oil and Gas (Scotland)

Mr. Salmond: To ask the Secretary of State for Trade and Industry (1) what estimate he has made of the percentage of oil and gas produced in Scottish waters which is landed outside Scotland; [106578]

(2) if he will list the fields in Scottish waters which produce oil and gas that is landed outside Scotland, stating the licence holder for the field in each case. [106577]

Mrs. Liddell *[holding answer 25 January 2000]:* My Department publishes an annual report "Development of the Oil and Gas Resources of the United Kingdom", copies of which are available in the Library of the House. This lists all the oil and gas fields on the UK Continental Shelf. In each case it shows the location of the field, the operator and how the product is transported from the field. In the case of gas, and of oil sent through a pipeline, the place where the product is landed is given. The "Scottish area" within which offshore platforms are subject to Scots law is defined in the Civil Jurisdiction (Offshore Activities) Order 1987, which has effect under section 11 of the Petroleum Act 1998.

Where the oil is taken off the field by tanker the movements involved are too complex to be listed in full in the Department's annual report. Nor is the information asked for by the hon. Member routinely produced by my Department, or could be except at disproportionate cost.

NORTHERN IRELAND

Murder Inquiry (Robert Hamill)

Ms Oona King: To ask the Secretary of State for Northern Ireland if he will establish an independent judicial inquiry under the Tribunal of Inquiry (Evidence) Act 1921 into the murder of Robert Hamill. [105353]

Mr. Ingram: While an inquiry has not been ruled out by Government, they will not consider the issue until disciplinary proceedings, if any, against police officers are concluded.

RUC School Visits

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will list the *(a)* pre-school institutions, *(b)* primary and *(c)* secondary schools visited by the RUC and police community relations units in 1999. [105454]

Mr. Ingram *[holding answer 17 January 2000]:* During 1999, RUC Community Affairs officers delivered Police Education Programme lessons to 335 primary schools and 52 secondary schools. No records were kept of pre-school visits.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what efforts are made to secure parental consent prior to school visits by the RUC. [105455]

Mr. Ingram *[holding answer 17 January 2000]:* The Police Education Programme (PEP) is delivered by police officers attached to the Community Affairs Branch. Any police involvement with and support to a school is agreed through the school principal.

Decommissioning

Mr. William Ross: To ask the Secretary of State for Northern Ireland if he will list the meetings held between the International Independent Commission on Decommissioning with the representatives of each political party and the authorised representatives of each paramilitary organisation since 1 November 1999. [105816]

Mr. Ingram: This is entirely a matter for the Independent International Commission on Decommissioning, which carries out its functions independent of Government. It is their policy not to disclose this type of information.

Firearms Database

Mr. William Ross: To ask the Secretary of State for Northern Ireland if the RUC firearms database is linked into the National Firearms Database established under Section 39 of the Firearms (Amendment) Act 1997. [105819]

Mr. Ingram *[holding answer 18 January 2000]:* The following table shows the number of legally held handguns stolen from private individuals, the Armed Forces, the Police and Prison Officers in each of the last 10 years.

Year	*Private individuals*	*Armed Forces*	*Police Officers*	*Prison Officers*
1990	0	6	15	4
1991	8	5	12	2
1992	3	5	3	1
1993	7	1	5	0
1994	12	6	14	0
1995	7	2	6	0
1996	7	4	6	1
1997	11	1	2	0
1998	16	2	6	0
1999	7	1	1	1
Totals	78	33	70	9

During this period one rifle was stolen from a police officer.

The Chief Constable has advised that the information in relation to the calibres of these firearms is not easily accessible and obtaining it would incur disproportionate cost.

Union Flag

Mr. McNamara: To ask the Secretary of State for Northern Ireland on what days in the last year the Union Flag was flown *(a)* from the headquarters of each public body, *(b)* at each RUC station and *(c)* in each school authority. [101873]

Mr. Ingram *[holding answer 15 December 1999]:* The Union Flag has been flown at each RUC station on the following occasions over the past year:

6 February 1999: Her Majesty's Accession

8 February 1999: Death of King Hussein of Jordan

19 February 1999: Birthday of HRH the Prince of York

8 March 1999: Commonwealth Day

10 March 1999: Birthday of HRH the Earl of Wessex

21 April 1999: Birthday of Her Majesty the Queen

2 June 1999: Coronation Day

10 June 1999: Birthday of HRH the Duke of Edinburgh

12 June 1999: Official Birthday of Her Majesty the Queen

4 August 1999: Birthday of Her Majesty Queen Elizabeth the Queen Mother

15 August 1999: Birthday of HRH the Princess Royal

21 August 1999: Birthday of HRH the Princess Margaret

14 November 1999: Birthday of HRH the Prince of Wales/Remembrance Day

20 November 1999: Anniversary of Her Majesty's Wedding.

The flying of the Union Flag from the Headquarters of each public body and school authority is no longer the responsibility of the Secretary of State for Northern Ireland.

Firearms Certificates

Mr. William Ross: To ask the Secretary of State for Northern Ireland which system is used by the RUC to hold their register of privately held firearms and persons holding firearms certificates; and if he will place a copy of the system's functional specification and user guide in the Library. [105822]

Mr. Ingram *[holding answer 18 January 2000]:* The Chief Constable has advised that the current system used by the RUC to hold this information was developed by them following research into similar systems operated by GB forces. There are no plans to place the system documentation in the Library.

FOREIGN AND COMMONWEALTH AFFAIRS

Embargoes

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the binding embargoes agreed by the European Union since 1990, indicating for each the period of the embargo and any arrangements made for extension of the period of validity of export licences to those countries to reflect the period of embargo. [103555]

Mr. Vaz: I will write to my hon. Friend shortly.

EU Procedures

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library the guidance handbooks on the institutions of the European Union and on the procedures of the Council prepared by his Department for civil servants and Ministers. [106162]

Mr. Vaz: These guidance handbooks were prepared for the use of UK officials and Ministers directly involved in EU negotiations. We consider giving them wider circulation could be prejudicial to the UK's position in EU negotiations.

Lebanon

Mr. David Atkinson: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with the UN and his international counterparts concerning UN Resolution 520 on the removal of Syrian and Israeli forces from the Lebanon. [106649]

Mr. Hain: I have regular discussions with a wide range of interlocutors about the peace process in the Middle East. In the case of Lebanon, the Government support United Nations Security Council Resolutions 520 and 425, and believe there is now a real prospect of withdrawal of Israeli troops from Lebanon. We look forward to the Lebanese Government's full exercise of its authority throughout the country. The Government also hope that peace negotiations between Israel and Lebanon will begin as soon as possible.

Cameroon

Mr. Chaytor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on human rights abuses in Cameroon. [106861]

Mr. Hain: We have serious concerns about the human rights situation in Cameroon, and believe they are in breach of the Commonwealth's Harare Declaration Principles on Human Rights and Good Governance.

We have raised our concerns with the Government of Cameroon, both bilaterally and with EU partners, and are working with the Commonwealth and other international partners to encourage reform.

Malaysia

Mr. Healey: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Malaysian authorities on the detention of Karpal Singh. [106527]

Mr. Battle: Karpal Singh, the Deputy Chairman of the Democratic Action Party (DAP) and a lawyer for Anwar Ibrahim, the former deputy Prime Minister, was arrested on 12 January. He has been accused of making seditious comments in court during the Anwar trial. He has been released on bail.

This case raises significant legal issues, and we shall be following it closely. We are in regular contact with the Malaysian authorities on such matters.

Mr. Healey: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received on the detention and trial of Kayed Singh in Malaysia. [106526]

Mr. Battle: None.

Entry Clearance Refusals

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs how many applications for entry clearance to visit the United Kingdom have been made at the British post in Havana in each of the last 10 years; and how many of those applications have been refused. [106869]

Mr. Vaz: Statistics on visit visa applications processed by the visa section in Havana have been collated only since 1993. The figures are as follows:

Year	*Received*	*Refused*
1993	871	[1]—
1994	901	[1]—
1995	2,062	65
1996	1,455	63
1997	1,772	103
1998	2,026	94
1999	2,234	145

[1] Not available

The figures for refusals in 1993 and 1994 were not recorded. The 1999 figures are provisional: final statistics for 1999 are currently being compiled.

Mr. Allan: To ask the Secretary of State for Foreign and Commonwealth Affairs how many people were refused entry clearance to United Kingdom as visitors in 1998 on the grounds that the entry clearance officer did not believe that the applicant intended to leave the United Kingdom at the end of their visit. [106819]

Mr. Vaz: "Intention to leave the UK" is one of the key tests in the Immigration Rules on which an ECO must be satisfied. Most short-term visit refusals will include this as one of the grounds for an application being unsuccessful. However, detailed information on the reasons for refusal is not collated centrally and could be provided only at disproportionate cost.

Indonesia

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent *(a)* reports and *(b)* representations he has received on violations of human rights by the Indonesian Army in Aceh and West Papua. [106728]

Mr. Battle: Despite the progress towards democracy in Indonesia, the security situation in Aceh and West Papua/Irian Jaya is a matter of serious concern. We have received reports of indiscriminate killings, abductions and harassment in Aceh, and we have received reports that four civilians were seriously wounded after security forces opened fire on demonstrators in West Papua/Irian Jaya on 4 December. These incidents highlight the importance of the new Indonesian Government's efforts to secure peace and reconciliation in their troubled provinces through dialogue—a process we fully support.

We have received a small number of parliamentary letters about the situation in the above provinces.

I discussed the current violence in Indonesia with President Wahid and senior Ministers during my visit to Indonesia last week and underlined our deep concern.

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the use by the Indonesian army in Ambon of UK-manufactured Saladin armoured cars against civilians. [106732]

Mr. Battle: Saladin vehicles have not been exported to Indonesia since the 1960s. We have no confirmation of recent press reports that UK-supplied Saladin armoured vehicles have been used against civilians in Ambon.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Gordon Prentice: To ask the Secretary of State for Culture, Media and Sport if he will list by constituency the amount spent on lottery tickets and the number of lottery millionaires. [107066]

Kate Hoey: I have placed a table showing the amount spent on National Lottery tickets by constituency for the first five years of the National Lottery in the Libraries of the House.

Figures for the number of Lottery millionaires by constituency are not available.

Mr. Ashdown: To ask the Secretary of State for Culture, Media and Sport how many applications for National Lottery grants have been made by organisations in the Yeovil constituency over the last five years; how many of these have been accepted; and if he will make a statement. [106743]

Kate Hoey: The table shows the number of applications and awards for each of the National Lottery distributing bodies to organisations in the Yeovil constituency, based on information provided by the National Lottery distributing bodies.

Distributing body	*Number of applications received*	*Number of awards made*
Arts Council of England	25	15
Heritage Lottery Fund	15	3
Film Council	0	0
Millennium Commission	[1]—	4
National Lottery Charities Board	163	68
New Opportunities Fund	0	[2]0
Sport England	15	8
UK Sport	0	0

[1] Not known.

[2] The New Opportunities Fund has allocated funding to schools in the Somerset County Council, amounting to £1,552,054, under its programme for ICT (information and communications technology) training for teachers and school librarians. In addition, under its programme for ICT training for public library staff, Somerset County Council will receive the entitlement of £135,725. Funding is allocated by Local Education Authority/Library Authority and it is not possible at present to provide a breakdown by parliamentary constituency.

Gillian Merron: To ask the Secretary of State for Culture, Media and Sport if he will publish tables for the *(a)* sales of national lottery tickets in and *(b)* awards from the lottery to (i) parliamentary constituencies, (ii) counties and (iii) regions ranked in descending order by amount in each case. [106843]

Kate Hoey *[holding answer 25 January 2000]:* I have placed tables showing National Lottery awards by constituency, county, and region by descending order of amount; and tables showing ticket sales by constituency and by region, by descending order of amount, in the Libraries of the House. Ticket sales by county are not available.

Mr. Cohen: To ask the Secretary of State for Culture, Media and Sport how many National Lottery grants, indicating the amounts involved, have been allocated to projects in London via *(a)* national companies, *(b)* national institutions and *(c)* local London community groups. [106808]

Kate Hoey: According to my Department's National Lottery awards database, there have been 5596 grants to organisations based in London since the National Lottery began, with a total value of £2,263,714,761. Of these, 4,650 grants, with a total value of £1,230,738,680, have been classified by the National Lottery distributors as local awards; the remaining 946 awards, with a total value of £1,032,976,081, have been classified as non-local.

Mr. Coaker: To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the value of lottery funds received by organisations in the Gedling constituency; and if he will make a statement. [106831]

Kate Hoey *[holding answer 25 January 2000]:* According to my Department's National Lottery awards database (which uses information supplied by the National Lottery distributing bodies) there have been 50 awards to organisations based in the Gedling constituency, totalling £1,295,563.

Dr. Tony Wright: To ask the Secretary of State for Culture, Media and Sport if he will list, in each constituency the *(a)* sales of National Lottery tickets and *(b)* allocation of Lottery funding ranked in order of (i) number of tickets sold and (ii) value of Lottery funding, in each of the first five years of the Lottery's operation. [106150]

Kate Hoey: I have placed a table showing Lottery awards by constituency, where known, for each year from 1995 (the first year in which awards were made) to 1999 in the Libraries of the House. The table is taken from my Department's National Lottery awards database, using information provided by the National Lottery distributing bodies. It allocates awards to constituencies according to the applicant's post code.

I have also placed a table showing total ticket sales to 13 November 1999 in the Libraries of the House. Annual breakdown of these data is not available.

Deregulation

Mrs. Curtis-Thomas: To ask the Secretary of State for Culture, Media and Sport what orders his Department has made under the Deregulation and Contracting Out Act 1994 in each year since 1994; and what plans it has to introduce such orders. [106089]

Mr. Chris Smith *[holding answer 20 January 2000]:* The Department for Culture, Media and Sport (DCMS) has made two orders under the Deregulation and Contracting Out Act 1994. They are:

The Deregulation (Wireless Telegraphy) Order 1996 (SI 1996/1864)

This abolished the requirement for TV dealers to hold TV licences and to register with the BBC. It was estimated to have saved TV dealers £10,000 a year.

The Contracting Out (Functions in relation to the Management of Crown Lands) Order 1998 (SI 1998/215)

This removes the statutory responsibilities of the Secretary of State for DCMS, for the day to day management of the historic royal palaces which is now carried out under contract by the Historic Royal Palaces Trust.

DCMS will continue to look for opportunities to use such orders to remove unnecessary legislative restrictions.

Subtitling

Mr. Berry: To ask the Secretary of State for Culture, Media and Sport what action his Department is taking to ensure that broadcasters comply with the Disability Discrimination Act 1995 in respect of subtitling on their *(a)* digital television channels and *(b)* videos. [106138]

Janet Anderson: It is for the broadcasters themselves to ensure that they are acting in accordance with the requirements of the Part III of the Disability Discrimination Act 1995, which relates to access to goods, facilities and services. Broadcasting, like other services to the public is covered by the Act, while the manufacture and design of manufactured goods, such as videos, are not. Broadcasters are also subject to the "Code on Subtitling, Sign Language and Audio Description on Digital Terrestrial Television", drawn up by the Independent Television Commission (ITC) under Section 20 of the Broadcasting Act 1996. The Code is concerned with the access to digital terrestrial television services for people with hearing disabilities and visual impairments. The code requires digital terrestrial broadcasters to provide subtitles on at least 50 per cent. of their services within 10 years of the commencement of digital services. The Independent Television Commission will continue to monitor the performance of commercial DTT channels to ensure compliance with the code. The ITC are currently looking at the implications of the Disability Discrimination Act to ensure that their codes are consistent with it.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport if he will list the ITC's returns from each of the *(a)* digital and *(b)* analogue terrestrial channels covered by its statutory subtitling targets for each of the last five years. [106974]

Janet Anderson: The first digital terrestrial services began in November 1998 and the Commission has not yet published returns for these services. The ITC has published the following returns for analogue terrestrial channels in its Annual Reports:

Percentage

	ITV	*GMTV*	*Channel 4*	*Channel 5*
1994	30	29	37	—
1995	35	30	36	—
1996	41	37	45	—
1997	51	39	56	23
1998	61	42	60	27

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport (1) what plans he has to introduce legislation to set statutory subtitling targets for cable and satellite broadcasters; and if he will make a statement; [106970]

(2) what is his Department's policy on subtitling on *(a)* cable and *(b)* satellite television channels. The Minister for Tourism, Film and Broadcasting, [106971]

Janet Anderson: The Government have no current plans to legislate on subtitling for cable and satellite broadcasters. They have however, made clear their concern at the apparent poor level of subtitling on cable and satellite channels and have encouraged all broadcasters to respond positively to the RNID's initiative for a voluntary charter on broadcast subtitling.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport if he will list the statutory subtitling targets set by the ITC for each year from 1995 to 2005 inclusive. [106973]

Janet Anderson: The ITC has set the following targets:

Percentage

	Analogue			*Digital Terrestrial Television*	
	Channel 3	*GMTV*	*Channel 5*	*Year*	*From date of start of each programme service*
1995	32	29	—	1.	5
1996	38	33	—	2.	10
1997	45	37	23	3.	15
1998	52	41	27	4.	20
1999	56	46	32	5.	25
2000	61	50	37	6.	30
2001	68	54	43	7.	35
2002	75	54	50	8.	40
2003	79	58	—	9.	45
2004	83	58	—	10.	50

The Commission will review the targets for subtitling on Channel 3 and Channel 5 analogue services in 2001 to decide whether any further increase is feasible and has undertaken to review the interim targets set for digital terrestrial services every two years from the start of services.

ITV (Mergers)

Mr. Woolas: To ask the Secretary of State for Culture, Media and Sport what representations he has received regarding the proposed mergers within ITV. [106953]

Janet Anderson *[holding answer 25 January 2000]:* My right hon. Friend the Secretary of State has received a number of representations from interested parties on the proposed mergers within ITV, which reflect a wide range of views. Details of these cannot be given due to commercial confidentiality.

Channel 5

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport what proportion of programmes broadcast by Channel 5 in 1999 were of European origin as defined within EU Directive 89/552/EC. [106966]

Janet Anderson: Provisional figures for 1999 indicate Channel 5 continued to meet the requirement in the European Broadcasting Directive 89/552/EC, as amended by Directive 97/36/EC, for the majority of transmission time to be devoted to works of European origin. The initial figures indicate that 53 per cent. of broadcast time on Channel 5, excluding advertisements, sports, news, games and teletext services, was devoted to works of European origin. The final figure will be published later this year by the Independent Television Commission.

Tobacco Sponsorship

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how much money has been raised from sponsors to replace tobacco sponsorship of sporting events by the Government Task Force on tobacco sponsorship of sport. [106445]

Kate Hoey *[pursuant to the reply, 12 July 1999, c. 25W]:* It is too soon to be looking to replace existing contracts and our help can most effectively be targeted in the 12 to 18 months before they lapse, which is the normal lead in time for negotiating new sponsorships. However, I am keeping in close touch with the sports involved and Task Force members are also offering ongoing advice and assistance to help the sports prepare to move away from existing tobacco sponsors.

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport when the Task Force on tobacco sponsorship of sport has met since its inception. [106444]

Kate Hoey: There have been three formal meetings of the Tobacco Sponsorship Task Force which were held on: 10 December 1998; 24 February 1999; and 19 October 1999. In addition there have been 11 meetings between officials in my Department, Task Force members, and the individual sports concerned.

SCOTLAND

Firearms

Mr. William Ross: To ask the Secretary of State for Scotland (1) in relation to implementation of section 39 of the Firearms (Amendment) Act 1997 *(a)* who is responsible for the problem, *(b)* who are the stakeholders and *(c)* what are the success criteria; and if he will make a statement; [106420]

(2) when he expects police forces in Scotland to comply with the requirement of section 39 of the Firearms (Amendment) Act 1997; what is the reason for the delay in doing so; and if he will make a statement. [106418]

Dr. Reid: The requirements of section 39 of the Firearms (Amendment) Act 1997 are met in Scotland by the Scottish Criminal Records Office computer database which records all certificate holders and firearms dealers and is accessible on-line to Scottish police forces.

Regional Selective Assistance

Mr. Davidson: To ask the Secretary of State for Scotland if he will list the total Regional Selective Assistance payments in Scotland by local authority area for the latest 12 month period for which figures are available. [104871]

Dr. Reid: The figures for the last fiscal year are given in the table. Since July 1999, the Regional Selective Assistance grant scheme in Scotland has been administered by the Scottish Executive.

Regional Selective Assistance (RSA) payments made by unitary authority: 1998–99

£000

Unitary authority	*Value of RSA payments made*
Angus	360
Argyll and Bute	18
Clackmannanshire	21
Dumfries and Galloway	528
Dundee City	1,761
East Ayrshire	1,626
East Dunbartonshire	465
East Renfrewshire	145
Falkirk	400
Fife	9,329
Glasgow City	7,131
Highland	800
Inverclyde	2,473
North Ayrshire	9,536
North Lanarkshire	9,712
Renfrewshire	3,302
South Ayrshire	1,593
South Lanarkshire	6,008
West Dunbartonshire	310
West Lothian	17,887
Total Scotland	73,404

Post Offices

Mr. Jack: To ask the Secretary of State for Scotland what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105861]

Mr. Wilson: I refer to the reply given by the Minister for Competitiveness on 20 January 2000, *Official Report*, column 519W.

Departmental Productivity

Mr. Crausby: To ask the Secretary of State for Scotland what action he is taking to increase the productivity and reduce the running costs of his Department. [103854]

Dr. Reid: Delivering efficient and modern public services is a key part of the Government's agenda for improving productivity. Greater efficiency is being sought therefore within the public sector to ensure that the most effective results are obtained from available resources. My Department is still in the process of establishing its full range of activities and is committed to delivering improvements in performance within approved running cost limits.

EDUCATION AND EMPLOYMENT

New Deal (Waltham Forest)

Mr. Gerrard: To ask the Secretary of State for Education and Employment what data he collates regarding the monitoring of training services provided under the New Deal in the London Borough of Waltham Forest. [104102]

Ms Jowell: Responsibility for the monitoring of training services provided under the New Deal for Young People in the London Borough of Waltham Forest rests with the local partnership in the Ilford unit of delivery. The Employment Service has worked with the Training Standards Council—the independent body set up by the Secretary of State to evaluate and report on Government funded work based training—to produce a framework to assess training provision. Part of this process is an annual self assessment that in Ilford's case will take place in February 2000. To inform the inspection process the New Deal Partnership collates details of New Deal participants and information on the achievement of those who have left New Deal options. This information is broken down by gender, ethnicity and disability status. Separate statistics are compiled for each contractor involved in the local delivery of New Deal options.

A-levels

Sir Nicholas Lyell: To ask the Secretary of State for Education and Employment what was the percentage of A-level students who received A grades taking *(a)* modular examinations and *(b)* taking non-modular examinations in (i) 1997, (ii) 1998 and (iii) 1999. [106131]

Mr. Wicks: Of the modular GCE A-level entries in England in each of the last three years, the following percentages resulted in A grades:

Modular courses

Year	*Percentage*
1997	17
1998	18
1999	20

Of the non-modular GCE A-level entries in England in each of the last three years, the following percentages resulted in A grades:

Non-modular courses

Year	*Percentage*
1997	15
1998	16
1999	16

Of all GCE A-level entries, the split between modular and non-modular is as follows:

Year	*Percentage*
Modular entries	
1997	33
1998	44
1999	39
Non-modular entries	
1997	67
1998	56
1999	61

Note:

ie Of all GCE A-level entries in 1999, 61 per cent. were non-modular, and 39 per cent. were modular.

Assisted Places (Worcester)

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment how many pupils are on assisted places for *(a)* year nine, *(b)* year 10, *(c)* year 11, *(d)* year 12 and *(e)* year 13, at the (i) King's School, (ii) Alice Ottley, (iii) Royal Grammar School and (iv) St. Mary's Convent in Worcester for the year 1999–2000. [106769]

Ms Estelle Morris: The information requested is given in the following table:

Numbers of assisted place holders in academic year 1999–2000

	(i) The King's School, Worcester	*(ii) Alice Ottley School*	*(iii) Royal Grammar School*	*(iv) St. Mary's Convent School*
(a) Year 9	25	17	38	9
(b) Year 10	20	16	29	8
(c) Year 11	30	23	35	0
(d) Year 12	29	8	33	1
(e) Year 13	28	11	28	0

Local Learning Partnerships

Mr. Lepper: To ask the Secretary of State for Education and Employment if he will make a statement on *(a)* the role of local learning partnerships in the work of local learning and skills councils and *(b)* the timetable for consultation on local learning partnerships. [106796]

Mr. Wicks: There are now over 100 Learning Partnerships throughout the country. They were established following extensive consultation by DfEE with national partners and, through them, with local agencies (colleges, TECs, careers services, LEAs etc.). Learning Partnerships have a key role in the new post-16 arrangements. They will provide the local LSCs with invaluable advice about the learning needs of young people, adults and the community in general, as well as the skill needs of employers. This advice will inform the local LSCs' annual planning of learning and skill needs and priorities for the development of local provision.

The role of Learning Partnerships in relation to the local Learning and Skills Councils has been published in the Learning and Skills Council Prospectus "Learning to Succeed" (December 1999)—paragraph 2.43 to 2.48 and the Secretary of State's letter of 17 January 2000 to all Members enclosing the Learning Partnership Policy Statement. Both documents are available in the Library of the House.

The White Paper "Learning to Succeed" posed specific questions regarding the role of Learning Partnerships and how they might best support local LSCs. Respondents indicated overwhelming support for their role in the new post-16 arrangements and therefore there are no plans for further consultation on Learning Partnerships.

Pupil–Teacher Ratios

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment if he will list the *(a)* total number of pupils on school rolls and *(b)* pupil–teacher ratio in (i) primary and (ii) secondary schools in Northumberland for each year since 1995. [106823]

Ms Estelle Morris: The information requested is shown in the table.

Number of full-time equivalent pupils, pupil–teacher ratios in maintained primary and secondary schools in the Northumberland local education authority area: 1995–99

	Primary schools		*Secondary schools*	
	Full-time equivalent number of pupils	*Pupil:teacher ratio* [1]	*Full-time equivalent number of pupils*	*Pupil:teacher ratio* [1]
1999	20,155	24.1	29,968	19.0
1998	20,271	24.8	30,011	19.2
1997	20,348	24.5	30,052	18.6
1996	20,241	24.6	29,804	18.5
1995	20,160	24.3	29,758	18.4

[1] The pupil–teacher ratio within schools is the ratio of the full-time equivalent number of pupils (counting each part-time pupil as 0.5 where applicable) to the full-time equivalent number of qualified teachers.

Free School Meals (Blyth Valley)

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment how many pupils in Blyth Valley schools who are from families on the *(a)* income support and *(b)* family tax credit schemes will be entitled to free school meals. [106822]

Ms Estelle Morris: The information is not available in the form requested.

In schools[1] in the Northumberland local education authority area, there were 7,427 pupils who were known to be eligible for free school meals. This represented 14 per cent. of the total pupil population in these schools.

[1]Includes Maintained Nursery, Primary and Secondary Schools and all Special Schools.

Standard Spending Assessments

Mrs. Anne Campbell: To ask the Secretary of State for Education and Employment if he will list the upper and lower quartile and median SSA per pupil for each year since 1990–91 at 2001 prices for all LEAs in England. [106559]

Ms Estelle Morris: The table lists the information requested for the primary and secondary SSA per full-time equivalent 5 to 15-year-old pupil.

	Lower (1st) quartile	*Median*	*Upper (3rd) quartile*
1990–91	1,735	1,801	1,988
1991–92	2,004	2,073	2,302
1992–93	2,124	2,195	2,449
1993–94	2,160	2,259	2,507
1994–95	2,182	2,273	2,519
1995–96	2,138	2,226	2,484
1996–97	2,239	2,305	2,512
1997–98	2,301	2,379	2,527
1998–99	2,416	2,502	2,636
1999–2000	2,537	2,612	2,763
2000–01	2,655	2,739	2,895

Note:

All figures are in pounds per pupil at 2000–01 prices, using the GDP deflators published on 22 December 1999. No adjustments have been made to take account of changes in local authority function.

Special Measures Schools

Mr. Willis: To ask the Secretary of State for Education and Employment how many newly qualified teachers were working in schools in special measures in September 1999. [106691]

Ms Estelle Morris: Since 1 September 1999, schools already on special measures cannot employ newly qualified teachers who are going through induction, unless they are certified by Ofsted as suitable for the induction of teachers.

Information on the number of newly qualified teachers in schools on special measures certified as suitable for induction is not available centrally.

Higher Education

Mr. Boswell: To ask the Secretary of State for Education and Employment what plans he has to introduce value-added measurements in higher education. [106842]

Mr. Wicks *[holding answer 25 January 2000]:* Following the recommendations of the Dearing report, we asked the Higher Education Funding Council for England (HEFCE) to develop a set of indicators and benchmarks for the higher education sector. The new performance indicators for higher education were published on 3 December 1999. The HEFCE has no current plans to introduce value-added measures as strictly defined.

Sixth-form Curriculum

Mr. Coaker: To ask the Secretary of State for Education and Employment what funding he has made available to local education authorities to support the changes to the sixth-form curriculum coming into force from September 2000; and if he will make a statement. [106832]

Mr. Wicks *[holding answer 25 January 2000]:* The Department estimates that the recurrent costs of successfully implementing the forthcoming reforms to post-16 qualifications in LEA maintained schools are likely to be of the order of £35 million in 2000–01. The sum was added to the Education Standard Spending Assessment for that year, in the light of the Comprehensive Spending Review. It is for individual local education authorities to decide how to allocate resources to the schools they maintain.

Independent Sector

Mr, Boswell: To ask the Secretary of State for Education and Employment if he will make a statement on *(a)* the size and composition of the independent non-publicly funded sector in (i) further and (ii) higher education, *(b)* the steps he is taking to ensure that its quality is maintained and *(c)* his action intended to improve its contribution to the objectives of the White Paper, "Learning to Succeed" (Cm 4392). [106844]

Mr. Wicks: There is no centrally held information on the number of independent non-publicly funded providers or institutions of Further and Higher Education.

Under the Learning and Skills Council's new funding system, independent providers may receive funding, and would therefore be subject to inspection and quality assurance.

Special Educational Needs

Dr. Cable: To ask the Secretary of State for Education and Employment what assessment he has made of the pilot schemes supported through the Special Educational Needs Standards Fund Grant to develop work on the education of children with emotional, behavioural and psychiatric problems. [106757]

Jacqui Smith: Local education authorities in receipt of grant to support children with emotional and behavioural difficulties (EBD), under the Special Educational Needs Standards Fund for 1999–2000, must produce a progress report by June this year. Similar levels of information will be required on projects beginning in 2001–02. A major consideration in deciding whether to support each project continues to be that adequate mechanisms for monitoring and evaluating the work are built into the design.

We will be writing to LEAs before Easter with details of the type of additional information we will require. I am setting up an EBD Advisory Group, composed of practitioners and other experts in the field, and we will

draw on their expertise as to the most useful form this information might take. The information from LEAs will be used to inform decisions on SEN for the longer term. Where they report good practice we will seek to disseminate this widely through published case studies, conferences and through the Department's Special Educational Needs website.

Occasional and Unqualified Teachers

Mr. Willis: To ask the Secretary of State for Education and Employment in how many *(a)* primary, *(b)* secondary and *(c)* special schools in each LEA inspected by Ofsted during the 1998–99 school year 10 per cent. or more of the staff were treated for the purpose of the inspection as occasional or unqualified teachers. [106689]

Ms Estelle Morris: This is a matter for HM Chief Inspector of Schools. I have asked him to write to the hon. Member and to place a copy of his reply in the Library.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Education and Employment which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105875]

Mr. Wills *[holding answer 24 January 2000]:* I refer the right hon. Member to the reply given by my right hon. Friend the Chief Secretary to the Treasury on 24 January 2000, *Official Report*, column 118W.

Islington Council

Mr. Corbyn: To ask the Secretary of State for Education and Employment if he will place in the Library all documentation relating to the appointment of contractors to administer the central services of Islington Council's Education Department. [106344]

Ms Estelle Morris *[holding answer 24 January 2000]:* Much of the documentation relating to the contract is commercial in confidence. However, I am placing in the Library the "Invitation to Negotiate" that was issued to selected bidders in August. This includes a draft contract, proposed performance standards and their link to the payment mechanism and a description of the services to be outsourced.

Pupil Funding

Mr. Ronnie Campbell: To ask the Secretary of State for Education and Employment if he will list the funding made available in the 1999–2000 standard spending assessment for each *(a)* primary and *(b)* secondary pupil in Northumberland. [106983]

Ms Estelle Morris: The 1999–2000 Standard Spending Assessment (SSA) per pupil in Northumberland is as follows:

	£ per pupil
Primary	2,240
Secondary	2,877

Teachers (Performance-Related Pay)

Mr. Hurst: To ask the Secretary of State for Education and Employment what is the proposed salary scale for the assessors to be employed to assess teachers for performance-related payment; how many such assessors he expects will be employed; and what estimate he has made of the total cost of administering the assessment scheme, excluding the cost of the performance-related pay. [107177]

Ms Estelle Morris: Headteachers will be responsible for assessing teachers against national standards to move to the new upper pay spine proposed by the Government. DfEE has contracted Cambridge Education Associates Limited (CEA) to manage the appointment, deployment and quality assurance of external assessors who will verify, through sampling, headteachers' assessments.

The payment of external assessors is a matter for CEA, but it will be made on a pro rata basis dependent upon the number of applicants in each school.

The number of external assessors to be deployed will be dependent upon the number and distribution of teachers who apply to cross the Performance Threshold. This number will not be known until summer 2000. The total cost of administering the scheme will be dependent upon the number of assessments carried out and again this will not be known until later in 2000.

Child Labour

Mr. MacShane: To ask the Secretary of State for Education and Employment what plans he has for publishing the White Paper on the instrument adopted at the 1987 session of the International Labour Conference concerning the prohibition and immediate action for the elimination of the worst forms of child labour. [107557]

Ms Jowell: I have today published a White Paper entitled, 'International Labour Conference', copies of which have been placed in the Library.

LORD CHANCELLOR'S DEPARTMENT

Jury Trial

Mr. Gordon Prentice: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will seek powers to empanel parallel juries to allow the study of the dynamics of juries and how they reach their verdicts. [106723]

Jane Kennedy: There is no intention to seek the powers to empanel parallel juries for research into juries. Any proposals received by the Government for such research are considered individually.

Mr. Gordon Prentice: To ask the Parliamentary Secretary, Lord Chancellor's Department what research he has commissioned on the jury system and how juries arrive at their verdicts. [106724]

Jane Kennedy: Such research is currently restricted by section 8 of the Contempt of Court Act 1981. No research has been commissioned by the Lord Chancellor's Department into how juries arrive at their verdicts.

Prisoners (Court Hearings)

Mr. Luff: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will review the principle of holding *(a)* small claims court and *(b)* county court hearings in prisons on cases brought by prisoners against the Prison Service and others; and if he will make a statement. [106569]

Jane Kennedy: There are no plans for a review. The judiciary can hold civil or family court hearings in any location, including prisons. The judge, when considering applications to hold hearings outside the court building, will take into account the views of the other side.

Judges

Mr. Stephen Twigg: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the percentage of judges who were *(a)* registered disabled, *(b)* women, *(c)* from ethnic minorities and *(d)* from (i) independent schools, (ii) grammar schools and (iii) other schools in each of the years (i) 1970, (ii) 1979, (iii) 1989 and (iv) 1999. [107013]

Mr. Lock: Serving judges and applicants for judicial appointment are not asked currently to declare whether they have a disability and no such records are held. Applicants for judicial appointment are no longer asked to give details of their secondary education. While such information was collected in the past, it is held on individual personal records and has not been collated. It could therefore be obtained only at disproportionate cost. Even if such information were available it would not be possible to provide a breakdown as requested because the status of a particular school may not be clear or might have changed over time. Historical information about gender and the ethnic origin of the judiciary is not available for all of the years requested.

The table shows the percentages of judges who were women and from ethnic minorities in 1992 (the first full year for which such information is available) and 1999. As the ethnic origin of candidates for judicial office was not sought before October 1991 the data may be incomplete. A second table also provides what limited information there is available about women in the judiciary in 1970, 1979 and 1987. No figures are readily available for 1989.

Percentages of judges who were women and of ethnic minority origin as at December 1992 and December 1999

		Women		Ethnic minority origin	
	Total	*Number*	*Percentage*	*Number*	*Percentage*
December 1992					
Lords of Appeal in Ordinary	10	0	0	0	0
Heads of Divisions	4	0	0	0	0
Lords Justices of Appeal	27	1	3.7	0	0
High Court Judges	83	4	4.8	0	0
Circuit Judges	484	24	5	3	0.6
Recorders	780	39	5	8	1
Assistant Recorders	481	50	10.4	8	1.7
District Judges	258	17	6.6	[1] —	—
Deputy District Judges	649	[1] —	—	[1] —	—
Stipendiary Magistrates	79	9	11.4	1	1.3
Acting Stipendiary Magistrates	80	[1] —	—	[1] —	—

		Women		Ethnic minority origin	
	Total	*Number*	*Percentage*	*Number*	*Percentage*
December 1999					
Lords of Appeal in Ordinary	12	0	0	0	0
Heads of Divisions	4	1	25	0	0
Lords Justices of Appeal	35	1	2.9	0	0
High Court Judges	99	8	8.1	0	0
Circuit Judges	559	38	6.8	6	1.1
Recorders	913	85	9.3	14	1.5
Assistant Recorders	439	72	16.4	14	3.2
District Judges	402	54	13.4	6	1.5
Deputy District Judges	766	115	15	11	1.4
Stipendiary Magistrates	96	14	14.6	2	2.1
Acting Stipendiary Magistrates	131	22	16.8	4	3.1

[1] Information not known

Women in the judiciary in 1970, 1979 and 1987

	Total	*Women*	*Percentage women*
1970			
High Court Judges	73	1	1.4
Circuit Judges	103	1	1

Women in the judiciary in 1970, 1979 and 1987

	Total	*Women*	*Percentage women*
Recorders	112	1	0.9
Assistant Recorders	[1] —	[1] —	—
Stipendiary Magistrates	45	2	4.4

	Total	Women	Percentage women
1979			
High Court Judges	73	1	1.4
Circuit Judges	302	6	2
Recorders	369	9	2.4
Assistant Recorders	[1]—	[1]—	—
Stipendiary Magistrates	51	2	3.9

	Total	Women	Percentage women
1987			
High Court Judges	79	3	3.8
Circuit Judges	390	16	4.1
Recorders	558	23	4.1
Assistant Recorders	420	29	6.9
Stipendiary Magistrates	66	8	12.1

[1] Information not known

INTERNATIONAL DEVELOPMENT

Departmental Staff

Mr. Streeter: To ask the Secretary of State for International Development how many Hindus are employed by her Department. [106638]

Clare Short: My Department does not collect information on the religious affiliations of its employees.

Kosovo

Mrs. Gillan: To ask the Secretary of State for International Development if she will list the non-Governmental organisations funded by her Department that are present in Kosovo; and what assessment she has made of their co-ordination and effectiveness. [106339]

Clare Short: My Department has provided funding for the following NGO activity in Kosovo:

Pharmaciens sans Frontières
Handicap International
International Medical Corps
Goal
Feed the Children International
Medair
Mercy Corps Europe
Scottish Charities Kosovo Appeal
Global Care
Children's Aid Direct
Help Age International
Oxfam
ADRA
International Rescue Committee
War Child.

In making applications for funding, NGOs are required to describe the agency's involvement in sectoral co-ordination arrangements, and their knowledge of other agency activity in the same area. NGO programmes are subject to monitoring by our field office staff and, in the case of larger programmes such as the £5 million International Medical Corps programme of support to primary health care, by London experts.

Mr. Streeter: To ask the Secretary of State for International Development what representations she has made in the past three months to the United Nations Mission in Kosovo concerning the humanitarian situation in the Balkans. [106436]

Clare Short: The key humanitarian issues in Kosovo are warmth and shelter. Staff from our Field Office and Infrastructure Engineering Unit in Pristina have worked closely with United Nations Mission in Kosovo's (UNMIK) humanitarian pillar, headed by United Nations High Commissioner for Refugees (UNHCR), and other donors over the past three months to implement power transmission and water programmes. These will complement the UNHCR-co-ordinated shelter programme, which has received generous support from the European Union.

Ministerial Meetings

Dr. Tonge: To ask the Secretary of State for International Development how many meetings of the Ministerial Committee on Defence and Overseas Policy she has attended since May 1997. [106447]

Clare Short: Attendance at Cabinet Committee meetings is not made public in line with Exemption 2 of the Code of Practice on Access to Government Information.

Departmental Consultations

Dr. Tony Wright: To ask the Secretary of State for International Development if she will list the public consultation exercises on policy matters carried out by her Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106297]

Clare Short: In 1997, my Department published its White Paper on International Development following an extensive consultation exercise. This committed us, among other things, to more open and collaborative ways of developing policy. In the following year, we launched a Development Policy Forum. A range of development issues were discussed with individuals and representatives of groups from across society in a series of nine regional forums, culminating in a national Forum. A second round of forums is now underway. The aims are to share thinking and ideas on key current development issues and to raise awareness. A copy of the report of the 1998 Forum and details of the 2000 Forum are available on the DFID website (under 'Working With Us').

In 1998, over 500 UK and overseas civil society groups were consulted as part of a major review of the way DFID works with these organisations. Groups were invited to write to the Department to set out their views. The ideas which emerged were drawn together and discussed further during 1999, resulting in new DFID funding mechanisms to strengthen civil society in poor countries, through civil

society groups in the UK. These mechanisms provide for ongoing consultation, and willingness to further review and update arrangements on the basis of lessons learned.

We are also providing published strategies for all the countries and institutions with which we work after a period of consultation with appropriate stakeholders.

In 1999, DFID began a major consultative exercise to produce a set of papers on how the international community, together with developing countries and others, can achieve the International Development Targets set out in the White Paper, and what action DFID should itself be taking to contribute to this global effort. Each of these papers will be produced following a consultation exercise with developing country governments, civil society at home and overseas, the private sector, international development agencies, other donors, academics, and others. Draft copies of each paper are being distributed and written comments invited. Seminars to discuss each draft are being arranged. These papers will be made publicly available when finalised. The analysis they contain of the strategies required to achieve the International Development Targets will be used to sharpen the focus of DFID policies and resource allocations. Further, we hope the analysis will be of value to all those involved in international development, the international agencies, the bilateral donors, civil society organisations and those in developing countries themselves.

Aid Criteria

Mr. Streeter: To ask the Secretary of State for International Development what criteria she uses when deciding whether to suspend aid payments to Governments in the developing world. [106439]

Clare Short: I refer the hon. Member to my reply of 28 October 1999, *Official Report,* column 940W.

World Trade Organisation

Mr. Streeter: To ask the Secretary of State for International Development what discussions she has had with *(a)* other EU countries and *(b)* the 41 poorest countries concerning reform of the World Trade Organisation since 1 December 1999. [106430]

Clare Short: *(a)* Since 1 December I have had no meetings with EU partners regarding WTO reform. The Secretary of State for Trade and Industry discussed this issue in the General Affairs Council in Seattle and since then has been in touch with Commissioner Lamy and EU Trade Minister colleagues, outlining UK proposals for WTO reform.

(b) Since the Seattle meeting, I have had no direct discussions with representatives of the 41 Heavily Indebted Poor Countries (HIPCs) on trade-related matters. I will meet representatives from HIPCs and others at the UNCTAD X meeting in Bangkok, 12–19 February, and will discuss a range of trade-related issues.

Russia

Mr. Streeter: To ask the Secretary of State for International Development what direct Government assistance has been provided to Russia since 1 December 1999. [106431]

Clare Short: Information is not available on the form requested. My Department is responsible for most British Government assistance to Russia. DFID expects to spend around £28 million on bilateral assistance to Russia in the current financial year. Between 1 December and 20 January, DFID approved a total of £4.4 million for new projects; this includes a contribution of £0.89 million to the UN for humanitarian assistance to those displaced by the conflict in Chechnya. Other Government Departments including the Foreign and Commonwealth Office, the Ministry of Defence and the Department for Trade and Industry have smaller programmes of co-operation with Russia. In addition, we provide significant assistance to Russia through the multilateral agencies, especially the EU Tacis programme.

Mr. Streeter: To ask the Secretary of State for International Development what funds from the know-how fund are allocated to Russia. [106432]

Clare Short: We expect to spend around £28 million on bilateral assistance to Russia in the current financial year.

Literacy

Mrs. Fyfe: To ask the Secretary of State for International Development if she will estimate the number of people who have acquired literacy as a result of her Department's contributions to education programmes in the last two years. [105387]

Clare Short: It is not possible to give an estimate of the number of people who have acquired literacy as a result of our contribution to education programmes. In Africa and Asia we are currently funding a large number of substantive primary education programmes, all of which will contribute to the eradication of illiteracy. We have committed over £300 million to these programmes since May 1997. Millions of people will benefit from them.

Guyana

Mr. Don Foster: To ask the Secretary of State for International Development what consultations there have been between her Department and the European Commission concerning the proposed financing of a road from Georgetown to Lethern in Guyana; and what advice her Department has given on the project. [106146]

Clare Short: From our local donor consultative process we understand that consultants were engaged last year by the EC to look at the feasibility of such a road.

The EC received a report in December, and this is now the subject of discussion between the EC and the Government of Guyana.

Congo

Mr. Bercow: To ask the Secretary of State for International Development if she will make a statement on the level of humanitarian aid from HM Government dispatched to the Congo; and what steps she is taking to ensure such aid is not appropriated by the combatants. [106384]

Clare Short: Since the current conflict began in the Democratic Republic of Congo (DRC) in August 1998, the UK has committed £1.7 million in humanitarian assistance to help people affected by the conflict. This includes £0.7 million to assist Congolese refugee populations in Zambia, Tanzania and Uganda.

Humanitarian assistance is provided to meet the needs of affected populations in the most effective way possible. In the DRC, the UK's assistance has been provided through the United Nations and well-established non-governmental organisations. My Department is in regular contact with these and other organisations active in the DRC, and receives written reports to account for all the Department for International Development's humanitarian expenditure. Organisations are expected to identify the beneficiaries of any project supported by the UK to ensure that resources are targeted at the civilian populations in most need.

Great Lakes (HIV)

Mr. Bercow: To ask the Secretary of State for International Development what measures are being taken to restrict the spread of HIV in the Great Lakes Region; and if she will make a statement. [106404]

Clare Short: Tackling the HIV/AIDS epidemic must play a central part in helping to reduce poverty, and to work for peace, security and prosperity in Africa. At the Commonwealth Heads of Government meeting in South Africa in November 1999, the Prime Minister announced a new UK Government commitment of £22.7 million for HIV/AIDS in Africa. This includes £14 million to the International AIDS Vaccine Initiative (IAVI) to help develop a safe and affordable vaccine.

In the Great Lakes region, the current conflicts exacerbate the difficulties of addressing health issues. In the cases of Burundi and the Democratic Republic of Congo, the United Nations Consolidated Inter-Agency Appeals contain interventions to help tackle the spread of HIV/AIDS.

In Rwanda in particular, the World Bank and DFID are working together to design a support programme for the education sector. Plans under discussion include support for HIV/AIDS awareness.

Trade (Globalisation)

Ms Squire: To ask the Secretary of State for International Development what role her Department will play in helping developing countries secure a fair share of the benefits of globalisation. [107554]

Clare Short: Globalisation is at a critical stage for developing countries. It is generating massive wealth and has the potential to help lift millions out of abject poverty. But it could also lead to increased inequality, with the risk that some countries remain marginalised and in poverty. My Department is analysing the issues surrounding globalisation and its impact on development, with a view to publishing a second White Paper in the autumn. This would also look at the experience of the three years since our first White Paper and provide the platform for the work of the Department over the next few years.

HOUSE OF COMMONS

Members' Allowances (Devolution)

Mr. Amess: To ask the hon. Member for Roxburgh and Berwickshire, representing the House of Commons Commission, what arrangements are made in respect of the allowances paid to hon. Members who are also members of *(a)* the Scottish Parliament and *(b)* the Welsh Assembly. [107268]

Mrs. Beckett: The arrangements for hon. Members who are also Members of the Scottish Parliament or National Assembly for Wales are the same as those for other hon. Members.

Doorkeepers

Mr. Stunell: To ask the hon. Member for Roxburgh and Berwickshire, representing the House of Commons Commission, how many doorkeepers have been recruited in each year since 1990; and in each year how many have been *(a)* former military personnel with 22 or more years service and *(b)* other former military personnel; and how many have been (i) men and (ii) women. [106476]

Mr. Kirkwood: Doorkeepers have been recruited in the following years since 1990:

Year	*Number*	*Over 22 years military service*	*Under 22 years military service*	*Male*	*Female*
1993	4	2	1	4	—
1994	3	1	—	1	2
1996	5	2	1	5	—
1998	2	—	1	2	—
Total	14	5	3	12	2

Mr. Stunell: To ask the hon. Member for Roxburgh and Berwickshire, representing the House of Commons Commission, what is the current complement of doorkeepers; and what plans there are to vary this. [106477]

Mr. Kirkwood: The current complement of Doorkeepers is:

1 x Principal Doorkeeper

2 x Deputy Principal Doorkeeper

3 x Senior Doorkeeper

27 x Doorkeepers (1 unfilled post).

The House of Commons Commission approved the recommendation of the Board of Management on the report of the Staff Inspector on the Doorkeeper grades on 24 November 1997. Any variations to this complement will arise from follow up reviews by the Staff Inspector.

AGRICULTURE, FISHERIES AND FOOD

Common Fisheries Policy

Mr. Bercow: To ask the Minister of Agriculture, Fisheries and Food if it is the Government's policy to conclude a review of the Common Fisheries Policy prior to the expiry of the derogation in 2002 of the six and

12 mile limits; and if he will make a statement on the legal status of those waters in the period between expiry and agreement. [106308]

Mr. Morley: I refer the hon. Member to the reply given to him on 20 January 2000, *Official Report*, column 575W.

Under Article 14(2) of Council Regulation (EC) 3760/92 the council is required to take any necessary decisions on the future of the Common Fisheries policy by 31 December 2002. The question of a legal hiatus does therefore not arise.

GM Seeds

Mr. David Heath: To ask the Minister of Agriculture, Fisheries and Food if he will list each application for national seed listing of genetically-modified varieties, indicating *(a)* the application number, *(b)* the company name, *(c)* the approximate date for decision, *(d)* the release consent number, *(e)* the date consent was granted and *(f)* if different from the national list applicants, the applicants' names. [104760]

Ms Quin: The information is set out in the table.

Genetically modified plant varieties
National list applications under consideration at 13 January 2000

Application number	*Species*	*NL applicant*	*Earliest date of proposed decision*	*DETR Release Consent/Marketing Consent Reference (and holder if different from NL applicant) and date granted*
35/959	Spring Oilseed Rape	Aventis CropScience NV, Belgium[1]	Tests and Trials complete[2]	1996 95/R15/15 Application 20/11/95 Granted 3/1/96 (Aventis) 1997 Marketing Consent 94/M1/1[2] Granted 28/2/96 (Aventis)
35/960	Spring Oilseed Rape	Aventis CropScience NV, Belgium	Tests and trials complete[2]	1996 95/R15/15 Application 20/11/95 Granted 3/1/96 (Aventis) 1997 Marketing Consent 94/M1/1[2] Granted 28/2/96 (Aventis)
35/1174	Winter Oilseed Rape	Aventis CropScience NV, Belgium	Tests and trials complete[3]	1997 97/R15/20 Application 9/6/97 Granted 1/8/97 (Aventis) 1998 98/R15/24 Application 16/2/98 Granted 10/7/98 (Aventis) 1999 98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1184	Winter Oilseed Rape	Monsanto Crop Protection, UK	Tests and trials complete[3]	96/R22/6 Application 20/6/96 Granted 6/8/96 (Monsanto)
35/1185	Winter Oilseed Rape	Monsanto Crop Protection, UK	Tests and trials complete[3]	96/R22/6 Application 20/6/96 Granted 6/8/96 (Monsanto)
35/1210	Spring Oilseed Rape	Aventis CropScience NV, Belgium	March 2000[4]	1998 97/R15/23 Application 8/12/97 Granted 19/3/98 (Aventis) 1999 98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1211	Spring Oilseed Rape	Aventis CropScience NV, Belgium	March 2000[4]	1998 97/R15/23 Application 8/12/97 Granted 19/3/98 (Aventis) 1999 98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1222	Spring Oilseed Rape	Pioneer Hi-Bred International Inc. USA	March 2000[4]	97/R24/2 Application 5/1/98 Granted 1/4/98 (Pioneer)
35/1318	Winter Oilseed Rape	Aventis CropScience NV, Belgium	November 2000[4]	1998 98/R15/24 Application 16/2/98 Granted 10/7/98 (Aventis) 1999 98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1343	Spring Oilseed Rape	Pioneer Hi-Bred International Inc. USA	March 2001[4]	97/R24/2 Application 5/1/98 Granted 1/4/98 (Pioneer)
35/1346	Spring Oilseed Rape	Aventis CropScience NV, Belgium	March 2001[4]	98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1347	Spring Oilseed Rape	Aventis CropScience NV, Belgium	March 2001[4]	98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1397	Winter Oilseed Rape	Aventis CropScience NV, Belgium	November 2001[4]	98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
35/1398	Winter Oilseed Rape	Aventis CropScience NV, Belgium	November 2001[4]	98/R19/18 Application 4/12/98 Granted 22/3/99 (Agrevo)
45/774	Sugar Beet	Novartis Seeds AB Sweden	Tests and trials complete[3]	96/R21/4 Application 24/12/96 Granted 5/2/97 (Novartis)
45/798	Sugar Beet	Kleinwanzlebener Saatzucht AG Germany	April 2000[4]	97/R19/13 Application 20/1/97 Granted 17/3/97 (Agrevo)

Genetically modified plant varieties
National list applications under consideration at 13 January 2000

Application number	*Species*	*NL applicant*	*Earliest date of proposed decision*	*DETR Release Consent/Marketing Consent[1] Reference (and holder if different from NL applicant) and date granted*
45/813	Sugar Beet	Danisco Seeds UK	April 2000[4]	96/R21/4 Application 24/12/96 Granted 5/2/97 (Novartis)
45/850	Sugar Beet	Kleinwanglebener Saatzucht AG Germany	April 2001[4]	97/R19/13 Application 20/1/97 Granted 17/3/97 (Agrevo)
45/865	Sugar Beet	Novartis Seeds AB Sweden	April 2001[4]	96/R21/4 Application 24/12/96 Granted 25/2/97 (Novartis)
45/877	Sugar Beet	Danisco Seeds UK	April 2001[4]	96/R21/4 Application 24/12/96 Granted 25/2/97 (Novartis)
51/833	Maize	Van Der Have Netherlands	February 2000[3]	96/R13/6 Application 23/2/96 Granted 2/4/96 (Sharpes) Marketing Consent C/F/95/12/07 Published 5/8/98
51/886	Maize	Van Der Have Netherlands	February 2001[5]	96/R13/6 Application 23/2/96 Granted 2/4/96 (Sharpes) Marketing Consent C/F/95/12/07 Published 5/8/98
132/533	Fodder Beet	DLF Trifolium Denmark	Tests and trials not started	Awaiting details of release consent before decision on commencement of tests and trials

[1] Formerly Plant Genetic Systems
[2] Marketing consent permits seed multiplication only
[3] Tests and trials complete, awaiting promulgation of marketing consents under Directive 90/220
[4] Subject to promulgation of marketing consents under 90/220 and satisfactory completion of tests and trials
[5] Subject to satisfactory completion of tests and trials

Beef Imports

Mr. Ainger: To ask the Minister of Agriculture, Fisheries and Food what checks are currently carried out on beef products imported from South and North America to establish if they contain hormone growth promoters; and if he will make a statement. [105653]

Ms Quin *[holding answer 19 January 2000]:* Samples from every consignment of beef from the USA must be examined for residues of certain xenobiotic hormones, natural hormones and for stilbenes.

More generally, all meat imported into the EU must originate from approved third countries. Responsibility for approving third countries rests with the European Commission, who must take account of information on matters which include legislation on the use, authorisation, distribution and marketing of substances which might be administered to livestock. Inclusion and retention on the list of approved countries is subject to the submission of acceptable monitoring plans for residues, including hormonal growth promoters, in meat, which provide guarantees at least equivalent to those provided by EU member states.

Holbeck Holdings

Mr. Jack: To ask the Minister of Agriculture, Fisheries and Food what the outcome was of the Intervention Board's most recent inquiries into the financial standing of Holbeck Holdings of Kilmarnock. [105294]

Ms Quin *[holding answer 19 January 2000]:* The Intervention Board's inquiries revealed that there had been no material change to the company's financial status since they had previously successfully operated under the over-30-month scheme.

BSE (Compensation)

Mr. Nigel Jones: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with animal feed manufacturers on compensation for farmers for the BSE epidemic; and if he will make a statement. [103152]

Ms Quin: None. For a farmer to claim damages from the supplier of feed, he would have to show that the supplier either knew or ought to have known the feed was contaminated and would therefore cause damage to the farmer by way of introducing BSE into his herd. No general guidance can be given as each case would have to be determined on its own facts and circumstances.

CABINET OFFICE

Departmental Consultation

Dr. Tony Wright: To ask the Minister for the Cabinet Office if she will list the public consultation exercises on policy matters carried out by her Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106292]

Marjorie Mowlam: The information requested is not held centrally and is available only at disproportionate cost. We believe that effective consultation is essential to developing policies and services of high quality. We issued guidance to Departments in 1998 on the subject; we are now evaluating the effect the guidance has had, and will publish our findings.

External Consultants

Mr. Don Foster: To ask the Minister for the Cabinet Office what has been spent by her Department on external consultants and advisors since May 1997 funded from (i) her Department's programme provision and (ii) her Department's running costs. [99481]

Mr. Stringer: My Department's expenditure on external consultants and advisers since May 1997 from programme provision is £134,921. The expenditure from running costs is £7,026,025.

WALES

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Wales which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105880]

Mr. Paul Murphy *[holding answer 24 January 2000]:* I refer the right hon. Member to the written answer given to him by my right hon. Friend the Chief Secretary to the Treasury on 25 January 2000, *Official Report*, columns 117–18W.

Welsh Assembly

Mr. Evans: To ask the Secretary of State for Wales what estimate he has made of total cost of the new Welsh Assembly building. [106984]

Mr. Paul Murphy: I have not made any such estimate. This is a matter for the National Assembly for Wales.

Operations (Cancellation)

Mr. Evans: To ask the Secretary of State for Wales how many operations in Wales have been *(a)* cancelled and *(b)* postponed since 1 December as a result of the influenza outbreak. [106856]

Mr. Paul Murphy: This is a matter for the National Assembly for Wales.

EU Structural Funding

Mr. Barry Jones: To ask the Secretary of State for Wales if he will discuss with the First Secretary the granting of Objective 2 status to North East Wales; and if he will make a statement. [106700]

Mr. Paul Murphy: I meet the First Secretary on a regular basis and we discuss a number of issues including Structural Funds support for Wales. However, the decision approving the UK's Objective 2 map was made by the European Commission last month and covered those Welsh areas in the UK Government's proposals of 8 October.

Armed Robberies (Alyn and Deeside)

Mr. Barry Jones: To ask the Secretary of State for Wales what recent research he has commissioned into the incidence of attempted armed robberies in Alyn and Deeside; and if he will make a statement. [106701]

Mr. Paul Murphy: I have not commissioned any such research. Law and order are matters for my right hon. Friend the Home Secretary.

Transport

Mr. Barry Jones: To ask the Secretary of State for Wales when he next plans to meet the First Secretary to discuss the role of Hawarden Airport, Deeside, in the future economic development of North East Wales. [106699]

Mr. Paul Murphy: I have regular meetings with the First Secretary to discuss a wide range of issues including transport and its impact on the future economic development of Wales. This includes the non-devolved subject of airports, a matter reserved to the Department of the Environment, Transport and the Regions. The First Secretary has not requested a meeting to specifically discuss Hawarden Airport, but transport is an issue considered in the Assembly's economic development plans. The Welsh Regional Air Services study, which concludes this month, will investigate possible enhanced services such as linking North and South Wales, and the link between air services, economic growth and regeneration.

Mr. Barry Jones: To ask the Secretary of State for Wales when he last met the First Secretary to discuss the impact of the Government's legislative programme on road, rail and air transport, in the constituency of *(a)* Alyn and Deeside and *(b)* North East Wales; and if he will make a statement. [106703]

Mr. Paul Murphy: I have regular meetings with the First Secretary to discuss a wide range of issues including transport and its impact in Wales, which will of course bring benefits to Alyn and Deeside and North East Wales generally.

On 30 November I spoke to the whole of the National Assembly for Wales about the Government's legislative programme and my hon. Friend the Under-Secretary of State addressed members' questions in a second plenary session on 8 December. I am keen to ensure that the interests of Wales are fully met during the passage of the Transport Bill, and will maintain dialogue with Cabinet colleagues and the Assembly.

Contaminated Land

Mr. Llwyd: To ask the Secretary of State for Wales what additional allocation there has been to standard spending assessments for local authorities in Wales to support their work under the new contaminated land regime; and if he will make a statement. [106148]

Mr. Paul Murphy: Since Transfer of Functions on 1 July 1999, local authority allocations and contaminated land policy have been matters for the National Assembly for Wales.

Departmental Budgets

Mr. Wigley: To ask the Secretary of State for Wales what is the budget for his Department, including the budget for the National Assembly, in the financial years 2000–01 and 2001–02; and what was the outturn spending in *(a)* 1998–99 and *(b)* 1999–2000. [106063]

Mr. Paul Murphy: The total Welsh budget for both my Department and the National Assembly, is £7,912 million for 2000–01, and £8,336 million for 2001–02. These are the current figures, which are liable to change to reflect transfers to and from other Government Departments.

The out-turn spending in 1998–99 was £6,986 million. The actual out-turn spending for 1999–2000 will not be known until after the end of the current financial year, but is planned to be £7,456 million, subject to subsequent revisions.

NHS Funding

Ann Clwyd: To ask the Secretary of State for Wales if he will discuss with the First Secretary proposals for the introduction of social deprivation factors into the funding of the NHS in Wales. [105887]

Mr. Paul Murphy: I understand that the Assembly is currently considering options for a review of the health allocation formula for Wales and the Assembly Health and Social Services Committee is due to consider this issue shortly. I will of course be glad to discuss the range of proposals, including the inclusion of social deprivation factors, with the First Secretary.

Airbus

Mr. Barry Jones: To ask the Secretary of State for Wales what consultations he has had with other Government departments concerning the Airbus A3XX project; and if he will make a statement. [105554]

Mr. Paul Murphy: I meet my Whitehall and National Assembly for Wales colleagues on a regular basis and we discuss a range of issues. The Airbus A3XX project is clearly a matter of great economic importance to the UK as a whole and to Wales in particular. The final decisions on the applications for financial assistance for the project rest with the DTI (Launch Investment) and the National Assembly for Wales (RSA) and I am in close contact with both on this issue.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Wales what action he is taking to reduce smoking in his Department. [105791]

Mr. Paul Murphy: My Department consists of fewer than 40 staff. They have agreed between themselves that smoking should only take place in certain rooms. Any member of staff who wishes to give up smoking receives the support and encouragement of his or her colleagues.

Employment Statistics

Mrs. Ann Cryer: To ask the Secretary of State for Wales how many *(a)* men and *(b)* women in each of the standard age groups were employed in his Department in (i) 1979 and (ii) 1999. [104024]

Mr. Paul Murphy: The information that my hon. Friend has requested is not held for the Welsh Office for 1979, and could be supplied only at disproportionate cost.

The number of male and female staff employed by the Welsh Office, in each of the standard age groups, was (at 1 April 1999):

Standard age groups	*Men*	*Women*
16–19	17	18
20–24	90	90
25–29	137	133
30–34	140	214
35–39	183	257
40–44	181	194
45–49	165	163
50+	371	228

Following devolution in Wales, the Wales Office was established on 1 July 1999. The staffing position at the end of 1999 was:

Standard age groups	*Men*	*Women*
16–19	–	2
20–24	2	3
25–29	1	2
30–34	4	1
35–39	4	2
40–44	1	2
45–49	2	2
50+	5	4

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Wales if he will list the items in the National Asset Register sold by his Department, its agencies and associated public bodies since 11 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104492]

Mr. Paul Murphy: In the period from 11 February 1999 to 30 June 1999, the Welsh Office did not dispose of any items recorded in the National Asset Register.

Information is not held centrally for such disposals by the agencies and related public bodies of the Welsh Office during that period, and could only be provided at disproportionate cost.

Since 1 July 1999 the Wales Office has not disposed of any item recorded on the National Asset Register. It does not have agencies or associated public bodies.

HEALTH

Children Act 1989

Kali Mountford: To ask the Secretary of State for Health when the Government will next report on the Children Act 1989. [107556]

Mr. Hutton: My right hon. Friends the Secretary of State for Health, the Secretary of State for Education and Employment and the Lord Chancellor have today published a report on the Children Act 1989, pursuant to their duties under section 83 of the Act. Copies are available in the Library and Vote Office; and are being sent to all local

authorities in England and to a wide range of organisations. A copy of this document can also be found at the following website:- www.doh.gov.uk/scg/chactrep.htm

Strokes

Mrs. Curtis-Thomas: To ask the Secretary of State for Health what action the Government are taking to prevent strokes. The Under-Secretary of State for Health. [100866]

Yvette Cooper: We are committed to a substantial and wide-ranging programme to prevent stroke within the "Our Healthier Nation" strategy. We have set a target for reducing the death rate from stroke, heart disease and other circulatory diseases by at least 40 per cent. by 2010. To help to meet this challenging target we are implementing a series of measures to tackle the major risk factors for stroke including smoking, physical inactivity, hypertension and poor diet.

On smoking, for example, our tobacco control White Paper, "Smoking Kills", set out our plans for implementing a ban on tobacco advertising, a tobacco education campaign and smoking cessation services. This is worth £100 million over three years. Our plans to tackle physical inactivity under the "Active for Life" strategy include a £1.5 million programme in this year alone to promote active lifestyles. This follows up our £9 million campaign that set the foundations for our physical activity strategy.

Alcohol misuse and high salt diets are two risk factors for high blood pressure, which increase the risk of stroke. In the case of the former, we are developing a strategy to tackle alcohol misuse in England as confirmed in "Our Healthier Nation", and we will publish it early in the New Year. As for the latter, we expect the Food and Drink Federation (FDF) to publish the findings of its survey of salt usage in manufactured foods early in 2000. Once the report is available we propose to explore with the FDF the scope for reducing the levels of salt in processed foods.

We are also promoting effective prevention within the community in collaboration with the Stroke Association under the Health Action Zone Innovation Fund programme. The 'Preventing Strokes and Saving Lives' innovation fund project in Hull and East Riding Health Action Zone is aimed at those prone to transient ischaemic attacks or mini-strokes to limit the risk of further strokes through providing a programme of lifestyle change, guidance and advice. The service will take a multi-disciplinary and patient led approach working at primary care level and involving patients' families.

CJD

Dr. Brand: To ask the Secretary of State for Health if he will list the incidence of new cases of new variant CJD for each of the last five years. [102310]

Yvette Cooper: The information requested is as follows:

Year	*Number of cases of variant CJD*
1999[1]	10
1998	17
1997	10
1996	10
1995	3

[1] This figure is subject to retrospective adjustment as diagnoses are confirmed.

The Department publishes, on a monthly basis, figures for the number of deaths of definite and probable cases of Creutzfeldt-Jakob disease of all types in the United Kingdom. The next press release will be issued on 7 February 2000 and copies will be available in the Library.

NHS (Overseas Patients)

Mr. Gerrard: To ask the Secretary of State for Health what plans he has to review the NHS guidelines for the treatment of people from abroad. [102610]

Ms Stuart: The current Regulations covering charges to overseas visitors for National Health Service hospital treatment came into force on 1 April 1989 (Statutory Instrument 1989 No. 306) and were amended in 1991 (SI 1991 No. 438) and 1994 (SI 1994 No. 1535). The Regulations provide for NHS trusts to establish if an individual patient is exempt from charges and, if not, to make and recover charges for hospital treatment from the liable individual.

Nerve Gas

Ms Atherton: To ask the Secretary of State for Health how many deaths of workers at military bases in Great Britain have been linked to exposure to nerve gas. [103933]

Yvette Cooper: This is a matter for the Ministry of Defence since it concerns the health of workers at MOD establishments.

The Department has no information on the health of workers at military establishments. For information concerning health issues at the Nancekuke base in Cornwall, I refer my hon. Friend to the answer given on 11 January 2000, *Official Report*, columns 125–26W.

Ms Atherton: To ask the Secretary of State for Health what research his Department has *(a)* commissioned and *(b)* evaluated on the effects of exposure to nerve gas on those working at military bases in the 1950s and 1960s. [103936]

Yvette Cooper: The Department has not commissioned any research or evaluated data on this issue, which relates to health effects of workers exposed to chemicals at Ministry of Defence establishments.

Cardiac Surgery (Hampshire)

Mr. Viggers: To ask the Secretary of State for Health what the waiting times are for major cardiac surgery in each area of Hampshire. [104163]

Mr. Denham: The maximum waiting time for Hampshire cardiac patients is 15 months. The South East

Office of the National Health Service Executive is currently discussing with local trusts measures to reduce the maximum waiting time to 12 months.

National Framework for Heart Disease

Mr. Rogers: To ask the Secretary of State for Health when he intends to publish the National Framework for Heart Disease announced in November 1998. [104626]

Yvette Cooper: We intend to publish the Framework shortly.

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Health if he will list the items in the National Assets Register sold by his Department, its agencies and associated public bodies since 11 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104482]

Yvette Cooper: Information on individual sales of assets disposed of by the Department, its agencies and associated public bodies is not held centrally.

Details of capital receipts are reported by financial year. Providing details of receipts over a period other than a financial year would involve disproportionate cost. The period 11 February 1999 to January 2000 covers two financial years, and for those two years the following information is available:

(a) Total income from the disposal of National Health Service assets for the 1998–99 financial year

£ million

Financial year	*Capital receipts—NHS assets*
1998–99	500

(b) Current forecast income from the disposal of NHS assets for the 1999–2000 financial year

£ million

Financial year	*Capital receipts—NHS assets*
1999–2000	337

Drug Addicts

Dr. Iddon: To ask the Secretary of State for Health what support his Department gives to abstinence as distinct from maintenance programmes for drug addicts; and if he will list the targets of these programmes and action taken in pursuit of them. [104870]

Yvette Cooper: The commissioning of services for drug misusers is essentially a matter for local discretion. Health authorities and local authorities will receive an extra £70.5 million over the next three years to commission and develop drug treatment services.

The Government believe that a range of treatments should be available to allow drug misusers to benefit from those most appropriate to their needs and abstinence should be the primary aim of treatment. Guidance on commissioning standards and on clinical management has been issued by the Department which makes clear that maintenance prescribing should not be a treatment of first choice in a patient presenting for the first time, where other options have not initially been tried.

Well-man Clinics

Mr. Fearn: To ask the Secretary of State for Health (1) what proportion of National Health Service general practices offered Well-man Clinics to their patients in *(a)* 1998 and *(b)* 1999; [104922]

(2) how many Well-man Clinics were held in National Health Service general practices in 1999. [104921]

Yvette Cooper: The information requested is not available centrally.

Bowel Cancer

Mr. Paul Marsden: To ask the Secretary of State for Health if he will make a statement on the progress of the two pilot studies into a bowel cancer screening programme. [105071]

Yvette Cooper: The two sites of the bowel cancer screening pilot have made considerable progress and screening is now expected to start in March. New staff have been appointed, clinical datasets and protocols are nearly complete and IT systems are now operational. Considerable time has also been spent preparing leaflets to give prospective patients the ability to make informed choices about participating in the pilot.

Telecommunications Masts

Dr. Stoate: To ask the Secretary of State for Health what the National Radiological Protection Board has recommended as a safe level of radiation from mobile telecommunications masts. [104994]

Yvette Cooper: The National Radiological Protection Board (NRPB) provides exposure guidelines that cover the spectrum of radiowave emissions including the microwave frequencies transmitted by mobile telephone base stations. The specific levels depend upon the frequencies used by the operator. The latest advice on exposure guidelines in the United Kingdom can be found in the "Documents of the NRPB," Vol. 10, No. 2 (1999), entitled "Advice on the 1998 ICNIRP Guidelines for Limiting Exposure to Time-varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz)." Copies have been placed in the Library.

Measurements made by NRPB have shown radiowave strengths at ground level and in regions normally accessible to the public are very many times below UK exposure guidelines. The guideline levels can only be exceeded within a few metres directly in front and at the height of the antennas. NRPB is at present preparing a report on the base station measurements it has made. This should be published within the next few months.

Dr. Stoate: To ask the Secretary of State for Health when he next plans to discuss levels of radiation from mobile telephone masts with the National Radiological Protection Board. [104995]

Yvette Cooper: The National Radiological Protection Board (NRPB) keeps the issue of exposure from mobile telephone masts under continuous review. In response to the guidelines of the International Commission on

Non-Ionizing Radiation Protection (ICNIRP) the NRPB published "Advice on the 1998 ICNIRP Guidelines for Limiting Exposure to Time Varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz)" in its series "Documents of the NRPB," Vol. 10, No. 2 (1999). Copies have been placed in the Library.

In April 1999, my right hon. Friend the former Minister for Public Health asked the National Radiological Protection Board to set up an Independent Expert Group on Mobile Phones to assess the current scientific evidence. This Group, chaired by Sir William Stewart, FRS FRSE, is due to report in spring 2000. Government will be considering its findings together with the advice of the NRPB.

Dr. Stoate: To ask the Secretary of State for Health what plans he has to review with the National Radiological Protection Board their guidelines on safe levels of radiation from mobile telephone masts taking account of recent changes in the guidelines on such levels in Australia. [104993]

Yvette Cooper: The National Radiological Protection Board (NRPB) continues to keep under review its guidelines for the UK for restricting exposures to electric and magnetic fields. It does this based on its own review of the scientific information available taking into account advice from its Advisory Group on Non-ionising Radiation, chaired by Sir Richard Doll. It will also take into account any recommendations made by the Independent Expert Group on Mobile Phones, chaired by Sir William Stewart, that is expected to report in spring 2000. That group is considering all available evidence, both national and international.

NRPB last gave formal advice on exposure guidelines in 1999 in the "Documents of NRPB", Vol 10, No 2 entitled "Advice on the 1998 ICNIRP Guidelines for Limiting Exposure to Time-varying Electric, Magnetic and Electromagnetic Fields (up to 300GHz)." Copies have been placed in the Library. This was in response to the revised guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in 1998.

Influenza

Dr. Tonge: To ask the Secretary of State for Health what discussions he has had with health managers in *(a)* Australia and *(b)* Sweden concerning the effect of Relenza on the incidence of influenza this winter. [104899]

Yvette Cooper: None. Relenza is currently licensed only for the treatment of influenza, not its prevention.

The National Institute for Clinical Excellence issued clear advice last year on the use of Relenza. This advice is for this year (1999–2000) only and NICE will review the available evidence, wherever it comes from, in a full appraisal this year, in time to offer guidance to the NHS for the 2000–01 flu season. All available evidence will be carefully considered as part of this appraisal.

Mr. Jenkin: To ask the Secretary of State for Health what supplies of influenza vaccine are held within the North Essex Health Authority by the authority itself, its trusts and by its GPs; and if he will estimate the number of patients this will treat. [105281]

Yvette Cooper: The information requested is not available centrally.

Dr. Tonge: To ask the Secretary of State for Health what recent discussions he has had with health authorities concerning the availability of influenza vaccine and the promotion of its use. [104911]

Yvette Cooper *[holding answer 17 January 2000]:* The aim of the influenza immunisation policy is to protect those at greatest risk of severe or complicated illness before flu viruses begin to circulate in the community. Ideally people who are in the risk groups recommended for vaccine should have been immunised by now. Flu immunisation delivery is through general practice and general practitioners who order the vaccine direct from the manufacturers. Flu immunisation was well-publicised last autumn and local and national campaigns were run to try and improve vaccination rates. The Chief Medical Officer held a press conference and wrote to GPs about flu immunisation. Circulars on winter planning stressed to health authorities the importance of promoting flu immunisation as part of this planning and as part of the winter 1999–2000 campaign the National Health Service Executive sent all health authorities an information pack to encourage local activity.

7.7 million doses of flu vaccine were distributed this season. This is the highest ever and manufacturers have advised that they have over half a million doses available.

Preventive Health Care

Mr. Jenkins: To ask the Secretary of State for Health what assessment he has made of the demand placed on NHS resources by the provision of preventive health measures in *(a)* Staffordshire Health Authority and *(b)* the United Kingdom. [105161]

Yvette Cooper: The South Staffordshire Health Authority published "Inequalities in Health" in March 1998 identifying its main health needs. It has a higher percentage than the national average of GPs engaged on health promotion generally, and in the management of diabetes and asthma specifically (nationally: 98 per cent., 96 per cent. and 96 per cent. respectively; South Staffordshire: 99 per cent., 98 per cent. and 99 per cent.). £274,000 was allocated this year to the North Staffordshire Health Action Zone for smoking cessation work.

For 1999–2000 health authorities received an average increase in their allocations of 6.6 per cent.

Across England, health authorities, in partnership with National Health Service trusts, primary care groups, local authorities and local stakeholders, determine how best to use their funds. Health promotion in Northern Ireland, Scotland and Wales is the responsibility of the devolved administrations.

Cervical Cancer

Ms Perham: To ask the Secretary of State for Health, pursuant to the answer of 21 December 1999, *Official Report*, column 508W, on plans to incorporate the human papilloma test in cervical cancer screening, when he will make a statement on the advice on HPV testing he received from the National Screening Committee following its meeting on 8 December 1999. [105190]

Yvette Cooper: At its meeting on 8 December, the United Kingdom National Screening Committee considered an outline proposal to pilot the use of HPV

testing as triage for mild and borderline smears in the National Health Service cervical screening programme. We will make a statement as soon as we have had opportunity to consider all aspects of the National Screening Committee's proposals including service provision, finance and any wider implications.

BCG Vaccinations

Mr. Pickles: To ask the Secretary of State for Health how many children received BCG vaccinations on the basis of clinical need in *(a)* England and *(b)* Brentwood in the last 12 months. [105192]

Yvette Cooper: The information as requested is not available. The latest information available about BCG vaccinations is contained in the Department of Health's Statistical bulletin, "NHS Immunisation Statistics, England: 1998–99", at Tables 8 and 11, copies of which are available in the Library.

Physiotherapists

Dr. Cable: To ask the Secretary of State for Health what steps he plans to take to improve the recruitment and retention of physiotherapists in the NHS. [105840]

Mr. Denham: The national recruitment, retention and vacancy survey published in September 1999 gave us the latest authoritative data on staff vacancies from 98 per cent. of National Health Service trusts. It shows that only 3.3 per cent. of physiotherapist posts have been vacant for three months or more in England.

We are ensuring that effective recruitment and retention policies are in place to make the best use of trained staff and that training levels are sufficient to get a better match between supply and demand.

We are taking a number of steps which will help to address the issue of recruitment and retention of physiotherapists. These include the publication of the framework for the management of human resources for the whole of the NHS, "Working Together: securing a quality workforce for the NHS", which sets targets for local employers to improve recruitment and retention year on year. We have issued guidance to the service on improving working lives and we will shortly be issuing guidance on Lifelong Learning and Continuing Professional Development.

We are also modernising services and modernising employment practice in the NHS: developing more supportive, flexible and family friendly working practices; extending and improving investment in lifelong learning and professional development; tackling violence and racism in the workplace; involving staff in the way services are delivered and in the changes and developments that affect their working lives.

We have accepted in full the pay increases recommended by the Pay Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine (including physiotherapist) for 2000–01. The Review Body has recommended an across the board increase of 3.4 per cent. for 2000–01 and for the second year running these increases will be paid in full without staging. Taken together with last year's award, this means that physiotherapists will have received real-terms increases of over 5 per cent., the best settlement for over ten years. Some targeted key groups of staff have received substantially larger awards: last year, newly qualified basic grade physiotherapists received pay increases worth 8.4 per cent.; this year, about 4,500 experienced Senior II physiotherapists will receive increases worth between 8.1 per cent. and 8.4 per cent.

NHS Budget

Mr. John M. Taylor: To ask the Secretary of State for Health what percentage of the total NHS budget in the current financial year is accounted for by *(a)* administration, *(b)* the purchase of drugs, *(c)* remuneration of medically-qualified staff and *(d)* research into improved techniques and treatments; and what the percentages were in 1970. [105995]

Mr. Denham: This information is not available in the exact format requested for this year, and not at all for 1970.

Of the forecast total gross expenditure on the National Health Service this year of £43 billion, the projected breakdown is 1 per cent. for Department of Health administration, 2 per cent. for Central Health and Miscellaneous Services[1] and the remaining 97 per cent. for Hospital, Community and Family Health Services[2].

Of the Hospital Community and Family Health Services[2] total, expenditure on drugs accounts for 11.5 per cent., 4 per cent. accounts for NHS management costs and 1 per cent. accounts for the NHS research and development Levy[3].

Information on remuneration is not yet available on remuneration of medically-qualified staff for 1999–2000 but in 1998–99 remuneration for medical staff accounted for 13.1 per cent. of the Hospital, Community and Family Health Services total of £39 billion.

Notes:

1. Hospital, Community and Family Health Services include NHS hospitals, community health, family health services and related services and NHS trusts.

2. Central Health and Miscellaneous Services includes the Welfare Food Scheme, EEA medical costs, expenditure on medical, scientific and technical services predominately on the Public Health Laboratory Service Board, the National Biological Standards Board, the Microbiological Research Authority and the National Radiological Protection Board.

3. The NHS R&D programme provides the evidence base to help with clinical excellence, better quality services and the formulation of policy. R&D programmes also continue to trial and test medical advances and service innovation and to evaluate much recent policy innovation to ensure that good practice is shared and barriers to implementation are overcome.

Mr. John M. Taylor: To ask the Secretary of State for Health what is the total budget of the NHS in the current financial year, expressed in pounds per head of the population; and what the corresponding figures are for *(a)* the Netherlands, *(b)* Belgium, *(c)* France and *(d)* Germany. [105990]

Mr. Denham: Gross total NHS expenditure in England is forecast to be £43,049 million in 1999–2000. This is £868 per head of population. The equivalent UK figures are £52,645 million and £887 per head. It is not possible

to provide similar comparisons to this figure for Belgium, Netherlands, France and Germany because the data are not available.

The latest comparable data are produced by the Organisation for Economic Co-operation and Development (OECD). The table gives public and total healthcare expenditure in dollars per capita for the countries quoted above. All figures are for 1997.

It should be emphasised that figures for the different countries are not strictly comparable because of the different definitions of health spending, for example where the boundary between health and social care is drawn.

Expenditure per head: $PPP 1997

Country	*Public healthcare expenditure per head of population ($PPP [1])*	*Total healthcare expenditure per head of population ($PPP)*
UK	1,177	1,391
France	1,520	2,047
Germany	1,822	2,364
Netherlands	1,404	1,933
Belgium	1,549	1,768

[1] Purchasing Power Parity (PPP) is an exchange rate determined by relative price levels and equates the prices of a representative bundle of goods in the countries concerned.

Source:

OECD Health Databank 1999

Death Rates (Suicides and Accidents)

Mr. Dobbin: To ask the Secretary of State for Health what plans he has to reduce the death rate from *(a)* suicide and *(b)* serious injury from accidents by 2010. [106160]

Mr. Hutton: The development of strategies to reduce suicide and serious injury from accidents are a major part of the Government's programme outlined in the White Paper "Saving Lives: Our Healthier Nation". The National Service Framework for Mental Health sets a specific standard for health and social services to prevent suicides. The forthcoming National Service Framework for Older People will include a section on the prevention of falls.

A high level national Task Force on accidents, accountable to the Chief Medical Officer, will be appointed shortly to ensure that the essential groundwork is in place to targets on accident prevention set out in the White Paper. In addition, we are in the process of bringing together the necessary expertise to work across Government to drive forward a whole range of initiatives to make progress towards achieving the targets to reduce suicide. We also provide funding for voluntary groups to support specific initiatives in both areas.

Folic Acid

Mrs. Brinton: To ask the Secretary of State for Health how he proposes to consult on the practical and legislative implications of the report of the Committee on Medical Aspects of Food and Nutrition into the universal fortification of flour with folic acid. [106206]

Yvette Cooper *[holding answer 24 January 2000]:* The report, "Folic Acid and the Prevention of Disease", from the Committee on Medical Aspects of Food and Nutrition Policy considered the public health implications of fortification. A public consultation will be undertaken shortly inviting comments on the report's conclusions. Ministers will take into account the views expressed before deciding on policy.

Psychiatric Beds

Dr. Cable: To ask the Secretary of State for Health how many 24 hour-staffed beds for people with severe and enduring mental illness there are in each health authority in England; and how many there were in each of the last three years. [106751]

Mr. Hutton: The information requested has been collected centrally only since 1998–99. The following are the numbers of 24 hour staffed beds for people with a mental illness in each health authority in England for 1998–99 and the first two quarters in 1999–2000. In those authorities where centrally collected data show no beds, developments are taking place locally to provide care in appropriate settings.

Number of 24 hour staffed beds by Health Authority 1998–99 to 1999–2000

Health authority	*Region*	*1998–99 outturn*	*1999–2000 quarter 2*
Bradford	Northern and Yorkshire	10	10
Calderdale and Kirklees	Northern and Yorkshire	278	278
Durham	Northern and Yorkshire	0	29
East Riding	Northern and Yorkshire	183	213
Gateshead and South Tyneside	Northern and Yorkshire	8	8
Leeds	Northern and Yorkshire	0	0
Newcastle and North Tyneside	Northern and Yorkshire	153	165
North Cumbria	Northern and Yorkshire	0	0
North Yorkshire	Northern and Yorkshire	98	98
Northumberland	Northern and Yorkshire	34	34
Sunderland	Northern and Yorkshire	44	44
Tees	Northern and Yorkshire	17	17
Wakefield	Northern and Yorkshire	113	113
Barnsley	Trent	0	0
Doncaster	Trent	15	15
Leicestershire	Trent	95	95
Lincolnshire	Trent	0	0
North Derbyshire	Trent	0	0
North Nottinghamshire	Trent	0	0

Number of 24 hour staffed beds by Health Authority 1998–99 to 1999–2000

Health authority	*Region*	*1998–99 outturn*	*1999–2000 quarter 2*
Nottingham	Trent	64	70
Rotherham	Trent	0	0
Sheffield	Trent	37	37
South Derbyshire	Trent	31	31
South Humber	Trent	0	0
Bedfordshire	Eastern	46	46
Cambridgeshire	Eastern	12	12
East and North Hertfordshire	Eastern	12	12
Norfolk	Eastern	0	77
North Essex	Eastern	20	30
South Essex	Eastern	187	187
Suffolk	Eastern	6	6
West Hertfordshire	Eastern	30	36
Barking and Havering	London	0	0
Barnet	London	15	15
Bexley and Greenwich	London	8	8
Brent and Harrow	London	32	32
Bromley	London	10	10
Camden and Islington	London	60	60
Croydon	London	0	0
Ealing, Hammersmith and Hounslow	London	39	43
East London and City	London	106	106
Enfield and Haringey	London	56	56
Hillingdon	London	0	28
Kensington, Chelsea and Westminster	London	13	13
Kingston and Richmond	London	62	62
Lambeth, Southwark and Lewisham	London	138	142
Merton, Sutton and Wandsworth	London	185	185
Redbridge and Waltham Forest	London	50	50
Berkshire	South East	0	0
Buckinghamshire	South East	29	29
East Kent	South East	45	45
East Surrey	South East	21	21
East Sussex, Brighton and Hove	South East	175	175
Isle of Wight	South East	0	8
North and Mid Hampshire	South East	167	167
Northamptonshire	South East	10	10
Oxfordshire	South East	0	20
Portsmouth and South East Hampshire	South East	47	54
Southampton and South West Hampshire	South East	83	83
West Kent	South East	0	0
West Surrey	South East	0	51
West Sussex	South East	18	18
Avon	South West	0	0
Cornwall and Isles of Scilly	South West	20	20
Dorset	South West	55	55
Gloucestershire	South West	0	0
North and East Devon	South West	44	44
Somerset	South West	108	108
South and West Devon	South West	67	59
Wiltshire	South West	150	150
Birmingham	West Midlands	53	63
Coventry	West Midlands	27	27
Dudley	West Midlands	155	155
Herefordshire	West Midlands	14	15
North Staffordshire	West Midlands	0	0
Sandwell	West Midlands	0	10
Shropshire	West Midlands	0	0
Solihull	West Midlands	9	9
South Staffordshire	West Midlands	4	4
Walsall	West Midlands	10	10
Warwickshire	West Midlands	0	0
Wolverhampton	West Midlands	6	8
Worcestershire	West Midlands	0	0
Bury and Rochdale	North West	11	11
East Lancashire	North West	11	11
Liverpool	North West	0	10
Manchester	North West	87	94
Morecambe Bay	North West	53	53
North Cheshire	North West	24	24

Number of 24 hour staffed beds by Health Authority 1998–99 to 1999–2000

Health authority	*Region*	*1998–99 outturn*	*1999–2000 quarter 2*
North West Lancashire	North West	26	36
Salford and Trafford	North West	54	54
Sefton	North West	0	0
South Cheshire	North West	40	40
South Lancashire	North West	33	33
St. Helens and Knowsley	North West	22	22
Stockport	North West	16	16
West Pennine	North West	0	0
Wigan and Bolton	North West	37	37
Wirral	North West	0	5
England		3,998	4,331

Dr. Cable: To ask the Secretary of State for Health how many acute psychiatric beds there are (1) in each health authority in England; [106747]

(2) in each London health authority. [106752]

Mr. Hutton: The table shows the average daily number of available acute psychiatric beds by health authority in England, derived from information obtained at trust level.

Average daily number of available acute psychiatric beds by Health Authority 1997–98

Health authority	*Region*	*Average daily number of available psychiatric beds*
Bradford	Northern and Yorkshire	308
Calderdale and Kirklees	Northern and Yorkshire	403
County Durham	Northern and Yorkshire	503
East Riding	Northern and Yorkshire	279
Gateshead and South Tyneside	Northern and Yorkshire	374
Leeds	Northern and Yorkshire	708
Newcastle and North Tyneside	Northern and Yorkshire	506
North Cumbria	Northern and Yorkshire	325
North Yorkshire	Northern and Yorkshire	530
Northumberland	Northern and Yorkshire	230
Sunderland	Northern and Yorkshire	323
Tees	Northern and Yorkshire	393
Wakefield	Northern and Yorkshire	341
Barnsley	Trent	186
Doncaster	Trent	210
Leicestershire	Trent	563
Lincolnshire	Trent	529
North Derbyshire	Trent	244
North Nottinghamshire	Trent	235
Nottingham	Trent	498
Rotherham	Trent	261
Sheffield	Trent	403
South Derbyshire	Trent	514
South Humber	Trent	138
Birmingham	West Midlands	856
Coventry	West Midlands	129
Dudley	West Midlands	166
Herefordshire	West Midlands	80
North Staffordshire	West Midlands	510
Sandwell	West Midlands	132
Shropshire	West Midlands	270
Solihull	West Midlands	160
South Staffordshire	West Midlands	258
Walsall	West Midlands	124
Warwickshire	West Midlands	276
Wolverhampton	West Midlands	124
Worcester	West Midlands	157
Bury and Rochdale	North West	189
East Lancashire	North West	329
Liverpool	North West	302
Manchester	North West	412
Morecambe Bay	North West	368
North Cheshire	North West	232
North West Lancashire	North West	558
Salford and Trafford	North West	584
Sefton	North West	253
South Cheshire	North West	222
South Lancashire	North West	132
St. Helens and Knowsley	North West	194

Average daily number of available acute psychiatric beds by Health Authority 1997–98

Health authority	*Region*	*Average daily number of available psychiatric beds*
Stockport	North West	206
West Pennine	North West	334
Wigan and Bolton	North West	402
Wirral	North West	313
Bedfordshire	Eastern	439
Cambridge and Huntingdon	Eastern	355
East Norfolk	Eastern	698
North and East Hertfordshire	Eastern	170
North Essex	Eastern	483
North West Anglia	Eastern	258
South Essex	Eastern	488
Suffolk	Eastern	351
West Hertfordshire	Eastern	218
Barking and Havering	London	519
Barnet	London	486
Bexley and Greenwich	London	664
Brent and Harrow	London	394
Bromley	London	673
Camden and Islington	London	497
Croydon[1]	London	—
Ealing, Hammersmith and Hounslow	London	659
East London and The City	London	501
Enfield and Haringey	London	486
Hillingdon	London	117
Kensington, Chelsea and Westminster	London	646
Kingston and Richmond	London	196
Lambeth, Southwark and Lewisham	London	309
Merton, Sutton and Wandsworth	London	529
Redbridge and Waltham Forest	London	625
Berkshire	South East	446
Buckinghamshire	South East	330
East Kent	South East	265
East Surrey	South East	320
East Sussex	South East	490
Isle of Wight	South East	85
North and Mid Hampshire	South East	210
Northamptonshire	South East	374
Oxfordshire	South East	328
Portsmouth and South East Hampshire	South East	437
Southampton and South West Hampshire	South East	289
West Kent	South East	561
West Surrey	South East	465
West Sussex	South East	561
Avon	South West	628
Cornwall and Isles of Scilly	South West	210
Dorset	South West	525
Gloucester	South West	255
North and East Devon	South West	413
Somerset	South West	412
South and West Devon	South West	393
Wiltshire	South West	570
England		36,601

[1] Croydon Health Authority shows no available beds for 1997–98. This is because the hospital sites in the health authority area have their Trust headquarters in a neighbouring health authority.

Source:

Annual Körner return KH03—'Bed Availability and Occupancy'

Consultants (Suspensions and Dismissals)

Mr. Chope: To ask the Secretary of State for Health how many NHS consultants in England have been dismissed on *(a)* clinical and *(b)* other grounds, in each of the last three years. [106538]

Mr. Denham: Disciplinary action is the responsibility of local National Health Service employers. Information on NHS staff who have been dismissed is not collected centrally, but may be obtained from individual NHS employers.

Wheelchairs (North-West)

Mr. Evans: To ask the Secretary of State for Health (1) what is the average length of the waiting list for an electrically powered *(a)* indoor and outdoor and *(b)* indoor NHS wheelchair in the North West; [106471]

(2) how many additional electric powered *(a)* indoor and outdoor and *(b)* indoor NHS wheelchairs will be made available in the North West for the year 1999–2000; [106474]

(3) what is the waiting time for electrically powered *(a)* indoor and outdoor and *(b)* indoor NHS wheelchairs in the North West; [106473]

(4) how many electrically powered *(a)* indoor and *(b)* indoor and outdoor NHS wheelchairs there are in the North West. [106472]

Mr. Hutton: The current forecast, at Q2, is that 398 electrically powered indoor and outdoor wheelchairs will be available in the North West for 1999–2000, compared with a year end figure of 331 for 1998–99.

Other information is not readily available on a regional basis. The following figures relate to North West Lancashire Health Authority area:

Forty-two electrically powered indoor and outdoor wheelchairs and 97 indoor National Health Service wheelchairs (including outdoor powered, attendant controlled NHS wheelchairs) will be made available to new recipients in 1999–2000.

There are currently 277 indoor (plus 17 outdoor, attendant controlled) and 98[1] indoor/outdoor electrically powered wheelchairs in North West Lancashire.

Nineteen people are awaiting home or clinic assessment for electrically powered wheelchairs and 41 for indoor NHS and outdoor attendant controlled, electrically powered wheelchairs.

The present waiting times for electrically powered indoor and outdoor and indoor NHS wheelchairs are 12 weeks and 40 weeks respectively.

[1] Figure does not include all wheelchairs available for 1999- 2000.

Cancer Services

Dr. Gibson: To ask the Secretary of State for Health (1) what plans he has to audit the Calman-Hine recommendations on the organisation of cancer services; [106123]

(2) what role the Commission for Health Improvement will play in the implementation of the Calman-Hine recommendations. [106124]

Yvette Cooper *[holding answer 24 January 2000]:* We are committed to improving the quality of cancer services through the implementation of the "Policy Framework for Commissioning Cancer Services" (the Calman/Hine report) and subsequent evidence-based guidance.

The National Health Service Executive is currently developing national standards and performance indicators, based on the Calman/Hine report and guidance, which will be used by providers, commissioners and regional offices to deliver and measure continuous quality improvement in a consistent manner across the country within a national quality management framework. The NHS Executive will shortly be consulting on the draft standards and performance indicators prior to national roll-out from April 2000.

We have asked the Commission for Health Improvement to conduct a national review of the implementation of Calman/Hine as one of its first major tasks when it begins work in April.

Intensive Care Beds

Mr. Grieve: To ask the Secretary of State for Health (1) pursuant to his oral statement of 18 January 2000, *Official Report*, column 702, where the additional intensive treatment unit beds provided this year have been made available. [106807]

Dr. Julian Lewis: To ask the Secretary of State for Health if he will list the hospitals in which the new intensive care beds referred to by him in his oral statement of 18 January 2000, *Official Report*, column 702, are located. [106443]

Mr. Webb: To ask the Secrertary of State for Health if he will publish a list of the locations of the 100 additional intensive care beds which he has provided. [106205]

Mr. Denham *[holding answer 24 January 2000]:* We will publish this information in due course.

Hearing Aids

Mr. McWalter: To ask the Secretary of State for Health what plans he has to extend access to digital hearing aids to those who are hard of hearing and who have additional impairment of other faculties. [106451]

Mr. Hutton: We will be starting a project in England later this year to trial digital hearing aids for National Health Service patients. This project will help inform our plans to modernise hearing aid services. We anticipate that the project will cover 20 hearing aid departments and that an estimated 20–30,000 patients will benefit from the scheme. Ultimately, the project will lead to improvements for all NHS patients.

Mrs. Betty Williams: To ask the Secretary of State for Health what the timescale is for the completion of the review by the NHS executive working group on hearing aid services; and if he will place a copy of the report of the working groups in the Library. [106834]

Mr. Hutton *[holding answer 25 January 2000]:* The working group established by the National Health Service Executive was set up to identify areas for development in hearing aid services. There are no plans to publish a report of this work.

We will be starting a project in England later in the year to trial digital hearing aids for NHS patients. The pilot project will help inform our plans to modernise hearing aid services. We anticipate that the project will cover 20 hearing aid departments and that an estimated 20–30,000 patients will benefit from the scheme. Ultimately, the project will lead to improvements for all NHS patients.

NHS Direct

Mr. Robathan: To ask the Secretary of State for Health by what means and from what sources nurses have been recruited for NHS Direct. [106785]

Ms Stuart: Nurses wanting to apply to NHS Direct find that this is no different from applying for any job elsewhere in the National Health Service. Many of the jobs are advertised in the *Nursing Times* and *Nursing Standard* as well as local papers, job centres, NHS trust newsletters and bulletin boards. NHS Direct has deliberately recruited nurses from a wide range of different backgrounds. Some will be from a hospital background but others will be from primary care or will have been working outside the NHS. NHS Direct has also provided opportunities for disabled and work-injured nurses. Many staff who work for NHS Direct do so on a part time basis allowing them to combine working for NHS Direct with other clinical duties.

NHS Funding

Rev. Martin Smyth: To ask the Secretary of State for Health what recent representations his Department has received about alternative arrangements for funding the NHS. [106544]

Mr. Denham: The Department receives many representations about alternative arrangements for funding the National Health Service. All suggestions received are considered on their merit and it remains the Government's policy that the NHS should be funded through public expenditure.

NHS Pay

Mr. Austin: To ask the Secretary of State for Health for what reason the offer to professional NHS staff not covered by the Pay Review Body was lower than that for staff covered by the Pay Review Body. [106840]

Mr. Denham *[holding answer 25 January 2000]:* The pay increases recommended by the independent review bodies reflected the particular circumstances of their remit groups. The pay of professional staff in the National Health Service not covered by the review bodies is negotiated in the Whitley Councils. For 1999–2000 higher offers have been made to some non-review groups in recognition of their particular recruitment and retention difficulties.

Mr. Austin: To ask the Secretary of State for Health what is the overall increase in the pay bill for NHS professional staff not covered by the Pay Review Body awards and instead covered by that part of the offer on long-term pay specified for April 2000. [106838]

Mr. Denham *[holding answer 25 January 2000]:* The increase, for 2000–01, currently on offer to those staff within the National Health Service, but not covered by the Review Bodies, is 3.25 per cent. or £300, whichever is the higher. Overall it is estimated that this will add £210 million to their paybill.

Mr. Austin: To ask the Secretary of State for Health what is the overall increase in the pay bill for NHS staff covered by the Pay Review Body following the awards announced on 17 January. [106837]

Mr. Denham *[holding answer 25 January 2000]:* Following the full implementation of the Review Bodies' recommendations on pay, it is estimated that an additional £570 million will be added to the paybill of those National Health Service staff directly covered by these awards during 2000–01.

Mr. Austin: To ask the Secretary of State for Health how much it would cost to pay all professional NHS staff not covered by the Pay Review Body the difference between the 3.4 per cent. offered to nursing staff and professions allied to medicine covered by the Pay Review Body and the 3.25 per cent. offered to staff not covered by the Pay Review Body. [106841]

Mr. Denham *[holding answer 25 January 2000]:* To pay all non-Review Body staff an additional 0.15 per cent. would add an estimated £10 million to the National Health Service paybill next year.

Mr. Austin: To ask the Secretary of State for Health when a decision on expanding Pay Review Body coverage to all professional NHS staff will be made. [106839]

Mr. Russell Brown: To ask the Secretary of State for Health what plans he has to include other NHS staff within the Pay Review Body that covers dentists, doctors and nurses. [106574]

Mr. Denham *[holding answer 25 January 2000]:* Proposals to modernise the National Health Service pay system set out in "Agenda for Change" include bringing some smaller groups of highly qualified staff within the scope of the Nurses and professions allied to medicine Pay Review Body, without changing its fundamentally professional character. This issue is part of continuing discussions with NHS Unions aimed at reaching agreement by summer 2000.

Generic Drugs

Mr. Peter Bradley: To ask the Secretary of State for Health to what extent *(a)* the availability of generic drugs has improved and *(b)* the Category D List has decreased; and if he will make a statement on the impact of such changes on such drugs' overall cost to the NHS since August 1999; and if he will make a statement. [106871]

Ms Stuart *[holding answer 25 January 2000]:* There are some indications that the supply situation for generic drugs is easing. The number of drugs on the Category D list—and therefore regarded, under the existing reimbursement system, as being in short supply—has fallen in the last three months. The position since August 1999 is shown in the table.

The cost of generic drugs to the National Health Service is continuing to rise, though the rate of increase is slowing down. On 21 December last year we announced additional in-year funding of £90 million to help the NHS manage the pressures from generic prices on health authority budgets.

Number of preparations or packs in Category D since August 1999 [1]

	Number
1999	
August	176
September	190
October	196
November	175
December	109
2000	
January	96

[1] The figures relate to the month in which scripts are dispensed

Food Poisoning

Mr. Cousins: To ask the Secretary of State for Health if he will list the numbers of cases of *(a) salmonella enteritidis*, *(b)* other strains of *salmonella* and *(c) e.coli*-type infections in each (i) region and (ii) nation of the United Kingdom, and (iii) in total, in each year since 1994. [106708]

Yvette Cooper *[holding answer 25 January 2000]:* Information on the numbers of cases of *Salmonella* and *E.coli* O157 infections within England and Wales is collected by the Public Health Laboratory Service. The tables detail *(a)* numbers of *Salmonella enteritidis* *(b)* numbers of *E.coli* O157 reported to the PHLS Communicable Disease Surveillance Centre and Laboratory of Enteric Pathogens by year and NHS Region since 1994.

Data on other strains of *Salmonella* are not routinely produced.

The PHLS can only provide data for England and Wales. Information on data from Northern Ireland and Scotland should be sought from their respective Administrations.

The table provides details of the numbers of cases of *Salmonella enteritidis* (all phage types) reported to the Public Health Laboratory Service Communicable Disease Surveillance Centre and Laboratory of Enteric Pathogens by year and NHS Region, since 1994.

NHS Region	*1994*	*1995*	*1996*	*1997*	*1998*
Northern	889	799	1,197	1,120	751
Yorkshire	1,682	1,391	1,793	1,802	1,245
Trent	1,422	1,360	1,725	1,982	1,365
East Anglia	837	748	842	1,057	729
North West Thames	1,130	1,069	1,233	1,513	1,195
North East Thames	1,217	1,181	1,145	1,684	1,212
South East Thames	1,242	1,074	1,051	1,659	1,251
South West Thames	1,218	1,114	1,168	1,869	1,334
Wessex	1,090	972	987	1,423	985
Oxford	1,048	993	1,100	1,398	988
South Western	1,254	1,307	1,256	1,820	1,530
West Midlands	1,591	1,359	1,702	1,826	1,240
Mersey	549	530	791	804	605
North Western	1,166	1,186	1,366	1,423	926
Wales	1,036	961	900	1,528	1,041
Total	17,371	16,044	18,256	23,008	16,397

Note:
Data for 1999 are not yet available

The following table provides details of the numbers of cases of *E.coli* O157 reported to the Public Health Laboratory Service Communicable Disease Surveillance Centre and Laboratory of Enteric Pathogens by year and NHS Region, since 1994.

NHS Region	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*
Northern	54	79	33	38	49	145
Yorkshire	21	47	76	112	113	99
Trent	41	65	105	156	78	97
East Anglia	30	35	38	69	46	47
North West Thames	14	28	30	49	58	33
North East Thames	14	15	20	45	31	36
South East Thames	13	26	34	43	54	59
South West Thames	10	29	12	28	33	53
Wessex	32	76	27	58	45	38
Oxford	25	28	24	44	36	28
South Western	35	89	83	104	93	109
West Midlands	46	106	57	137	76	85
Mersey	14	25	21	47	28	28
North Western	36	63	64	114	87	161
Wales	26	81	36	43	63	66
Total	411	792	660	1,087	890	1,084

Note:
1999 data are provisional

Health Service (Somerset)

Mr. Ashdown: To ask the Secretary of State for Health (1) how many *(a)* intensive care beds and *(b)* general hospital beds there were in (i) East Somerset and (ii) Somerset in each year from 1980; what is the latest available estimate in each case; and if he will make a statement; [106766]

(2) if he will estimate the number of intensive care beds per head of population in *(a)* each English county and *(b)* Somerset Health Authority for each year since 1992; and if he will make a statement. [106740]

Mr. Denham: Information on the average daily number of beds by ward type for each National Health Service trust is published annually in "Bed Availability and Occupancy, England" and is available in the Library. The latest information is for 1997–98. As wards classified as 'intensive care' can also contain other types of beds we have piloted a new census focusing specifically on adult intensive care and high dependency beds. We will publish the results in due course.

Mr. Ashdown: To ask the Secretary of State for Health how many people have been on hospital waiting lists in *(a)* East Somerset and *(b)* Somerset in each year since 1992, giving figures on a quarterly basis since 1997; and if he will make a statement. [106767]

Mr. Denham: Information on waiting lists is published monthly (quarterly before April 1998) and is available in the Library.

Mr. Ashdown: To ask the Secretary of State for Health if he will estimate the number of hospital operations in East Somerset Health Authority *(a)* postponed and *(b)* postponed solely at the discretion of the authority, in each quarter since 1995. [106741]

Mr. Denham: Information on the number of operations cancelled for non medical reasons on the day patients are due to arrive or after arrival in hospital is published quarterly and is available in the Library.

Mr. Ashdown: To ask the Secretary of State for Health if he will estimate the number of *(a)* nurses and *(b)* doctors working for each Somerset health authority for each year since 1992; and if he will make a statement. [106742]

Mr. Denham: Information on National Health Service manpower is published annually in the Department of Health Medical and Dental Workforce census, the Department of Health Non-Medical Workforce Census and the General and Personal Medical Services Statistics for England and Wales which are available in the Library.

Milk Tokens

Mr. Baker: To ask the Secretary of State for Health what plans he has to review the 9 per cent. levy against retailers in respect of milk tokens sent to the Welfare Food Reimbursement Unit. [106967]

Yvette Cooper: The Welfare Food Scheme is currently under review and the nine per cent. levy will form part of that review. Any proposals for change to the scheme will be subject to Parliamentary approval.

Accident and Emergency Departments (Barnet)

Sir Sydney Chapman: To ask the Secretary of State for Health what were the total costs of funding the accident and emergency departments within the Barnet Health Authority area in each of the last five years. [106873]

Ms Stuart: The table contains information on the purchase of accident and emergency healthcare by Barnet Health Authority for the financial years 1994–95 to 1998–99.

Barnet Health Authority purchase of healthcare: Accident and Emergency 1994–95 to 1998–99

Financial year	*Total expenditure (£)*
1994–95	4,438,795
1995–96	4,605,000
1996–97	4,816,000
1997–98	4,184,000
1998–99	6,141,000

Source:

1. Annual financial returns of health authorities 1994–95.
2. Contract documentation, Barnet HA and Welhouse NHS Trust, 1995–96.
3. Annual Accounts of Health Authorities 1996–97, 1997–98 and 1998–99.

Diabetes

Mr. Dawson: To ask the Secretary of State for Health when he will make needles and re-usable pens for the treatment of diabetes available free on prescription. [106964]

Mr. Denham: We have consulted on proposals which would include allowing insulin pen needles and reusable pens to be prescribed by general practitioners on the National Health Service. We have received representations from most of the organisations consulted. We are considering them, and are seeking clarification on certain points before we make our final decisions.

NHS Staff (Employment Contract Renewals)

Mr. Harvey: To ask the Secretary of State for Health how many *(a)* NHS medical staff, *(b)* NHS staff who were members of professions allied to medicine and *(c)* NHS nursing, midwifery and health visiting staff did not have their contract of employment renewed in each NHS region, in each year since 1995. [106679]

Mr. Denham: Information on National Health Service staff who have not had their contract of employment renewed is not collected centrally, but may be obtained from individual NHS employers.

Health Spending (Southend)

Mr. Amess: To ask the Secretary of State for Health what representations he has received on the impact of Southend borough council's SSA on health spending; and if he will make a statement on the recent meeting between hon. Members, councillors, officers and the Minister of State. [107269]

Mr. Hutton: I met representatives of Southend borough council and hon. Members from Southend on 10 January where they outlined the local situation with regard to their SSA. The meeting mainly discussed the financial difficulties the local authority is facing particularly with regard to mental health and learning disability client groups. I am currently considering whether there is any underspend in this year's mental health care grant which may provide additional support to the borough council. I agreed to examine what extra assistance the social services inspectorate could provide to support the authority.

Parliamentary Questions

Mr. Gerrard: To ask the Secretary of State for Health when he will reply to the question tabled for answer on 8 December by the hon. Member for Walthamstow relating to the review of NHS guidelines for the treatment of people from abroad. [107133]

Ms Stuart: I replied to my hon. Friend on 26 January.

NHS Net

Mr. Lidington: To ask the Secretary of State for Health when he expects all family doctors to have access to NHS Net; what is the total estimated cost to public funds of NHS Net; and if he will make a statement. [107082]

Ms Stuart: All family doctors will have access to NHSnet by the end of 2002. NHSnet is a managed service and has no capital costs to public funds. The annual cost of access to NHSnet for health authorities and National Health Service trusts is £3.8 million. The annual cost of access for general practitioners will be approximately £19 million once they are all connected. This sum includes managed services such as routers and firewalls as well as costs for 24-hour/7 day network access.

Departmental Staff

Mr. Stephen Twigg: To ask the Secretary of State for Health if he will list the percentage of *(a)* registered disabled people, *(b)* women, *(c)* people from ethnic minorities and *(d)* people from (i) independent schools, (ii) grammar schools and (iii) other schools employed by his Department in each of the years (i) 1970, (ii) 1979, (iii) 1989 and (iv) 1999. [107012]

Ms Stuart: We do not collect information about the educational background of staff. Available information is set out in the table.

Percentage

	1970	*1979*	*1989*		*1999*
	DHSS[1]	*DHSS*[1]	*DHSS*[1]	*DH*	*DH*
(a) Disability[2]	n/a	n/a	—	1.3	6
(b) Women	40	63	64	[3]51	57
(c) Ethnic minority[4]	n/a	n/a	—	4.7	14

[1] Until 1989 the Department of Health and Social Security were a single Department (DHSS)

[2] Figure not available for the number of people with a disability before 1985. The 1989 figure is "registered disabled"; the 1999 figure is those with a self-declared disability

[3] Women in DH workforce after the split of DHSS

[4] Figure not available for number of people from an ethnic minority before 1989

Written Answers to Questions

Friday 28 January 2000

ENVIRONMENT, TRANSPORT AND THE REGIONS

Local Government Finance

Fiona Mactaggart: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce the outcome of consultation on the local government finance settlement for 2000–01; and if he will make a statement. [107553]

Ms Armstrong: I have today laid before the House the Local Government Finance Report (England) 2000–01 and the Special Grant Report (No. 52). These reports establish the amounts of revenue support grant (RSG) and non-domestic rates (NDR) to be paid to local authorities in 2000–01, and the basis of their distribution; and provide for Standing Spending Assessment (SSA) Reduction Grant and Central Support Protection Grant to be paid to certain authorities for 2000–01. Drafts of these reports were issued for consultation on 25 November 1999. The Department received written representations from the Local Government Association and the Association of London Government, as well as from 166 local authorities and local authority groups.

Having considered the views of the local authority associations and others who have commented on my initial proposals, I have decided not to make changes to SSAs, although the SSAs for individual authorities may be slightly different from those at consultation, generally reflecting more accurate data that have become available since then.

Since the autumn, it has become clear that £35 million less than provided will be needed to meet transitional costs of local government reorganisation. I have decided that it would be appropriate to increase grant support to local authorities by £35 million to help fund service improvements at a more modest cost in council taxes.

This year's settlement provides an overall increase of 5.8 per cent. in Government grant on top of the substantial increase of 5.5 per cent. given to local authorities in the first year of the Comprehensive Spending Review. We have provided a 5.4 per cent. increase in Education Standard Spending Assessments. We have made it clear that education is the Government's top priority, and we expect councils to pass on this increase to schools, in the expectation that the great majority of schools should receive an increase per pupil at least in line with inflation. In the last three years this Government have increased grant to local authorities by £6 billion—a real terms increase of 7.8 per cent in contrast to the previous three years of a real cut in grant of 4.3 per cent.

It is a settlement which has been generally welcomed by local authorities. We had already provided them with greater predictability by announcing three spending totals in the Comprehensive Spending Review, which sets out further increases in the pipeline for the 2001–02 settlement. We had also given them more responsibility for their spending decisions, by abolishing crude and universal capping.

The settlement ensures that no authority will lose grant next year and local authorities with education and social service responsibilities will receive grant increases of at least 1.5 per cent. It will allow councils to concentrate on their priorities and make the improvements which people wish to see to education and social services. But it also allows them to improve services while continuing the momentum of lower council tax increases.

We hope local authorities will look very carefully at the implications for council tax payers when setting budgets in the coming months.

Local authorities will wish to know that I have received representations from local government on council tax benefit subsidy limitation. I have considered these carefully but decided to make no change to the scheme I proposed on 25 November.

I shall be sending copies of these reports and the Plain English guide to all authorities, together with tables showing each authority's Standard Spending Assessment and its entitlement to RSG, NDR and special grant. I have placed copies of the reports in the Journal Office; and copies of the reports, tables and the guide in the Library.

Concessionary Bus Travel

Mr. Campbell-Savours: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the proportion the population in the United Kingdom which has had access to free concessionary bus transport in each year since 1990. [106820]

Mr. Hill: The information available to my Department indicates that almost 2.1 million pensioners in the United Kingdom benefit from local authority schemes for free concessionary bus travel—that represents 3.55 per cent. of the UK population. I regret that information is not available for other groups who receive free concessionary bus travel (such as people with disabilities).

Mr. Campbell-Savours: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the local authorities which provide free transport on buses to persons of pensionable age. [106821]

Mr. Hill: A survey carried out by my department showed that in 1995–96 the following authorities had free travel schemes for pensioners (with age group restrictions and cost of bus pass as indicated):

Local authority	*Age group restriction*	*Cost of pass (£)*
Greater London boroughs and City of London	—	—
Merseyside PTA	—	—
West Midlands PTA	—	—
Bassetlaw	—	—
Bracknell Forest	—	20.00
Brentwood	—	100.00

Local authority	Age group restriction	Cost of pass (£)
Cheltenham	—	—
Crawley	—	—
Colchester	—	90.00
East Staffordshire	—	10.00
Hertsmere	—	15.00
Lancashire	70+ years of age only	—
Nottingham	—	—
Plymouth	80+ years of age only	—
Reading	—	—
Redditch	—	—
Shropshire	—	42.75
Slough	—	10.00
South Buckinghamshire	70+ years of age only	20.00
St. Albans	70+ years of age only	—
Stevenage	—	25.00
Three Rivers	—	18.00
Watford	—	15.00

Brownfield Sites

Mr. Wyatt: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the list of brownfield sites in the United Kingdom. [106778]

Ms Beverley Hughes: The first phase of the National Land Use Database collected information, for England, on previously developed sites which may be available for redevelopment. Provisional estimates of the amount of previously developed land that may be available for redevelopment for each Government office region were published last May in the Department's Information Bulletin 500. Final estimates will be published shortly.

Publication of details for individual sites is subject to current work on licence agreements to protect the local authorities' intellectual property rights in the data.

Airports

Caroline Flint: To ask the Secretary of State for the Environment, Transport and the Regions (1) how many complaints have been received in respect of noise in the previous 12 months at *(a)* Humberside, *(b)* Sheffield, *(c)* Manchester, *(d)* Leeds-Bradford, *(e)* Birmingham International, *(f)* East Midlands, *(g)* Newcastle, *(h)* Liverpool Speke, *(i)* Luton, *(j)* Stansted, *(k)* Heathrow and *(l)* Gatwick airport; [107000]

(2) what percentage of (i) passengers and (ii) employees at each of *(a)* Humberside, *(b)* Sheffield, *(c)* Manchester, *(d)* Leeds-Bradford, *(e)* Birmingham International, *(f)* East Midlands, *(g)* Newcastle, *(h)* Liverpool Speke, *(i)* Luton, *(j)* Stansted, *(k)* Heathrow and *(l)* Gatwick airport arrived by public transport in the last 12 months; [107001]

(3) how many residential properties lay within the 63 decibel contour at the most recent date for which information is available at *(a)* Humberside, *(b)* Sheffield, *(c)* Manchester, *(d)* Leeds-Bradford, *(e)* Birmingham International, *(f)* East Midlands, *(g)* Newcastle, *(h)* Liverpool Speke, *(i)* Luton, *(j)* Stansted, *(k)* Heathrow and *(l)* Gatwick airport. [106999]

Mr. Mullin: Figures available from the Civil Aviation Authority (CAA) for the numbers of passengers arriving at the following airports by public transport in the last 12-month period reported were:

	Airport	Percentage
1994	Humberside	7
1998	Manchester	10
1992	Leeds-Bradford	2
1996	Birmingham	8
1992	East Midlands	3
1994	Newcastle	8
1996	Luton	14
1996	Stansted	33
1998	Heathrow	32
1998	Gatwick	30

The CAA does not hold figures for the numbers of employees arriving at airports by public transport.

For the three airports designated under the Civil Aviation Act 1982 the numbers of complaints about aircraft noise, as recorded by BAA plc in 1999, were:

Heathrow: 8,465

Gatwick: 2,129

Stansted: 6,624.

Information is not held on the number of residential properties within the 63 dB(A) contours at these airports. However, the populations living within the 63 dB(A) contours in 1998 were:

Heathrow: 79,900

Gatwick: 1,500

Stansted: 1,300.

Figures for 1999 are not yet available.

The Government do not hold information on noise complaints received at other airports, or on the number of residential properties within their 63 dB(A) contours. The populations living within the 63 dB(A) contours at Manchester, Birmingham and Leeds-Bradford airports are reported in "Transport Statistics of Great Britain 1999". The latest data available in each case are:

Manchester (1997): 9,500

Birmingham (1998): 16,500

Leeds-Bradford (1995): less than 100.

We are presently carrying out a series of studies looking at the role of regional airports, and in connection with these intend to carry out further work on the noise impact of a number of the larger regional airports.

Waste Incinerators

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions (1) what estimate he has made of the number of new municipal waste incinerators that will need to be built by May 2002 to meet the Government's international commitments; [107377]

(2) what plans he has to increase the number of waste incinerators; and if he will make a statement. [107378]

Mr. Mullin: There are no international obligations requiring the construction of municipal waste incinerators, although there are stringent EU standards for emissions from such incinerators. Proposals for higher standards are under consideration.

The number of additional incinerators required in order to deal with municipal waste in the future is a matter for local authorities, who should make their decisions on the basis of the waste hierarchy and the Best Practical Environmental Option as proposed in the Government's Draft Waste Strategy. That focuses on the need to increase recycling and reuse substantially. The number of incinerators that might eventually be required will depend on the success of the Strategy in minimising the waste collected from householders.

WALES

Underground Fuel Tanks

Mr. Llwyd: To ask the Secretary of State for Wales what grant-in-aid has been provided to the Environment Agency in Wales in each of the last two years to fund emergency works arising from leaks from underground fuel tanks; and if he will make a statement. [106147]

Mr. Paul Murphy: Grant-in-aid to the Environment Agency in Wales is unhypothecated, and it is a matter for the Environment Agency to determine its own priorities for expenditure within the context of such high level objectives as the sponsoring body may set. Over the last two years, no grant-in-aid has been provided to the Environment Agency in Wales specifically to fund emergency works arising from leaks from underground fuel tanks. However, a small sum from general grant-in-aid has been spent on investigation and advice, and in responding to major incidents including those at Bontddu and Llanrwst.

Prior to 1 April 1999, grant-in-aid to the Environment Agency was paid on an England and Wales basis by the Department of the Environment, Transport and the Regions and the Ministry of Agriculture, Fisheries and Food. With effect from 1 April 1999, grant-in-aid has been paid separately toward the Environment Agency's activities in Wales, initially by the Secretary of State for Wales and, since the transfer of functions on 1 July 1999, by the National Assembly for Wales.

I would also refer the hon. Member to the reply given to him by my right hon. Friend the Minister for the Environment on 17 January 2000, *Official Report*, columns 247–48W.

NHS (Winter Pressures)

Mr. Evans: To ask the Secretary of State for Wales what extra funding is planned for the NHS in Wales this year in response to the influenza outbreak. [106855]

Mr. Paul Murphy: This is a matter for the National Assembly for Wales.

Mr. Evans: To ask the Secretary of State for Wales what preparations in Wales were made in 1999 to deal with the annual rise in demand for the NHS over the Christmas period. [106857]

Mr. Paul Murphy: It was envisaged early on that this winter would be particularly difficult, with the potential additional problems from the Millennium date change and the possible impact of Millennium celebrations on hospitals.

This year the NHS in Wales received its largest ever increase in discretionary allocations (+10.5 per cent.). This additional money was announced at the beginning of the current financial year, allowing all parts of the NHS to draw up action plans and make contingency arrangements early in the year, building on experiences following the allocation of £22 million over the previous two years.

Plans drawn up by the NHS included the provision of increased numbers of staff and beds in hospitals, extra local rapid-response home care services and more beds in the nursing home sector. In addition, in August last year the Chief Medical Officer for Wales issued guidance on the immunisation of vulnerable people.

Since 1 July 1999, responsibility for the NHS in Wales has been for the National Assembly for Wales.

Welsh Assembly Strategic Plan

Mr. Wigley: To ask the Secretary of State for Wales what assessment he has made of the need for additional resources for the Welsh Assembly to implement the first part of their recent strategic plan, with particular reference to the 30 target objectives; and what representations he has received on this matter. [107226]

Mr. Paul Murphy: I have made no such assessment as the detailed actions and targets of the recent strategic plan for the period up to the end of the current Assembly (May 2003) are consistent with existing spending plans, and this is a matter for the National Assembly.

EU Structural Funds

Mr. Wigley: To ask the Secretary of State for Wales what has been the impact on the National Assembly for Wales during the financial year 2000–01 arising from the designation of West Wales and the Valleys as an Objective 1 area. [107225]

Mr. Paul Murphy: It is too early to know the impact of Objective 1 on the National Assembly for Wales for the forthcoming financial years 2000–01. The figures set out by the National Assembly for Wales and the Welsh Partnership on the Objective 1 financial tables relate to expected commitments of funding over the full life of projects. The actual rate of expenditure will depend on the spending profiles of projects submitted and approved, which are not yet known.

Mr. Wigley: To ask the Secretary of State for Wales what discussions he has had with the European Commission over the eligibility of private or voluntary sector finance to contribute to the member state's match-funding for European Objective 1 projects; and if he will make a statement. [107228]

Mr. Paul Murphy: I have had no such discussions. The European Structural Funds Regulations, which apply to all EU member states, set no requirements for sources of match funding, which is the responsibility of the grant applicant. It is the eligibility of the activities of each specific project which needs to be assessed against the priorities in the Objective 1 programming document. Match funding from the private and voluntary sectors has been used in previous Structural Funds programmes across the UK and there is no reason why this should not continue for the new Objective 1 programme.

TREASURY

VAT (House Repair and Refurbishment)

Mr. Curry: To ask the Chancellor of the Exchequer, pursuant to his answer of 17 January 2000, *Official Report*, column 356W, what assumptions he made about the level of VAT evasion which would occur with a 5 per cent. rate on house repair and refurbishment relative to the current rate. [107110]

Dawn Primarolo: The effect on the level of VAT evasion of levying a 5 per cent. rate of VAT both on house refurbishment and repair and on construction on previously undeveloped land is uncertain. My answer of 17 January therefore made no allowance for any such effect.

Disabled Persons Tax Credit

Mr. Paul Marsden: To ask the Chancellor of the Exchequer how many disabled people in *(a)* Shrewsbury and Atcham and *(b)* Shropshire have benefited from the disabled persons tax credit since its introduction; and if he will make a statement. [107252]

Dawn Primarolo: Reliable estimates for the numbers of families in receipt of the disabled persons tax credit are not yet available on a constituency or county basis, but will be available shortly.

International European Movement

Mr. Bercow: To ask the Chancellor of the Exchequer what was the UK share of Community resources provided to the Federal Council of the International European Movement on 6 November; what was the nature of that support; and what was the nature of UK participation. [105539]

Mr. Vaz: I have been asked to reply.

The International Secretariat of the European Movement received a subsidy of euro 300,000 from the European Community budget in 1999.

In 1999, the UK's gross contribution to the EC budget (i.e. before abatement) was approximately 15 per cent.

The relevant budget lines are administered by the Commission headquarters in Brussels.

HOME DEPARTMENT

Racism (Football Matches)

Dr. Kumar: To ask the Secretary of State for the Home Department (1) what assessment he has made of the progress made by football clubs in tackling racist behaviour among football spectators; [106286]

(2) what measures his Department is taking to tackle racist behaviour among football spectators. [106287]

Mr. Mike O'Brien: Under Section 3 of The Football (Offences) Act 1991, as amended by Section 9 of the Football (Offences and Disorder) Act 1999, it is an offence for a person to engage or take part in chanting of a racist nature at football matches. The 1999 Act came into effect in September 1999 and the police and courts have been urged to use the extended powers at their disposal.

The Football Association, the League Managers Association, the Professional Footballers Association, the Football Association Premier League, football clubs and supporter groups are all working hard to eliminate racism from football. The Government will continue to play their part by providing the necessary legislative framework; monitoring implementation of the various measures recommended by the Football Task Force; and supporting initiatives like Show Racism the Red Card.

Criminal Records Bureau

Jackie Ballard: To ask the Secretary of State for the Home Department if he will make a statement on progress being made on the establishment of the Criminal Records Bureau. [106528]

Mr. Charles Clarke: I refer the hon. Member to the reply I gave to my hon. Friend the Member for Clwyd, West (Mr. Thomas) on 16 December 1999, *Official Report*, columns 271–72W. Since that time, following evaluation of the bids received from potential private sector partners, we have shortlisted three bidders who have been invited to take part in a technical design study in the spring.

Domestic Violence

Mr. Caton: To ask the Secretary of State for the Home Department what percentage of violent crimes, in the most recently published figures, were crimes of domestic violence. [106779]

Mr. Charles Clarke: The information requested is not available. Recorded crime figures are based on the legal definition of offences. The relationship of the victim and any alleged offender is not recorded.

In the 1998 British Crime Survey, it was estimated that 25 per cent. of the violent offences it addressed were domestic in nature. The most detailed information on domestic violence, collected in the 1996 British Crime Survey, is given in the Home Office Research Study No. 191 called "Domestic Violence: Findings from a new British Crime Survey self-completion questionnaire", which was published in 1999.

Police Force (Wales)

Mr. Evans: To ask the Secretary of State for the Home Department what the increase was in the number of police officers in Wales from 1998 to 1999. [106854]

Mr. Charles Clarke: The number of police officers in the police service in Wales increased between March 1998 and March 1999 by 29 to 6,646.

Mr. Evans: To ask the Secretary of State for the Home Department what plans he has to increase *(a)* funding for the Police Service and *(b)* the number of police officers in Wales in the next 12 months. [106870]

Mr. Charles Clarke: Under the spending plans of the Government and the National Assembly for Wales, funding of the police service in Wales is set to increase

by 2.6 per cent., or £9.3 million in 2000–01. It is for the individual chief constables and their police authorities to determine staffing levels within the resources available.

Police forces in Wales are eligible to bid for a share of the crime fighting fund to recruit 5,000 police officers over and above the number they would otherwise have recruited over the next three years. All four forces have submitted applications. They will be informed of our decision in the next few weeks.

Asylum Seekers

Mr. Gerrard: To ask the Secretary of State for the Home Department how many contracts for the provision of accommodation for asylum seekers after 1 April have been entered into by his Department; how many units of accommodation each will contract provide; and what are the estimated costs of each unit of accommodation so provided. [106687]

Mrs. Roche: No contracts have yet been signed for the provision of accommodation. Contract negotiations are currently being conducted and should be concluded shortly.

Entry Clearance Refusals

Mr. Mudie: To ask the Secretary of State for the Home Department when the visitor's right of appeal on the refusal of entry will be reinstated. [106781]

Mrs. Roche: We are committed to restoring a right of appeal to family visitors who have been refused entry clearance. Part IV of the Immigration and Asylum Act 1999 enables us to do this. We will be bringing Part IV into effect on 2 October 2000, the day on which the Human Rights Act 1998 comes into force.

Footpaths

Mr. Pickles: To ask the Secretary of State for the Home Department how many prosecutions there were in *(a)* 1998, *(b)* 1993 and *(c)* 1988 under Regulation 103 of the Motor Vehicle (Construction and Use) Regulations 1986 relating to obstruction of a footpath by a motor vehicle; and what the breakdown was in each year by police authority in England. [106570]

Mr. Charles Clarke: This offence cannot be distinguished from other offences of obstruction, waiting and parking in the statistics collected centrally.

Enderby Leisure Centre (CCTV)

Mr. Robathan: To ask the Secretary of State for the Home Department what further information he requires concerning the Enderby Leisure Centre CCTV proposal before he makes a final decision on the bid, and when he will make a final decision. [106478]

Mr. Charles Clarke: The Home Office has asked the crime and disorder partnership responsible for the Enderby Leisure Centre Closed Circuit Television bid to provide further information relating to the proposed operational and technical requirements for the system and the need for an adequate code of practice to govern its use. We will work closely with the partnership to resolve these issues as quickly as possible once the required information has been provided.

Au Pairs (Lithuania)

Mr. Robertson: To ask the Secretary of State for the Home Department if he will make it his policy to allow the employment of au pairs from Lithuania; and if he will make a statement. [106475]

Mrs. Roche: No. There are no plans at present to extend the au pair scheme under the Immigration Rules to Lithuania, or to any other country.

Police (Essex)

Mr. Bob Russell: To ask the Secretary of State for the Home Department how many police officers there were in the Colchester Police Division in September each year from 1995 to 1999; and if he will make a statement. [106557]

Mr. Charles Clarke: The information available, which is set out in the table, has been provided by the Chief Constable of Essex. The force is not able to provide figures for 1995 and 1996.

I understand that the reduction between 1997 and 1998 was partly due to the transfer of some posts from Divisional strength to Headquarters strength, although the officers concerned remained based in Colchester.

Essex Police—E Division, Colchester

Year (as at 1 September)	*Number of police officers*
1995	n/a
1996	n/a
1997	190
1998	180
1999	180

Mr. Bob Russell: To ask the Secretary of State for the Home Department how many officers there were in the Essex police force in each year from 1985 to 1999, giving figures on a quarterly basis from 1995 onwards; and if he will make a statement. [106548]

Mr. Charles Clarke: The information available is set out in the table. Since 1995, police numbers have been collected only twice a year—in March and September—so as to reduce administrative burdens on the police.

Essex police numbers: 1985–99

Year	*Number of officers*	
	As at 31 March	*As at 30 September*
1985	2,650	—
1986	2,666	—
1987	2,723	—
1988	2,728	—
1989	2,754	—
1990	2,822	—
1991	2,889	—
1992	2,898	—
1993	2,936	—
1994	2,937	—
1995	2,921	2,897
1996	2,884	2,927
1997	2,961	2,944
1998	2,929	2,903
1999	2,891	[1] —

[1] Not yet available

Mr. Bob Russell: To ask the Secretary of State for the Home Department how many additional police officers he will agree can be added to his Department's authorised number employed by the Essex Police Authority as a result of the transfer on 1 April to the Essex Police Authority of that part of Essex currently policed by the Metropolitan Police. [106550]

Mr. Charles Clarke: Each police force in England and Wales has a "notional establishment" of police officers for the purposes of allocating 10 per cent. of the police grant (most of the grant is allocated according to a needs-based funding formula). For the purposes of allocating the police grant in 2000–01, the notional establishment of Essex police was increased by 137 to take account of the enlargement of the Essex police area as a result of the change to the boundary of the Metropolitan police district on April 2000. This followed consultation with Essex police, Essex Police Authority and the Metropolitan police.

The actual numbers of police officers in the Essex police area following the boundary change will be a matter for the Chief Constable on the basis of the resources made available to him.

Mr. Bob Russell: To ask the Secretary of State for the Home Department how much the Metropolitan Police budget will be reduced from 1 April when that part of the County of Essex currently policed by the Metropolitan Police is transferred to the Essex Police Authority. [106547]

Mr. Charles Clarke: Funding for the Metropolitan Police in 2000–01 will reduce by around £5.9 million over 1999–2000 levels to reflect the boundary change with Essex Police Authorities.

Mr. Bob Russell: To ask the Secretary of State for the Home Department how many Metropolitan Police officers will transfer to the Essex Police Authority from 1 April when that part of the County of Essex currently policed by the Metropolitan Police is transferred to the Essex Police Authority; how many will stay with the Metropolitan Police; and how many will retire. [106549]

Mr. Charles Clarke: The Metropolitan Police Commissioner tells me that there is no fixed allocation of Metropolitan Police Officers to the area that is to be transferred from the Metropolitan Police District to Essex Police Authority from 1 April. As a result of the boundary change, 10 Metropolitan Police Officers will transfer to the Essex Police before 1 April and four afterwards.

In addition, 32 Metropolitan Police Officers are expected to be seconded to Essex Police on 1 April for up to 18 months, after which they will return to duties in the Metropolitan Police District. No Metropolitan Police officer is expected to retire as a consequence of the boundary change.

Mr. Bob Russell: To ask the Secretary of State for the Home Department what additional funding he will give to Essex Police Authority in 2000–01 to police that part of the county which from 1 April is transferred from the Metropolitan police; and if this figure, indexed accordingly, will be built into the authority's base figure in future years. [106546]

Mr. Charles Clarke: The proposed funding allocation for the Essex Police Authority in 2000–01 will increase by 7.2 per cent., or £11.8 million, over 1999–2000 levels to £174.8 million. This increase is significantly above the national average increase of 2.8 per cent. as it takes into account the enlargement of the Essex police area as a result of the boundary changes with the Metropolitan police from 1 April 2000.

Funding allocations for the police service in England and Wales are made by means of a needs-based formula. Allocations for future years will reflect the Essex Police Authority's new boundaries from 1 April 2000.

Prisoners (Right of Confidentiality)

Mr. Alan Simpson: To ask the Secretary of State for the Home Department what rights prisoners have to confidentiality in interviews conducted with journalists. [106446]

Mr. Boateng: Interviews with journalists are conducted in the same way as other visits, and thus are governed by policy set out in Prison Service Standing Order 5A, a copy of which is in the Library. Under this Order, for reasons of security and control, prisoners do not have the right to confidentiality, except in the case of visits from their legal advisers.

Visits are conducted within the sight of a prison officer, and are liable to be within the officer's hearing, particularly where security considerations require close supervision of the visit.

The provisions for legal visits are different, in order to ensure that a prisoner's access to the legal system is not in any way compromised. Such visits take place within the sight, but not within the hearing, of prison officers.

Immigration

Fiona Mactaggart: To ask the Secretary of State for the Home Department how many people seeking entry to the UK in each of the last five years have been refused under the provision of Immigration Rule 320(18). [106985]

Mrs. Roche: The available information relates only to persons refused leave to enter and removed where the principal reason for the decision was taken under paragraph 320(18) and is given in the table.

Year of decision	*Passengers refused Leave to enter because of a criminal conviction and removed*
1995	8
1996	13
1997	16
1998	15
1999[1]	[2]14

[1] 1st half
[2] provisional

Police Complaints Authority

Maria Eagle: To ask the Secretary of State for the Home Department what further appointments he has made to the Police Complaints Authority. [107855]

Mr. Straw: I am pleased to announce that Her Majesty the Queen has approved the appointment of Sir Alistair Graham as Chair of the Police Complaints Authority and that I have appointed Mrs. Wendy Towers as a member of the Authority.

Sir Alistair previously served as Chairman of the Parades Commission for Northern Ireland since 1997. He will take up his post on 1 April 2000 and the appointment is for three years initially.

Mrs. Towers was previously a full-time member of the Parole Board and had earlier followed a career in personnel management. She will take up her post on 7 February and her appointment is also for an initial three year period.

TRADE AND INDUSTRY

Year References (AD Suffix)

Mr. Gibb: To ask the Secretary of State for Trade and Industry what plans he has to change the AD suffix in official year references. [107179]

Mr. Alan Johnson: None.

Post Offices (Derbyshire)

Mr. McLoughlin: To ask the Secretary of State for Trade and Industry how many post offices there were in *(a)* Derbyshire and *(b)* the West Derbyshire constituency in each year from 1980 to 1999; and if he will make a statement. [107127]

Mr. Alan Johnson: I understand from the Post Office that they do not hold historic information on the numbers of post offices in each parliamentary constituency or local administrative area and that such information cannot readily be compiled.

The Post Office advise that in October 1999 the number of post offices in the county of Derbyshire was 337 and in the West Derbyshire constituency was 64.

Marks and Spencer

Mr. Rowlands: To ask the Secretary of State for Trade and Industry when he last met the senior management of Marks and Spencer to discuss the impact on employment levels of their decision to terminate supply contracts with W. S. Baird Ltd. [107022]

Mr. Alan Johnson: I am due to meet senior managers of Marks and Spencer in the coming few weeks for a routine briefing. No doubt product sourcing will be one of many issues discussed.

Mr. Rowlands: To ask the Secretary of State for Trade and Industry what discussions he has held with Department for Education and Employment ministers on the impact on employment of Marks and Spencer's decision to discontinue sourcing from W. S. Baird Ltd. [107021]

Mr. Alan Johnson: I have not discussed the decision of Marks and Spencer to discontinue sourcing from W. S. Baird Ltd. with Ministers from the Department for Education and Employment. However, Government Departments, including the Department of Trade and Industry and the Department for Education and Employment are in regular contact and work together to provide a range of support to the textile and clothing industry.

Innovation

Mr. Cohen: To ask the Secretary of State for Trade and Industry what assessment he has made of the impact of worker participation on innovation; and if he will make a statement. [106522]

Ms Hewitt: The impact of employment practices on all aspects of a firm's performance is of key interest to my Department. The Workplace Employee Relations Survey, published last September[1], clearly shows that workplace outcomes and performance appear to be influenced by the way employees are managed. Workplaces with modern employment practices (which included problem-solving groups) were associated with improved performance, less resignations, less dismissals and better management-employee relations.

DTI analysis of data from the Community Innovation Survey and some results form survey work on SME innovation by the Centre for Business Research in Cambridge[2] has provided evidence on the connections between labour market practices, business human resource management and innovation. Innovative companies use flexible labour market practices but are relatively more intensively engaged in staff development and active human resource management. Training linked to technological change goes with higher levels of innovativeness, reinforcing the message that developing staff capabilities tends to be conducive to innovation.

The positive impact of involving people throughout an organisation was also highlighted in Partnerships with People, a study conducted in 1997 and co-sponsored by the DTI. It concluded that an organisation's creative and innovative potential can be released when its employees are fully involved in all areas of the organisation.

My Department will be commissioning further research to examine the effects of partnership and workplace performance using WERS 98. We can only improve competitiveness if we work together to improve every aspect of our performance, including making the most of our innovative potential. I believe that partnership is at the heart of what constitutes a responsible and successful organisation.

[1] "Britain at Work", by Mark Cully, Stephen Woodland, Andrew O'Reilly and Gill Dix, (1999) is the first of two volumes of findings which reports the findings from WERS 98.

[2] "Enterprise Britain", edited by Andy Cosh and Alan Hughes, ESRC Centre for Business Research, 1998.

National Minimum Wage

Mr. Cohen: To ask the Secretary of State for Trade and Industry what reports he has received from the Low Pay Commission on the impact on unemployment of the national minimum wage; and if he will make a statement. [106524]

Mr. Alan Johnson: The Government asked the Low Pay Commission to examine the effect of the introduction of the national minimum wage, in particular its impact on employment. I received the Commission's report in December and am consulting other Government Departments about the report's findings. Once this consultation is completed, I will publish the report and the Government's response.

Mr. Cohen: To ask the Secretary of State for Trade and Industry what recent representations he has received to increase the level of the national minimum wage; and if he will make a statement. [106523]

Mr. Alan Johnson: My Department has received a number of representations on the level of the national minimum wage in recent weeks. As with its introduction, any future changes to the national minimum wage rates will take account of the economic circumstances prevailing at the time.

Bradwell Power Station

Mr. Whittingdale: To ask the Secretary of State for Trade and Industry what assessment he has made of the economic impact of the closure of Bradwell Power Station. [106179]

Mrs. Liddell *[holding answer 24 January 2000]:* An assessment was prepared in 1998 by PriceWaterhouseCoopers (PWC) who were commissioned by Essex Training and Enterprise Council (TEC) and key partner organisations to undertake a review on the impact of Bradwell Power Station upon the local economy, and of the mechanisms which might be put in place to counter any effects of the closure of the plant. No further assessment has been made by the Government.

Arrangements are being made with Essex TEC for a copy of the PWC report to be placed in the Library of the House.

Mr. Whittingdale: To ask the Secretary of State for Trade and Industry what assistance from public funds will be available to mitigate the economic effects of the closure of Bradwell Power Station; and if he will make a statement. [106180]

Mrs. Liddell *[holding answer 24 January 2000]:* Maldon has been designated by the Government as an Enterprise Grants Area. Under the Enterprise Grant Scheme grants up to £75,000 may be paid in support of new investment by business employing up to 250 people. Investment by SMEs in the vicinity of Bradwell may therefore be eligible for financial assistance.

The Small Business Service franchisee for Essex and the Learning and Skills Council for Essex will need to consider whether to make available special assistance for business start-up and for retraining to help people made redundant when Bradwell closes in 2002.

Garment Imports

Mr. Rowlands: To ask the Secretary of State for Trade and Industry what estimate he has made of the *(a)* volume and *(b)* value of imported garments for retail sale in the last 12 months for which figures are available. [106923]

Mr. Alan Johnson: In the 12 months to October 1999, the UK imported apparel and clothing accessories worth £7,611 million. Within this total, it is not possible separately to identify imports for retail sale. Information, in volume terms, is available only for clothing and footwear. In the 12 months ended October 1999, imports of clothing and footwear, in 1995 prices, were 44 per cent. higher than in 1995.

MOX Fuel

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry, pursuant to the answer of 17 January 2000, *Official Report*, column 261W, on MOX fuel, what issues he plans to explore in respect of the proposals to return unused MOX fuel from Japan; what meetings have been held, or are planned between representatives of the United Kingdom and Japanese Governments and the respective nuclear authorities; and if he will make a statement. [106730]

Mrs. Liddell: This issue will be discussed between the UK and Japanese Governments.

I have met with the Japanese Ambassador, and officials are to visit Japan in the near future.

Photovoltaics

Mr. Robathan: To ask the Secretary of State for Trade and Industry what assessment he has made of the *(a)* short and *(b)* long-term contributions that photovoltaics could make in reducing carbon emissions in the UK. [106792]

Mrs. Liddell: For the short term, photovoltaics (PV) is a relatively expensive technology, and the cost is unlikely to decrease sufficiently for it to make more than a small contribution to carbon emission reductions in the UK over the next decade. In the longer term, however, PV has the potential to make a significant contribution to carbon savings. The DTI has been supporting a programme of research, development and demonstration of the technology in the UK for several years and, together with support from the European Union, a number of major examples of building integrated PV are now operating, such as Northumbria University, Ford Engine Factory, and Doxford Solar Offices.

The annual generating capacity of PV installed in the UK at the moment is around 0.5 gigawatt hours (GWh). A study conducted for my Department in 1998 suggested that, for five key applications, new and refurbished offices, superstores, new housing and prestige public buildings, the maximum potential, disregarding cost, would be around 7 terrawatt hours (TWh) a year in 2010, around 2 per cent. of current electricity consumption. Investment costs were estimated at around £30 billion. The likely market potential for these applications without substantial levels of subsidy, but assuming significant cost and performance improvements and significant levels of carbon and pollution taxes, was estimated at less than 0.2 TWh/yr by 2010. Clearly, all such estimates can only give a broad indication of potential and the figures quoted are not comprehensive, excluding retrofit installation of PV on domestic roofs for example, where costs are currently high but the theoretical potential is large. Nevertheless, I believe that they give a reasonable indication of the possible scale of contribution in the short to medium term.

This compares with a theoretical estimate of around 270 TWh/yr available in 2025 from installing PV on all available walls and roofs for the entire building stock. More realistically, if PV were to be installed on all south-facing roofs and facades this would yield an annual output of around 70 TWh, or a little over 22 per cent. of current electricity consumption, which stands at around 324 TWh/yr. Alternatively, if 50 square miles (about 0.1 per cent. of the UK's total land area) were covered

with PV panels, this would have the technical potential to generate about 15 TWh of electricity (about 5 per cent. of current consumption). The extent and rate at which this longer term potential is exploited will depend on a number of factors, principally on the rate at which costs are reduced, itself the subject of much debate.

Clean Coal Technology

Mr. Denis Murphy: To ask the Secretary of State for Trade and Industry what initiatives his Department is taking to promote clean coal technology. [106935]

Mrs. Liddell: The Government's policy on cleaner coal technologies is set out in Energy Paper 67: "Cleaner Coal Technologies—Future plans for research, development and export promotion", which was published in April 1999. The promotional activities that my Department has initiated as part of the policy set out in Energy Paper 67 includes:

initiating a portfolio of research and development projects in collaboration with UK industry and universities (R&D projects are being supported following an annual call for proposals. Details of the call process are available on the DTI website);

undertaking a DTI led mission to China with UK industry in September 1999 to promote UK expertise (A further DTI led mission to India will take place in September this year);

publishing an export directory and a series of capability brochures on UK expertise in cleaner coal technologies; and

publishing a number of reports on the technology status of cleaner coal technology and the financing the development of the technologies.

Copies of Energy Paper 67 are available in the Libraries of the House and on the DTI website (www.dti.gov.uk/ent/coal), together with other publications arising from the programme. The DTI website is being used to help promote UK capability in cleaner coal technologies and provide up to date information on developments in the DTI programme.

Defence-related Exports (Nigeria)

Mr. Flynn: To ask the Secretary of State for Trade and Industry what proportion of the Export Credits Guarantee Department's 1998–99 exposure in unrecovered claims for exports to Nigeria is for defence-related exports. [105932]

Mr. Caborn *[holding answer 24 January 2000]:* Nine per cent. of the unrecovered claims relating to Nigeria are defence-related. These claims were all authorised prior to 1996 and are currently recorded on ECGD's Balance Sheet as assets.

Roads and Bridges (Philippines)

Mr. Keetch: To ask the Secretary of State for Trade and Industry what recent representations he has had concerning British involvement in the National Roads and Bridges Project in the Philippines; and if he will make a statement. [107375]

Mr. Caborn: We have discussed the National Roads and Bridges Project in the Philippines with interested companies. Several consortia are involved and the question as to whether this should be a competitive tender or a negotiated contract has arisen. However, this Project is being funded by the Department for International Development and the companies should keep in close contact with them.

Benefit Payment Methods

Mr. Ashdown: To ask the Secretary of State for Trade and Industry how many representations he has received about the proposed payment of benefits directly into bank accounts rather than at post offices; and how many of these representations are *(a)* in favour and *(b)* against. [104723]

Mr. Rooker: I have been asked to reply.

Letters often cover a number of subjects but we have received around 500 dealing with ACT in some way.

Starting in 2003, we will be moving to a more modern, secure and efficient method of paying benefits through automated credit transfer (ACT). Payment by ACT will become the norm for paying benefits.

However, we have given an assurance that those benefit recipients, whether paid by ACT or otherwise, will continue to have a choice of where they access their cash, with those who wish to collect at post offices still being able to do so.

SOCIAL SECURITY

Stakeholder Pensions

Mr. Webb: To ask the Secretary of State for Social Security, pursuant to his answer of 13 January 2000, *Official Report*, column 231W, on stakeholder pensions, what have been the findings of recent departmental surveys on *(a)* the number of people with non-mortgage debt and *(b)* the distribution of non-mortgage debts among persons with annual earnings in the range £9,000 to £21,500 who are not members of an occupational or personal pension scheme. [106805]

Mr. Rooker: The necessary combined information on non-mortgage debt, earnings and pension provision is not available from departmental surveys. Some data are available from one wave of the British Household Panel Survey, which showed the following distribution of reported non-mortgage debt among survey respondents with earnings between £9,000 and £21,500 and who were not current members of an occupational or a personal pension scheme. Reliable estimates of the numbers of such persons with non-mortgage debt cannot, however, be derived from this source.

Level of non-mortgage debt	*Percentage of respondents*
Nil	55
Less than £500	12
£500 to £1,500	11
£1,500 to £4,000	13
Over £4,000	10

Notes:

1. Sample base—respondents with earnings between £9,000 and £21,500 (in current earnings terms) who reported no current membership of an occupational or personal pension scheme.
2. The size of debt is self-assessed debt.
3. Figures do not sum to 100 per cent. because of rounding.

Source:

British Household Panel Survey, wave of interviews conducted between September 1995 and June 1996.

CULTURE, MEDIA AND SPORT

Free TV Licences

Mr. Gale: To ask the Secretary of State for Culture, Media and Sport when he expects the computer system necessary for the pensioners' free TV licence scheme to be in place; upon what date he expects that the scheme will commence; when he expects to publish details of the scheme, with particular reference to terms for refunds for those reaching the age of 75 years within the duration of a licence; and if he will make a statement. [107181]

Janet Anderson *[holding answer 27 January 2000]:* My right hon. Friend the Chancellor of the Exchequer announced in his pre-Budget statement on 9 November 1999, *Official Report*, columns 883–91, that people aged 75 or over will receive their television licence free of charge from this autumn. The Government intend to announce shortly the precise starting date and details of how the scheme will operate.

Farmers (Tourism)

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport what discussions his Department has had with the Ministry of Agriculture, Fisheries and Food concerning farmers diversifying into tourism. [104919]

Janet Anderson: We were, of course, consulted when the UK's Rural Development proposals were being prepared. We fully support the proposals of my right hon. Friend the Agriculture Minister to introduce a radical redirection of support for agriculture. This initiative will give new help to farmers wishing to diversify into other activity, including tourism, through a significant increase in expenditure on rural development measures, including the environment and diversification. We are now involved in discussing how this programme of measures, when approved by the Commission, can best contribute to sustainable tourism in rural areas—to the long-term benefit of farmers and visitors alike.

HEALTH

Dyspraxia

Mr. Wyatt: To ask the Secretary of State for Health how many children who have been diagnosed dyspraxic have been refused treatment by the Thames Gateway NHS Trust in North Kent since May 1997. [104862]

Mr. Hutton: The information requested is not available. However, no children with verbal dyspraxia have been refused speech and language therapy services. For motor dyspraxia all urgent referrals are seen. These children are assessed and given an activity programme to do at home and their progress is reviewed every three months.

Long-term Care

Sir Geoffrey JohnsonSmith: To ask the Secretary of State for Health (1) what assessment he has made of the impact of his proposed regulations on the number of businesses in the long-term care industry; and what percentage of the available long-term beds these businesses account for; [106378]

(2) what plans he has to establish a system to monitor the quality of care in addition to the physical elements described in his Department's document "Fit for the Future?"; [106380]

(3) what research his Department has undertaken into the impact on the NHS of increased private sector demand for the skilled staff required by "Fit for the Future?"; [106383]

(4) what research his Department has carried out on the cost implications of the level access requirement of his "Fit for the Future?" document; [106381]

(5) what assessment he has made of the cost implications of the "Fit for the Future?" requirement that doorways should be at least 900mm. wide; [106382]

(6) what assessment he has made of the geographical distribution of non-compliant long-term care accommodation in relation to demographic trends and likely local shortfalls in service availability. [106379]

Mr. Hutton: The new National Care Standards Commission will regulate care services and private healthcare. The Commission will ensure that services meet the finalised minimum standards. The proposals in "Fit for the Future?" are aimed at promoting better quality care and helping to prevent abuse by grounding practice on the principles of dignity, choice, privacy and respect.

The Department did not carry out research into the impact of each of the standards proposed. However, Laing and Buisson were commissioned to work on a cost-benefit analysis of the standards to ascertain the likely burden on providers nationally. Additional information was gathered from Heads of Inspection regarding the current standard of provision. Information from these studies was published in "Fit for the Future?" along with a regulatory impact appraisal.

We will be issuing a revised regulatory impact appraisal with the published standards later this year.

The Department has not conducted any specific research into the impact on the National Health Service of the proposals concerning ratios of qualified nurses to other staff in nursing homes. However, we are funding a major study by Kings College, University of London, tracking the careers of 3,000 new entrants to nursing. Although not the focus of the research, this will help assess the demand for nurses, including from the private sector. We are also actively considering models for assessment of nursing needs which would allow levels of qualified nurses to relate more flexibility to assessed needs.

Christie Hospital, Manchester

Mr. Brady: To ask the Secretary of State for Health when a Minister in his Department will next visit the Christie Hospital in Manchester. [106692]

Mr. Hutton: I visited the Christie Hospital on Friday 21 January.

Nursing Homes

Mr. Rowlands: To ask the Secretary of State for Health what *(a)* guidelines and *(b)* regulations are in force concerning the rights of elderly residents in nursing

homes who may be forced to leave those homes as a result of a change in registration by the owners of such homes. [106924]

Mr. Hutton: Residential care homes are currently required to give reasonable notice to residents of any intention to terminate arrangements for accommodating them. Nursing homes are not currently under the same statutory obligation. This will be remedied in the new arrangements for regulating care, through the regulations and national standards we are introducing.

None the less we regard it as good practice that any decision to close a home or part of a home is handled as sensitively and appropriately as possible. When a home does have to close or beds are redesignated, the essential thing is that there should be proper arrangements made for the safe and satisfactory transfer of all residents to other suitable homes. Adequate time should be allowed for this to be done and in a way that allows both residents and their relatives a choice in where they are to move to, and which creates the minimum possible discomfort to all concerned.

Audiology Services

Mr. Swayne: To ask the Secretary of State for Health (1) what recent representations he has received on age discrimination in applying the 'needs test' system with respect to the provision of digital hearing aids; [107058]

(2) what proposals he has to increase the funding of audiology services within the NHS; [107057]

(3) if he will make a statement on availability of digital hearing aids in the NHS. [107056]

Mr. Hutton: We have not received any representations about age discrimination for the supply of digital hearing aids. A project will start in England later this year to trial digital hearing aids for National Health Service patients. This project will help inform our plans to modernise hearing aid services. Detailed proposals for the scheme are being developed, but we anticipate that the project will cover 20 hearing aid departments and that an estimated 20,000 to 30,000 patients will benefit from the scheme. The project is intended to lead to improvements for all NHS patients.

FOREIGN AND COMMONWEALTH AFFAIRS

Correspondence

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place copies of the correspondence between his Department and Mr. Radonur Putnikovich in the Library. [106872]

Mr. Vaz *[holding answer 25 January 2000]:* I would be happy to place copies of this correspondence in the Library.

General Affairs Council

Mr. Hood: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the outcome of the General Affairs Council held in Brussels on 24 to 25 January; and if he will make a statement. [107150]

Mr. Vaz: The General Affairs Council in Brussels on 24 January adopted the A points listed in document no. 5443/00 and noted the resolutions, decisions and opinions adopted by the European Parliament in its sessions of 1–2 December in Brussels, listed in document no. 12794/99, and 13–17 December in Strasbourg, listed in document no. 13877/99. Copies of the documents listing the A points and the resolutions will be placed in the House Libraries as soon as they become available.

Open Debate: European Security and Defence Policy

The Portuguese Presidency put forward their programme of work. Discussion focused on how to take forward the remits from the Helsinki European Council on European security and defence policy, in particular progress on improving military capabilities, and relations between the EU and NATO, including the role of non-EU Allies and others in any new arrangements in the EU.

Follow up to Helsinki European Council

(A) IGC. The Presidency described its plans for organising the first stage of negotiations in the IGC.

(B) Enlargement. The Presidency and Commission set out the work programme for the next six months and confirmed their commitment to continued progress in negotiations for all countries and to differentiation (each country proceeding on merit at its own speed), including the possibility that countries starting negotiations this year might catch up with those already in negotiations.

Lisbon European Council Preparation

The Presidency presented a framework document on preparatory work towards the Lisbon Special Council on employment, economic reform and social cohesion. It set out the key objective of making the EU over the next 10 years the world's most dynamic and competitive knowledge-based economy, able to boost economic growth levels with more and better jobs and greater social cohesion.

Middle East Peace Process

The Council received a report of the Presidency and High Representative's visit to the region and discussed prospects for the Peace Process.

President Arafat attended lunch and briefed Ministers on developments on the Palestinian track. The Council welcomed recent reforms to the Palestinian Authority's procedures for financial management and called for further reforms in support of good governance and respect for human rights.

Russia

The Council welcomed the democratic conduct of the Duma elections and the smooth transition of power after President Yeltsin's resignation. It emphasised its wish to develop the long-term strategic partnership between the EU and Russia.

The Council reiterated the EU's deep concern about continuing violence in Chechnya and condemned the indiscriminate use of force by the Russian authorities. While it did not question Russia's right to preserve its territorial integrity, the Council emphasised Russia's great responsibility to respect its obligations under international humanitarian law. The EU would continue to press for de-escalation of the violence, a rapid ceasefire and a political solution to the crisis.

The Council welcomed the action taken to follow up the Declaration of the Helsinki European Council, including the revision of the Presidency's work plan for the EU Common Strategy on Russia. The Council invited the Commission to refocus the TACIS 2000 programme on core areas directly promoting democratic values, and agreed that the EU should respond firmly to any infringements of Russia's trade obligations under the Partnership and Co-operation Agreement.

EU/Turkey

The Presidency and Commission outlined plans for implementing the Helsinki European Council conclusions on Turkey.

Western Balkans

The Council welcomed the agreement of the Serbian democratic opposition of 10 January and their call for early elections in Serbia. The Council made it clear the EU was willing to offer substantial political and economic support to a democratic Federal Republic of Yugoslavia (FRY). It invited the Commission to prepare a proposal to extend the Energy for Democracy programme.

The Council stressed its continuing support for the democratically elected government of Montenegro, and invited the Commission to submit further concrete proposals to address Montenegro's most urgent needs.

On Kosovo, the Council agreed that urgent action was needed to address the continued violence against minorities and the growing threat of organised crime in Kosovo. It recognised the urgent need to reinforce the international police presence, particularly through specialists in organised crime and drug trafficking. It took note of UNMIK's worrying financial situation and agreed to address the problem without delay.

The Council welcomed the democratic outcome of the recent parliamentary elections in Croatia, and looked forward to the presidential elections and the formation of the new government. The Council emphasised the need to meet the conditions necessary for a closer relationship with the EU and looked forward to helping the new government achieve early progress. The Council agreed to establish rapidly the Joint EU-Croatia Consultative Task Force and invite Croatian Prime Minister designate to the General Affairs Council on 14 February.

The Council called for early and comprehensive implementation by Bosnia and Herzegovina's Joint Presidency of the New York Declaration. It urged the Bosnian parties to pass the Permanent Election Law and legislation on the Statute of the Council of Ministers incompliance with the constitution.

The Council adopted the negotiating directives for a Stabilisation and Association Agreement with Macedonia, and invited the Commission to make preparations to open negotiations in March 2000.

The Council examined the Commission's feasibility study for a Stabilisation and Association Agreement with Albania. It invited the Albanian government to present a plan of action for addressing the weaknesses identified in the study. The Council reaffirmed the EU's readiness to support the reform process in Albania.

Aid to Venezuela

The Council approved a Commission document on EU aid efforts in Venezuela following last month's flooding.

EU Africa Summit

The Presidency described its plans for a possible EU/Africa Summit in April.

EU/South Africa

The Presidency briefed the Council on contacts between the Commission and South Africa on the implementation of the EU/South Africa Trade, Development and Co-operation Agreement.

Oil Tanker Safety

The Council agreed that the safety of oil tankers was a matter of great concern to the EU. The Commission will produce a Communication in time for the next Transport Council on oil tanker safety, concentrating on oil tankers most at risk, re-examining the system of classifying tankers, phasing out single-hull tankers, reviewing liability and compensation and promoting transparency in the maritime world.

Association Council with Tunisia

The Association Council with Tunisia covered a range of political and economic issues. The Presidency raised Tunisia's human rights record and stressed the importance of the political dialogue between the EU and Tunisia. EU support for economic reform in Tunisia was discussed, with Tunisia looking forward to continued co-operation in support of progress towards the free trade area foreseen under the Barcelona Process.

Co-operation Council with Moldova

The second EU-Moldova Co-operation Council took place on 25 January. Discussion focused on the positive progress made under the EU-Moldova Partnership and Co-operation Agreement over the past year, and on Moldova's desire to further strengthen its relationship with the EU. There were also discussions on the internal political situation in Moldova (including Transdniestria), Moldova/Russia relations, and Moldovan participation in regional co-operation.

DEFENCE

Battle Management Systems

Mr. Hancock: To ask the Secretary of State for Defence what plans he has for instituting battle management systems and digitisation testbed configurations within the Royal forces. [99416]

Mr. Kilfoyle: Battle management systems are being introduced to optimise decision support in areas from crisis management to operations in theatre. The Joint Operational Command System (JOCS) provides this capability to the Permanent Joint Headquarters and its deployed headquarters and has been used on recent operations. All three services have programmes to deliver battle management systems which will integrate with JOCS. They include:

The Command Support System for the Royal Navy. Currently being introduced into service, it provides for enhanced information systems and management functions between ships, submarines and shore headquarters.

The Army's Formation Battle Management System will provide a fully integrated and deployable command and control system from a Corps headquarters down to units. It will be linked with the Battle Group Battle Management System.

The RAF Command and Control Information System is currently being implemented. It will provide for the command and control of air assets from operational stations to headquarters. It is envisaged that it will develop towards the Joint Command System (Air) and integrate with other command systems.

Joint Battlespace Digitization, which is in the early stages of development, aims to integrate operational information systems across the land, sea and air environments to enhance military capability in joint operations.

A study is currently being conducted to explore the feasibility for a joint service test and reference facility to incorporate the current single Service reference centres in providing a joint digitization testbed. The programme is in the very early stages.

Jaguar Aircraft

Mr. Hancock: To ask the Secretary of State for Defence what is the total cost to his Department of the Jaguars that were sent to India in the last three years. [104109]

Mr. Kilfoyle: I refer the hon. Member to the answer I gave on 20 December 1999, *Official Report*, column 364W.

Helios 2 Project

Mr. Cohen: To ask the Secretary of State for Defence for what reasons his Department decided not to contribute to France's Helios 2 project. [104320]

Mr. Kilfoyle: The MOD has neither sought nor received any proposals for direct UK participation in, or contribution to, France's Helios 2 programme. The UK, as a member of the Western European Union, is considering the potential of a number of satellite observation programmes to meet WEU requirements. The Helios 2 programme may be offered to meet these requirements.

Defence Research

Mr. Hancock: To ask the Secretary of State for Defence how much of the Government's budget has been allocated for defence research in the current financial year and in each of the past six years. [104361]

Mr. Kilfoyle: Expenditure under "major customers' research budgets" in the Appropriation Accounts for the years in question is as follows:

Financial year	*Expenditure (£ million)*
1993–94	452.735
1994–95	534.754
1995–96	484.015
1996–97	533.421
1997–98	455.868
1998–99[1]	460
1999–2000[1]	457

[1] Forecast

These are net figures and at outturn prices (i.e. with no allowance for inflation). These figures differ from those published in the annual "Forward Look" publication on Government-funded science, engineering and technology because the latter are based on statistical categorisation of expenditure rather than resource allocations and include, for example, technology demonstrator programmes and loans and grants to DERA.

C17 Transports

Mr. Hancock: To ask the Secretary of State for Defence from whom his Department has received representations supporting the leasing of C17 transports from the USA. [104404]

Mr. Kilfoyle: Representations by several companies having a potential commercial interest in the Royal Air Force's acquisition of C17 transports have been forwarded by hon. Members. I am withholding details under Exemption 13 (third party's commercial confidences) of the Code of Practice on access to Government Information, on the grounds that a particular company's support for one option in a current competition is a matter potentially within that company's commercial interest.

Cadets

Mrs. Curtis-Thomas: To ask the Secretary of State for Defence what requirement there will be for volunteers working within the cadet forces to be subject to checking with the Criminal Records Bureau. [106134]

Mr. Spellar: Adults currently working within the cadet forces will not be subject to check with the Criminal Records Bureau, as their suitability has already been assessed by my Department. The Criminal Records Bureau will carry out checks on new adult volunteers who wish to work within the cadet forces when this service is provided to the public and voluntary sector.

Zimbabwe (Arms Sales)

Ann Clwyd: To ask the Secretary of State for Defence (1) if he will list the *(a)* people and *(b)* organisations representing defence manufacturers who have made representations to his Department about arms sales to Zimbabwe over the last 17 months; and when such representations were made; [106951]

(2) how many representatives of arms manufacturers have made representations to *(a)* him, *(b)* his advisers and *(c)* officials about arms sales to Zimbabwe over the last 17 months; and if he will list the individuals and companies concerned, indicating the dates on which representations were made. [106940]

Mr. Kilfoyle: The Department receives numerous inquiries, through face to face contacts, correspondence and over the telephone from people and organisations representing defence manufacturers inquiring about defence equipment sales opportunities worldwide. It is not practical to maintain detailed records of all such inquiries and the information requested is not available.

RAF Finningley

Shona McIsaac: To ask the Secretary of State for Defence if each expression of interest in the purchase of RAF Finningley was followed up. [106946]

Mr. Kilfoyle: Yes. Of the 11 expressions of interest following the 1996 marketing exercise, 10 of the parties were interviewed by our agents and the other decided to

withdraw. Of the 15 new expressions of interest following the 1997 exercise, five of these withdrew, and our agents conducted interviews with all the others.

Shona McIsaac: To ask the Secretary of State for Defence by what methods expressions of interest in the purchase of RAF Finningley were sought. [106944]

Mr. Kilfoyle: Our selling agents, Drivers Jonas of London, conducted an advertising campaign in 1996 and 1997 seeking expressions of interest through advertisements in the "Estates Gazette", a sale board at the site and contacting potential developers and other interested parties listed on their commercial database. A four-page colour brochure was also produced and sent to all inquirers. A detailed package of information was sent to those who requested it.

Shona McIsaac: To ask the Secretary of State for Defence how many expressions of interest have been received in connection with the purchase of RAF Finningley. [106943]

Mr. Kilfoyle: Following the initial advertising campaign in 1996, 11 firm expressions of interest were received. The sale process was delayed to allow the Home Office to consider whether the site would be suitable for use as a prison. A subsequent advertising campaign in 1997 produced 23 firm expressions of interest (including eight reaffirmations from the 1996 campaign).

Shona McIsaac: To ask the Secretary of State for Defence what process was used to determine the final purchaser of RAF Finningley. [106950]

Mr. Kilfoyle: After receipt of detailed proposals, discussions and negotiations were conducted with the two highest bidders. Their bids were broadly similar, and substantially in excess of the other bids, but further inquiries were needed to determine the timing, certainty and full value of their proposals. Given the potential use of the site for a major civil airport, advice was also sought from DETR and from the Government Office for Yorkshire and Humberside. As a result of this process and a final best bid stage, Peel Holdings plc was selected as the preferred purchaser. The site was sold to them in June 1999.

Shona McIsaac: To ask the Secretary of State for Defence what method was used to evaluate expressions of interest in the purchase of RAF Finningley. [106945]

Mr. Kilfoyle: At interview all parties were evaluated on the basis of experience of developing similar sites, realism of development proposals including time scale, method of funding and a general assessment of their experience and ability. This resulted in a shortlist of six parties who were invited to provide detailed bids.

Kirkcudbright Test Range

Mr. Llew Smith: To ask the Secretary of State for Defence, pursuant to the answer of 17 January 2000, *Official Report*, column 282W, on the meeting between the Defence Evaluation and Research Agency and the Scottish Environmental Protection Agency, if he will place in the Library a copy of the working notes taken at the meeting. [106726]

Mr. Kilfoyle: The working notes of the meeting between the Defence Evaluation and Research Agency and the Scottish Environmental Protection Agency are a record of internal discussions and I am therefore withholding them under Exception 2 (Internal discussion and advice) of the Code of Practice on Access to Government Information.

Ammunition

Mr. DuncanSmith: To ask the Secretary of State for Defence (1) how many rounds of ammunition by type were expended in the Royal Navy other than in operations in each of the last five years; [107246]

(2) how many rounds of ammunition by type were expended in the Army by the *(a)* infantry, *(b)* armoured corps, *(c)* artillery and *(d)* other support elements, in each of the last five years, other than in operations. [107244]

Mr. Spellar *[holding answer 27 January 2000]:* I am withholding this information in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Kosovo

Mr. Key: To ask the Secretary of State for Defence what has been the cost to his budget, by category, of provisioning Russian forces at Pristina airport; and if he will make a statement. [107089]

Mr. Spellar *[holding answer 27 January 2000]:* Following receipt of a request from the commander of the Russian forces in Kosovo, the then Commander of KFOR, Lieutenant General Sir Mike Jackson took the decision to supply the Russians with 15,000 litres of bottled water, along with a small number of maps on 16 June. The costs to my Department were £2,356 and £3 respectively.

Casualty Ship

Mr. Ottaway: To ask the Secretary of State for Defence when he plans to order the 200-bed primary casualty receiving ship announced in the Strategic Defence Review. [107249]

Mr. Kilfoyle *[holding answer 27 January 2000]:* A range of procurement options for the Primary Casualty Receiving Ship is being considered, including a full PFI service. Current indications are that we should be in a position to place a contract during 2002. The programme to achieve this date is being developed.

RAF Neatishead

Mr. Prior: To ask the Secretary of State for Defence if he will make a statement on the future of RAF Neatishead. [107395]

Mr. Spellar: The issues raised during consultation on the future of RAF Neatishead and RAF Buchan are currently being investigated. An announcement will be made once this work is complete.

Old Range, Shoeburyness

Sir Teddy Taylor: To ask the Secretary of State for Defence when he sold the Old Range at Shoeburyness; to whom; and at what price. [107027]

Mr. Kilfoyle *[holding answer 27 January 2000]:* The whole of the Old Ranges and Horseshoe Barracks, Shoeburyness, was sold, subject to contract, on 20 January 2000 with completion expected towards the end of March 2000. Until then, details of the purchaser and purchase price remain commercially confidential and I am therefore withholding this information under Exemption 7 of the Code of Access to Government Information.

Solway Harvester

Mr. Cohen: To ask the Secretary of State for Defence what reports he has received concerning the presence of Royal Navy vessels in the vicinity of the Harvester at the time of its sinking; and if he will make a statement. [107061]

Mr. Spellar: At the time of the tragic loss of the Solway Harvester the nearest vessel was the RFA Bayleaf, a tanker of the Royal Fleet Auxiliary. She was some 30 miles west of the Solway Harvester when the mayday was raised and took part in the rescue operation. There were no other Royal Navy vessels in the vicinity of the Isle of Man. There were no submarines in the area.

Ethnic Minorities

Mr. Cox: To ask the Secretary of State for Defence how many *(a)* men and *(b)* women from ethnic minority backgrounds are serving in each of the British armed services. [107121]

Mr. Spellar: As at 1 December 1999, the latest date for which figures are available, there were 2,113 men and 210 women from ethnic backgrounds serving in the UK regular Armed Forces. The individual figures for each Service are:

	Men	*Women*
Naval Service	350	25
Army	1,219	136
RAF	544	49

Territorial Army

Mr. Wigley: To ask the Secretary of State for Defence if he will review the effects of the restructuring of the Territorial Army on the availability of the premises of the Territorial Army for use by other community activities, with particular reference to TA centres in rural Wales. [107130]

Mr. Spellar: The main purpose of Territorial Army Centres (TACs) is to train members of the TA, but links with local communities are greatly valued by the Army and, wherever practicable, local groups will continue to be allowed use of TACs.

Meat

Mr. Wigley: To ask the Secretary of State for Defence what recent measures his Department has taken to maximise the procurement of domestically produced meat for the armed forces. [107129]

Mr. Kilfoyle: The supply of food to our Armed Forces is contracted out to "3663" (formerly trading as Booker Foodservice). They are required to seek best market prices and, in doing so, to give full consideration to British products. As a result our contractor is currently sourcing all beef for consumption by our UK-based service personnel from British intervention stocks. In addition, 100 per cent. of our pork and some 50 per cent. of our bacon and gammon is being sourced in the UK. Our contractor has so far been unable to identify competitively priced sources of British lamb but continues to keep this under active review.

Cluster Munitions

Mr. Martin Bell: To ask the Secretary of State for Defence how many of each type of cluster munitions are held by *(a)* the Royal Air Force, *(b)* the Royal Navy and *(c)* the Army. [107273]

Mr. Spellar: I am withholding this information in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Chinook Crash

Mr. Martin Bell: To ask the Secretary of State for Defence when the Air Accident Investigation Branch *(a)* considered and *(b)* ruled out the possibility of an uncommanded flying control movement, that left no trace as having occurred prior to the fatal crash of RAF Chinook 2D576 on the Mull of Kintyre in 1994. [107274]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

AGRICULTURE, FISHERIES AND FOOD

BSE

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food how many bovine samples were sent from each country outside the United Kingdom to Weybridge Veterinary Laboratory since 1980; and what was the number of the samples from each country that were diagnosed with BSE in that period. [106323]

Mr. Nick Brown *[holding answer 24 January 2000]:* The subject of the question relates to matters undertaken by the Veterinary Laboratories Agency. I have asked its Chief Executive, Mr. T. Little, to arrange for a reply to be given.

Letter from T. W. A. Little to Mr. Tim Yeo, dated 28 January 2000:

The Minister has asked me to respond to your question about bovine samples sent to the Veterinary Laboratories Agency, Weybridge since 1980 and the number of these samples diagnosed with BSE.

The VLA has, over a considerable period of time, provided Reference Laboratory facilities for the diagnosis of certain animal diseases and in this general context will have received bovine brain samples from countries outside the UK for a wide range of diagnostic purposes. In the more specific context of the diagnosis of BSE, no bovine samples would have been received from other countries for this purpose before the recognition of the disease in Britain in 1986. Since 1986 such bovine samples, in the form of brain tissue for either histopathological or electron microscopic examination, have been received from a number of countries.

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The quantitative information requested could only be provided at disproportionate cost, as it is contained only in paper case records in different sections of the Pathology Department of the VLA.

Such submissions have almost invariably been framed as requests from other countries for the diagnostic examination of material from their initial suspect cases of BSE. Because the VLA has provided training in the diagnosis of BSE for veterinary pathologists in many countries, requests for the examination of bovine samples of BSE have been confirmed at most to the initial few cases experienced in the country, with subsequent diagnosis being conducted by the countries own veterinary pathologists. Also, consultations on such material from other countries will not have been restricted to bovine samples sent to the VLA since opinions will have been sought from VLA veterinary pathologists and scientists whilst visiting other countries.

Correspondence

Sir Brian Mawhinney: To ask the Minister of Agriculture, Fisheries and Food when the right hon. Member for North-West Cambridgeshire will receive a reply to his letter of 30 September 1999 on behalf of his constituent Mr. Chambers. [105920]

Mr. Nick Brown *[holding answer 20 January 2000]:* A reply to the letter from the right hon. Member for North-West Cambridgeshire was sent on 25 November 1999.

INTERNATIONAL DEVELOPMENT

Departmental Website

Mr. Streeter: To ask the Secretary of State for International Development what plans she has to publish full text versions of new departmental documents on her Department's website. [106433]

Clare Short: Plans are under way to have the majority of DFID publications produced since May 1997 available in full text format on DFID's website.

All new DFID publications, as well as much of our research material, is already available through DFID's website in full text format.

Afghanistan

Dr. Tonge: To ask the Secretary of State for International Development what representations she has received concerning the situation of women's human rights in Afghanistan; and if she will make a statement. [107008]

Clare Short: Human rights issues are frequently covered in discussions on Afghanistan between my Department and other interested parties. We have had no specific representations on women's human rights recently.

We remain extremely concerned about abuses of human rights in Afghanistan. The people of Afghanistan, in particular women and children, have suffered immeasurably as a result of two decades of conflict, destruction and displacement. In pursuing its programme of humanitarian assistance to the Afghan people, DFID actively participates in the principled common programming approach under the United Nations-led Strategic Framework for Afghanistan. This approach is designed to ensure that assistance works towards the eradication of any form of discrimination, including, of course, gender discrimination.

Departmental Press Releases

Mr. Oaten: To ask the Secretary of State for International Development how many Press releases her Department issued in each year from 1995 to 1999. [106119]

Clare Short: Number of press releases issued from 1995–99 are outlined as follows:

	Press releases
Issued by ODA	
1995	71
1996	50
To May 1997	16
Issued by DFID	
From May 1997	42
1998	74
1999	82

EDUCATION AND EMPLOYMENT

Sure Start

Mr. Field: To ask the Secretary of State for Education and Employment what is the geographical statistical unit being used to judge the outcome of the Sure Start areas. [103003]

Yvette Cooper *[holding answer 16 December 1999]:* I have been asked to reply.

Sure Start will be judged on its outcomes for children, families and areas. The geographical statistical unit for which area outcomes will be judged will be the local Sure Start programme area.

Violent Pupils

Mr. Maclean: To ask the Secretary of State for Education and Employment how many pupil attacks on teachers were recorded in each of the years since 1992. [107478]

Jacqui Smith: This information is not available centrally.

Teacher Competencies

Mrs. May: To ask the Secretary of State for Education and Employment if he will publish the consultation document on teacher competencies that has been sent to the teacher trade unions together with a list of all those who have been consulted on the document. [107540]

Ms Estelle Morris: No consultation document has been published. As part of on-going discussions with teacher and headteacher unions about proposed reforms of the teaching profession, DfEE has had informal discussions about the standards which teachers would be required to meet in order to cross the proposed new performance threshold. We will write to School Teachers' Review Body statutory consultees during February 2000 to invite views on the proposed standards.

Mrs. May: To ask the Secretary of State for Education and Employment when he expects to receive the report by Hay McBer on teacher competencies and other aspects of performance-related pay; and if he will place a copy in the Library. [107536]

Ms Estelle Morris: DfEE expects to receive the final report from Hay McBer on the characteristics of effective teaching at the end of February 2000 and intends to publish it shortly thereafter, probably during March 2000. A copy will be placed in the Library.

Ofsted Inspections (LEAs)

Mrs. May: To ask the Secretary of State for Education and Employment if he will list those local education authorities on which Ofsted has reported, and the outcome of each report. [107537]

Ms Estelle Morris: To date, 55 Ofsted inspection reports have been published on 51 LEAs. A list of the LEAs inspected, including those that were re-inspected, is as follows. The Education Act 1997 requires each LEA to submit a post-Ofsted inspection action plan setting out how it intends to tackle the recommendations in its Ofsted inspection report. In a number of cases the Secretary of State has taken additional action as follows.

In Hackney, following reports by the consultants KPMG, the Secretary of State directed the LEA to outsource its School Improvement Service and Ethnic Minority Service to Nord Anglia.

In Islington, the consultancy firm PWC were appointed to prepare for the outsourcing of the LEA's services to schools, pupils and parents. On 14 January, Cambridge Education Associates were appointed to run the contract from April 2000.

In Leicester, City OPM were appointed to advise on next steps. The OPM report made several recommendations which are now being taken forward by the LEA, including the establishment of a Partnership Board to oversee Education Services.

In Liverpool, KPMG were appointed to advise on post-Ofsted action. As a result, a contract is being put in place between the schools and the Education Service which will include setting out exactly what services and standards schools can expect from each part of the Education Service. A monitoring and review board with an independent chair has also been set up.

Capita were appointed in Haringey and KPMG in Southwark to provide consultancy services on how best to improve both education services. Work is on-going in both LEAs. In Walsall and Bristol, we are in the process of appointing consultants to advise on the most appropriate course of action following the publication of their Ofsted reports.

LEAS inspected and reported upon by Ofsted including pilot and re-inspections:

Barking and Dagenham
Barnsley
Barnet
Bedfordshire
Birmingham
Brent
Bristol
Bromley
Buckinghamshire
Bury
Calderdale
Calderdale (2)
Calderdale (3)
Cornwall
Doncaster
Durham
Greenwich
Hackney
Hackney (2)
Halton
Haringey
Hertfordshire
Islington
Kent
Kingston-upon-Hull
Kirklees
Kingston-upon-Thames
Knowsley
Lambeth
Leicester City
Leicestershire
Lewisham
Liverpool
Manchester
Middlesbrough
Newcastle-upon-Tyne
Newham
Nottinghamshire
Norfolk
Northumberland[1]
North Somerset
Oxfordshire
Rotherham[2]
Rutland
Sandwell
Solihull
Southwark
Southwark (2)
Staffordshire
Stoke-on-Trent
Surrey
Sunderland
Tower Hamlets
Walsall
Warwickshire

[1] A Joint Inspection by Ofsted and the Social Services Inspectorate
[2] Mini inspection of premises only.

Agency Teachers

Mr. Willis: To ask the Secretary of State for Education and Employment how many agency teachers were employed in each London borough on the day of census in January 1996, 1997, 1998, 1999 and 2000. [106690]

Ms Estelle Morris: The table shows the number of agency teachers, on contracts of less than one month, in each London borough at January 1996, 1997, 1998 and 1999, who worked for the whole of the census day in the maintained nursery, primary and secondary sector. Data for January 2000 are not yet available.

	1999	*1998*	*1997*	*1996*
City of London	1	0	0	0
Camden	74	43	61	52
Greenwich	50	64	40	66
Hackney	64	60	29	17
Hammersmith and Fulham	55	61	47	34
Islington	119	42	77	3
Kensington and Chelsea	51	60	55	39
Lambeth	n/a	n/a	n/a	n/a
Lewisham	88	60	65	57
Southwark	113	109	89	93
Tower Hamlets	71	96	60	n/a
Wandsworth	33	47	17	17
City of Westminster	58	58	44	31
Barking and Dagenham	70	69	44	24
Barnet	61	43	19	10
Bexley	41	20	18	15
Brent	11	27	15	9
Bromley	13	4	5	3
Croydon	67	59	65	40
Ealing	19	33	9	10
Enfield	26	31	15	13
Haringey	88	79	73	82
Harrow	0	23	10	8
Havering	33	29	5	9
Hillingdon	8	7	4	5
Hounslow	53	29	48	22
Kingston-upon-Thames	5	14	3	2
Merton	42	53	45	n/a
Newham	121	137	158	121
Redbridge	8	8	0	0
Richmond-upon-Thames	8	3	4	8
Sutton	20	22	28	9
Waltham Forest	31	34	n/a	n/a

Classroom Assistants

Mrs. May: To ask the Secretary of State for Education and Employment how many classroom assistants were employed in schools in January 1998 and 1999. [107538]

Ms Estelle Morris: For schools in England, in January 1998 there were 101,660 full-time equivalent teaching assistants, and in January 1999 there were 108,050. These figures do not include assistants in nursery schools and independent schools.

Physics Teachers

Mr. Clappison: To ask the Secretary of State for Education and Employment what recent assessment he has made of shortages of physics teachers in secondary schools. [107132]

Ms Estelle Morris: In January 1999, there were just 22 vacancies for physics teachers in maintained secondary schools in England and Wales. The figure for January 1998 was 24. The vacancy rate for secondary science teachers was 0.5 per cent., the same as the overall secondary vacancy rate.

Grammar Schools (Barnet)

Dr. Vis: To ask the Secretary of State for Education and Employment if he will make available the data given by each Barnet grammar school to Electoral Reform (Ballot Services) Ltd. in accordance with the petition and ballot on future admissions, listing each primary school from which one or more pupils originated before gaining a place at each Barnet grammar school, for the intakes of pupils in each of the last three years. [107024]

Ms Estelle Morris: A list of the schools from which at least one child has transferred to a Barnet grammar school during the last three academic years is listed.

All schools sending at least one child to a Barnet grammar school: 1997–2000

1. Akiva, N3 2SY
2. All Saints, N20 9EZ
3. Alma Primary, EN3 4UQ
4. Alpha Preparatory, HA1
5. Anson, NW2 4AB
6. Ashmount, N19 3BH
7. Aylward, HA7 4RE
8. Barham Primary, HA0 4RG
9. Barrow Hill, NW8 7AL
10. Beckford, NW6 1QL
11. Bell Lane, NW4 2AS
12. Belmont, NW7 4ED
13. Bounds Green, N11 2QG
14. Broadfields, HA8 8TN
15. Brookfield, N19 5DH
16. Brookland, NW11 6EJ
17. Buckingham College, HA5 5DT
18. Bush Hill Park, EN1 1PJ
19. Bushey Heath, WD2
20. Bute House, W6 7EA
21. Buxlow Preparatory, HA9
22. Byron Court, HA0 3SF
23. Cannon Lane Middle, HA5 1TS
24. Canonbury School, N1 2UC
25. Cavendish, NW1 7EY
26. Cedars Middle School, HA3 6LS
27. Chalgrove, N3 3PL
28. Channing, N6 5HF
29. Chase Side, EN2 6NS
30. Childs Hill, NW2 1SL
31. Christ Church, NW3
32. Christ Church CE, EN5 4NS
33. Christ the King, N11
34. Christchurch, W5 2KA
35. Church Hill, EN4 8NN
36. Churchfield, N9 9PL
37. City of London, EC2Y 8BB
38. Clerkenwell, EC1R 1UN
39. Cleveland, IG1 1EW
40. Coldfall, N10 1HS

41. Coleridge, N8 8AT
42. Colindale, NW9 6HP
43. Copenhagen Primary, N1 0WF
44. Courtland, NW7
45. Cranborne Primary School, EN6 2BA
46. Cromer Road, EN5 5HT
47. Danegrove School, EN4
48. Deansbrook, NW7 3ED
49. Discovery Bay, Hong Kong
50. Dollis, NW7 2BU
51. Downside, E5 8PH
52. Drayton Park, N5 1PJ
53. Drizen, HA8 7NT
54. Edge Grove, WD2
55. Edgeware, HA8 9AB
56. Edward Betham, UB6 9JU
57. Eleanor Palmer, NW5 2JA
58. Elmgrove, HA3 8LU
59. Elversley, N21 1PD
60. Fairfields, EN7 6JG
61. Fairway, NW7 3HS
62. Firs Farm, N13 5HE
63. Fitzjohns, NW3 6NP
64. Flora Gardens, W6 0UD
65. Forty Hill CE, EN2 9EY
66. Foulds, EN5 4NR
67. Frith Manor, N12 7BN
68. Fryent, NW9 8JD
69. Furzehill Middle, WD6 9EF
70. Garden Suburb, NW11 6XU
71. Garfield School, N11
72. Gladstone Park, NW10 1LB
73. Gospel Oak, NW3 2JB
74. Gower House, NW9 8RR
75. Gower, NW9 8SD
76. Grange Middle, HA2 0RJ
77. Grange Park, N21
78. Grazebrook, N16 0QP
79. Green CE, N17 9EJ
80. Grimsdyke, HA5
81. Haberdasher's Aske, WD6 3BT
82. Hadley Wood, EN4 0HT
83. Hampstead Parochial, NW3 6TX
84. Hanover, N1 8BD
85. Hartsbourne JMI, WD2
86. Harvington, W5 2DS
87. Hazelwood, N13 5HE
88. Hendon, NW4 2HP
89. Hendon Preparatory, NW4 1TD
90. Highbury Quadrant, N5 2DP
91. Highfield, N4 ET
92. Highgate, N6 4ED
93. Highgate, N6 4PH
94. Holland House, HA8 8TP
95. Holly Park, N11
96. Holy Trinity, N2 8DD
97. Holy Trinity, SW1X 9DE
98. Holy Trinity, HA6 2RH
99. Horsenden Primary, UB6 0PB
100. Hyde, NW9 6LE
101. Independent Jewish, NW4 2AH
102. Jewish Preparatory, NW6 5ED
103. Keble, N21 1BG
104. Kenmore Park Middle, HA3 9JA
105. Kerem, N2 ORE
106. King Alfreds, NW11 7HY
107. Kingsbury Green, NW9 9ND
108. Ladbroke, EN6 5AB
109. Latymer All Saints, N9
110. Little Heath CE School, EN6 1JW
111. Livingstone, EN4 9BU
112. Lochlnver House, Hertfordshire
113. Longfield, HA2 7NX
114. Lordship Lane Primary, N22 5DD
115. Lyonsdown, EN5 1SA
116. Malmesbury, E3 2AB
117. Malorees, NW6 7PD
118. Manor Lodge, WD2 1BD
119. Manor Lodge, WD7 9BG
120. Marlborough Hill, HA1 1UJ
121. Margin, N2 9BB
122. Merryhills, EN2 7RE
123. Michael Sobell Sinaii, HA3 9UD
124. Monken Hadley, EN4 0NJ
125. Monkfrith, N14 5NG
126. Montpellier, W5 2RA
127. Moreland, EC1V 8BB
128. Moss Hall, N3 1NR
129. Mount Stewart, HA3 0JX
130. Muswell Hill, N10 3ST
131. New End, NW3 1HU
132. Newberries, WD7 7EL
133. Norfolk House, N10 2EG
134. North London College, HA8 7RJ
135. Northaw CE Primary, EN6 4PB
136. Northbridge House, NW1 7AB
137. Northside, N12 8JP
138. Northwood Preparatory, WD3 1LW
139. NW London Jewish Day, NW6 7PP
140. Oakthorpe, N13 6BY
141. Oliver Goldsmith, NW9 0BD
142. Orley Farm, HA1 3NU
143. Osidge, N14
144. Our Lady of Grace, NW2
145. Our Lady of Lourdes, N12
146. Our Lady of Lourdes, N11
147. Our Lady of Lourdes, NW10 8PP
148. Our Lady of Muswell Hill, N10
149. Our Lady of Victories
150. Park High, HA7 1PL
151. Perivale Primary, UB6 7AF
152. Pinner Park, HA5 5TL
153. Pinner Wood, HA5 3RA
154. Pope Paul (Potters Bar), EN6 2ES

155. Preston Park, HA9 8RJ
156. Priestmead, HA3 8SZ
157. Princess Frederica, N10 5TP
158. Queenswell, N20 0NQ
159. Radlett Preparatory, WD7 7LY
160. Raglan Junior, EN1
161. Reddiford, HA5 5HH
162. Rhodes Avenue, N22 4UT
163. Ring Cross, N7 8EE
164. Roe Green, NW9 9JL
165. Rokesly, N8 8NH
166. Rosary, NW3 2AE
167. Rosh Pinah, HA8 8TE
168. Roxbourne, HA2 9QP
169. Roxeth, HA2 0JA
170. Royal, NW3
171. Sacred Heart, N20 9JU
172. Sacred Heart (St. Albans), AL3
173. Salcombe Preparatory, N14
174. Salusbury, NE6 6RG
175. Sarum Hall, NW3 3EP
176. Shacklewell, E8 2EA
177. Simon Marks Jewish, N16 6PD
178. South Hampstead, NW3 5TG
179. St. Agnes, NW2
180. St. Aidans, N4 4RR
181. St. St. Andrew's, N20 8NX
182. St. Andrew's and St. Francis, NW2 5PP
183. St. Andrew's (Southgate), N14 6JA
184. St. Anselm's RC, HA1 3BE
185. St. Anthony's (Hampstead), NW3 6NP
186. St. Bernadette, HA3 9NS
187. St. Catherine, EN5 2ED
188. St. Charles RC, W10
189. St. Christina's NW8 7PY
190. St. Christopher's, NW3 5AE
191. St. Christopher's, HA9 8HE
192. St. Christopher's, Middlesex
193. St. Columba's Preparatory, AL3 4AW
194. St. Cross, EN11 8BN
195. St. Edward's
196. St. Eugene's de Mazenod RC, NW6
197. St. Francis de Sales, N17
198. St. George's EN2 0QA
199. St. George's (Sudbury), HA1 3SB
200. St. Giles, EN6 3PE
201. St. Helen's, HA6 3AS
202. St. Hilda's, WD2 3DA
203. St. James', N10 3JA
204. St. Joan of Arc, N5 2UX
205. St. John the Baptist, E2 9JY
206. St. John Vianney, N15 3HD
207. St. John's, N20 0PL
208. St. John's, N16
209. St. John's (Welwyn), AL6 0BX
210. St. John's, EN2 9BD
211. St. John's, HA7 3AD
212. St. John's CE, N11 3LB
213. St. John's Preparatory, EN6 5QT
214. St. Joseph's RC Junior, NW4 4TY
215. St Joseph's, W9 1HR
216. St. Joseph's, N19
217. St. Joseph's, SE5 0TS
218. St. Joseph's, WC2B 5NA
219. St. Joseph's (Harrow), HA3 7LP
220. St. Joseph's (Wembley)
221. St. Joseph's Convent, NW4 4TY
222. St. Martha's Convent, Hertfordshire
223. St. Martin de Porres, N11 2AF
224. St. Martin's, NW7 3RG
225. St. Martin's RC, HA8 9HQ
226. St. Mary Magdalene, NW2 5BB
227. St. Mary Magdalene, N7 8PG
228. St. Mary of the Angels, N2
229. St. Mary's, N3 1RT
230. St. Mary's, NW4 3SL
231. St. Mary's, N6 7BU
232. St. Mary's, NW10 9JA
233. St. Mary's, Middlesex
234. St. Mary's, NW3 6PG
235. St. Mary's, AL6 9DJ
236. St. Mary's CE, Barnet
237. St. Mary's Priory, N15
238. St. Michael's, N6 4BG
239. St. Michael's, N22 4HE
240. St. Michael's, EN2 0NB
241. St. Michael at Bowes, N13
242. St. Monica, N14 7HE
243. St. Monica, N1 6NT
244. St. Nicholas, NW9 8PN
245. St. Nicholas, WD6 3EN
246. St. Nicholas House, HP3 8RP
247. St. Paul's, N22
248. St. Paul's, NW7 1QU
249. St. Paul's, N21 2RA
250. St. Paul's, NW3 3DS
251. St. Peter and St. Paul's, EC1
252. St. Robert Southwell, NW9
253. St. Saviours, SE24 0AY
254. St. Teresa, HA3 6LE
255. St. Theresa's, N3 2TD
256. St. Vincent, NW7
257. St. Vincent's, W1M 3HA
258. Stag Lane Middle, HA8 5RU
259. Stanburn, HA7 2PJ
260. St. Margaret's, WD2
261. Summerside, N12 0QU
262. Sunnybank Junior, EN6 2NA
263. Sunnyfields JMI, NW4 4JH
264. Swaminarayan, NW10 8HE
265. Tetherdown, N10 3BP
266. The Mount, NW7 2RX
267. The Village, NW3 2YN
268. Thornhill, N1 1HX
269. Trent, EN4 9JH
270. Tudor, N3 2AG

271. Underhill Junior, EN5 2LZ
272. Vaughan First and Middle, HA1 4EL
273. Vicars Green County, HA0 1DP
274. Vita et Pax, N14 4AT
275. Walker, N14 4AT
276. Weald Middle, HA3 7DH
277. Weldon Park, HA2 8LS
278. Wembley Manor, HA9 7NW
279. Wessex Gardens, NW11 9RR
280. West Lodge, HA5 1AF
281. Whitchurch, HA7 2EQ
282. Whiteheath Junior, HA4 7PA
283. Winton, N1 9AZ
284. Wolfson Hillel, N14 4LG
285. Woodridge, N12 7HE
286. Woodside, EN7 5JS
287. Woodside Park, N12 8SY
288. Yeading, UB4 0NR
289. Yerbury, N19 4RR.

School Places (Independent Sector)

Mr. St.Aubyn: To ask the Secretary of State for Education and Employment how many places were bought from independent schools by his Department during 1998–99 outside the assisted places scheme; and at what cost. [107023]

Ms Estelle Morris: Under the Government's Music and Ballet Scheme and Choir School Scholarship Scheme, 693 aided places and 72 chorister places were supported at a total cost of £9.7 million in financial year 1998–99. Apart from the Assisted Places Scheme, the Department does not otherwise buy places directly from independent schools.

Teacher Training

Mr. Cox: To ask the Secretary of State for Education and Employment what has been the average spending on teacher training provision by London education authorities during the current year. [107124]

Ms Estelle Morris: The information requested is not collected centrally.

Written Answers to Questions

Monday 31 January 2000

SCOTLAND

Computers

Mr. Burstow: To ask the Secretary of State for Scotland how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106211]

Dr. Reid: Between April 1994 and March 1999, two cases of computer fraud were reported in the Scottish Office; neither case involved computer chips. There were also 26 cases of theft of computer equipment.

Mr. Burstow: To ask the Secretary of State for Scotland on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106235]

Dr. Reid: Between April 1994 and March 1999, there were no reported illegal accesses to Scottish Office computer systems from either inside or outside the Department.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the items in the National Asset Register sold by his Department, its agencies and associated public bodies since 22 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104487]

Ms Beverley Hughes: Details regarding asset sales from items listed with National Asset Register of November 1997 and sold up to November 1997 were set out in the answer given by my hon. Friend the then Parliamentary Under-Secretary of State, the hon. Member for Mansfield (Mr. Meale), on 22 February 1999, *Official Report*, columns 74–76W.

National Asset Register: Sales up to 31 December 1999

Part of DETR	*Type of asset sold*	*Amount realised (£)*
DETR(C)	Motor vehicles	67,911
	Land	512,000
The Highways Agency	500 surplus properties and properties retained for construction	45,880,627
	Various items of plants and equipment	87,878
DVLA	Sale of van	100
MCA	Land and buildings: auxiliary station, sector base, strip of land, Deal, Kent	34,000
	Vehicles and boats	14,000
	Other plant and machinery	1,000
VCA	Other plant and machinery	1,134
Sub total:		46,598,650
Commission for the New Town	Mortgages, built assets and land awaiting development	120,051,900
English Nature	Land and buildings	50,700
English Partnership	Building, plant and computer equipment	542,502
Environment Agency	Land and buildings, plant and machinery and fixtures and fittings	1,957,000
Health Safety	Machinery, equipment, computers and plant and vehicles, furniture and office machinery	396,238
Waltham Forest Housing Action	Office equipment and computers	3,300
Housing Corporation	Computer equipment, other office equipment and motor cars	40,164
Nationalised Industries		
British Railways Board	Building and infrastructure, rolling stock, plant and equipment and investments	31,800,000
British Waterways Board	Investment and craft, plant and equipment	15,948,000
Civil Aviation Authority	Vehicles	658,143
London Regional Transport	Land and property and plant and machinery	2,080,000
Non Ministerial Government Department		
Office of Passenger Rail Franchising	Equipment	375
Office of Rail Regulator	IT equipment and fixtures and fittings	3,150
Office of Water Services	IT equipment and fixtures and fittings	3,677
Government Department		
Ordnance Survey	Plant, equipment and computers, fixtures and fittings and vehicles	29,477
Sub total:		173,564,626
Grand total:		220,163,276

Departmental Fees

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the fees his Department, its agencies and associated public bodies collect; how much has been raised or it is anticipated will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [106002]

Ms Beverley Hughes: The list of fees with income of £1 million or more collected by the Department of the Environment, Transport and the Regions for 1997–98 and 1998–99 is as follows:

Fees from the following schemes can be used to part offset relevant expenditure:

Sale of Cherished Registration Marks
Assignment, Retention and Transfer of Registration Marks
Goods Vehicle Operator Licensing
Public Service Vehicle Operator Licensing

All the other fees listed can be used to offset relevant expenditure.

In some cases retained receipts will count as negative expenditure in national accounts aggregates, but in other cases they may score as tax revenues.

Further information can be provided only at disproportionate cost.

DETR fees with income of £1 million or more per annum collected in 1997–98 and 1998–99

£000

Fee	*1997–98*	*1998–99*
Development Plan Inquiries	4,182	3,451
QEII Conference Centre	7,114	8,066
Driver Licensing	34,048	39,519
Vehicle Registration	0	67,655
Sale of Cherished Registration Marks	36,246	47,089
Assignment, Retention and Transfer of Registration Marks	30,474	33,277
Other Vehicle Fee Services	3,011	3,519
Marine Surveys	3,842	3,678
Vehicle Type Approval Service	3,463	2,893
Management System Certification	1,322	1,494
Theory Tests	18,769	18,858
Car Tests	37,858	40,365
Vocational Tests	3,711	4,595
Motorcycle Tests	3,110	3,741
Approved Driving Instructors/Compulsory Basic Training	5,005	4,555
Heavy Goods Vehicle Testing	22,035	23,201
Public Service Vehicle Testing	3,194	3,940
MOT Standard Control and Document Issue	9,984	12,408
Single Vehicle Approval Testing	0	1,646
Goods Vehicle Operator Licensing	23,560	23,637
Public Service Vehicle Operator Licensing	5,012	5,287
Water Resources Management	85,192	91,552
Integrated Pollution Control	14,785	16,850
Radioactive Substances	4,093	5,924
Waste Regulations	29,574	32,352
Charges for Discharges	42,732	47,752
Navigation Services to Boaters	3,554	3,925
Licensing Nuclear Installations	17,247	17,074
Safety Related Research in the Nuclear Industry	1,983	1,570
Electrical Equipment Certification Service	2,421	2,537
Priced Publications	5,078	5,092
Approval of Non-Agricultural Pesticides	1,672	1,821

A40

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to reinstate improvements to the A40 in London in the roads programme. [106315]

Mr. Hill: In September 1998 we announced a three stage strategy involving local improvements at Western Circus, Gypsy Corner and the replacement of the narrow railway bridges and widening between Gypsy Corner and Western Circus to bring the road up to a consistent dual three lane standard. The work at Western Circus has been completed at Gypsy Corner is planned for later this year. Design work has started on the third stage and it is anticipated that this would start in about 2002. A decision on the start date for this project will be for Transport for London. There are no plans to reinstate the major schemes at Gypsy Corner and Western Circus which were cancelled in 1997.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what nugatory costs were incurred in relation to the cancelled improvement of the A40 in London. [106314]

Mr. Hill: The majority of the £27 million costs incurred for the cancelled schemes have been in acquiring land and properties over a long period and much of this will be recovered from its resale. Outline planning permission is being sought from the local authorities for its development following which the sale will take place. All other purchased properties which were not demolished have been or are about to be sold.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions if land and buildings purchased for the purpose of improving the A40 in London will be retained. [106316]

Mr. Hill: Nearly all the land purchased for the cancelled scheme is to be sold. Some will be retained to enable the narrow bridges to be replaced.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect of traffic jams on the A40 in West London upon *(a)* quality of life of adjoining residents, *(b)* pollution levels, *(c)* additional fuel consumption and *(d)* the cost to businesses and individuals. [106317]

Mr. Hill: The three stage improvement programme announced in September 1998 addresses all these concerns. The completion of the first stage at Western Circus has already brought benefits of improved traffic flows, particularly eastbound into London. It has also provided safer and pleasant conditions for local residents with improved pedestrian facilities and by the closure of some local roads onto the A40 to prevent rat-running.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the year on year increase in traffic holdups on the A40 in West London. [106318]

Mr. Hill: The Highways Agency, on behalf of the Secretary of State, monitors traffic flows on all trunk roads throughout the network, including the A40 in West London.

Westbound queues on the A40 in Acton have not changed significantly in the last decade, while eastbound queues have reduced significantly as a result of the improvements recently completed at Western Circus. The improvements planned at Gypsy Corner this year and the bridge replacements in 2002 will further improve traffic flow at this location.

Radioactivity

Mr. Livsey: To ask the Secretary of State for the Environment, Transport and the Regions what research his Department has *(a)* undertaken and *(b)* commissioned to determine the radioactivity levels and isotopic composition of PM10s or dust particles with a diameter of less than 10 microns. [105582]

Mr. Meacher *[holding answer 20 January 2000]:* Radioactivity in the air is monitored for the DETR by contractors managed by the Environment Agency. As part of this programme, there is a network of high volume air samplers around the UK in which the particles in the air, including PM10s, are drawn onto the air filter papers and the long-lived radioactivity associated with those particles is measured. The Environment Agency publishes the results of this "fall-out" monitoring programme annually in "Radioactivity in the Environment".

It is known that the main radioactive species attached to PM10s in the air are short-lived decay products of the naturally occurring radioactive gas radon, which are addressed in the Government's radon programme.

Since 1987 some 400,000 measurements have been carried out in homes most likely to have elevated levels of radon and its decay products.

Earth Summit 3

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions if it is his policy to support the inclusion of trade issues on the agenda of the Earth Summit 3 Conference in 2002; and if he will make a statement. [106866]

Mr. Meacher: The Earth Summit 3 Conference will be further considered at the meeting of the United Nations Commission on Sustainable Development in April, including the agenda.

We will continue to use all appropriate opportunities that arise through bilateral contacts and our involvement in multilateral fora to pursue our dialogue with other countries, especially developing countries, on the relationship between trade and the environment. This issue will also be discussed at this year's meeting of the Commission on Sustainable Development.

In addition, the United Kingdom will continue to press within the World Trade Organisation for the launch of a comprehensive Round of trade negotiations at the earliest possible opportunity, because we believe that a comprehensive Round offers the best means of delivering trade liberalisation in a manner consistent with the pursuit of global sustainable development and, in particular, delivering benefits for developing countries.

Safety Regulations

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions how many and what type of enforcement notices were issued following failure to comply with *(a)* the Health and Safety Consultation of Employees Regulations 1996 and *(b)* the Safety Representatives and Safety Committee Regulations 1977 in each year since the regulations were in force. [106780]

Mr. Meacher: The numbers of requirements on enforcement notices under the Health and Safety (Consultation with Employees) Regulations 1996, and their type, issued by HSE inspectors for the years the regulations have been in force are given in the following table:

Requirements on notices issued by HSE under the Health and Safety (Consultation with Employees) Regulations 1996

	Type of notice	
Year	*Improvement*	*Immediate prohibition*
1996–97	1	—
1997–98	3	—
1998–99[1]	1	2

[1] Provisional

According to available information, one improvement notice was issued by HSE inspectors under the Safety Representatives and Safety Committees Regulations 1977 in 1984.

Information on enforcement notices issued by local authority inspectors, who also enforce these regulations, is not available on a regulation-by-regulation basis.

Gas-powered Vehicles

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of *(a)* the number of liquid petroleum gas-powered road vehicles in the UK and *(b)* the rate of growth in the market for liquid petroleum gas-powered road vehicles in the UK in the last year. [107002]

Mr. Hill: The DETR holds detailed information on the vehicle stock in Great Britain, which it receives from the Driver and Vehicle Licensing Agency. It is not possible to identify precisely those vehicles that run on LPG. However, the record shows vehicles that run on either gas, or petrol and gas combinations and these are shown in the table.

	1998	*1999*	*Increase (%)*
Gas	2,598	2,766	6.0
Petrol/gas	8,589	12,617	47.0
Total	11,187	15,383	38.0

These data are for the end of June each year and are for Great Britain only. Similar information on Northern Ireland vehicles is not available.

Planning

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to *(a)* make it easier to relocate footpaths, *(b)* impose a time limit on definitive map claims and *(c)* permit green lanes to become bridleways. [107528]

Mr. Meacher: The Government's proposals for changes to rights of way legislation were set out in the consultation paper "Improving Rights of Way in England and Wales". The paper includes proposals on the relocation of footpaths, a time limit on definitive map claims and the reclassification of Roads Used as Public Paths.

We are now considering these proposals taking into account the comments in around 2,000 responses to the consultation paper, and we expect to introduce legislation to Parliament soon.

Rail Facilities (Grants)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what rail facilities grants are available to *(a)* rail operators and *(b)* commercial and industrial concerns who wish to gain better access to the rail network. [107347]

Mr. Hill: Two grants are available through my Department.

Freight Facilities Grant is available to any company facing higher costs as a result of choosing to move freight by rail rather than road. These grants assist with the capital costs often associated with rail movements (eg rail infrastructure and specialised loading/unloading equipment).

Additionally, Track Access Grants may be paid to rail operators to help defray Railtrack charges for access to the rail network in respect of traffic which would otherwise move by road.

Funding may also be provided from a number of other sources and agencies including Government Departments, Regional Development Agencies and the European Commission.

Public/Private Partnerships

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the public/private partnership schemes currently running in the Greater London area. [107119]

Mr. Hill: There are a total of 97 PFI public/private partnerships currently in progress in London. They are:

Project list

Project title	*Status*
Brent and Harrow Health Authority—IT	OJEC issued
Brentwood—St. Martin's School	Shortlist
British Museum	Preferred partner
British Transport Police (London) HQ	Signed
Channel Tunnel Rail Link	Signed
Chelsea and Westminster Healthcare NHS Trust—IT	Signed
Chelsea Barracks	Shortlist
Chelsea and Westminster Healthcare NHS Trust	Signed
Court Services—New Court Centres	OJEC issued
Croydon Tramlink	Signed
Dartford Bridge	Signed
Dartford and Gravesham Hospital	Signed
Docklands Exhibition Centre	Signed
Docklands Light Railway	Signed
Greenford High School	Preferred partner
Greenwich Health Care NHS Trust—Queen	Signed
Greenwich Healthcare NHS Trust—HM Prison	OJEC issued
Guy's and St. Thomas' NHS Trust—Renal Unit	OJEC issued
Guy's and St. Thomas' NHS Trust—Power Station	Shortlist
Hammersmith Hospitals NHS Trust—Pathology	OJEC issued
Hammersmith and West London College of Further	
Havering Hospitals NHS Trust—Oldchurch Hospital	Preferred partner
Hillingdon School (Barnhill Community High)	Signed
Home Office Headquarters	Shortlist
Hounslow and Spelthorne Community and Mental	OJEC issued
Immigration Service Detention Centre—Heathrow	Pre-qualification
King's College London and UMDS—Teaching	Signed
King's Healthcare NHS Trust—Denmark Hill	Preferred partner
London Borough of Brent—Chalkhill Estate	Signed
London Borough of Brent—Street Lighting	Signed
London Borough of Brent—Schools Project	Shortlist
London Borough of Camden—Jews Free School	OJEC issued
London Borough of Camden—Crowndale Centre	Pre-information notice
London Borough of Croydon—IT	OJEC issued
London Borough of Enfield—School	Signed
London Borough of Greenwich—Residential and Nursing Care	OJEC issued
London Borough of Hackney—Technology Learning Centre (Library)	Preferred partner
London Borough of Haringey—Schools	Shortlist
London Borough of Harrow—Harrow Office IT	Signed
London Borough of Harrow—Harrow Care Facilities	Signed
London Borough of Hounslow—Cabling Equipment	Pre-information notice
London Borough of Islington Council—Depot and Vehicle Services	Signed
London Borough of Islington—IT	Expressions of interest
London Borough of Islington—Voice and Data Communications	Pre-information notice
London Borough of Lambeth—Lilian Bayliss School	Preferred partner
London Borough of Lambeth—Contract Services	Signed
London Borough of Lambeth—Public Housing	Shortlist
London Borough of Lewisham—Schools	Signed
London Borough of Newham—West Silvertown Urban Village	Signed
London Borough of Newham—Schools	Pre-information notice
London Borough of Redbridge—Residential Care	Shortlist
London Borough of Richmond Upon Thames—Residential Care	OJEC issued
London Borough of Tower Hamlets—Mulberry School	Shortlist
London Borough of Tower Hamlets—Barkantine Energy Services	Preferred partner
London Borough of Tower Hamlets—Grouped Schools	Shortlist
Lewisham Hospitals NHS Trust	Signed
London Borough of Redbridge—School	OJEC issued
London Fire and Civil Defence Authority—IT	Expressions of interest
London Fire and Civil Defence Authority (LFCDA)	Shortlist
London NHS Trusts—IT	OJEC issued
London Police Museum	Preferred partner
London University—Bloomsbury CHP	Preferred partner
LUL—Connect	Signed
LUL—Escalators	Signed
LUL—Northern Line Train—Control System	Expressions of interest
LUL—Northern Line Trains Rolling Stock	Signed
LUL—Power Supply	Signed
LUL—Prestige Ticketing	Signed

Project list

Project title	*Status*
Mayday Healthcare NHS Trust—Energy Centre	Signed
Metropolitan Police—Fire Arms	Shortlist
MOD Main Building Refurbishment—Whitehall	Preferred partner
Newham Community Health Services NHS Trust	Shortlist
Newham Healthcare NHS Trust—General Hospital	Preferred partner
North West London Hospitals NHS Trust	Signed
Parkside NHS Trust—Willesden Hospital	Shortlist
Queen Mary and Westfield College	Preferred partner
Queen Mary's Sidcup NHS Trust—Staff	Signed
Royal London Homeopathic Hospital NHS Trust	Shortlist
South Thames College	
St. George's Healthcare NHS Trust—St George's Site	Preferred partner
St. George's Healthcare NHS Trust—Car park	Expressions of interest
St. Thomas More Catholic Comprehensive School	Shortlist
Tower Hamlets HAT	
Treasury Building (GOGGS)	Preferred partner
University College London—Cruciform	Signed
University College London Hospital NHS Trust	Preferred partner
University of Greenwich—Student Village	Signed
University of Greenwich—Residential Training	OJEC issued
University of Westminster—Catering	
University of Westminster—Recreation	Preferred partner
University of Westminster—Student accommodation	Preferred partner
Waltham Forest College	Shortlist
Waltham Forest Secondary School	Shortlist
Waltham Forest LA	
Westminster CC—Pimlico School	Preferred partner
Westminster CC—Residential Home	Signed
Westminster City Council—Action Housing	Preferred partner

Best Value

Mr. Gibb: To ask the Secretary of State for the Environment, Transport and the Regions what is his estimate of the total cost of preparation of best value performance plans by local authorities. [107178]

Ms Beverley Hughes: The costs of preparing best value performance plans depend on a wide variety of local factors, including authorities' current management assignments. Any such costs are expected to be offset by efficiency improvements, and will be monitored by my Department.

School Playing Fields

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions if he will produce a planning guidance note to establish what constitutes *(a)* brownfield and *(b)* greenfield sites in respect of a land disposal involving a combination of buildings and used ground and playing fields and undeveloped ground. [107154]

Ms Beverley Hughes: Our draft revision of the planning policy guidance on housing (PPG3), published in March 1999, contains a definition for the purposes of development. The final version of PPG3 will be published shortly. Guidance on the disposal of open space with recreational value is set out in PPG 17 on Sport and Recreation.

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to review current legislation on development on playing fields. [107171]

Ms Beverley Hughes: None. Planning Policy Guidance note 17 "Sport and Recreation" already emphasises the special significance of playing fields and that they should normally be protected. The Town and Country Planning (Playing Fields) (England) Direction 1998 requires referral to the Secretary of State of planning applications for development of local authority-owned playing fields or those currently, or in the previous five years, in educational use, where Sport England has objected but the local planning authority is minded to grant permission. The Secretary of State then has the opportunity to call in the application for his own determination.

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions if he will ensure that playing fields and green spaces in urban areas are not designated as brownfield sites for the purpose of housing and other development proposals. [107170]

Ms Beverley Hughes: Planning Policy Guidance note 17 "Sport and Recreation" emphasises the special significance of playing fields and that they should normally be protected. Forthcoming Planning Policy Guidance note 3 "Housing" will emphasise that local planning authorities should have clear policies for the protection of open spaces and playing fields.

National Routing Guide

Mr. Gapes: To ask the Secretary of State for the Environment, Transport and the Regions if he will instruct the shadow Strategic Rail Authority to discuss with the Association of Train Operating Companies the coverage of the National Routing Guide. [107596]

Mr. Hill: The Association of Train Operating Companies are currently undertaking a thorough review of National Routing Guide. The shadow Strategic Rail Authority is a statutory consultee in this process and will ensure that passenger benefits are protected and extended where appropriate.

Highway Code

Mr. Reed: To ask the Secretary of State for the Environment, Transport and the Regions how many responses he received on his consultation for the new edition of the Highway Code. [107657]

Mr. Hill: 260 responses were received to the consultation on the new edition of the Highway Code.

Computers

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106216]

Ms Beverley Hughes: Over the past five years there have not been any recorded cases of fraudulent use of computer chips, but the forty-seven reported incidents of theft include eight occasions when memory chips or like components were taken.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions on how many occasions in each of the past five years computer systems in his Department have been illegally accessed *(a)* within and *(b)* outside his Department. [106229]

Ms Beverley Hughes: In the past five years there have been two known instances of illegal access to computer systems in my Department and its predecessors. Both occurred in 1995, one from within and the other from outside.

Call Centres

Mr. Clapham: To ask the Secretary of State for the Environment, Transport and the Regions when the research into call centres by the Health and Safety Executive will be completed; and if the findings will be published. [107763]

Mr. Meacher: The Health and Safety Executive has asked the Health and Safety Laboratory to investigate the health risks associated with call centre working practices and to report by the end of 2000. The findings will inform published best practice guidance and decisions by the Health and Safety Executive on whether further action should be taken.

Mr. Clapham: To ask the Secretary of State for the Environment, Transport and the Regions if the research being undertaken by the Health and Safety Executive into working practices at call centres will *(a)* monitor the compliance of centres with the 1989 Noise at Work Regulations and *(b)* assess the level of hearing loss and tinnitus among call handlers. [107762]

Mr. Meacher: The research aims to identify and measure associated psychological and physical health risks (including from noise) and explore factors which may ameliorate them. The responsibility for monitoring compliance with the Noise at Work Regulations 1989 in call centres rests with local authorities.

Neighbourhood Councils

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions what is his Department's policy on neighbourhood councils. [107381]

Ms Beverley Hughes: The Government welcome initiatives to involve citizens in the local decisions that will affect their daily lives. It has on numerous occasions made clear its support for parish councils and area committees.

National Association of Local Councils

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those discussions that his Department had with the National Association of Local Councils over the last year. [107382]

Ms Beverley Hughes: Ministers and officials from this Department have had, on a range of occasions, discussions with the National Association of Local Councils over the last year at which a number of topics were discussed.

Road Speed Limits

Mrs. Betty Williams: To ask the Secretary of State for the Environment, Transport and the Regions what progress he has made in considering permitting repeater signs to be allowed so as to reinforce the 30 mph speed limit; and if he will make a statement. [107760]

Mr. Hill: We are currently conducting a review of speed policy in which the issue of speed limit signing generally is being considered. The review is expected to report its findings shortly.

PRIME MINISTER

Civil Service

Mr. Matthew Taylor: To ask the Prime Minister how many people have been recruited to the Civil Service since 1 May 1997; and how many have left the Civil Service since that date. [105975]

The Prime Minister: Information on entrants and leavers to the Civil Service are available on a financial year basis. This shows that in the period 1 April 1997 to 1 April 1999 55,950 people joined the non-industrial Civil Service and 66,512 people left it.

Tape Recordings

Mr. Peter Bottomley: To ask the Prime Minister what tape recordings are *(a)* routinely and *(b)* exceptionally made in 10 Downing Street. [107481]

The Prime Minister: Tape recordings of press briefings and Prime Ministerial interviews are made as and when appropriate.

European Commission

Mr. Maclean: To ask the Prime Minister if the European Commission document, "Reforming the Commission", will come before the Council of Ministers for discussion on approval; and what steps he will take to ensure it is implemented. [107492]

The Prime Minister: We expect there to be discussion of the proposals for Commission reform at the General Affairs Council on 14 February. We also expect the Council to outline its support and make clear the importance it attaches to the process of reforming the Commission.

Social Exclusion Unit

Mr. Dobbin: To ask the Prime Minister if he will make a statement on the work of the Social Exclusion Unit. [107435]

The Prime Minister: I established the Social Exclusion Unit in December 1997. Since then it has produced reports and action plans on school exclusion and

truancy, rough sleeping, poor neighbourhoods, teenage pregnancy and 16–18-year-olds not in education, employment or training.

The Unit was set up on a time-limited basis and its success was reviewed in the summer of 1999. I announced the results of this review in December 1999.

It was clear from both the quality of the Unit's work and its impact so far that there is a continuing role for it to play. I have therefore decided that it will continue in existence, and be reviewed again at the end of 2002.

I will announce a new work programme for the Unit in the summer, once its current project to develop a national strategy for neighbourhood renewal is completed.

Age Discrimination

Ms Roseanna Cunningham: To ask the Prime Minister what steps he has taken since May 1997 to combat age discrimination; and if he will make a statement. [107145]

The Prime Minister *[holding answer 28 January 2000]:* The Government undertook a year long consultation on age discrimination in employment. The results were set out in the report "Action on Age" which was published in August 1998. One of the conclusions of the consultation was that a non-statutory Code of Practice could provide a useful tool for tackling age discrimination in employment.

A draft Code of Practice was developed with the help and advice of key partners including the CBI, TUC, Age Concern, IPD, and the Institute of Management. Consultation on the Code took place from November 1998 and the final version was launched in June 1999. The Code covers all aspects of employment, including recruitment, selection, training, development, redundancy and retirement, and provides detailed guidance and case studies to help employers to tackle age discrimination in their organisations. Over 40,000 copies have been distributed since its launch. It is being backed by a publicity campaign to promote good practice and practical help for employers wanting to adopt the principles set out in the Code. The effectiveness of the Code is being evaluated through a large scale research project which looks in detail at employer policies and practices in recruitment and employment and the impact this has on age diversity in their workforce. The results of the evaluation will be published in 2001.

Cabinet Committees

Dr. David Clark: To ask the Prime Minister if he will publish an updated list of Ministerial Committees of the Cabinet and their membership. [107624]

The Prime Minister: I refer my right hon. Friend to the answer I gave my hon. Friend the Member for Hull, North (Mr. McNamara) on 21 December 1999, *Official Report*, column 504W.

Correspondence

Mr. Field: To ask the Prime Minister how many letters on *(a)* Government policy and *(b)* constituency matters Government Departments have received since 1 May 1997 from those Members of the House who have refused to take the oath of allegiance. [107630]

The Prime Minister: The information requested is not held centrally.

Mr. Lansley: To ask the Prime Minister how many letters he received from members of the public in 1999; and how many of these were replied to by *(a)* his office and *(b)* him personally. [107631]

The Prime Minister: During 1999 my office received 465,432 letters and cards from members of the public—an increase of 84 per cent. over the previous year. The response to any correspondence is considered on an individual basis.

INTERNATIONAL DEVELOPMENT

EU Enlargement

Mr. Streeter: To ask the Secretary of State for International Development what discussions her Department has had with European Commissioner Poul Nielson concerning the effect that enlargement will have on the European Union aid budget. [106434]

Clare Short: I have had several discussions with Commissioner Nielson about the EC aid budget, but not about EU enlargement.

In July 1999, EU Foreign ministers agreed that the Commission should table proposals for the overall division of the EC external assistance budget, to allow Council discussion of development priorities as a whole and an opportunity to focus more EC resources on the poorest countries. I have pressed Commissioner Nielson on this and on other EC development issues and will continue to do so. The disproportionate amount of EC aid going to richer countries, and the inertia of the EC in rectifying this, are unacceptable.

When the EU is enlarged to include new member states during the period 2000–06, the European Parliament and the Council, acting on a proposal from the Commission, will jointly adjust the multi-year budget ceilings to take account of expenditure requirements arising from the enlargement. Such adjustments are not expected to affect the aid budget.

Computers

Mr. Burstow: To ask the Secretary of State for International Development how many cases of computer *(a)* fraud, including fraudulent use of computer chips, and *(b)* theft her Department has recorded in the last five years. [106212]

Clare Short: *(a)* We are not aware of any recorded cases of computer fraud in DFID over the last five years.

(b) Since 1995, there have been eight cases recorded of computer equipment being stolen from DFID. Of these, seven were thefts of laptop computers, and one was a case of memory chips being stolen from a number of PCs during a break in at DFID's London Headquarters building.

The breakdown of these incidents is as follows:

Year	Item	Value £
1995	Laptop stolen from a vehicle in Bosnia	1,000
	Computer memory chips stolen from 94VS	10,000
1997	Three laptops stolen from AH	3,000
1998	Two laptops stolen from 94VS	2,000
1999	Laptop stolen from 94VS	1,000

Mr. Burstow: To ask the Secretary of State for International Development on how many occasions in each of the past five years computer systems in her Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside her Department. [106234]

Clare Short: There is no evidence of any illegal access to DFID computer systems over the past five years.

Kosovo

Mr. Streeter: To ask the Secretary of State for International Development what assistance her Department *(a)* promised and *(b)* provided to Pristina Hospital, Kosovo. [106437]

Clare Short: At the beginning of July 1999, a joint DFID/NHS assessment team visited Pristina University Hospital to identify key facilities that required immediate restoration, including infrastructure repair, provision of essential equipment, management support and training for health care professionals. We have agreed to carry out this programme of work and progress is well under way.

WALES

Computers

Mr. Burstow: To ask the Secretary of State for Wales how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106222]

Mr. Paul Murphy: From 1995 to 30 June 1999, the Welsh Office had no known cases of computer fraud, including fraudulent use of computer chips, but there was one incident of computer theft in 1996 when a portable computer was stolen.

From 1 July 1999 to date the Wales Office has had no known cases of computer fraud, including fraudulent use of computer chips, and no recorded cases of computer theft.

Mr. Burstow: To ask the Secretary of State for Wales on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106226]

Mr. Paul Murphy: There have been no known instances of computer hackers illegally accessing the Department's computer system from either within or outside the Department, in any of the past five years. This relates to the Welsh Office from 1995 to 30 June 1999, and to the Wales Office from 1 July 1999 to date.

DEFENCE

British Troops (Kosovo)

Mr. Hancock: To ask the Secretary of State for Defence when he was first informed of defects in the small arms carried by British troops on active service in Kosovo. [104406]

Mr. Spellar: The SA80, carried by British troops on active service in Kosovo, is generally an effective weapon system and is currently planned to remain in service for the foreseeable future. We are, however, investigating potential improvements to the SA80 at present and I expect to receive recommendations in due course.

British Forces Broadcasting

Mr. Bob Russell: To ask the Secretary of State for Defence if he will make funding available to British Forces Broadcasting Services to enable the temporary radio station for the Colchester Garrison to be made a permanent service. [107166]

Mr. Spellar: I refer the hon. Member to the answer my predecessor gave him in his reply on 21 July 1999, *Official Report*, column 533W. The trial will conclude later this year and the way ahead will then be assessed.

Air Cadets

Mr. Ben Chapman: To ask the Secretary of State for Defence what assessment he had made of the contribution air cadet organisations make to the public's perception of the RAF. [107405]

Mr. Spellar: The Air Cadets are an integral part of communities nation-wide and make an important contribution to the public perception of the RAF.

Kosovo

Mr. Key: To ask the Secretary of State for Defence when the operation of Pristina airfield in Kosovo will be handed over to an ally; and to whom. [107087]

Mr. Spellar *[holding answer 27 January 2000]:* British forces are scheduled to pass on their lead nation responsibilities for Pristina airfield in June 2000. It is currently expected that these responsibilities will be assumed by one or more of our NATO allies, although a final decision has not yet been taken.

RAF/ATC

Mr. Ben Chapman: To ask the Secretary of State for Defence if he will make a statement on the relationship between the Royal Air Force and the Air Training Corps. [107406]

Mr. Spellar: The RAF commits significant resources to the Air Training Corps, in recognition of its importance as a highly successful national youth organisation, as a significant contributor to the public's perception of the RAF, and a source of high quality recruits to the Services.

Nancekuke

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his oral statement of 18 January 2000,

Official Report, column 823, for what reason the *(a)* health and *(b)* other records of everyone employed at Nancekuke have not been kept. [106748]

Mr. Spellar *[holding answer 24 January 2000]:* In my statement, I explained that we are not aware of any comprehensive database from which to obtain the sum total of people employed at Nancekuke over the period in question. It is, however, the case that at least some individual personal files relating to former employees at Nancekuke have been kept and are held at the Defence Storage and Distribution Centre (Llangennech). We are not aware of the whereabouts of any separate medical records.

Earl's Court

Mr. Duncan Smith: To ask the Secretary of State for Defence how much his Department paid for the use of the Earl's Court facilities in each of the last five years. [106500]

Mr. Hoon *[holding answer 24 January 2000]:* The MOD has not incurred any expenditure for the use of the Earl's Court facilities over the last five years.

Service Personnel (NHS Treatment)

Mr. Viggers: To ask the Secretary of State for Defence what priority service personnel are given for treatment within the National Health Service. [107446]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Defence Helicopter Flying School

Mr. Hancock: To ask the Secretary of State for Defence what is the value of the PFI contract at the Defence Helicopter Flying School; and what is the length of the contract. [100284]

Mr. Spellar: The value of the Defence Helicopter Flying School PFI contract is in the region of £500 million at current prices. I am withholding the exact value of the contract under Exemption 11 of the Code of Practice on Access to Government Information. The contract period is 15 years from 1 April 1997.

TRADE AND INDUSTRY

Employment Relations Act 1999

Mr. Bennett: To ask the Secretary of State for Trade and Industry which sections of the Employment Relations Act 1999 have been implemented and on what date; and what is the timetable for the implementation of the remaining sections. [107477]

Mr. Alan Johnson: The table shows which sections of the Employment Relations Act 1999 have been brought into force and on what date.

Provision	*Description*	*Brought into force*	*S.I. Number*
s.2	Detriment related to trade union membership	25 October 1999	1999/2830
s.3	Blacklists	25 October 1999	1999/2830
s.7	Maternity and parental leave	15 December 1999	1999/2830
s.8	Time off for dependants	15 December 1999	1999/2830
s.9	Consequential amendments	15 December 1999	1999/2830
s.13(1) to (3)	Interpretation	25 October 1999	1999/2830
s.18(1) to (5)	Agreement to exclude dismissal rights	25 October 1999	1999/2830
s.18(6)	Agreement to exclude dismissal rights	30 September 1999	1999/2509
s.19	Part-time work: discrimination	25 October 1999	1999/2830
s.20	Part-time work: code of practice	25 October 1999	1999/2830
s.21	Code of practice: supplemental	25 October 1999	1999/2830
s.22	National minimum wage: communities	25 October 1999	1999/2830
s.23	Power to confer rights on individuals	25 October 1999	1999/2830
s.26	ACAS: general duty	25 October 1999	1999/2830
s.27	ACAS: reports	25 October 1999	1999/2830
s.28	Abolition of Commissioners	25 October 1999	1999/2830
s.29	The Certification Officer	25 October 1999	1999/2830
s.30	Partnerships at work	25 October 1999	1999/2830
s.31	Employment agencies	25 October 1999	1999/2830
s.32	Employment rights: employment outside Great Britain	25 October 1999	1999/2830
s.33	Unfair dismissal: special and additional awards	25 October 1999	1999/2830
s.34(4)	Indexation of amounts, &c.	25 October 1999	1999/2830
s.34(1)(2)(3)(5)(6)	Indexation of amounts, &c.	17 December 1999	1999/3374
s.35	Guarantee payments	25 October 1999	1999/2830
s.36(1) (partially)	Sections 33 to 35: consequential	25 October 1999	1999/2830
s.36(a) (to extent that not already in force)(2)(3)	Sections 33 to 35: consequential	17 December 1999	1999/3374
s.37	Compensatory award etc.: removal of limit in certain cases	25 October 1999	1999/2830
s.38	Transfer of undertakings	9 September 1999	1999/2509
s.39	Minimum wage: information	25 October 1999	1999/2830
s.40	Dismissal of school staff	25 October 1999	1999/2830
s.42	Orders and regulations	9 September 1999	1999/2509
s.43	Finance	25 October 1999	1999/2830
s.44 (partially)	Repeals		
Sch.2	Union membership: detriment	25 October 1999	1999/2830
Sch.4	Leave for family reasons etc.	15 December 1999	1999/2830
Sch.6	The Certification Officer	25 October 1999	1999/2830
Sch.7 (partially)	Employment agencies	25 October 1999	1999/2830
Sch.9 (partially)	Repeals	25 October 1999	1999/2830

The Maternity and Parental Leave etc. Regulations (S.I. 1999/3312) were made on 10 December 1999 under powers in the Employment Rights Act 1996, as amended by sections 7 and 9 and Schedule 4 of the Employment Relations Act 1999. They came into force on 15 December 1999.

The first order under section 34 of the 1999 Act, the Employment Rights (Increase of Limits) Order (S.I. 1999/3375) was made on 17 December 1999 and will come into force on 1 February 2000.

The Government's intentions for implementing the remaining provisions of the 1999 Act were set out in the answer I gave to my hon. Friend the Member for Bradford, North (Mr. Rooney) on 21 October 1999, *Official Report*, column 613W.

Photovoltaics

Mrs. Brinton: To ask the Secretary of State for Trade and Industry what assessment he has made of the economic *(a)* advantages and *(b)* disadvantages of a public support scheme for solar electricity such as that which operates in Germany. [107480]

Mrs. Liddell: I refer my hon. Friend to the answer given to the hon. Member for Blaby (Mr. Robathan) on 27 January 2000, *Official Report*, column 290W.

Mrs. Brinton: To ask the Secretary of State for Trade and Industry which solar photovoltaic applications can be connected to the national grid via a regular socket; what statutory powers apply to such connections; and what assessment he has made of their potential contribution to meeting the Government's target of achieving 10 per cent. of electricity supply from renewable sources by 2010. [107479]

Mrs. Liddell: Under the Electricity Supply Regulations 1988 (SI 1057 and amendments), "no person may operate a generating plan in parallel with a Regional Electricity Company's (REC's) [Public Electricity Supplier's (PES's)] system without the written agreement of the REC [PES]". This includes small PV generators connected to a socket outlet.

Technical requirements for connection of embedded generators are covered by Engineering Recommendation G59—"Recommendations for the Connection of Embedded Generating Plant to the Regional Electricity Companies' Distribution Systems"—published by the Electricity Association. Following discussions between the electrical supply and photovoltaic industries, we understand that the Electricity Association are shortly to publish a draft Engineering Recommendation G77—"UK Technical Guidelines for Inverter Connected Single-Phase Photovoltaic (PV) Generators up to 5kVA". In both documents it is implied that a fixed connection should be made from the embedded generator to an appropriate connection point at, or leading to, the distribution system.

With respect to the second part of the question, I refer my hon. Friend to a recent assessment by my Department. This has been reported in "New & Renewable Energy: Prospects in the UK for the 21st Century. Supporting Analysis. March 1999. ETSU R-122". We have not carried out any specific assessment looking at PV systems connected to socket outlets.

UK Competitiveness Indicators

Mr. Cohen: To ask the Secretary of State for Trade and Industry what measures he proposes to address the criticism of United Kingdom management made in his report, the United Kingdom Competitiveness Indicators 1999; and if he will make a statement. [106521]

Ms Hewitt: My right hon. Friend the Secretary of State for Trade and Industry and the Secretary of State for Education and Employment have decided to establish the Council for Excellence in Management and Leadership, under the Chairmanship of Sir Anthony Cleaver, with the overall aim of enabling UK managers to attain and sustain world class performance. It will achieve this by identifying the main issues for management and leadership and the key stakeholders who need to take action. It will address, in particular, the needs of small firms. The Council will review the quality of management education and training, advise on action to be taken, and report annually to Government and stakeholders on progress.

Electricity Generators

Mr. Green: To ask the Secretary of State for Trade and Industry how many non-fossil fuel obligation electricity generators projects failed to receive planning permissions between 1 May 1997 and 31 December 1999. [107379]

Mrs. Liddell *[holding answer 28 January 2000]:* On the best available information, out of 129 determinations, 19 Non-Fossil Fuel Obligation (NFFO) projects have been refused planning permission between 1 May 1997 and 30 November 1999, the latest date to which we have planning information.

Aerospace Equipment Manufacturers

Mr. Nigel Jones: To ask the Secretary of State for Trade and Industry if he will assess the advantages and disadvantages of extending launch aid to aerospace equipment manufacturers. [107565]

Mr. Alan Johnson: Launch investment is a risk-sharing Government investment in specific civil aerospace projects in the UK, enabled by the provisions of the Civil Aviation Act 1982. It has been used to support the design and development of airframes (or parts of airframes, such as wings), helicopters and aeroengines. The investment is not a grant and is repayable to the Government at a real rate of return, usually via levies on sales of the product developed. Large aerospace projects typically have high costs, pose a high level of risk, and generate a return only in the long-term. This has created a market deficiency in the availability of development funds for such projects. Launch investment remedies this, and also recognises the international mobility of aerospace projects, and the significant financial incentives that are available in other countries.

Any UK aerospace company can apply for launch investment, and each application is considered on its merits against a range of established criteria and also, by the Treasury, against public expenditure constraints. An applicant must demonstrate that the project is technically and commercially viable; that Government investment is essential for the project to proceed in the UK on the scale and in the timescale specified in the application; and that Government will recoup the investment at a real rate of return. Finally, the Government must be persuaded that support for the project will lead to major strategic advantages to the UK economy.

Synchrotron Radiation Facility

Dr. Lynne Jones: To ask the Secretary of State for Trade and Industry what was the cost of the report produced by ADD Consultants on the appraisal of options for the site of the proposed new synchrotron radiation facility. [107396]

Ms Hewitt: The cost of the report produced by ADD Consultants, Investment Appraisal for Options for the Site of the Proposed New Synchrotron Facility, delivered to Office of Science and Technology in June 1999, was £7,203 including VAT.

Asteroid Task Force

Mr. Maclean: To ask the Secretary of State for Trade and Industry what the objectives of the Asteroid Task Force are; and when it plans to *(a)* make its first report and *(b)* complete its work. [107482]

Ms Hewitt: The objectives of the Near Earth Objects Task Force are to:

1. confirm the nature of the hazard and the potential level of risk;
2. identify the current UK contribution to the international efforts;
3. advise HMG on what further action to take in the light of 1 and 2 and on the communication issues to the public.

I expect to receive the report of the Task Force this summer.

Mr. Maclean: To ask the Secretary of State for Trade and Industry what is the estimated annual running cost of the Asteroid Task Force. [107485]

Ms Hewitt: No on-going annual cost for the Near Earth Objects Task Force is envisaged. We expect to receive the Task Force's report this summer.

Ex-miners (Coal Allowance)

Mr. Maclean: To ask the Secretary of State for Trade and Industry what has been the average tonnage of coal delivered to eligible ex-miners for the last full year for which figures are available. [107531]

Mrs. Liddell: The average tonnage of fuel delivered to all beneficiaries under the terms of the National Concessionary Fuel Agreement and BACM Agreement during the year 1 April 1998 to 31 March 1999 was four tonnes.

Electricity Cabling

Mr. Gordon Prentice: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 20 January 2000, *Official Report*, column 524W, what is the expected life of electricity cabling. [107111]

Mrs. Liddell: Electricity cables do not have a single age at which they cease to be functional; instead there is a range of ages. As could be seen in my previous answer, it is not uncommon for cables to be installed and functioning for well in excess of 50 years. From information collected at the time of the last review of distribution companies, the "age" at which cables are replaced ranges from about 45 years to over 100 years.

As with all assets, cables are replaced on condition and not just because they reach a certain age.

Post Office Employees

Mr. Stephen Twigg: To ask the Secretary of State for Trade and Industry if he will list the percentage of *(a)* registered disabled people, *(b)* women, *(c)* people from ethnic minorities and *(d)* people from (i) independent schools, (ii) grammar schools and (iii) other schools that worked for the Post Office in each of the years (i) 1970, (ii) 1979, (iii) 1989 and (iv) 1999. [107011]

Mr. Alan Johnson *[holding answer 27 January 2000]:* The Post Office have supplied the following data on employees in 1999 derived from information voluntarily supplied on application forms:

	Percentage
Registered disabled	1.5
Women	20
Ethnic minorities	8.6

These percentages relate only to Post Office employees and do not include sub-postmasters. Historic data for earlier years is not readily available and details of educational establishments attended are not held.

Arms Sales (Zimbabwe)

Ann Clwyd: To ask the Secretary of State for Trade and Industry (1) how many representatives of arms manufacturers have made representations to *(a)* him, *(b)* his advisers and *(c)* officials about arms sales to Zimbabwe over the last 17 months; and if he will list the individuals and companies concerned, indicating the dates on which representations were made; [106939]

(2) if he will list the *(a)* people and *(b)* organisations representing defence manufacturers who have made representations to his Department about arms sales to Zimbabwe over the last 17 months; and when such representations were made. [106949]

Dr. Howells: No such representations have been made to any Minister or special adviser in this Department, or relevant officials in the Export Credit Guarantees Department, the Export Control Organisation or the Engineering Industries Directorate of my Department, or the relevant export promotion directorate of British Trade International.

Ms Oona King: To ask the Secretary of State for Trade and Industry if the sale of spare parts for Hawk jets to Zimbabwe will be covered by a loan from the Export Credits Guarantee Department. [108059]

Mr. Caborn: No.

Ilisu Dam

Mr. Worthington: To ask the Secretary of State for Trade and Industry when the Environmental Impact Assessment on the Ilisu Hydro-Electric project in Turkey will be *(a)* completed and *(b)* published. [107014]

Mr. Caborn: The Environmental Impact Assessment (EIA) is expected to be completed in March/April and made publicly available shortly thereafter.

Mr. Worthington: To ask the Secretary of State for Trade and Industry what assessment he has made of the compliance of the Ilisu Dam project with guidelines of the World Bank for *(a)* ECGD and *(b)* developmental support. [107019]

Mr. Caborn: We are only considering ECGD support for the Ilisu Dam; as this is not a development project, such support, if agreed, will not be conditional on compliance with World Bank guidelines, although we are looking for international guidelines to be reflected in the approach to the project. The statement of my right hon. Friend the Secretary of State for Trade and Industry of 21 December outlined four main concerns, which we require to see addressed before a decision is made on ECGD support. These are:

resettlement
water quality
downstream water flow
preservation of the archaeological heritage of Hasankeyf

We have published two reports commissioned to assist with the decision making process and await the outcome of further work including a full Environmental Impact Assessment Report.

Mr. Worthington: To ask the Secretary of State for Trade and Industry what assessment he has made of the compliance of the Ilisu Dam project with the criteria of the UN Convention on the Non-Navigational Uses of Transboundary Waterways. [107020]

Mr. Caborn: The assessment of such compliance is a matter which will need to be addressed. The statement of my right hon. Friend the Secretary of State for Trade and Industry of 21 December, raised as one of our concerns the issue of assuring the maintenance of downstream flows.

Sellafield

Mr. Chaytor: To ask the Secretary of State for Trade and Industry when he expects to publish the report of the Nuclear Installations Inspectorate investigation into the operating practices of the Sellafield MOX Demonstration Facility. [106710]

Mrs. Liddell: I understand that HSE's Nuclear Installations Inspectorate is preparing a report which it will publish in mid February.

Utilities Bill

Mr. Chope: To ask the Secretary of State for Trade and Industry if any financial limit is to be placed upon the level of compensation for loss of office which he can determine should be paid to the Chairman and other members of the Gas and Electricity Markets Authority under Schedule 4, paragraph 4(3) of the Utilities Bill; and if he will make a statement. [107664]

Mrs. Liddell: I assume that the hon. Member is referring to Schedule 1, not Schedule 4, of the Utilities Bill.

There is no statutory limit to the level of compensation that may be determined by my right hon. Friend the Secretary of State. the level of compensation will depend on the circumstances of the case.

Mr. Chope: To ask the Secretary of State for Trade and Industry if the categories of misbehaviour on the part of the Chairman of the Gas and Electricity Markets Authority which could give grounds for removal from office under Schedule 1, paragraph 3(2)(b) of the Utilities Bill include refusal to follow his advice; and if he will make a statement. [107666]

Mrs. Liddell: No. There is no change from the equivalent Electricity Act 1989 and Gas Act 1985 provisions in this respect.

Mr. Chope: To ask the Secretary of State for Trade and Industry if any financial limit is to be placed on the level of remuneration and allowances which he can determine should be paid to the Chairman and members of the Gas and Electricity Markets Authority under Schedule 1, paragraph 4, of the Utilities Bill; and if he will make a statement. [107663]

Mrs. Liddell: There will be no statutory limit. Remuneration and allowances will be determined having regard to the need to recruit and retain individuals with the necessary qualities and experience.

National Minimum Wage

Mr. Paul Marsden: To ask the Secretary of State for Trade and Industry how many people have benefited from the national minimum wage since its introduction in *(a)* Shrewsbury and Atcham and *(b)* Shropshire; and if he will make a statement. [107251]

Miss Melanie Johnson: I have been asked to reply.

The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Paul Marsden, dated 3 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question regarding the number of people who have benefited from the national minimum wage since its introduction in Shrewsbury and Atcham, and Shropshire.

Definitive estimates on the number of people that have benefited from the national minimum wage are not yet available. Currently available estimates for assessing the effect take data from both the New Earnings Survey and the Labour Force Survey and adjust them for known limitations in each. However, the latest adjusted estimates are based on data for the spring (March - May) 1999 Labour Force Survey and this period spans the introduction date for the national minimum wage legislation. As a result, the adjusted estimates may be giving a misleading picture of the effect of the minimum wage legislation since employees might legitimately have been earning below the minimum wage rates in March 1999.

The currently available estimates were published in an ONS First Release on 14 October and show that the number of people earning below the minimum wage rates fell significantly between 1998 and 1999. A copy of this first release is available in the House of Commons Library.

EDUCATION AND EMPLOYMENT

School Inspections

Mr. Hilary Benn: To ask the Secretary of State for Education and Employment (1) if he will publish a copy of the questionnaire used by Ofsted inspectors in seeking

the views of schools on the effectiveness of their local education authority as part of the local education authority inspection process; [107621]

(2) if he will publish a summary analysis of the questionnaire results showing schools' views of local education authorities for all authorities that have been inspected by Ofsted to date; [107622]

(3) if he will make available to any local education authority that requests it a copy of the summary analysis of the questionnaire results showing schools' views of their local education authority as part of the Ofsted inspection process. [107623]

Ms Estelle Morris: Copies of the questionnaire seeking the views of schools on the effectiveness of their local education authority as part of the local education authority inspection process are available from: the LEA Inspections Team, the Audit Commission, 1 Vincent Square, London SW1 2PN. I have also placed a copy in the Libraries of the House.

A copy of the summary analysis of the school survey results is given to the local education authority by the inspection team during the inspection. Further copies will be supplied to the authority on request by the Audit Commission.

No up-to-date summary analysis of the school survey results for all local education authorities inspected by Ofsted and the Audit Commission to date exists at present. This is a matter for Her Majesty's Chief Inspector of Schools, Chris Woodhead. I have asked him to write to my hon. Friend and to place a copy of his letter in the Libraries.

Members of Devolved Governments

Mr. Burstow: To ask the Secretary of State for Education and Employment if he has determined whether the activities of Members of the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the Greater London Assembly will constitute paid employment for the purposes of Access to Work. [107300]

Ms Hodge: Members of the Scottish Parliament, Assembly Members in Wales, Members of the Legislative Assembly in Northern Ireland and Members of the Greater London Assembly will all be paid for their work, and this constitutes paid employment for the purposes of the Access to Work programme in Great Britain and the equivalent scheme in Northern Ireland.

Disability Discrimination Act

Mr. Boswell: To ask the Secretary of State for Education and Employment what steps he is taking to disseminate examples of good practice among *(a)* employers and *(b)* service providers in meeting their obligations to make reasonable adjustments in a practical and cost-effective way, in connection with the Disability Discrimination Act 1995. [106202]

Ms Hodge *[holding answer 24 January 2000]:* The Disability Discrimination Act 1995 makes it unlawful for employers and providers of goods, facilities and services to discriminate against disabled people by treating them less favourably than other people, or by failing to make reasonable adjustments. For service providers, the new Code of Practice which we published on 29 June 1999 explains the duties under Part III of the Act and gives practical guidance on how to prevent discrimination against disabled people, including examples of good practice. In October 1999, we published an information booklet called "An Introduction for Small and Medium-sized Businesses", explaining the new and existing duties on businesses and organisations under Part III of the DDA. For employers, there has been an employment Code of Practice since 1996. More recently, we have published a booklet called "Employing Disabled People: A Good Practice Guide for Managers and Employers", which contains examples of good practice and this has been promoted by the Federation of Small Businesses to its members. The examples it contains are based on 40 case studies that were published following a DfEE-funded research project, in a report called "Integrating Disabled Employees".

The Secretary of State launched the "See the Person" campaign, in June 1999, to publicise the DDA and the rights of disabled people. It is specifically aimed at increasing awareness among businesses and disabled people of the requirements and opportunities provided by the DDA, as well as more generally aiming to improve the public's understanding of the barriers faced by disabled people. The campaign has included TV adverts, posters, articles in various publications, radio advertisements and articles in national, regional and specialist press. It helps promote the DDA Helpline from which employers and service providers can obtain copies of the booklet and guide mentioned previously as well as further information about the Act and the Codes of Practice.

EU Handbooks

Mr. Bercow: To ask the Secretary of State for Education and Employment what is his policy on teachers contributing to handbooks funded by the EU on EU policy; what United Kingdom input there was to "Euroquest-A Trail of Questions and Answers about the European Union"; and how many copies have been printed for distribution in the United Kingdom. [105694]

Mr. Wicks *[holding answer 18 January 2000]:* The UK Government do not have a policy on teachers contributing to handbooks funded by EU on EU policy. The institutions of the European Union are free to approach any UK or European citizen to ask them to contribute to their publications.

I understand that the Euroquest booklet was funded entirely by the Representation of the European Commission in the UK, and that the content of the booklet was produced in collaboration with a number of UK educationalists and the Central Bureau for International Education and Training. It is designed as an activity book to support teachers in their work on the National Curriculum at Key Stage 2, and is intended to provide stimulus to further classroom discussion. One million copies were produced and approximately half have been distributed to schools on request.

National Learning Targets

Mrs. May: To ask the Secretary of State for Education and Employment if he will list the national learning targets and the current policies against target for each and all other targets set by his Department. [107539]

Mr. Wicks *[holding answer 28 January 2000]:* My Department's Public Service Agreement (PSA), published in the Department's Annual Report, sets out its key performance targets. The DfEE Annual Report and the Annual Report of the Employment Service also include other performance-related information. Targets for Agencies and Executive Non-Departmental Public Bodies can be found annually in the Next Steps Report and Executive and Non-Departmental Public Bodies Report on the Stationary Office website. My Department has also published a Strategic Framework to 2002 "Learning and Working Together for the Future", setting out the aim and objectives, targets and supporting policies for that period; and a leaflet, "National Learning Targets for England for 2002", and the publication "National Learning Targets Action Plan", setting out the Government's National Learning Targets to 2002.

World Education Forum

Mr. Cohen: To ask the Secretary of State for Education and Employment if he will attend the World Education Forum to be held in Senegal in April. [107426]

Mr. Wicks: My right hon. Friend the Secretary of State will not attend the World Education Forum. However, my right hon. Friend the Secretary of State for International Development has stated previously that she will participate.

School Playing Fields

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of the private finance initiative on reductions in numbers of school playing fields. [107165]

Jacqui Smith: Section 77 of the School Standards and Framework Act 1998 prevents local authorities and governing bodies from disposing, or changing the use, of school playing fields, without the prior consent of the Secretary of State. Section 77 applies also where such disposal or change of use is required as part of an approved PFI scheme.

PFI and other Public Private Partnerships (PPPs) encourage schools to make the most of their assets in collaboration with the private sector and in the interest of their pupils. That interest is not served by selling off those playing fields which children need for sport. Indeed, many PPP proposals are specifically aimed at upgrading school sports facilities.

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what percentage of school playing fields are capable of sustaining minimum standards of seven hours a week use. [107158]

Jacqui Smith: The information requested is not collected centrally.

Mr. Bob Russell: To ask the Secretary of State for Education and Employment how many private finance initiative schemes for schools have involved the sale of parts of school playing fields. [107157]

Jacqui Smith: Contracts have been awarded on eight schools' projects in England under the Private Finance Initiative, six of which are for building projects covering new or replacement single schools and two of which are for Local Education Authority-wide service contracts. None of these schemes has involved the sale of parts of school playing fields.

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what plans he has to review Circular 3/99, relating to the protection of school playing fields. [107162]

Jacqui Smith: The Government will review Circular 3/99, "The Protection of School Playing Fields", during the Spring, with a view to announcing any changes in June.

Mr. Bob Russell: To ask the Secretary of State for Education and Employment what discussions have taken place with national bodies with expertise in related matters since the issuing of Circular 3/99. [107160]

Jacqui Smith: The three national bodies cited in Circular 3/99, "The Protection of School Playing Fields", are the National Playing Fields Association, the Central Council of Physical Recreation (CCPR) and Learning through Landscapes. Since the Circular was published on 7 June 1999, Ministers have met with the CCPR and officials have held several meetings, and corresponded, with all three organisations.

Mr. Bob Russell: To ask the Secretary of State for Education and Employment how many school playing fields or parts of fields have been sold since the issue of Circular 3/99; and if he will make a statement on its impact on sales of playing fields. [107161]

Jacqui Smith: Since the issue of Circular 3/99, the Secretary of State has approved 13 applications to sell areas of land affecting sports pitches at schools. Of these, six involved sports pitches at closed schools and a further three provided new or improved sports facilities including, in one case, a new sports hall. In the four remaining applications, the sales proceeds have all been reinvested for educational purposes.

The introduction in Circular 3/99 of strict criteria against which decisions are made has been a great success. Since the issue of this Circular, the Department has received an average of just five applications a month to dispose or change the use of sports pitches. Not all of these applications involve the loss of a playing field. For example, some are for transfers of ownership or involve acquiring new replacement pitches. Authorities now see how tough our criteria are and generally bring forward only those proposals which make all round sense.

After-school Clubs

Mr. Cox: To ask the Secretary of State for Education and Employment how many after-school clubs there are in England and Wales. [107122]

Jacqui Smith: The Government are committed to supporting after-school-hours provision to support pupils' learning and to provide child care for working parents.

DfEE does not itself collate information on the number of out-of-school child care clubs which have been set up, but Kids' Clubs Network estimate that there are now around 5,000 such schemes in England and Wales. In addition, the New Opportunities Fund has so far made awards to 361 new or expanded out-of-school child care clubs in England and Wales.

In England, research shows that 98 per cent. of primary and 99 per cent. of secondary schools already provide out-of-school-hours learning activities for their pupils. The New Opportunities Fund has already made grants covering 957 schools in England to help them provide more and better activities and by 2001 will have supported at least a quarter of primary and half of all secondary and special schools. From April this year, schools in disadvantaged areas will also be able to benefit from a new Standards Fund grant to help them fund out-of-school-hours learning. Out-of-school-hours learning in Wales is a matter for the Welsh Assembly.

School Security

Mr. Cox: To ask the Secretary of State for Education and Employment if he will make a statement about school security. [107063]

Jacqui Smith: We take the issue of school security very seriously. The Working Group on School Security, set up after the fatal stabbing of Philip Lawrence in December 1995, continues to meet on a regular basis to advise on school security matters. Most of the Group's recommendations, published in its report in May 1996, have been implemented. One of those recommendations was that money should be made available specifically for school security improvements. I announced last month that £22 million would be made available in 2000–01 for school security, building on the £66 million that has been made available over the past three years.

School Exclusions

Dr. Cable: To ask the Secretary of State for Education and Employment how many year 11, 10 and 9 pupils were excluded from schools in London and the South East in the academic year 1998–99. [106758]

Jacqui Smith: The Department is currently collecting information on the number of permanent exclusions in 1998–99 in maintained primary, secondary and special schools. Provisional information will be published in a Statistical First Release in May.

The latest available information on the number of pupils aged 13, 14 and 15 who were permanently excluded from schools in the London and South East Government Office Regions is shown in the following table.

Number and percentage of permanent exclusions for pupils aged 13, 14 and 15 in the Greater London and South East Government Office Regions 1997–98

Pupils by age[1]	*Greater London*	*South East*	*England*
Age 13			
Number of permanent exclusions	396	355	2,385
Percentage of school population[2]	0.58	0.43	0.44
Age 14			
Number of permanent exclusions	523	513	3,351
Percentage of school population[2]	0.77	0.62	0.61
Age 15			
Number of permanent exclusions	356	355	2,447
Percentage of school population[2]	0.55	0.44	0.46

[1] Ages as at 31 August 1997

[2] The number of permanent exclusions expressed as a percentage of the number of pupils in the age group

HOME DEPARTMENT

Prison Standards

Ms Kelly: To ask the Secretary of State for the Home Department how he plans to raise the performance of those prisons that are identified as performing to a poor standard. [108117]

Mr. Straw: In the last year, the Prison Service has enhanced its management of under-performing prisons. To strengthen this development, I am announcing today the establishment of a working group on Targeted Performance Improvement. Its terms of reference are to develop proposals for enhancing management arrangements to identify failing prisons; develop special measures to improve performance within such establishments, including effective partnerships with other criminal justice agencies and the private voluntary sectors; and develop a management tool to support the more rigorous line management of all establishments; including ways of recognising good performance and disseminating best practice with particular reference to the development of community partnerships in the locality of each.

The working group is chaired by Lord Laming and its other members are Phil Wheatley, Deputy Director General; Roger Brook, former head of the Audit Commission; Patrick Carter, non-executive Director of the Prison Service; and Una Padel, of the Centre for Crime and Justice Studies. I have asked the noble Lord, Lord Laming to report to him and the Director General by 1 May this year.

West Mercia Police Authority

Mr. Michael J. Foster: To ask the Secretary of State for the Home Department how many police officers West Mercia Police Authority had in the Worcester Division, in each year from 1992 to date. [107009]

Mr. Charles Clarke: The available information, which is set out in the table, has been provided by the Chief Constable of West Mercia. It is not possible for the force to provide comparable information on police numbers at Divisional level for 1992 to 1996 because of force re-organisation in 1997.

West Mercia Constabulary Worcester Division—police numbers, 1997 to 2000

Year[1]	*Number of police officers*
1997	341
1998	341
1999	365
2000	347

[1] As at 1 January

Animal Welfare

Mr. Lepper: To ask the Secretary of State for the Home Department if he will make a statement on the use of animals in testing household products. [106992]

Mr. Mike O'Brien: The Government have a responsibility for public and environmental safety. Some regulatory safety evaluations require the use of protected animals where there are no viable alternatives. A number of the substances in current use pose risks either through

normal use or, in the case of solvents and glues, for example, through misuse. European directives have a bearing on the requirements to test both new and existing substances and products for manufacture, transport, sale and use. This includes household products for which a regulatory requirement applies.

The need for testing household products on animals is to be considered by the Animal Procedures Committee as part of its planned work on the cost/benefit assessment carried out under the Animals (Scientific Procedures) Act 1986.

1,477 scientific procedures and 1,448 animals were used for this purpose in Great Britain during 1998, the last year for which figures are available. In 1997, comparable figures were 2,026 procedures and 2,004 animals. As with any other scientific procedure under the 1986 Act, animals are used to test household products only where necessary and where there are no alternatives.

Chinese President (State Visit)

Ms Oona King: To ask the Secretary of State for the Home Department what representations he has received concerning the policing of the arrangements for the state visit of the Chinese President. [107733]

Mr. Charles Clarke: The Home Office has received a number of representations on this issue, including approximately 320 items of public correspondence and over 100 letters from Members of Parliament.

Ms Oona King: To ask the Secretary of State for the Home Department what objectives were set for the policing of the state visit of the Chinese President by *(a)* the Commissioner of the Metropolitan Police and *(b)* the Home Office; and what assessment he has made of the Metropolitan Police's performance in meeting those objectives. [107115]

Mr. Charles Clarke: The Metropolitan Police's intention with regard to the policing of the visit of the Chinese President was to police events in a manner compatible with their Statement of Common Purpose and Values by endeavouring to: ensure the security of Her Majesty the Queen, the distinguished visitors and all participants; facilitate the arrival and dispersal of all persons taking part in the Ceremonies; provide crowd control, ensuring public safety and preventing disorder so as not to impair the dignity of the Ceremonies; control traffic and minimise congestion; provide advice and assistance to members of the public and prevent crime, or if crime is committed, take all reasonable steps to apprehend offenders.

No objectives were set by the Home Office for the visit.

The Metropolitan Police Commissioner has indicated that the conclusions of a review of the policing arrangements will be made public and my right hon. Friend the Home Secretary will consider these in due course.

Ms Oona King: To ask the Secretary of State for the Home Department what instructions he has given the Metropolitan Police on their operational procedure in the light of the state visit of the Chinese President to London. [107117]

Mr. Charles Clarke: None.

Paediatric Pathology

Mr. Love: To ask the Secretary of State for the Home Department what plans he has to introduce paediatric pathology for the post-mortem examination of children; and if he will make a statement. [107569]

Mr. Boateng: Responsibility for the choice of pathologist for a coroner's post-mortem lies in law with the coroner. In cases of child deaths, the Home Office has, for over 10 years, drawn to the attention of coroners the advantages of using pathologists with appropriate skills and training in paediatric pathology.

CCTV

Mr. Cohen: To ask the Secretary of State for the Home Department what guidance he has issued to local authorities regarding the application of Article 8 of the Human Rights Convention to CCTV *(a)* in privately owned shopping malls and *(b)* elsewhere. [107123]

Mr. Charles Clarke: Closed Circuit Television (CCTV) schemes funded by the Home Office are governed by codes of practice and data protection legislation to ensure that the systems are operated fairly and lawfully, and with due regard to individual rights to privacy, as provided in Article 8 of the European Convention of Human Rights.

The Human Rights Act 1998 will give further effect in United Kingdom law to the rights and freedoms guaranteed in the Convention. A properly regulated and controlled CCTV system should fully comply with the requirements of the Act.

The Data Protection Registrar is consulting on a draft code of practice, for users of public space CCTV systems, on the standards to be met to comply with their legal obligations under the Act. The intention is to issue the Code later in the year.

Advice on the impact of the new data protection and human rights legislation will be included in the prospectus for the next round of the CCTV Initiative, which we will issue in the spring.

Ms Oona King: To ask the Secretary of State for the Home Department how much money from the Government's CCTV initiative for England and Wales he estimates will be allocated to the London Borough of Tower Hamlets; and when the money will be made available. [107118]

Mr. Charles Clarke: The Tower Hamlets Crime Reduction Partnership has three proposals under consideration in the first round of Crime Reduction Programme Closed Circuit Television Initiative, covering: car parks at the London Hospital (£319,000 sought); a borough-wide mobile Closed Circuit Television (CCTV) system (£193,000 sought); and an extension to CCTV coverage in Brick Lane and the surrounding areas (£501,000).

The Home Office Crime Reduction Unit has asked the partnership to provide further information in support of the bids, and funding decisions will be made as soon as possible after this has been provided. Grant payments will be made to the successful schemes at the appropriate stages of implementation.

The partnership will have an opportunity to submit further proposals under the next phase of funding under the CCTV Initiative, details of which will be announced in the spring.

Reconviction Statistics

Mr. Lidington: To ask the Secretary of State for the Home Department (1) if he will list, for the most recent 12 months for which figures are available, the percentage of offenders whose age at the time of discharge from prison or commencement of a non-custodial order was *(a)* under 21 years, *(b)* 21 to 24 years, *(c)* 25 to 29 years and *(d)* aged 30 years or over, who were reconvicted within two years of (i) discharge from prison, (ii) commencement of a probation order, (iii) commencement of a community service order and (iv) commencement of a combination order, indicating the percentage reconviction figures for each age group in respect of each disposal; [107051]

(2) if he will list for the most recent 12 months for which figures are available the percentage of offenders with *(a)* no previous convictions, *(b)* one or two previous convictions, *(c)* three to six previous convictions, *(d)* seven to 10 previous convictions and *(e)* 11 or more previous convictions who have been reconvicted (i) within two years of discharge from prison, (ii) within two years from commencement of a probation order, (iii) within two years of commencement of a community service order and (iv) within two years of commencement of a combination order. [107050]

Mr. Charles Clarke: The most recently available relevant information relates to reconvictions in samples of prisoners discharged from prison in 1995 and of offenders commencing community penalties in the first quarter of 1995.

The source of this information on reconviction is the Home Office Offenders Index. This does not contain information on cautioning of offenders. It should be borne in mind that this information relates to reconviction rather than reoffending.

Table 1: All offenders reconvicted[1], by age at discharge from custody or commencement of a community penalty[2], within two years of discharge or commencement during 1995

England and Wales — *Percentage reconvicted*

	All males and females *Age at discharge or commencement*				
Sentence type	*Under 21*	*21–24*	*25–29*	*30 and over*	*Total*
Probation	73	64	58	45	59
Community Service	68	57	48	34	52
Combination order	76	66	60	39	60
All community penalties	71	61	55	40	56
Immediate custody	77	67	57	39	58

[1] The number reconvicted includes only those reconvicted for standard list offence.

[2] Community penalty figures relate to the first quarter of 1995.

Table 2: All offenders reconvicted[1], by number of previous court appearances, within two years of discharge or commencement of a community penalty[2] during 1995

England and Wales — *Percentage reconvicted*

	All males and females *Number of previous convictions[3]*					
Sentence type	*None*	*1 or 2*	*3–6*	*7–10*	*11 or more*	*Total*
Probation	31	49	60	69	77	59
Community Service	30	46	60	68	73	52
Combination order	39	52	65	71	73	60
All community penalties	31	48	61	68	76	56
Immediate custody	18	41	59	69	78	58

[1] The number reconvicted includes only those reconvicted for standard list offence.

[2] Community penalty figures relate to the first quarter of 1995.

[3] Appearances at court that led to a conviction for standard list offences before the commencement or discharge date, excluding the last conviction before commencement or discharge if no conviction is recorded on the day of commencement or discharge date—this would normally be the number of previous convictions prior to the sentencing date.

Jill Dando

Mr. Paul Marsden: To ask the Secretary of State for the Home Department if he will make a statement on the recent progress of the police investigation into the murder of Jill Dando. [107257]

Mr. Charles Clarke: The investigation of crime within the Metropolitan Police District is an operational matter for the Commissioner. He informs me that the investigation into the murder of Jill Dando is continuing.

Metropolitan Police

Mr. Ottaway: To ask the Secretary of State for the Home Department if he will list the number of police officers as at 1 January in each of the last five years in each police division in London *(a)* for each area, *(b)* for each borough and *(c)* in total. [107152]

Mr. Charles Clarke: I refer the hon. Member to the reply I gave to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) on 19 January 2000, *Official Report*, column 457W.

Mr. Ottaway: To ask the Secretary of State for the Home Department how many police officers there were in each London borough per 10,000 of population as measured in the 1991 Census, on 1 January in each of the last five years. [107174]

Mr. Charles Clarke: Figures provided by the Commissioner of the Metropolitan police are shown in the following table:

Numbers of locally based police officers per 10,000 of population

London borough	*1995*	*1996*	*1997*	*1998*	*1999*
Kensington and Chelsea	42.5	41.6	44.2	41.9	39.3
Westminster	95.9	91.3	90.6	90.4	86.9
Hammersmith and Fulham	34.9	34.1	35.9	34.7	33.2
Camden	38.7	38.5	37.5	38.3	36.6
Islington	32.7	32.4	32.8	31.7	30.5
Harrow	13.4	14.4	13.9	14.2	13.8

Numbers of locally based police officers per 10,000 of population

London borough	*1995*	*1996*	*1997*	*1998*	*1999*
Brent	26.2	24.8	25.7	24.7	23.9
Barnet	26.4	25.1	24.5	23.5	21.8
Ealing	22.8	23.4	22.9	22.2	21.1
Haringey	27.4	25.7	25.3	24.9	24.5
Hillingdon	18.6	18.5	17.7	16.8	16.7
Hackney	36.9	35.1	36.0	36.0	35.5
Tower Hamlets	37.7	36.5	35.5	33.8	33.4
Redbridge	24.0	23.6	23.9	21.5	21.3
Waltham Forest	22.4	21.3	21.9	21.3	21.2
Havering	16.2	15.6	15.1	14.4	14.0
Barking	20.8	20.7	20.5	20.5	19.1
Newham	28.2	28.3	28.3	26.7	26.3
Enfield	20.7	20.7	21.0	20.9	20.7
Southwark	38.4	39.7	38.7	37.9	38.6
Lewisham	24.8	26.7	26.0	25.3	24.7
Bromley	17.0	16.6	16.0	15.7	15.0
Greenwich	26.8	29.2	29.2	28.6	27.9
Bexley	13.0	13.5	13.1	12.9	12.5
Croydon	19.5	19.9	19.6	18.8	18.5
Lambeth	39.1	37.8	37.7	35.7	34.9
Hounslow	22.3	23.2	22.5	21.8	20.9
Richmond	18.1	19.5	18.0	17.2	16.3
Kingston	27.1	28.6	26.3	26.7	24.0
Merton	20.6	19.5	18.9	17.0	17.2
Wandsworth	24.4	24.1	25.0	22.5	21.7

Note:
These numbers exclude officers deployed on non-local duties, e.g. on Areas or specialist Units.

Electronic Tracking

Mr. Bob Russell: To ask the Secretary of State for the Home Department how many early release prisoners have been fitted with an electronic tracking device; and how many have been given permission to breach the evening curfew restrictions. [107169]

Mr. Boateng: Up to midnight on 26 January, a total of 16,242 offenders had been placed on Home Detention Curfew since the commencement of the scheme on 28 January 1999.

The electronic monitoring service is provided by private sector contractors operating to strict Home Office guidelines. The contractors may grant "one-off" absences in specified circumstances, which must be capable of being verified and documented. The circumstances are clearly laid out in their contract and are currently as follows:

Circumstances in which emergency medical treatment for the curfewee or his/her immediate dependants is required;

An irregular or unexpected medical appointment for the offender or his/her immediate dependants;

A requirement, as part of the curfewee's permanent employment, to work at short notice, and where there would be insufficient time to contact the prison governor. The contractor is required to receive written verification from the employer that the work was required and took place;

Any absence caused by the curfewee being detained in police custody;

Attending the marriage or funeral of a close relative;

Attendance at a job interview, job club or benefit office, or elsewhere to "sign on" in connection with any claims for financial assistance; and

Attendance at court as a witness or as a defendant.

Other than in the event of these "one-off" absences, contractors have no discretion to grant permission to be absent from the place of curfew during the specified curfew period.

Information about the number of cases in which contractors have agreed to a "one-off" absence is not held centrally.

Computers

Mr. Burstow: To ask the Secretary of State for the Home Department on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106236]

Mr. Straw: Official records compiled under the Government scheme for reporting Information Technology (IT) security incidents show the following attempts were made to gain unauthorised access to the Department's systems over the past five years:

	Insiders	*Outsiders*
1995	0	0
1996	1	1
1997	1	0
1998	0	0
1999	1	1

None of these attempts resulted in any damage to the integrity of IT systems.

Police (Hearing Impairment)

Mr. Burstow: To ask the Secretary of State for the Home Department, pursuant to his answer of 16 December 1999, *Official Report*, column 273W, concerning hearing impairment of police officers, *(a)* how many Metropolitan Police officers in the last two years have received negligence compensation payments due to developing a hearing loss or tinnitus as a result of their work duties and *(b)* what is the total amount that the Metropolitan Police Force have paid out in the last two years in compensation payments to police officers who have developed a hearing loss or tinnitus as a result of their duties. [107302]

Mr. Charles Clarke: The Receiver for the Metropolitan Police District tells me that details of the number of negligence compensation payments or the amounts paid to officers who have developed a hearing loss or tinnitus as a result of their duties are held on individual case files, but are not aggregated in the form requested.

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for the Home Department if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106298]

Mr. Straw: The information requested is not available centrally and can be obtained only at disproportionate cost.

Since May 1997, the Home Office has, however, consulted on a wide range of issues. The Government welcome the views of the public on proposed new policies and initiatives and is committed to consulting through a variety of means, including Consultation Documents, Green Papers and documents published on the internet. Consultation Papers have included papers on: Tackling delays in the youth justice system (1997); Racial violence and harassment (1997); Supporting families (1998); Juries in serious fraud trials (1998); New measures to control prostitutes' cards in phone boxes (1999); and Possible changes to the Criminal Injuries Compensation Scheme (1999).

Between 1995 and May 1997, the Consultation Papers published by the Home Office included papers on: Identity Cards (1995); Proposed changes to betting licensing (1995); Casino deregulation (1996); and, Clarification of the law relating to the bribery of Members of Parliament (1996).

Women Prisoners

Mr. Flynn: To ask the Secretary of State for the Home Department what proposals he has to ensure that women sentenced to prison terms are allowed time to put their families' affairs in order before their sentences begin. [106187]

Mr. Boateng: Section 1 of the Powers of Criminal Courts Act 1973 enables a court to defer passing sentence on an offender only to enable it to have regard to the offender's conduct after conviction or to any change in circumstances. There is no power to defer sentence to enable people to arrange child care, and such a change would require primary legislation.

Where a custodial sentence is likely to be imposed, National Standards require the writers of pre-sentence reports to identify any expected adverse effects for offenders and their family, including the issue of child care where appropriate.

Mr. Flynn: To ask the Secretary of State for the Home Department what proposals he has to remodel under-used open prison facilities for the use of women prisoners and their children. [106186]

Mr. Boateng: In September 1997 the Director General of the Prison Service announced a review of five open prisons. The review was initiated against a background of a rising prisoner population which indicated the need to provide more spaces in secure accommodation, in particular the creation of more female places.

The review is specifically required to consider the feasibility of re-roling Morton Hall male open prison to a closed female prison, and upgrading the security of Drake Hall open female prison to that of a closed female prison. The review is also looking at Kirkham, North Sea Camp and Standford Hill. All three establishments are currently open prisons for adult males. The work of the review team will not conclude until the spring and no decisions in respect of the open estate are expected before then.

The provision of mother and baby units is being considered in plans for any new prison for women.

Prosecution (Facilitators)

Mr. Lidington: To ask the Secretary of State for the Home Department how many cases the Immigration and Nationality Directorate prepared for the prosecution of facilitators in *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000 to date. [107781]

Mrs. Roche: Since April 1999, the Immigration Service has prepared 180 cases against facilitators and passed them to the Crown Prosecution Service for consideration of prosecution. Information of this type was not recorded centrally prior to that date.

Nationality Decisions

Mr. Lidington: To ask the Secretary of State for the Home Department how many nationality decisions have been taken since 31 March 1999. [107778]

Mrs. Roche: The number of decisions taken in nationality cases in the period April to December 1999 was 44,100.

Asylum Seekers

Mr. Lidington: To ask the Secretary of State for the Home Department how many failed asylum seekers have been removed during the financial year 1999–2000 to date by *(a)* the Immigration Service Ports Directorate and *(b)* the Immigration Service Enforcement Directorate. [107779]

Mrs. Roche: The information available concerning the number of asylum seekers removed from the United Kingdom during the financial year commencing 1 April 1999 and up to 31 December 1999 is shown in the table.

	Port asylum removals[1, 2, 3]	*Enforcement asylum removals*[1, 2, 3]
1 April 1999 to 31 December 1999	3,760	1,990

[1] Including voluntary departures
[2] Excluding dependants
[3] Figures are provisional and rounded to 10

Mr. Lidington: To ask the Secretary of State for the Home Department what is the current unit cost of supporting asylum seekers. [107772]

Mrs. Roche: It is not possible to provide a single answer to this question. Asylum seekers who claim asylum at their port of entry may be eligible for social security benefits. This will include housing benefit which will be set at broadly the average rent for the area concerned. Asylum seekers who do not make their application at their port of entry may, if they would otherwise be destitute, be supported by local authorities. Local authorities are able to reclaim grant from central Government subject to a maximum of £140 per week for single adults and £240 per week for families.

Mr. Lidington: To ask the Secretary of State for the Home Department what is the current average cost to public funds of an asylum seeker resident *(a)* in a detention centre and *(b)* in the community. [107836]

Mrs. Roche: The unit cost of accommodating a single asylum seeker in a detention centre is currently £1,300 per week. It is not possible to give an average cost for accommodating an asylum seeker in the community. Currently, asylum seekers may be supported in one of two ways. Those who are port applicants are eligible for income support and housing benefit. Those who are in-country applicants may, if they would otherwise be destitute, be supported by local authorities. The Home Office will make grant available to enable local authorities to reclaim the costs of supporting asylum seekers. For this financial year reimbursement of £140 per week per single adult will be available.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his estimate of the average cost to public funds of supporting an asylum seeker under the voucher scheme to be introduced on 1 April; and what is the current average cost of supporting an asylum seeker who is *(a)* in receipt of social security benefits and *(b)* in receipt of support under the interim scheme. [107835]

Mrs. Roche: The information is not available in the form requested. Single adult asylum seekers who are eligible for social security benefits currently receive income support set at 90 per cent. of the equivalent income support level. They are also eligible for housing benefit which is broadly set at the average rent for the area in question.

Asylum seekers who are being supported under the interim scheme are supported by local authorities. We do not yet have information from local authorities on the costs they are incurring in this financial year. But local authorities are able to reclaim grant from central government at the rate of £140 per week for single adults and £240 per week for families.

The National Asylum Support Service will be operating to similar unit cost targets.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his estimate now of the number of additional staff which his Department will need to complement and administer the voucher support scheme and the accommodation scheme for asylum seekers, which are due to be introduced on 1 April. [107833]

Mrs. Roche: It is envisaged that the new National Asylum Support Service (which will be located within the Home Office), will have 512 full-time equivalent staff.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his current estimate of the start-up costs and the annual running costs of administering *(a)* the voucher support scheme and *(b)* the accommodation scheme due to be introduced on 1 April. [107834]

Mrs. Roche: As I announced in my reply to my hon. Friend the Member for Warrington, South (Ms Southworth), of 19 January 2000, *Official Report*, column 452W, a contract has been awarded to Sodexho Pass International to administer the voucher scheme. The administrative costs associated with the running of this scheme are commercially confidential. No contracts have yet been awarded to accommodation providers.

Immigration

Mr. Lidington: To ask the Secretary of State for the Home Department if he will publish an updated version of the figures provided in the Annex to the White Paper "Fairer, Faster and Firmer" showing in respect of each indicator *(a)* the actual out-turn for 1998–99 and *(b)* the projected out-turn for 1999–00. [107780]

Mrs. Roche: The information requested is in the table:

	Actual Out-turn 1998–99	*Projected Out-turn 1999–2000*
Immigration and Nationality Directorate Budget	£209m	[1]c.£800m
Passengers arriving	85m	89.1m
Asylum decisions	27,000	[2]c.38.000
After Entry Decisions	180,000	200,000
Removals of failed Asylum Seekers	7,070	8,400
Nationality Decisions	58,300	60,000
Cost of Immigration Appellate Authority	£14m	£16.7m
Appeals disposals	[3]39,700	[3]22,100
Cost of Entry Clearance Operation	£67.6m	[4]—
Visa/Entry Clearance Applications	1.5m (1998)	[4]—
Asylum Seekers Support	£470m	[5]—

[1] 1999–2000 budget includes estimated asylum support costs and costs of administration of support. Asylum support costs depend on numbers of new asylum claims and other variables.
[2] About 250 new asylum decision makers will complete training by March 2000 and will substantially increase the numbers of decisions made each week, but it is not possible to estimate output precisely.
[3] Adjudicator appeals only
[4] Not available
[5] Included above

Mr. Lidington: To ask the Secretary of State for the Home Department how many after-entry, non-asylum decisions have been taken since 31 March 1999. [107776]

Mrs. Roche: The number of after-entry non-asylum decisions, excluding those in respect of European Economic Area cases, taken in the period April to December 1999 was 174,000. This included cases dealt with by the Public Caller Unit which did not involve a decision such as return of passports, and the transfer of conditions from old to a new passport.

Mr. Lidington: To ask the Secretary of State for the Home Department on how many occasions since 31 March 1999 non-EEA passengers have had to wait for more than 30 minutes at Immigration control. [107768]

Mrs. Roche: Between 1 April 1999 and 31 December 1999, there were 2,148 occasions when non-European Economic Area passengers had to wait for more than 30 minutes at the Immigration control.

Mr. Lidington: To ask the Secretary of State for the Home Department how many non-asylum offenders have been removed since 31 March 1999. [107775]

Mrs. Roche: The number of non-asylum immigration offenders removed from the United Kingdom between 1 April 1999 and 31 December 1999 was 2,800. This figure is provisional.

Mr. Lidington: To ask the Secretary of State for the Home Department what was the unit cost of after-entry asylum, nationality and enforcement casework in

(a) 1997–98, *(b)* 1998–99 and *(c)* currently; and if he will express these figures in both cash and real terms. [107765]

Mrs. Roche: The information requested is in the table:

Unit cost of casework

£

	After entry	Asylum	Nationality	Enforcement (illegal entry)
(a) 1997–98				
Cash	51.62	368.73	61.86	670.27
Real terms	54.24	387.40	65.00	704.20
(b) 1998–99				
Cash	55.49	396.36	66.50	720.49
Real terms	56.88	406.27	68.16	738.51
(c) 1999–2000				
Cash/real terms	53.70	383.58	64.36	697.26

The unit costs of the different types of case have been derived by applying weightings to the basic unit cost of weighted output. As such they are an approximation. The unit costs exclude some overheads and also any productivity-related payments that may be due to Siemens Business Services, Immigration and Nationality Directorate's Private Finance Initiative partner. Unit costs have been stated in cash terms and at 1999–2000 prices.

Mr. Lidington: To ask the Secretary of State for the Home Department what was the unit cost of immigration port checks in both cash and real terms in *(a)* 1997–98, *(b)* 1998–99 and *(c)* currently. [107766]

Mrs. Roche: The information requested for 1998–99 and 1999–2000 is set out in the table. Comparative figures are not available for 1997–98.

£

	Real terms	Cash terms
1998–99		
Comparative baseline	5.68	5.68
1999–2000		
Target (Home Office Business Plan)	5.43	5.55
Latest forecast	5.27	5.39

Mr. Lidington: To ask the Secretary of State for the Home Department (1) what percentage of detailed non-asylum immigration examinations have culminated in refusal during the financial year 1997–2000; [107769]

(2) what percentage of non-asylum immigration referrals have culminated in refusals in the financial year 1999–2000 to date; [107770]

Mrs. Roche: The available information relates to the percentage of detailed examinations in non-asylum cases carried out at ports which resulted in the passenger being refused leave to enter. This was 63 per cent. over the period April to December 1999.

Mr. Lidington: To ask the Secretary of State for the Home Department what percentage of appealed immigration and asylum decisions have been upheld by the appeal authorities during the financial year 1999–2000 to date. [107771]

Mrs. Roche: The available information is given in the table.

Outcome of Adjudicator and Tribunal appeals[1]

Percentage

	Allowed	Dismissed	Withdrawn
Adjudicator appeals[2]	22	74	4
Tribunal (appeal lodged by the appellant)[3]	12	61	27
Tribunal (appeal lodged by the Secretary of State)[3]	34	65	1

[1] Provisional figures
[2] Covers the period October to December 1999
[3] Covers the period November to December 1999

Enforcement Removal Costs

Mr. Lidington: To ask the Secretary of State for the Home Department what is his target for the unit cost of an enforcement removal; and what is the current actual unit cost. [107773]

Mrs. Roche: A target for the unit cost of an enforcement removal has not yet been established. However, work is continuing to enable actual costs to be ascertained.

Immigration and Nationality Directorate

Mr. Lidington: To ask the Secretary of State for the Home Department how many projects has the Immigration and Nationality Directorate initiated against organised crime during 1999–2000 to date; and what proportion of all such projects commenced by the Directorate are now being completed within 12 months. [107782]

Mrs. Roche: The Immigration Service is currently conducting 27 projects against organised crime, six of which have been initiated since April 1999. It is anticipated that 40 per cent. of all such projects will reach conclusion within 12 months.

Mr. Lidington: To ask the Secretary of State for the Home Department how many cases of marriage abuse, unscrupulous representatives or illegal employment the Immigration and Nationality Directorate has prepared for prosecution so far during 1999–2000. [107774]

Mrs. Roche: Since April 1999, the Immigration Service has prepared 229 cases for possible prosecution and passed them to the Crown Prosecution Service for consideration. Of the total, 180 cases were prepared against facilitators and 49 involved other forms of abuse of the immigration law. Information is not held centrally that would enable us to break down these figures further.

Airline Liaison Officers

Mr. Lidington: To ask the Secretary of State for the Home Department how many airline liaison officers are now in post. [107767]

Mrs. Roche: On 31 January, a total of 18 airline liaison officers were in post. By March we anticipate that the network will have expanded to a total of 20 posts.

Enforcement Operations

Mr. Lidington: To ask the Secretary of State for the Home Department how many major and medium enforcement operations the Immigration and Nationality Directorate has initiated so far during the year 1999–2000. [107764]

Mrs. Roche: Since April 1999, 17 upper tier and 55 middle tier operations have been carried out by the Immigration Service. (Major and medium enforcement operations are now referred to as upper and middle tier operations).

Citizenship (Waiting Times)

Mr. Lidington: To ask the Secretary of State for the Home Department what is the current average waiting time for a decision on an application for British citizenship. [107777]

Mrs. Roche: The average waiting time for applications decided in December 1999 was 19 months.

Driving Licences

Mr. Dismore: To ask the Secretary of State for the Home Department what assistance his Department offers to applicants for driving licences whose identification documents are *(a)* held by or *(b)* have not been issued by Immigration and Nationality Department ; and if he will make a statement. [106681]

Mrs. Roche: Where a request is made for the return of an applicant's identity documents for identification purposes, including applying for a driving licence, arrangements are made to return the documents as soon as possible, usually within five working days.

Asylum seekers who have no formal immigration status here and require their identity documents, for example, for obtaining a driving licence from the Driving and Vehicle Licensing Authority (DVLA), have hitherto been asked to send them back within 48 hours. However, as the DVLA are unable to process their applications within this timescale, this requirement has now been relaxed.

Where asylum seekers have no identity documents they are issued with a Standard Acknowledgement Letter (SAL) which confirms that an asylum application has been made and bears the holder's photograph. However, this document is only an acknowledgement that they have an outstanding asylum claim. We understand that the DVLA do not accept this document as a proof of identity but we are not able to issue any form of identity documents unless and until the asylum application has been favourably determined.

Mike Tyson

Mr. Baker: To ask the Secretary of State for the Home Department what account he took of the impact on BSkyB in making his decision on whether to allow Mr. Mike Tyson into the UK. [106652]

Mr. Straw: In reaching my decision to admit Mr. Tyson one of the factors which weighed most heavily with me was the lack of consistency in the application of this Immigration Rule, as well as the likely effect of cancellation of the fight on those who had already purchased tickets and smaller enterprises and individuals who were probably least able to beat any losses. The situation of the latter had been drawn to my attention in the representations submitted by Mr. Frank Warren, the promoter of the event, who also referred to the investment in the promotion by television networks including "Showtime" in the United States of America and "BSkyB" in this country. Although I considered these factors I did not regard them as relevant to the decision I took.

TREASURY

Rural Banking Services

Mr. Paul Marsden: To ask the Chancellor of the Exchequer if he will investigate the impact on rural communities of the change in the number of rural branches of banks in the last five years; and if he will make a statement. [107250]

Miss Melanie Johnson: The recent Treasury Policy Action Team (PAT 14) report on "Access to Financial Services" found that the relationship between bank branch closures and financial exclusion is far from straightforward. The general theme of the report is that tackling financial exclusion requires the development of new products and new ways to access them. Different techniques may suit different circumstances. These may help financially excluded people across the whole community, not just in deprived neighbourhoods.

Cancer Statistics

Mr. Maclean: To ask the Chancellor of the Exchequer what *(a)* number and *(b)* percentage of the population suffered the most prevalent forms of cancer in (i) 1970 and (ii) 1998, indicating the proportion of each group who were likely to make a recovery in each of those years. [107487]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. David Maclean, dated 31 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on the number and percentage of the population suffering from prevalent forms of cancer.

The number and rate of new cases of cancer registered in 1971 and 1996 are given in the table for the major forms of cancer (those with more than 1,000 cases). These years are the earliest and latest dates for which national data are available for cases diagnosed in England and Wales. Figures are not available on patients recovering. However, figures are available on five-year relative survival. The table provides data for patients diagnosed in 1971–75 and 1986–90 in England and Wales.

New cases of cancer, major sites by sex, 1971 and 1996 (provisional estimates) and five-year relative survival for patients diagnosed in 1971–75 and 1986–90, England and Wales

Site	1971 Number[1]	1971 Rate per 100,000[2]	1971 Five-year survival (%) 1971–75	1996 Number[1]	1996 Rate per 100,000[2]	1996 Five-year survival (%) 1986–90
Males						
Bladder	5,359	23.6	44	8,510	29.5	62
Brain	1,360	5.8	7	1,910	7.3	13
Colon	5,158	23.3	22	8,850	30.8	38
Kidney	1,334	5.8	28	3,060	11.1	38
Larynx	1,289	5.5	57	1,550	5.7	63
Leukaemias	2,114	9.2	12	2,860	10.3	24
Lung	25,601	108.3	4	22,300	77.2	5
Malignant melanoma	372	1.7	46	1,850	6.9	68
Multiple myeloma	669	2.9	10	1,550	5.4	17
Non-Hodgkin's lymphoma[3]	1,190	5.2	27	3,870	14.6	41
Oesophagus	1,727	7.7	3	3,540	12.6	5
Pancreas	2,649	11.7	2	2,780	9.8	2
Prostate	6,174	29.0	31	18,900	63.5	41
Rectum	4,462	19.8	25	6,180	22.0	36
Stomach	7,301	31.9	4	5,910	20.4	9
Testis	649	2.8	69	1,490	5.5	90
Females						
Bladder	1,890	5.7	42	3,320	8.1	57
Brain	989	3.8	9	1,560	5.2	15
Breast	18,758	66.9	52	31,200	101.4	66
Cervix	4,089	15.9	52	2,600	8.9	61
Colon	7,160	21.9	23	9,830	24.0	39
Kidney	876	2.9	28	1,860	5.4	35
Leukaemias	1,653	5.5	13	2,490	6.9	26
Lung	5,743	19.1	4	12,700	35.1	5
Malignant melanoma	783	3.1	65	2,540	8.4	82
Multiple myeloma	672	2.1	11	1,350	3.4	19
Non-Hodgkin's lymphoma[3]	1,043	3.5	31	3,294	9.8	45
Oesophagus	1,406	4.2	5	2,510	5.9	8
Ovary	4,093	14.5	21	5,720	18.0	28
Pancreas	2,314	6.9	2	3,190	7.7	2
Rectum	3,616	11.1	27	4,610	12.2	39
Stomach	5,180	15.1	5	3,220	7.4	11
Uterus	3,462	11.8	61	4,000	12.4	70

[1] Number of newly diagnosed cases.
[2] Directly age-standardised to the European standard population.
[3] Latest available data for Non-Hodgkin's lymphoma are for 1994.

Employment Statistics

Mr. Wigley: To ask the Chancellor of the Exchequer how many claimant-count unemployed people left the UK workforce in order to secure work in other countries during the most recent year for which figures are available. [107231]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Dafydd Wigley, dated 31 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on the number of claimant-count unemployed people who left the UK workforce in order to secure work in other countries.

The information requested is not available.

Mr. Wigley: To ask the Chancellor of the Exchequer what are the most recent figures for the total number of people in employment and self-employment, as a proportion of the working age population, in *(a)* England, *(b)* Northern Ireland, *(c)* Scotland and *(d)* Wales. [107227]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Dafydd Wigley, dated 31 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on proportions of working age people in employment.

The latest available estimates from the Labour Force Survey (LFS), the main source of labour market data on individuals, for September to November 1999 are: England 75.0 per cent., Wales 69.4 per cent., Scotland 71.8 per cent. These estimates are seasonally adjusted. The available estimate for Northern Ireland is 67.0 per cent. (not seasonally adjusted). These estimates appear in the Labour Market Statistics First Release issued on 19 January.

Employment rates express the total in employment as a percentage of all of working age, in each country. Working age is defined as men aged 16–64 and women aged 16–59.

People aged 16 or over are classed as in employment by the LFS if they have done at least one hour of paid work (as an employee or self-employed) in the week prior to their LFS interview or if they have a job from which they are temporarily away. People who do unpaid work in a family business and people on Government-supported training and employment programmes are also included according to the International Labour Organisation convention.

Unemployment Statistics (Shropshire)

Mr. Paul Marsden: To ask the Chancellor of the Exchequer if he will list, for each year since 1979 to date, the number of *(a)* long-term unemployed, *(b)* young unemployed and *(c)* total unemployed in Shrewsbury and Atcham; and if he will make a statement. [107258]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Paul Marsden, dated 31 January 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on the number of unemployed in Shrewsbury and Atcham.

The ONS publishes a monthly count of claimants of unemployment-related benefits. The claimant count consists of all people claiming Jobseeker's Allowance or National Insurance credits at Employment Service local offices. They must declare that they are out of work, capable of, available for and actively seeking work during the week in which the claim is made.

The information requested can be obtained from the Nomis database at the House of Commons Library.

Information on the claimant count by parliamentary constituency is available monthly from June 1983. Information on the claimant count by age and duration for computerised claims only is available monthly from June 1985. Both are on the unadjusted basis only.

Customs and Excise

Mr. Steen: To ask the Chancellor of the Exchequer what assessment he has made of the impact on drug prevention measures of the proposed reduction of Her Majesty's Customs and Excise cover in the South West; and if he will make a statement. [107544]

Dawn Primarolo: Customs are carrying out a review to ensure that we are making the best use of our resources to target the highest priorities and risks. This work has not yet been completed and no decisions have been made.

VAT

Mr. Burstow: To ask the Chancellor of the Exchequer which disability products and services are exempt from VAT. [107515]

Dawn Primarolo: There is a specific VAT exemption for welfare services and associated goods supplied other than for profit to disabled people by charities and public bodies.

In addition there is a wide range of VAT zero-rates for goods and services supplied to disabled people. VAT Notice 701/7 "VAT reliefs for people with disabilities" contains details and is available from the Library.

Computers

Mr. Burstow: To ask the Chancellor of the Exchequer on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106225]

Miss Melanie Johnson: There was one instance of unauthorised external use of a mail gateway in October 1999, but there have been no recorded instances of illegal access to Treasury computer systems at any other time.

Mr. Burstow: To ask the Chancellor of the Exchequer how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106221]

Miss Melanie Johnson: There has been one instance of unauthorised external use of an email gateway (in October 1999), but there are no further recorded instances of fraudulent use of Treasury systems in any of the last five years.

There have been some cases of thefts of computer equipment as follows:

Year	*Amount*
1995	3
1996	6
1997	9
1998	1
1999	4

Barnett Formula

Mr. Wigley: To ask the Chancellor of the Exchequer if he will seek to alter the operation of the Barnett Formula to recognise the increased needs for public expenditure in Wales, Scotland or Northern Ireland. [107068]

Mr. Andrew Smith: The Government's policy is set out in the White Paper, "A Voice for Wales", copies of which have been placed in the Library.

VAT (House Repairs and Refurbishment)

Mr. Curry: To ask the Chancellor of the Exchequer if he will estimate the level of a uniform rate of VAT on development on previously underdeveloped sites and on house repair and refurbishment which would generate the same level of VAT income as the present VAT regime. [107278]

Dawn Primarolo: Based on existing pattern of activity in new build, repairs and refurbishment, a uniform 10 per cent. VAT rate on development of previously undeveloped sites and on house repair and refurbishment would generate approximately the same level of VAT income as the present VAT regime.

Alcohol and Tobacco

Mr. Maclean: To ask the Chancellor of the Exchequer if he will estimate the current *(a)* extent and *(b)* loss to the Exchequer as a result of (i) tobacco smuggling and (ii) alcohol smuggling. [107496]

Dawn Primarolo: I refer the right hon. Member to the answer I gave my hon. Friend the Member for Preseli Pembrokeshire (Mrs. Lawrence) on 26 November 1999, *Official Report*, columns 254–55W.

Liquid Petroleum Gas

Mr. McWalter: To ask the Chancellor of the Exchequer what assessment he has made of the impact of the fuel price escalator on those households whose principal fuel is liquid petroleum gas. [107355]

Mr. Timms: No such assessment is needed. Liquid petroleum gas used for domestic purposes is not subject to any excise duty.

Salary Payments (28-day Month)

Mr. Maclean: To ask the Chancellor of the Exchequer (1) what data he has collated on the number of individuals who are paid on a 28 day month basis; and what assessment he has made of their income tax liability in those years when they receive 14 payments? [R] [107532]

(2) what representations he has received from taxpayers who may receive 14 monthly pay packets in a particular year. [R] [107501]

Dawn Primarolo: The interval at which employees are paid is a matter for businesses to decide. No one pays more tax on their earnings than is due in law as a result of having an extra pay day in a year.

Drugs

Mr. Flynn: To ask the Chancellor of the Exchequer what was the total number of death certificates issued in Wales in each of the past 10 years that mentioned *(a)* heroin, *(b)* methadone, *(c)* ecstasy, *(d)* paracetamol and *(e)* alcohol. [106189]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Paul Flynn, dated 31 January 2000

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question asking what was the total number of death certificates issued in Wales in each of the past 10 years that mentioned (a) heroin, (b) methadone, (c) ecstasy, (d) paracetamol and (e) alcohol.

Information is available for usual residents of Wales, rather than for deaths occurring in Wales.

The information requested in parts (a) to (d) of the question can only be supplied from 1993 onwards when text from the death certificate was first stored electronically. This enables named drugs to be identified. The ONS has constructed a database of deaths where the underlying cause of death was drug-related. Table [1] shows the numbers of deaths on this database where the substances named in (a) to (d) were mentioned on the death certificate. Some deaths may be counted more than once, for example if heroin and methadone are both recorded on the death certificate.

It is not possible to identify all deaths with a mention of alcohol from the ONS drug-related database. The ONS does, however, have a standard list of underlying causes of death regarded as being attributable to alcohol and alcohol-related illness. Figures for these deaths are presented in Table [2].

Table [1]: Drug-related deaths[1] for usual residents of Wales, 1993–97

Year	Heroin and Diamorphine	Heroin and Morphine[2]	MDMA/Ecstasy	Paracetamol[3]	Methadone
1993	2	4	0	15	5
1994	2	7	2	19	9
1995	1	14	0	39	19
1996	5	13	2	21	19
1997	5	12	1	32	21

[1] Deaths with underlying cause codes 292, 304, 305.2–305.9, E850-E858, E950.0-E950.5, E962.0 and E980.0-E980.5 using the International Classification of Diseases, Ninth Revision, where the named substance was mentioned on the death certificate.
[2] Combined figures are presented for heroin and morphine as the latter may be detected at post-mortem following the breakdown of heroin in the body.
[3] Includes deaths where paracetamol or any compounds containing paracetamol, such as co-proxamol, are mentioned on the death certificate.

Table [2]: Alcohol-related deaths[1] for usual residents of Wales, 1989–98

Year	Number
1998	305
1997	295
1996	294
1995	289
1994	244
1993	240
1992	213
1991	233
1990	234
1989	201

[1] Underlying cause of death codes 303, 305.0, 291, 425.5, 571 and N980, using the International Classification of Diseases, Ninth Revision.

Endowment Policies Mis-selling

Mr. Cohen: To ask the Chancellor of the Exchequer what recent representations he has received about the mis-selling of endowment policies; what remedies are available to holders of endowment policies which do not realise sufficient capital on maturity to meet the mortgage repayment commitment; and if he will make a statement. [107128]

Miss Melanie Johnson: The advice and selling of endowment policies is fully regulated by the Financial Services Authority (FSA). On 21 December, FSA announced the conclusions of recent work on endowments. FSA concluded that on average holders of mortgage endowments have enjoyed returns which mean they have fared at least as well as they would have done with a repayment mortgage, and that there were no grounds for an industry-wide review of all past business. However, targeted visits to product provider and independent financial adviser firms show current selling practices to be poor. As part of its normal regulatory activities, the FSA will make follow-up visits to check for marked improvements in sales practices by the end of 2000. The FSA will not hesitate to take disciplinary action where appropriate if standards remain poor.

For investment business, including the sale of endowment policies, a redress mechanism has been established under the Financial Services Act 1986. Advisers and sellers of financial products, including endowment policies, are obliged to follow rules established under the Act which are designed to protect the financial interests of investors. The rules focus on giving best advice and assessing the suitability of proposed products to the investor's circumstances. An

endowment policy holder with a loss resulting from non-compliance with these rules can complain to the firm involved. If the firm cannot settle the complaint, the Personal Investment Authority Ombudsman has the power to require firms to pay compensation in appropriate cases.

NORTHERN IRELAND

RUC School Visits

Mr. McNamara: To ask the Secretary of State for Northern Ireland what guidelines are given to the police on the carrying of weapons on visits to school premises. [105456]

Mr. Ingram *[holding answer 17 January 2000]:* Police officers agree with the school whether or not officers visit in civilian dress or police uniform. During this visit, officers are advised not to overtly wear firearms.

Post Offices

Mr. Jack: To ask the Secretary of State for Northern Ireland what proposals are being considered by his Department to help sustain and develop the viability of rural and urban sub-post offices. [105856]

Mr. George Howarth *[holding answer 18 January 2000]:* I refer the right hon. Member to the reply given to him by my hon. Friend the Member for Hull, West and Hessle (Mr. Johnson) on Thursday 20 January 2000, *Official Report*, columns 519–20W.

Parades Commission

Mr. William Ross: To ask the Secretary of State for Northern Ireland what has been the cost of the Parades Commission in each year since its establishment and in the current year to the latest available date; and under which principal headings expenditure has been incurred. [106106]

Mr. Ingram *[holding answer 20 January 2000]:* The total cost of the Parades Commission in the financial year 1997–98 was £613,000, and in 1998–99, the Commission's first full year, the total cost was £1.066 million, (in response to a question from Mr. Ross in September 1999 the total for 1998–99 was given as £1.064 million. This figure was incorrect and was due to rounding of figures presented in a different manner in the Annual Report.) The expenditure to December 1999, the last date available, was £697,000. The expenditure was broken down in the following categories: Pay; General Administrative Expenditure; Inter-Departmental Charges; Programme Expenditure; and Capital Expenditure.

£

	1997–98	*1998–99*	*1999–2000*
Pay	124,000	208,000	185,000
GAE	57,000	62,000	39,000
IDCs	—	34,000	35,000
Program	410,000	760,000	432,000
Capital	22,000	2,000	6,000
Total	613,000	1,066,000	697,000

Computers

Mr. Burstow: To ask the Secretary of State for Northern Ireland how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106215]

Mr. Ingram: There have been no recorded incidents of fraud in the Department. On two occasions a theft of a laptop was reported.

Mr. Burstow: To ask the Secretary of State for Northern Ireland on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106231]

Mr. Ingram: There have been no known incidents of illegal accesses by computer hackers of NIO systems within or from outside the Department.

TransTec

Mr. Heathcoat-Amory: To ask the Secretary of State for Northern Ireland if he will list the Government grants or loans received by TransTec plc or its subsidiaries for use in Northern Ireland since 1991. [107633]

Mr. Mandelson: Responsibility for this matter has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Northern Ireland Police Authority

Sir Brian Mawhinney: To ask the Secretary of State for Northern Ireland if he will list the occasions on which vehicles which were being used officially by executive or non-executive members of the Northern Ireland Police Authority were involved in road collisions or otherwise damaged in the past three years; and in each case if he will give *(a)* the circumstances in which the damage occurred, *(b)* who was determined to be legally responsible and *(c)* who paid for the damage. [103568]

Mr. Ingram *[holding answer 20 December 1999]:* Executive members of the Police Authority involved in a road traffic accident are required to report any damage to police fleet vehicles in accordance with internal standing orders. The Authority has no knowledge of any damage to police fleet vehicles being recorded in the past three years.

The Police Authority has no knowledge of any member of the Authority driving or being required to drive a police vehicle, officially or otherwise during the past three years.

Sir Brian Mawhinney: To ask the Secretary of State for Northern Ireland which executive and non-executive members of the Northern Ireland Police Authority have held authorised fuel charge cards at any time in the past three years; and, in each case, how much has been charged to each card. [103567]

Mr. Ingram *[holding answer 20 December 1999]:* Over the last three years a total of six fuel charge cards have been used within the Police Authority for Northern Ireland. These charge cards have not been issued to individual Executive or Non-Executive members of the

Authority, but rather have been issued to two functional branches within the Authority's Transport Services Division.

During the period February 1997 to November 1999, 3,525 litres of fuel have been charged to the six fuel cards.

HEALTH

NHS Pension Scheme

Mr. Cousins: To ask the Secretary of State for Health what proportion of members of the NHS pension scheme had qualifying survivor partners on their death in each of the last five years, broken down by members who died in service, members who died during deferral, and pensioner members. [104269]

Mr. Denham: Responsibility for this matter has been delegated to the NHS Pensions Agency under its Chief Executive, Mr. A. F. Cowan. I have asked him to reply to my hon. Friend.

Letter from A. F. Cowan to Mr. Jim Cousins, dated 31 January 2000:

The Secretary of State has asked me to reply to your recent Parliamentary Question regarding the proportion of members of the NHS Pension Scheme who had qualifying survivor partners on their death as it falls within my area of responsibility.

The NHS Pension Scheme only pays survivor benefits to legal spouses or dependant children. Widower's benefits were only generally available from 6 April 1988.

Unfortunately the Agency's current systems do not allow me to provide the proportion of members who died in service, or during deferral, and had qualifying partners on their death.

The information in respect of pensioner members is as follows:

Year	*Proportion of pensioner members with qualifying survivor partners on their death (%)*
1995	30
1996	30
1997	29
1998	28
1999	27

The Government Actuary's last report, covering the period from 1989–1994, assumed an average 50% of pensioner members would have qualifying partner survivors.

The difference between the actuarial assumption and the experience over the last 5 years is due to the high proportion of women represented in the number of pensioner deaths whose husbands pre-deceased them or were not entitled to widower's pensions.

Neurology Treatment

Mr. Bob Russell: To ask the Secretary of State for Health what plans he has to recruit more neurologists and neurology specialist nurses; and if he will make a statement. [104580]

Mr. Denham: At local level, it is for National Health Service trusts and health authorities, who are accountable for the quality of the services they provide, to determine how their services are configured and delivered, in the light of local circumstances, in order to provide quality services to patients. This includes deciding on the number and grades of posts in neurology in their locality.

Extra money has been made available to enable the NHS to take on up to 7,000 doctors and 15,000 more nurses by March 2002. The precise increases between specialties in the Hospital and Community Health Services and the General Medical Services will depend on the recruitment choices of NHS trusts and health authorities locally.

From the Department of Health Medical and Dental Workforce on 30 September 1998, there were around 300 consultants in neurology. Currently, there are sufficient higher specialist trainees in the speciality for there to be around 100 extra qualifying for consultant posts by 2006.

Health Authority Mergers

Mr. Dobbin: To ask the Secretary of State for Health what proposals he has for health authority mergers. [105507]

Mr. Denham: There has been only one health authority merger since May 1997 when North West Anglia, East Norfolk and Cambridge and Huntingdon Health Authorities merged to become Norfolk and Cambridge Health Authorities on 1 April 1999.

There are no current plans for further health authority mergers, and any future proposals will be subject to full local consultation and will be based on the needs of the NHS and its patients. We will need to have clear evidence that any plans will deliver real health, service and clinical benefits.

Thalassaemia

Ms Oona King: To ask the Secretary of State for Health what plans he has to raise awareness amongst health professionals of sickle cell and thalassaemia; and what training health professionals receive on this subject. [106196]

Mr. Denham: The Department is considering a proposal from the Haemoglobinopathy Societies to launch a campaign to raise awareness of sickle cell and thalassaemia, principally among black and minority ethnic groups.

Responsibility for the content and standards of medical education is shared between the regulatory bodies (e.g. The General Medical Council and Specialist Training Authority), professional bodies (notably the medical Royal Colleges) and universities. It is neither practicable nor desirable for the Government to prescribe the exact training that any individual doctor will receive.

All general practitioners currently receive appropriate training to help them meet the needs of their patients. A modernised system will be introduced early next year which will ensure that all new trainee general practitioners receive an educational needs assessment. This will enable a range of appropriate training to be better tailored and targeted.

The National Boards for Nursing, Midwifery and Health Visiting approve courses enabling registration with the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (UKCC). As part of the training programme the UKCC ensures that participants recognise common factors that adversely affect the physical, mental and social well-being of patients and take appropriate action. The English National Board approves a post-registration study programme, "The Care and Management of Adults and Children with Sickle Cell, Thalassaemia and Related Disorders (Haemoglobinopathies)" for nurses.

Ms Oona King: To ask the Secretary of State for Health how many people were treated in the NHS for sickle cell and thalassaemia in each of the last 10 years. [106199]

Mr. Denham: The table shows the number of finished consultant episodes in National Health Service hospitals in England for the years 1989–90 to 1997–98, where the main diagnosis was Thalassaemia or Sickle Cell Disorders.

	Sickle cell disorders	*Thalassaemia*	*Total*
1989–90	3,695	3,831	7,527
1990–91	4,010	4,018	8,028
1991–92	5,408	5,244	10,652
1992–93	6,344	6,508	12,853
1993–94	7,256	6,732	13,988
1994–95	7,349	6,944	14,293
1995–96	8,671	7,475	16,146
1996–97	9,221	7,680	16,902
1997–98	9,270	7,761	17,031
Total	61,224	56,193	117,420

Source:
Hospital Episode Statistics

These figures are for in-patient activity only. They include the regular transfusion treatment of thalassaemic patients, which takes place on a day case basis. They do not reflect the number of patients receiving treatment from general practitioners or as hospital outpatients as statistics on such activity are not collected.

Information Technology Projects

Dr. Brand: To ask the Secretary of State for Health if he will list the information technology projects that are being undertaken by his Department and agencies responsible to his Department, stating in each case *(a)* the start date, *(b)* the originally planned completion date, *(c)* the expected completion date, *(d)* the originally planned cost and *(e)* the estimated actual cost; and if he will make a statement. [106746]

Ms Stuart: The information requested is shown in the table.

Project name	*Start date*	*Planned competition date*	*Expected completion date*	*Planned cost (£000)*	*Estimated cost (£000)*
Computer Aided Facilities Management System	March 1999	October 1999	March 2000	98	107
Forms on the Departmental Intranet	December 1998	November 1999	August 2000	98	193
General Medical Services 99	April 1999	March 2000	February 2000	149	128
Management of Electronic Documents Strategy (Basic Module 1)	February 1999	March 2000	March 2000	218	213
Memphis on the Web	November 1998	July 1999	June 2000	60	98
Non-Executive Appointments System	July 1998	March 2000	April 2000	248	291
Computerisation of Medical Benefits System	April 1998	July 1999	May 2000	344	348
Personnel and Related Systems	July 1997	July 1998	January 2000	580	725
Regional Office Data Sharing Project	May 1997	April 1999	February 2000	160	183
Regional Office Historic Data Project	December 1998	March 2000	June 2000	235	249
Year 2000 Programme including Compliance and Business Continuity	October 1996	March 2000	March 2000	6,100	6,200
Foods Standards Agency (FSA) (IT Infrastructure)	May 1998	August 2000	November 2000	1,440	1,514
FSA (Payroll system set-up)	September 1999	April 2000	April 2000	108	96
FSA (Personnel System)	September 1999	April 2000	April 2000	108	95
FSA (Press Office System)	September 1999	March 2000	March 2000	102	71
FSA Financial and Research Management Systems	November 1998	April 2000	April 2000	1,134	1,134
Commissioning for Health Improvement	October 1999	April 2001	April 2001	1,496	1,496
Medical Devices Agency Integrated System for Information sharing	January 1999	January 2000	March 2000	159	189
National Health Service Pensions Agency five Yearly Scheme Validation Data Extract	December 1998	September 2000	September 2000	650	200
Medicines Control Agency (MCA) General Practice Research Database	September 1999	October 2000	October 2000	2,353	2,353
MCA Structured Cabling for IT/Telecoms	January 1999	December 1999	March 2000	378	378
Public Health Laboratory Service (PHLS) LabBase 2 Implementation	October 1999	August 2000	August 2000	1,200	1,200
PHLS CoSurv/lab-link deployment	June 1999	March 2000	March 2000	112	112
National Institute of Biological Standards and Control Replacement of Finance System	January 1999	August 1999	January 2000	116	115

There are many smaller projects where the total project costs are less than £100,000. A full list of these could be provided only at disproportionate cost.

NHS Direct

Mr. Ben Chapman: To ask the Secretary of State for Health if he will make a statement on progress in expanding NHS Direct nationwide and its extension to the Wirral. [106809]

Ms Stuart: The White paper "The New NHS; Modern, and Dependable" announced the Government's commitment to NHS Direct. At present, NHS Direct covers 65 per cent. of the population. By the end of October this year, the whole of England, including the Wirral, will be covered.

Wansbeck Hospital

Mr. Ronnie Campbell: To ask the Secretary of State for Health what is the current number of beds in the Wansbeck General Hospital; and what projections he has made of future bed numbers. [107155]

Mr. Denham: The Northumbria Healthcare National Health Service Trust has indicated that there are currently 308 beds at Wansbeck General Hospital. The trust is pursuing a private finance initiative solution to rationalise all beds at the Wansbeck General Hospital and Ashington Hospital on the Wansbeck site.

Dual X-ray Absorptiometry

Mr. Austin: To ask the Secretary of State for Health (1) which health authorities and primary care groups are purchasing bone density measurements by means of dual X-ray absorptiometry for particular clinical indications, as advised in NHS EL (96) 110; [107440]

(2) what assessment he has made of the efficiency and availability of current provision of dual X-ray absorptiometry; [107441]

(3) what assessment he has made of the average number of operating hours dual X-ray absorptiometry equipment is in use per week by providers; and what assessment he has made of the hours that they are in use for *(a)* research and *(b)* NHS purposes; [107442]

(4) what assessment he has made of the availability of full diagnostic osteoporosis services in each health authority in England. [107443]

Mr. Denham *[holding answer 28 January 2000]:* Information on the number of health authorities and primary care groups purchasing bone density measurements by means of dual X-ray absorptiometry (DXA) for particular clinical indications is not held centrally.

No central assessment has been made of the number of operating hours for DXA equipment per week or the hours they are used for research and National Health Service purposes. Neither has there been any assessment of the efficiency and availability of DXA provision or the availability of full diagnostic osteoporosis services in each health authority.

However the Department asked the National Osteoporosis Society to conduct a survey of all units with access to DXA equipment. The results of which were published in an article in the Journal of the Royal Society of Medicine Vol.93 January 2000, copies of which are available in the Library.

The launch of the Osteoporosis Strategy in June 1998 at the Sixth Bath Conference has provided evidence-based clinical guidelines for the treatment and prevention of osteoporosis. These should provide the basis for health authorities wishing to develop local strategies. It is however for local health authorities to decide what services to provide taking into account resources available and the needs of the local population.

Pay Rises

Mr. Austin: To ask the Secretary of State for Health how many NHS staff will benefit from the 26 per cent. pay rise awarded to scientific staff. [107667]

Mr. Denham: There are an estimated 750 trainee Medical Laboratory Scientific Officers who will benefit from the 26 per cent. pay offer for 1999–2000.

Wheelchairs

Mr. Burstow: To ask the Secretary of State for Health (1) what assessment he has made of the powered wheel chairs voucher scheme and the level of take-up in each year of its operation since 1996; [107516]

(2) if he will make it his policy to extend the ring fencing of funding for the powered chairs voucher scheme for a further year; [107514]

(3) when he will announce his conclusions in respect of the report by the York Health Economics Unit, Evaluation of the Voucher and Outdoor Wheelchair Scheme. [107517]

Mr. Hutton: The York Health Economics Consortium prepared an evaluation study of the implementation and operation of the National Health Service powered indoor/outdoor wheelchair scheme and the wheelchair voucher scheme. When I have completed my consideration of the recommendations contained in their report I shall announce my conclusions about the future of the two schemes.

1,158 powered indoor/outdoor wheelchairs were issued in 1996–97, 4,581 in 1997–98 and 4,033 in 1998–99. Data for the wheelchair voucher scheme are only held from 1997–98. 660 vouchers were issued in 1997–98 and 5,010 were issued in 1998–99.

Mersey Region Health Trusts

Mr. Field: To ask the Secretary of State for Health how many health trusts in the Mersey Region were in deficit in the last financial year. [107453]

Mr. Denham: No National Health Service trusts in the Merseyside and Cheshire area were in deficit in the last financial year, 1998–99.

NHS Drugs Procurement

Mr. Flynn: To ask the Secretary of State for Health what proposals he has to secure better value in NHS drugs procurement. [106190]

Ms Stuart: Branded medicines supplied to the National Health Service throughout the United Kingdom are covered by the Pharmaceutical Price Regulation Scheme (PPRS). The PPRS includes a 4.5 per cent. reduction in the price of branded medicines from October 1999. Thereafter, the only changes permitted until 1 January 2001 are cost-neutral modulations, with strict controls on price increases after that date. The Health Act 1999 includes reserve powers to deal with companies which elect not to be scheme members or cease to be scheme members. Regulations have just been laid to ensure that the prices of medicines supplied by companies outside the voluntary scheme may be controlled, and the price reduction implemented where appropriate. At the same time the PPRS contains incentives to companies to develop new medicines, and allowances for the cost of research and development.

Generic medicines are not covered by the PPRS. We have commissioned a fundamental review of arrangements for the supply of generic medicines to the NHS in England to examine whether existing arrangements best serve the health service and to identify possible alternatives. The conclusions of the programme of work are expected in the summer.

The NHS Supplies Authority plays a part in the procurement of medicines for hospitals. The NHS Purchasing and Supply Agency will be set up from 1 April to improve the efficiency and effectiveness of purchasing in the NHS in England.

Mr. Flynn: To ask the Secretary of State for Health what plans he has to ensure that the NHS drugs bill will not be increased as a result of the merger of Glaxo Wellcome and SmithKline Beecham. [106188]

Ms Stuart: The Director General of Fair Trading will consult interested parties about the proposed merger and will advise the Department of Trade in due course. His advice will take account of any comments from this Department on issues such as any effect of the proposed merger on price and availability of medicines and competition among health service suppliers.

Mr. Flynn: To ask the Secretary of State for Health what proportion of NHS expenditure in each of the past 10 years was on drugs. [106191]

Ms Stuart: The information requested is provided in the table.

Total NHS drugs bill as a percentage of total NHS expenditure

Year	*Percentage*
1988–89	10.8
1989–90	11.1
1990–91	10.7
1991–92	10.9
1992–93	11.2
1993–94	11.8
1994–95	12.1
1995–96	12.7
1996–97	13.3
1997–98	13.7
1998–99	13.9

Note:
The 1998–99 data are provisional, but unlikely to change to any significant extent.

NHS Staff

Mr. Sawford: To ask the Secretary of State for Health how many *(a)* nurses and *(b)* doctors were employed by the National Health Service (i) in May 1997 and (ii) at the latest date for which figures are available. [107856]

Mr. Denham: Information about numbers of nurses and doctors employed by the National Health Service is collected as at 30 September each year. Latest figures are as at 30 September 1998. The information is shown in the tables.

NHS hospital and community health services: nursing, midwifery and health visiting staff. England as at 30 September

	1997	*1998*
Numbers (headcount)	417,570	423,750
Whole-time equivalents	330,620	332,200

Notes:
Figures are rounded to the nearest ten
Figures exclude agency staff and learners

Medical staff (doctors) employed by the NHS. England as at 30 September

	1997	*1998*
Hospital doctors[1]	59,860	61,650
Public health medicine and community health medicine	3,410	3,210
All doctors	63,270	64,860

[1] Hospital medical staff.
Notes:
Figures rounded to the nearest 10
Totals may not equal sum of components due to rounding
Source:
Department of Health medical and dental workforce census

FOREIGN AND COMMONWEALTH AFFAIRS

Honorary Consuls

Mr. Wilshire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the former honorary consuls who have served since 1990 who were British citizens, giving *(a)* the posts in which they served, *(b)* the length of time they served and *(c)* the honours that have been awarded to them for such service. [105894]

Mr. Hain *[holding answer 20 January 2000]:* Information distinguishing length of time served and whether individuals are current or former Honorary British Consuls could be provided only at disproportionate cost. British nationals who have served since at least 1990 who have received honours, and with details of their awards, are as follows:

NY90
CBE—Arthur Everard Butler Laurence, OBE
Cali, Columbia

BD90
MBE—Ronald Frankel
Dinard, France

NY91
MBE—Mrs. Marie Jeanne Morphy-Karatza
Patras, Greece

BD91
MBE—Frank Parton Barber
San Pedro Sula, Honduras

NY92
MBE—Alexander Leonard Frank Bessey
Ouagadougou, Burkina Faso
MBE—Roger Arthur Gough
Belo Horizonte, Brazil
MBE—Chasser Robertson Jessop
Bamako, Mali
MBE—Major Norman John Lister
Trieste, Italy

BD92
MBE—George John Anthony Akras
Aleppo, Syria
MBE—Richard Francis Blandy
Madeira, Portugal
MBE—Frederick William Matheson
Punta Arenas, Chile

NY93
MBE—Mrs. Glenys Helen Hulse
Arica, Chile

BD93
MBE—Geoffrey Parker Knowles
Port Elizabeth, South Africa
MBE—John Anthony Perry
Pointe Noire, Congo

NY94
MBE—Roger Harry Virnuls
Toulouse, France

BD 1994
(None)

NY95
MBE—Kenneth Ronald Dagnall
Le Havre, France
MBE—Mrs. Fay Miriam Morris
Eilat, Israel

BD95
OBE—Dr. Ian Court
Puerto Rico, United States
MBE—Frank Molesworth Hope
Biarritz, France

NY96
OBE—Leslie Straughan
Halifax, Canada
OBE—Mrs. Maureen Tejeda, MBE
Santo Domingo, Dominican Republic
MBE—John Christopher Shaw
Chiangmai, Thailand

BD96
MBE—Simon Cohen
Guadalajara, Mexico
MBE—Ian Bennett Gibson
Kiel, Germany
MBE—Zbigniew George Podolecki
Maracaibo, Venezuela
MBE—Graeme Neville Robinson
Christchurch, New Zealand

NY97
MBE—Christopher Rodney Baker
Dunkirk, France
MBE—Mrs. Valerie Treitlein
Conakry, Guinea

BD97
MBE—Mrs. Sandra Lynn Darra
Montreux, Switzerland

NY98
MBE—David Elliot Balfour
Galapagos, Ecuador
MBE—Frederick Gentle
Brindisi, Italy
MBE—David Harwood
Libreville, Gabon
MBE—John Mitchell Inglis
Calais, France

BD98
MBE—Peter Gwylym, LEE
Pointe Noire, Congo
MBE—Joseph Reginald Willilam Roberts
Arequipa, Peru

NY99
MBE—Mrs. Nancy Abeiderrahmane
Nouakchott, Mauritania
MBE—Stephen Burges
Asmara, Eritrea
MBE—Richard Trevor Robinson
Tamale, Ghana

BD99
OBE—Frank Parton Barber, MBE
San Pedro Sula, Honduras
MBE—Gerard Barron
Boulogne-sur-Mer, France
MBE—Andrew Martin Graham
Cagliari, Italy
MBE—Christopher Avison Milne
Surabaya, Indonesia

Key:

BD = [Queen's] Birthday Honours List (with last two figures of the year)

NY = New Year Honours List (with the last two figures of the year)

Kenya

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he plans to take to protect British citizens in Kenya from attacks by the Mungiki. [107493]

Mr. Hain: Our High Commission in Nairobi have been monitoring closely the activities of the Mungiki sect, but to date have no evidence of any direct threat to British citizens in Kenya. They will pass any such evidence on to the Kenyan security authorities, and our consular travel advice would be amended accordingly.

Pakistan

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received of the number of Christians murdered in Pakistan under the Government of Nawaz Sharif. [107526]

Mr. Hain: We regularly raised our concerns about the position of Christians in Pakistan during the administration of Prime Minister Nawaz Sharif. There are no accurate and comprehensive statistics available about the number of Christians murdered in Pakistan during this period.

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent representations he has made to General Musharraf about the treatment of Christians in Pakistan under the Sharia Law. [107521]

Mr. Hain: We have carefully noted General Musharraf's promise to Pakistan's minorities that their rights would be respected and that they would be treated as equal citizens. We have urged the Pakistani authorities to respect human rights, notably when I met Sharifuddin Pirzada, a civilian member of Pakistan's National Security Council on 8 December, and when our High Commissioner in Islamabad saw General Musharraf on 15 October and 15 November 1999.

Christians (Persecution)

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those countries from which he has received reports that Christians have been *(a)* murdered, *(b)* persecuted and *(c)* discriminated against because of their religious beliefs. [107506]

Mr. Hain: We receive information from a wide range of sources on human rights abuses worldwide including instances of religious persecution, discrimination and violence. Over the past year we have received reports of abuse of freedom of belief in the following countries:

Pakistan, India, Saudi Arabia, Sudan, Egypt, China, Uzbekistan, Turkmenistan, Nepal and the Russian Federation.

We urge all states to implement laws and practices which foster tolerance and mutual respect and to protect religious minorities against discrimination and intimidation.

Indonesia

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received of the number of Christians murdered in the Eastern Islands of Indonesia in the last three months; and what related representations he has made to the Indonesian Government. [107505]

Mr. Battle: The situation is highly volatile and there are no reliable casualty figures. The Indonesian media have reported that over 1,000 Christians and Muslims have been killed in Maluku since the new year. These tragic deaths highlight the importance of the new Indonesian Government's efforts to secure peace and reconciliation in Maluku in partnership with the United Nations Development Programme—a process we fully support.

We intend to raise our concerns about Maluku with President Wahid during his visit to London on 1–2 February.

Humanitarian Crises

Maria Eagle: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the UK proposals for international action in response to humanitarian crises which he is discussing with international partners. [108095]

Mr. Robin Cook: My right hon. Friend the Prime Minister made it clear in his speech at the Mansion House on 22 November that the international community needs an agreed framework on when and how it is appropriate to intervene in the face of massive violations of human rights and international humanitarian law. The United Nations Charter declares that armed force should not be used, save in the common interest. We need to build consensus on what that common interest is and how we define it.

We believe that the development of a set of pragmatic understandings on action in response to humanitarian crises would help the Security Council—acting on behalf of the Members of the United Nations—to reach consensus when such crises occur, thus ensuring effective and timely action by the international community. In this context, we have put to the UN Secretary-General and to key international partners a set of ideas, of which the key elements are:

first, any intervention is by definition a failure of prevention. Force should always be the last resort.

second, the immediate responsibility for halting violence rests with the state in which it occurs;

but, third, when faced with an immediate and overwhelming humanitarian catastrophe and a government that has demonstrated itself unwilling or unable to prevent it, the international community should take action;

and finally, any use of force in this context must be collective, proportionate, likely to achieve its objective, and carried out in accordance with international law.

The detail of these preliminary ideas is still under discussion with partners. Once we have had time to take account of their views and develop our proposals further, we will place a copy in the Library of the House.

EU Council Business

Mr. Edwards: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the forthcoming business in the Council of the European Union for February, together with the major European Union events for the next six months. [108096]

Mr. Vaz: The information requested is in the Library.

Computers

Mr. Burstow: To ask the Secretary of State for Foreign and Commonwealth Affairs how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106217]

Mr. Battle: In the past five years, there has been: *(a)* one case of fraud involving improper use of the internet, *(b)* thirteen cases of theft.

Mr. Burstow: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106228]

Mr. Battle: In the last five years, there has been no evidence of FCO staff accessing systems to which they are not authorised. Over this period there has been only one known unauthorised entry from outside the department. This occurred in 1995 when an unknown hacker gained access to an unclassified internal system.

Illegal Drugs Trade

Mr. Flynn: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total amount spent in the course of reducing the illegal drugs trade in

(a) South America, *(b)* Eastern Europe and *(c)* Africa and Asia in each of the past 10 years; and what assessment he has made of the effect of this expenditure in reducing the trade in drugs. [106185]

Mr. Battle: A breakdown of spending on specific regions is available only for the last three years, as follows:

£ million

	1996–97	*1997–98*	*1998–99*
South America	0.29	0.74	0.9
Eastern Europe	0.65	0.67	0.82
Africa and Asia	1.74	1.65	1.96

The increased focus brought to our international counter-drugs activities by this Government's 10-year drugs strategy has resulted in targeting of assistance on the countries posing the greatest drugs threat to the UK. Recent UK assistance to Iran is helping that country to make the world's biggest seizures of opiates (180 tonnes in 1998), much of which would otherwise reach the UK and the rest of Europe. The close co-ordination of our international counter-drugs work helped HMS Marlborough and HMS Northumberland to seize more than 11 tonnes of cocaine in 1999, worth well over £1 billion at UK street prices.

Documents

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) for what reasons documents FCO 9/1053 and FCO 42/342 have been retained by his Department; and when he expects them to be available to the public; [107449]

(2) what is the subject matter of the Public Record Office files on *(a)* FCO 42/146, *(b)* FCO 42 342 and *(c)* FCO 9/1053; and if he will make a statement; [107785]

(3) for what reasons document FCO 42/146 deposited in the Public Record Office is to remain closed to public inspection until 2009. [107448]

Mr. Battle: The subject matter of these three files is UK policy concerning Gibraltar in 1967–69. The respective file titles, which are given in shelf-lists available at the Public Record Office and on their web-site, are: possible UN mediation on Gibraltar; possible investigation by the Crowther Commission into the Constitution; and Gibraltar dispute.

An application to close FCO 42/146 and FCO 9/1053 for 10 years after their due release date of 1 January 1999 has been made to the Lord Chancellor in accordance with Section 5(1) of the Public Records Act of 1967. This is because release of these documents would harm the United Kingdom's international relations. The application to close the files in our view meets the criteria for extended closure of public records set out in Chapter 9.10–14 of the White Paper on Open Government (Cm. 2290). In accordance with the requirements of the White Paper, these files will be re-reviewed for release in 10 years time.

FCO 42/342 has recently been cleared for release to the Public Record Office and will be available there shortly.

Arms Exhibitions

Ann Clwyd: To ask the Secretary of State for Foreign and Commonwealth Affairs what his Department's process is for checking that arms companies exhibiting and trading at British arms fairs are complying with the UK Landmine Act 1998 and the Ottawa Convention. [104297]

Mr. Spellar: I have been asked to reply.

I refer my hon. Friend to the answer I gave to the hon. Member for Richmond Park (Dr. Tonge) on 24 November 1999, *Official Report*, column 116W. While there is no specific check for compliance with the Landmines Act 1998, all companies exhibiting and trading at UK defence exhibitions are subject to UK law: this includes the Landmines Act 1998, which brings into effect the provisions of the Ottawa Convention.

Where the MOD supports an exhibition, UK contractors are scrutinised for compliance against the Handbook of Industrial Security. Overseas contractors are not bound by the Handbook, but are subject to spot checks by MOD staff. In addition, HM Customs & Excise make targeted checks at import to enforce the prohibition on the importation of anti-personnel mines and components.

Bahrain

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the use of 6 ML1 SIELS and 1 ML1 OIEL exported to Bahrain this year. [99505]

Mr. Hain *[pursuant to my reply, 24 November 1999, c.149W]:* An administrative error led to a mistake in my earlier answer to the hon. Member of 24 November 1999. The correct answer is as follows:

All export licence applications for Bahrain for ML1 equipment this year have been for private/recreational use by the ruling family, for national defence by the Bahrain Defence Force, who are not involved in internal security, or for the training unit of the Bahrain National Guard.

All export licences for Bahrain are considered against the established criteria, including whether there is a clearly identifiable risk of the equipment being used for external aggression or internal repression, in which case it will be refused.

CHURCH COMMISSIONERS

Clergy (Employment Law)

35. **Mr. Ben Chapman:** To ask the hon. Member for Middlesbrough representing the Church Commissioners, when he expects the Commissioners to review employment law as this relates to the appointment of clergy; and if he will make a statement. [105973]

Mr. Stuart Bell: The Archbishops' Council is responsible for matters relating to the employment status of clergy. The Council is considering the implications of the Employment Relations Act 1999 for the clergy and is awaiting the publication of the DTI's consultation document promised in the early months of this year.

Clergy (Remuneration)

36. **Mr. Bercow:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, if he will make a statement on the change in the remuneration of the clergy since 1 May 1997. [105974]

Mr. Stuart Bell: Between 1 April 1997 and 1 April 1999, the national average stipend for incumbents increased by nearly 9 per cent. from £14,510 to £15,810.

Evangelisation

Mr. Simon Hughes: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what contribution the Church Commissioners are making to the planning of Christian evangelisation for the remainder of the year 2000 and for 2001. [105968]

Mr. Stuart Bell: I am sure that hon. Member will agree with me that the hard-working priests of the Church of England are in the front line of evangelisation.

The primary focus of the Church Commissioners is their support for the ongoing parochial ministry and mission, and to this end we shall be providing upwards of £120 million this year towards clergy stipends and pensions so that all parishes might play their part in sharing the Christian message with those in their communities.

Land (Carlisle)

Mr. Martlew: To ask the hon. Member for Middlesbrough, representing the Church Commissioners, if he will make a statement on the future of the land in the Wigton road and Dalston road area of Carlisle owned by the Church Commissioners. [105972]

Mr. Stuart Bell: The Commissioners have submitted an outline planning application to Carlisle City Council relating to approximately 50 hectares of land at Morton. The application is in respect of housing, employment, public open space and landscaping.

PRESIDENT OF THE COUNCIL

Staff Bonuses (New Year Period)

Mr. Matthew Taylor: To ask the President of the Council how much her Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the New Year period, indicating the maximum and minimum bonuses paid, and the number of people to whom the maximum and minimum payments were made; and if she will make a statement. [105429]

Mrs. Beckett: Two members of staff in my Department received special bonuses amounting to £300 in total. Both were Private Office staff. On-call allowances were paid to three members of staff, and these totalled £256.56.

CABINET OFFICE

Foreign Service Allowance

Mr. Matthew Taylor: To ask the Minister for the Cabinet Office if it is her policy to continue to provide a foreign service allowance to Crown servants abroad; what is the reason for this allowance; what is the annual cost of the allowance; and if she will make a statement. [106462]

Mr. Stringer: Responsibility for allowances paid to Home Civil Servants serving overseas was delegated to Departments and agencies on 1 April 1996. Information on the annual cost of such allowances, which reimburse and compensate staff for the essential extra cost of having to live outside the UK in order to perform their duties, is not held centrally and can be provided only at disproportionate cost.

Government-owned Properties

Jane Griffiths: To ask the Minister for the Cabinet Office how many Government-owned properties are currently unoccupied in the Reading, East constituency. [106459]

Mr. Ian McCartney: Responsibility for this matter has been delegated under the terms of the Framework Document to the Property Advisers to the Civil Estate. I have asked its Chief Executive, Mr. John Locke, to write to my hon. Friend.

Letter from John C. Locke to Jane Griffiths, dated 31 January 2000:

The Minister of State for the Cabinet Office has asked me to reply to your question about the number of Government owned properties currently unoccupied in the Reading East constituency.

Under the terms of the Civil Estate Coordination Agreement, individual Government Departments are responsible for notifying PACE of their surplus accommodation. PACE's records indicate that there are currently no unoccupied Government properties in the Reading East constituency.

The four unoccupied properties mentioned in my previous letter of 31 October 1997 have now been disposed of by the Agency.

Computers

Mr. Burstow: To ask the Minister for the Cabinet Office how many cases of computer *(a)* fraud, including fraudulent use of computer chips, and *(b)* theft her Department has recorded in the last five years. [106220]

Mr. Ian McCartney: Within my Department, its Agencies, the Central Office of Information and No. 10 Downing Street, over the last five years there have been two cases of fraud, including fraudulent use of computer chips, and 50 cases of theft as follows:

Year	*Fraud*	*Theft*
1995–96	0	9
1996–97	1	10
1997–98	0	11
1998–99	0	7
1999–2000[1]	1	13
Total	2	50

[1] To date

Mr. Burstow: To ask the Minister for the Cabinet Office on how many occasions in each of the past five years computer systems in her Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside her Department. [106224]

Mr. Ian McCartney: Within my Department, its Agencies, the Central Office of Information and No. 10 Downing Street, no illegal attempts to access computer systems have been detected over the past five years, either from within or outside.

Regulation

Mrs. Curtis-Thomas: To ask the Minister for the Cabinet Office what regulation impact assessments were carried out by Government Departments between the coming into force of the Deregulation and Contracting Out Act 1994 and 1 May 1997. [107004]

Mr. Stringer: Between the coming into force of the Deregulation and Contracting Out Act in 1994 and 1 May 1997 Government Departments were required to complete Compliance Cost Assessments which were chiefly concerned with costs to business.

The Government's Better Regulation review of the regulatory system demonstrated the need for a more succinct and open system for assessing the full impact of regulatory proposals. Accordingly, since August 1998 Government Departments have been required to complete Regulatory Impact Assessments with the emphasis on identifying and publishing the risks, costs and benefits of proposed regulations; who is affected; and any non-regulatory alternatives.

Details of Compliance Cost Assessments from the November 1993 to November 1998 are contained in the twice yearly Command Papers called: The Command Paper of Compliance Cost Assessments. Since November 1998 the Command papers have included Regulatory Impact Assessments and are now called: The Command Paper of Regulatory Impact Assessments.

Regulatory Panel

Mrs. Curtis-Thomas: To ask the Minister for the Cabinet Office when the Regulatory Panel last met; and if she will make a statement on the nature of their discussions and the decisions taken. [107007]

Mr. Stringer: The Panel for Regulatory Accountability met for the first time on 15 December 1999 to discuss its role and future work programme. The members of the Panel agreed to:

Take a strategic overview of the Government's regulatory plans;

Ensure any necessary improvements in the regulatory system and to the performance of individual departments; and

Take account of the particular impacts of regulation on small businesses.

Mrs. Curtis-Thomas: To ask the Minister for the Cabinet Office if she will list the terms of reference for the Regulatory Panel. [107006]

Mr. Stringer: The Panel for Regulatory Accountability has been established at the heart of Government with the remit to modernise the regulatory system, simplify existing regulation and ease regulatory pressures on business and the public sector.

SOCIAL SECURITY

Child Support

Mr. Fitzpatrick: To ask the Secretary of State for Social Security when he intends to introduce the new child support measures contained in the Child Support, Pensions and Social Security Bill; and if he will make a statement. [108106]

Mr. Darling: The reform of the child support scheme is a major programme of work involving new legislation, new computer systems and significant changes to the way the Child Support Agency operates. We have always made it clear that we would not repeat the mistakes of the previous Government by introducing the reforms too quickly or before robust and reliable computer systems were in place and staff were properly trained. We therefore propose to introduce the new child support scheme for new cases by April 2002, by which time successful introduction can be achieved without unacceptable risks.

As we have always made clear, existing cases will be transferred onto the new scheme once we are sure that the new arrangements are working well. Attempting to move existing cases across too quickly would, again, present unacceptable operational risks.

The Child Support Agency is already making improvements to the service within the constraints of the current scheme and we are determined that it will continue to do so between now and 2002.

Jobseeker's Allowance

Mr. Fitzpatrick: To ask the Secretary of State for Social Security what provisions he has made to allow hardship payments of Jobseeker's Allowance to be paid to a third party. [108107]

Angela Eagle: The provision that enables all or part of a person's benefit to be paid to a third party, where it is in the interests of the claimant or a member of his family to do so, has been a long standing feature of the Social Security system.

An anomaly in the Jobseekers Act 1995 prevented this provision from applying to hardship payments of Jobseeker's Allowance. This restriction has now been removed by Part V of Schedule 8 to the Welfare Reform and Pensions Act 1999, which came into force on 11 November 1999.

Maternity Grants

Mr. Paul Marsden: To ask the Secretary of State for Social Security how many mothers he estimates will benefit from the sure start maternity grant in *(a)* Shrewsbury and Atcham and *(b)* Shropshire in the first year of its operation; and if he will make a statement. [107256]

Angela Eagle: The Sure Start Maternity Grant Scheme, which will replace maternity payments, commences on 27 March for parents who are expecting a baby on or after 11 June 2000. It is a grant of up to £200 per child which may be payable to claimants (or their partners) of Income Support, Income-based Jobseeker's Allowance, Working Families Tax Credit (WFTC) and Disabled Persons Tax Credit (DPTC).

We are unable to provide an estimate in the format requested. The Benefits Agency (BA) collates statistics by BA district office. The district boundaries do not correspond to constituency boundaries. The Shires district comprises offices at Shrewsbury, Telford, Hereford, Worcester and Kidderminster.

In the last complete year for which figures are available, April 1998 to March 1999, 2,495 maternity payments were awarded in the Shires district. We predict that there will be 2,535 payments in 1999–2000. This leads us to believe that there may be 2,688 payments in 2000–001, the first year of the new scheme.

Benefit Reduction

Mr. Pickles: To ask the Secretary of State for Social Security how many children living with parents with care will under the new formula in the Child Support, Pensions and Social Security Bill be entitled to reduced support; and what the average loss for each child will be. [106571]

Angela Eagle: Overall, more than 1 million children will be better off as our reforms take effect. If all existing cases moved to the new scheme today, we estimate that, where the non-resident parent is in work, around 350,000 parents with care, with around 500,000 children, would have a lower assessment. The average reduction for parents with care would be around £17 a week in total, which equates to around £11 per child.

However, because of the introduction of a maintenance premium in Income Support and the 100 per cent. disregard of maintenance in Working Families Tax Credit, around 85 per cent. of children will be better off at the point they first come to the CSA than they would have been under the old arrangements. In the remaining cases, although assessments may be lower under the new scheme, we will get more of what is due actually paid—compliance is expected to increase to 80 per cent. or more, compared with 66 per cent. now—so the difference in cash terms will not be so marked. Also, changes in liability for existing cases will be phased in.

Notes:

1. New scheme maintenance modelled on August 1998 5 per cent. scan of Child Support Computer System.

2. Caseloads calibrated to forecast 'A' day levels, and rounded to the nearest 10,000. The average change in maintenance entitlement is rounded to the nearest 50 pence.

Correspondence

Mr. Garnier: To ask the Secretary of State for Social Security when he will reply to the letter dated 20 September 1999 from the hon. and learned Member for Harborough on behalf of Mr. Edward Hynes of Market Harborough to the Parliamentary Under-Secretary of State, the hon. Member for City of York (Mr. Bayley). [106306]

Mr. Bayley: A reply was sent on Friday 27 January 2000.

Minimum Pension Guarantee

Mr. Field: To ask the Secretary of State for Social Security, pursuant to his answer to the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) of 25 January 2000, *Official Report*, column 169W, on the minimum pension guarantee, if he will place a copy of his letter to the hon. Member in the Library. [107759]

Mr. Rooker: I have placed a copy of my letter to my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) in the Library.

Computers

Mr. Burstow: To ask the Secretary of State for Social Security on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106227]

Angela Eagle: There have been no recorded cases of Departmental computer systems being illegally accessed by internal or external hackers.

Mr. Burstow: To ask the Secretary of State for Social Security how many cases of computer *(a)* fraud, including fraudulent use of computer chips, and *(b)* theft his Department has recorded in the last five years. [106218]

Mr. Rooker: The information is not available in the format requested. Such information as is available is in the tables.

Incidents of fraud

Financial year	*Fraud*
1995–96	18
1996–97	18
1997–98	20
1998–99	6
1999–2000	[1]

[1] Figures not yet available. Will be collated for HMT Return on Internal Fraud approximately May 2000

Incidents of theft

Year	*Total*	*By outsiders*	*By staff*	*Unattributed*
1995	234	128	2	104
1996	389	236	10	143
1997	188	102	3	83
1998	78	24	7	47
1999	38	17	3	18

Automated Credit Transfer

Mr. Corbett: To ask the Secretary of State for Social Security (1) if he will estimate the cost to the Benefits Agency of making payments to claimants via automated credit transfer; and if he will state how that figure is calculated; [107452]

(2) he will publish arrangements to set up bank accounts for benefit payment recipients who do not have bank or building society accounts; [107450]

(3) what estimate he has made of the number of welfare benefit recipients who will receive payments via automated credit transfer by the end of *(a)* 2003, *(b)* 2004 and *(c)* 2005. [107451]

Mr. Rooker: The overall average unit cost to the Benefits Agency of making a payment to a claimant via automated credit transfer (ACT) is in the order of 1p.

It is not appropriate to give a full breakdown of how this figure is calculated as part of the costs are commercially confidential between the Benefits Agency and its suppliers.

The vast majority of benefit customers already have bank accounts. We will be making arrangements for the people and payments where ACT is not the right answer. This may include supporting people as they access the

increasing number of simple banking products being introduced. As these arrangements will not be required until after 2003 we are still researching our customers' needs and studying current market trends.

In 2003, the transition from current paper-based methods of payment will begin, and by the end of 2005 the majority of benefit recipients will receive payments via automated credit transfer. Detailed migration plans are not yet in place. We are still researching our customers' needs and will ensure that the migration is managed carefully and in a way that will not put at risk the efficient distribution of benefit payments.

Around one third of benefit recipients already choose to have their benefits paid by automated credit transfer, direct into their bank accounts, and the vast majority, around 85 per cent, already have access to a bank account. However, there will be some limited exceptions. We have given an assurance that those benefit recipients, whether paid by automated credit transfer or otherwise, who wish to collect their benefits in cash at post offices will continue to be able to do so.

Fraud

Mr. Field: To ask the Secretary of State for Social Security what steps his Department has taken to encourage local authorities to prevent fraud from entering the benefit system. [107669]

Mr. Rooker: We are committed to taking tough action to combat Housing Benefit fraud. We have made an additional £100 million available to enable all LAs to implement the Verification Framework by 2001. The Framework forms a platform for the secure and accurate administration by defining the evidence which should be gathered to support a claim, and for the frequency of subsequent checks. As of 28 January 2000, 226 LAs have received funding to implement the Framework.

We have reformed the anti-fraud financial incentive scheme for local authorities to ensure they can be rewarded for detecting and prosecuting cases of fraud. We want all LAs to implement the Verification Framework so we have built additional incentives into the scheme to encourage them to do so. Every LA that adopts the Framework can qualify for extra subsidy payments.

We have invited all local authorities to participate in the Royal Mail "do not redirect" initiative which prevents benefit claimants from using Royal Mail's postal redirection arrangements to make false claims to benefit from multiple addresses. Already, well over 200 local authorities are operating this scheme and many more are preparing to implement it.

We have made £4 million available to install computer terminals in local authorities which provide access to the Department's benefit systems. We are now looking to extend this initiative to include exchanging information electronically between local authorities and the Department, providing further scope to prevent fraud and error occurring in the first place. The electronic transfer of data is being successfully piloted with 20 LAs and we plan to roll this service out nationally from February 2000.

We have announced on 24 January that we are setting up a National Benefits Intelligence Unit to help crack down on benefit fraud. The unit will draw on the expertise of fraud investigators in the Department, as well as intelligence from local authorities and other agencies.

Finally, we have arranged a programme of visits by the Benefits Fraud Inspectorate to the top 30 spending councils to drive-up standards of benefit administration and counter fraud performance. This programme of visits is due to be completed by September 2000.

Mr. Field: To ask the Secretary of State for Social Security (1) for each quarter since BASIS was formed how many fraud cases compiled by BASIS's National Intelligence Unit *(a)* were forwarded to the police investigation and *(b)* resulted in a prosecution; [107444]

(2) what were the responsibilities and achievements of BASIS's Business Development Team for each of the last five years. [107445]

Mr. Rooker: This is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to my right hon. Friend.

Letter from Peter Mathison to Mr. Frank Field, dated 28 January 2000:

The Secretary of State has asked me to reply to your recent Parliamentary Questions asking for each quarter since BASIS was formed how many fraud cases compiled by BASIS's National Intelligence Unit (a) were forwarded to the police investigation and (b) resulted in a prosecution, and what were the responsibilities and achievements of BASIS's Business Development Team for each of the last five years.

The Benefit Agency Security Investigation Service (BASIS) exists to counter the threat of organised and serious fraudulent attacks on the benefit system. The team's priority is to prevent and deter fraud. It is part of the Security Branch whose role is to promote the development and provision of secure and accurate services in the Benefits Agency.

The National Intelligence Unit (NIU) provides intelligence for BASIS in the Security Branch and links with other risk management teams. It does not refer investigations to the Police because all intelligence and information is referred to either BASIS Operational Teams or relevant BA sections.

The NIU exists to support the Benefits Agency through; gathering and analysing information; referring the gathered intelligence to the appropriate BASIS investigation team, via the Analyst Unit; it also acts as a multi agency link to other Government Departments.

BASIS does not refer cases of benefit fraud to the police for investigation. If during an investigation the need to involve the police arises the team will contact them and appraise them of the situation. At this point a joint operation may be conducted. BASIS officers would concentrate on benefit fraud whilst the police may look at other linked criminal activity.

There are no figures kept for prosecutions resulting from joint operations. However, in 1998–1999 BASIS prosecuted 666 cases of benefit fraud with a 96% successful conviction rate.

The BASIS Business Development Team (BDT) was established in March 1999 with the appointment of a Business Development Manager. The BDT is a small team which exists to support BASIS in improving its business processes and to support the team in meeting the objectives of the Agency and Department.

The most notable achievements of the BDT in the eleven months of its existence are improvements in processes such as expenditure and performance accountability, internal security assurance, communication, management checks, industrial relations, training & development, planning and reporting. Work on BASIS terms and conditions and a review of the Guidance Manual has improved clarity around individual entitlement. The current recruitment drive has brought in 50 new staff to date. The IT strategy for this year is

on course to upgrade our capability throughout the Section and other equipment is being standardised and renewed. Moreover, the work of the BDT has allowed the Operational and BASIS National Intelligence Unit managers to apply a greater focus on the core business of investigation, detection, deterrence and prevention of organised and serious fraud against the benefits system.

I hope this is helpful.

Benefit Overpayments

Mr. Burstow: To ask the Secretary of State for Social Security (1) if he will make a statement on the reasons for the recent overpayment of benefit into recipients' bank and building society accounts; [107543]

(2) what estimate he has made of the extra costs incurred in recovering the overpayment of benefits paid direct into beneficiaries' accounts; and if he will make a statement. [107542]

Angela Eagle: The administration of benefit payments is a matter for Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Paul Burstow, dated 28 January 2000:

The Secretary of State has asked me to respond to your recent questions asking if he will make a statement on the reasons for the recent overpayment of benefit into recipients' bank and building society accounts, and also, what estimate he has made of the extra costs which will be incurred in recovering the benefit overpaid.

The problem was caused by an incomplete file being erroneously passed to the Bankers Automated Credit Service for payment on 17 January, compounded by the correct file being reprocessed for payment on 18 January.

On 17 January 112,000 customers correctly received a payment into their bank accounts, while 60,000 customers did not receive the payment which was due. The following day, the same 112,000 customers received a duplicate payment into their accounts, while the 60,000 customers received their payment a day late. The value of the duplicate payments amount to £10.5 million.

Customers were notified of the problem by letter on 24 January and given details of how to repay the duplicate payment. Dedicated phone lines were set up to receive phone calls from those customers who needed to talk to somebody about how to pay the money back. Customers can also contact their local benefit offices for advice.

No estimate is yet available as to the extra costs incurred in recovering the overpaid benefit.

I hope this is helpful.

Mr. Sanders: To ask the Secretary of State for Social Security (1) how much benefit was overpaid due to a processing error notified to recipients in a letter from the Benefits Agency Central Recovery Group Manager dated 23 January; and if he will make a statement; [107533]

(2) what steps he will take to recover overpaid benefit due to a processing error notified to recipients in January from those people who are unable to pay it back immediately; and if he will make a statement; [107535]

(3) how many people were contacted about benefit overpayments by the Central Recovery Group Manager of the Benefits Agency in letters to recipients in January. [107534]

Angela Eagle: The administration of benefit payments is a matter for Mr. Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Peter Mathison to Mr. Adrian Sanders, dated 28 January 2000:

The Secretary of State has asked me to respond to your recent questions asking if he will make a statement about how much benefit was overpaid due to a processing error notified to recipients in a letter from the Benefits Agency Central Recovery Group Manager dated 23rd January, how many people received letters and what steps he will take to recover overpaid benefit due to the error from those people who are unable to pay it back immediately.

A computer processing problem resulted in a batch of Income Support payments paid by Automated Credit Transfer being duplicated. 112,000 Income Support customers received duplicate payments amounting to £10.5m. The payments were made into customers' bank accounts on 18 January. The duplicate payments made represent a very small proportion of the total number of Income Support payments the Agency makes each year.

Customers were notified of the problem by letter on 24 January and given details of how to repay the duplicate payment. Letters were issued to 109,663 customers. Letters were not issued where we had been informed the customer had since died or where the amount paid was less than £5..

The Secretary of State has a duty to seek recovery under common law where an overpayment has arisen outside of the provisions of Sections 71 and 74 of the Administration Act 1992. Recovery under common law has been a feature of the social security system since its inception.

The BAs Central Recovery Group has set up dedicated phone lines to receive phone calls from customers who needed to speak to somebody about how to pay the money back. Customers can also contact their local benefit offices for advice and guidance.

I hope this is helpful.

LORD CHANCELLOR'S DEPARTMENT

Young Offenders

Mr. Paul Marsden: To ask the Parliamentary Secretary, Lord Chancellor's Department what change there has been in the time between arrest and sentencing since May 1997 for young offenders in *(a)* West Mercia and *(b)* Shrewsbury Police Division; and if he will make a statement. [107168]

Jane Kennedy: Information on the time between arrest and sentencing in 1997 is available for persistent young offenders only, not all young offenders.

The average time from arrest to sentence for persistent young offender cases initiated in West Mercia Police Area was 155 days in 1997, and an estimated 88 days in January to June 1999—the most recent figure from the same source. This amounts to a reduction of 67 days. Figures for May 1997 alone and Shrewsbury Police Division are not separately available.

Computers

Mr. Burstow: To ask the Parliamentary Secretary, Lord Chancellor's Department on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106237]

Jane Kennedy: The information requested in *(a)* is set out in the table. There have been no recorded instances of hackers attempting to gain access to our computer systems from outside the Department.

Department	1995	1996	1997	1998	1999
Lord Chancellor's Department	0	0	0	0	2
Court Service	2	1	9	3	1
Public Trust Office	0	0	0	0	0
Land Registry	0	0	0	0	0
Public Records Office	0	0	0	0	0
Northern Ireland Court Service	0	0	0	0	0
Total	2	1	9	3	3

Mr. Burstow: To ask the Parliamentary Secretary, Lord Chancellor's Department how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106210]

Jane Kennedy: There has been one attempted incident of computer fraud recorded. The information requested in *(b)* is set out in the following table.

Department	1995	1996	1997	1998	1999
Lord Chancellor's Department	3	7	1	4	0
Court Service	21	27	10	15	6
Public Trust Office	1	0	0	0	0
Land Registry	0	6	6	4	5
Public Records Office	0	0	2	1	0
Northern Ireland Court Service	0	0	0	0	0
Total	25	40	19	24	11

Maintenance Orders

Mrs. Curtis-Thomas: To ask the Secretary of State for Social Security what his policy is in respect of the enforcement of maintenance orders against former partners residing overseas, with particular reference to the case of Mrs. J. Basu of Formby (ref. 98603). [107026]

Jane Kennedy: The UK is a party to seven international Conventions and Agreements, which have established reciprocal arrangements with a number of foreign authorities. These are designed to assist a person entitled to receive payments under a maintenance order in one country to obtain payment from a former partner residing in another. The Lord Chancellor's Department is responsible for transmitting and receiving papers between the UK courts and the overseas authorities. It would be inappropriate to comment on individual cases.

CULTURE, MEDIA AND SPORT

National Lottery

13. **Mr. Pike:** To ask the Secretary of State for Culture, Media and Sport what plans he has to seek an amendment of the law to simplify the application process for lottery grants. [105949]

Mr. Chris Smith: None. My officials are, however, working with distributors to find ways of simplifying the Lottery application process to ensure that it is user-friendly and that forms are written in plain language. We already have in place the popular Awards for All scheme, which is a straightforward way for community groups to apply for grants of £500 to £5,000. One simple application form covers charities, arts, sport and heritage groups. The Quality, Efficiency and Standards Team which I established is currently looking at how the costs of making a Lottery application can be obtained.

22. **Mr. Miller:** To ask the Secretary of State for Culture, Media and Sport what contribution the lottery is making towards encouraging the playing of competitive sporting fixtures in schools. [105958]

Kate Hoey: We have asked Sport England to ensure that arranging inter-school competitive fixtures is a key part of the job description of the Active School Sports Co-ordinators. Active Schools Sports Co-ordinators is a new Sport England initiative which is being supported by the Lottery Sports Fund with additional support expected to come from partnership funding, including NOF. Detailed proposals for the initiative are being drawn up in conjunction with key partners.

Millennium Dome

15. **Mr. Efford:** To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the public response to opinion surveys of people leaving the millennium dome. [105951]

Janet Anderson: In marked contrast to the opinions of some media commentators, polls of people visiting the Dome show that the majority of them have extremely encouraging positive reactions and views. Polls of Dome visitors by *The Sunday Times*, *The Mirror*, ITN and *The Independent* in the first week of opening all showed high approval ratings. Results ranged from 91 per cent. in the ITN poll on 7 January saying the Dome was worth the trip, to 85 per cent. in *The Sunday Times* poll of 9 January saying they enjoyed the Dome and 74 per cent. in the same poll saying they would recommend it to friends. On 13 January the London *Evening Standard* poll, conducted by ICM, reported that 8 out of 10 visitors said that they were satisfied or very satisfied with the Dome. Other findings reported were that seven out of 10 visitors would recommend their friends to come; half are keen to return for a second visit; that children are especially enthusiastic; and most said their day was better than expected.

Recognising the inevitable bedding-in and teething problems being experienced by this unique visitor attraction over its first few weeks of operation, these high level outcomes from polls undertaken by third parties give every indication that the Millennium Experience at the Dome will, over its 12 months of operation, be a great success. The New Millennium Experience Company itself is conducting a visitor opinion poll through MORI covering the first month of operation and will have the results by mid February.

Arts Subsidies

17. **Mr. Flynn:** To ask the Secretary of State for Culture, Media and Sport what were the total public subsidies paid to *(a)* opera, *(b)* live theatre and *(c)* poetry in the last financial year. [105953]

Mr. Alan Howarth: During the last financial year, opera received around £35 million in grant-in-aid from the Arts Council of England, live theatre £27 million and literature £1.5 million, of which poetry received nearly 70 per cent. (or £1 million).

Public Service Broadcasting

18. **Mr. Paterson:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the role of public service broadcasting. [105954]

Mr. Chris Smith: Public service broadcasting must remain at the heart of our broadcasting system. Despite the increase in choice which digital television brings, we will continue to need public service broadcasters to sustain a diversity of viewpoints and to act as a quality benchmark.

National Athletics Stadium

19. **Dr. Cable:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the designation of a new national athletics stadium. [105955]

Mr. Chris Smith: No decision has yet been taken about the location of a national athletics stadium. We are currently looking carefully at the options for staging major athletics events, including the 2005 World Athletics Championships and Olympic Games.

NESTA

21. **Mr. McWalter:** To ask the Secretary of State for Culture, Media and Sport what progress has been made with the establishment of the national endowment for science, technology and the arts; and if he will make a statement. [105957]

Mr. Alan Howarth: The National Endowment for Science, Technology and the Arts (NESTA) is now fully established and is in a position to begin using the income generated by its £200 million endowment, over £10 million per year, to support innovative ideas and creative individuals. Its Invention and Innovation Programme, which will help turn creative ideas and inventions into reality, opened for applications on 14 December 1999, and the first awards will be made in March. NESTA's other programmes, involving fellowships for exceptionally talented individuals and support for ground-breaking educational schemes, will also come on stream this spring.

Budding inventors and innovators can get in touch with NESTA via its website—www.nesta.org.uk

Film Industry

23. **Mr. Corbett:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to increase inward investment in the UK film industry. [105959]

Janet Anderson: The Government introduced tax breaks in 1997, and a new definition of "British film" last year, which make it more financially attractive for foreign film makers to film in Britain. Government Departments are also working in close co-operation with the British Film Commission to attract foreign film makers to the UK. This has enabled us to set up the British Film Office in Los Angeles. In November I launched a DVD, produced by the Government and British film industry, which provides film makers with an introduction to the first class film making facilities in the UK. We have also set up the Film Council to deliver a coherent strategy for the development of a sustainable UK film industry, and we shall continue to be strongly supportive of its work to increase inward investment.

Sport (Television Rights)

24. **Mr. Gareth R. Thomas:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to encourage professional sports bodies to invest income from the sale of television rights in local sports facilities. [105960]

Mr. Chris Smith: Many governing bodies have signed the Central Council for Physical Recreation's Voluntary Code, under which a minimum of 5 per cent. of broadcasting income is invested in grass roots development. The football authorities have recently re-affirmed their commitments to allocating 5 per cent. of future broadcasting revenues in that way. The Government are in detailed discussion with them about how best to ensure that these funds are used to improve the development of grass roots football in England.

Millennium Events

25. **Mr. Ben Chapman:** To ask the Secretary of State for Culture, Media and Sport what assessment he has made of how events across the country to mark the new millennium were received. [105961]

Mr. Chris Smith: The Millennium Commission today published a report about the new year celebrations including the major events that took place in 22 cities across the United Kingdom and the Beacon Millennium project. It concludes that overall the celebrations were very well received and extremely successful. Given that many of the cities involved do not have a tradition of large scale public new year events, this is a tremendous achievement. Copies of the report have been placed in the Library of the House.

In addition, the Government have received very positive feedback on the major religious events that took place during the first weekend of 2000: the four Millennium Church Services in London, Edinburgh, Cardiff and Belfast and the Shared Act of Reflection and Commitment by the faith communities of the UK.

The new year celebrations were just the start of a year long Millennium Festival to mark the new Millennium, funded by the National Lottery. People will be celebrating at many thousand events, both large and small, right across the UK in what is probably the biggest planned programme of celebrations the country has seen.

Dome Sponsors

26. **Mr. Fraser:** To ask the Secretary of State for Culture, Media and Sport how many dome sponsors have yet to finalise their contractual arrangements. [105962]

Janet Anderson: Boots The Chemist, Mars Confectionary and BskyB: all three sponsors remain committed at Board level and we are confident that contractual arrangements will be finalised in the very near future.

Sponsored Bodies (Funding)

28. **Laura Moffatt:** To ask the Secretary of State for Culture, Media and Sport what his Department's objectives are in negotiating three-year funding agreements with sponsored bodies. [105964]

Mr. Chris Smith: Funding agreements place a clear responsibility on bodies which receive public money to deliver against demanding output targets, and demonstrate how public money is used in pursuit of Government objectives.

Tourism

29. **Sir Sydney Chapman:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the balance of payments relating to earnings from tourism. [105965]

Janet Anderson: The Office for National Statistics has estimated, using data from the International Passenger Survey and other sources, that the direct contribution to the UK balance of payments arising from tourism is as shown in the table:

£ million

	1996	*1997*	*1998*
Exports: earnings from overseas visitors to UK	13,770	13,805	14,366
Imports: expenditure by UK residents going abroad	16,729	17,443	20,194
Balance of trade in services	−2,959	−3,638	−5,828

Source:
The UK Trade in Services (Balance of Payments)—Office for National Statistics 1996, 1997 and 1998

This is not a full account of the balance of payments effects of tourism; such an account would need to include, for example, overseas trade in tourism goods and the international investment flows of tourism companies.

In 1998, UK tourism recorded a deficit—£5,828 million on its balance of payments. For the third quarter of 1999 there was a continued deficit of £2,019 million in the balance of payments for tourism.

The upward trend in tourism by both overseas residents to the UK and by UK residents abroad continued in 1998. Exchange rate movements have had significant effects on both overseas and UK residents' travel.

Volunteering

Ms Rosie Winterton: To ask the Secretary of State for Culture, Media and Sport what action his Department has taken to promote volunteering. [105950]

Mr. Alan Howarth: My Department supports a wide range of cultural and leisure activities which not only provide opportunities for volunteering, but benefit greatly from such participation. Volunteers contribute to the achievement of our key objectives, in particular the promotion of access to cultural and leisure activities for all. My Department already does much to recognise, promote and support volunteering and we are currently reviewing our efforts in this area to identify how we can build on this.

Films (Children)

Mrs. Betty Williams: To ask the Secretary of State for Culture, Media and Sport what future steps he is taking to encourage the British film industry to make more films for children. [105952]

Janet Anderson: I have asked the Chairman of the Film Council to consider the recommendation of the Film Education Working Group that production of films for children should be one of the priorities of the Council's Lottery strategy. The availability of a wider range of films for children could lead to both educational and commercial benefits.

TV Licences

Mr. Wigley: To ask the Secretary of State for Culture, Media and Sport if he will amend regulations concerning the need for television licences in houses of multiple occupation, to ensure that in those owned by universities for the use of students each student who has a television receiver is not required to purchase a separate licence. [107232]

Janet Anderson: The Government have no plans to amend the television licensing regulations so as to exempt students in accommodation owned by universities from the normal licensing requirements applicable to people living in accommodation in multiple occupation. To do so would discriminate against students living in other types of accommodation, while extending the concession to all students would inevitably prompt demands for similar concessions for other people living in comparable accommodation.

Seaside Resorts

Dr. Ladyman: To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to encourage the regeneration of British seaside resorts; and if he will make a statement. [105966]

Janet Anderson: Regeneration of our seaside resorts is one of 15 key action points in the Government's tourism strategy document "Tomorrow's Tourism". We have made good progress in many areas that will impact beneficially on resorts, including accommodation schemes and the number of resorts included in the new Objective 2 European funding map.

In line with its funding agreement with my Department, the English Tourism Council is driving action on resorts and has set up a Resorts Task Force, drawing upon expertise from both public and private sectors. The Task Force first met last Wednesday and will develop a programme of action to assist resorts with their regeneration strategies.

Nautical Archaeology

Mr. Dalyell: To ask the Secretary of State for Culture, Media and Sport what plans he has to increase his Department's support for nautical archaeology. [106035]

Mr. Alan Howarth: Following the Comprehensive Spending Review in 1998, my Department has allocated programme expenditure of £255,000 per annum on underwater archaeology for the three years 1999–2000 to

2001–02. Allocations for the subsequent two years will be reviewed as part of the Government's current spending review.

Computers

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106230]

Mr. Chris Smith: No DCMS computer system has been illegally accessed in the last five years.

Mr. Burstow: To ask the Secretary of State for Culture, Media and Sport how many cases of computer *(a)* fraud, including fraudulent use of computer chips, and *(b)* theft his Department has recorded in the last five years. [106214]

Mr. Chris Smith: The Department has not recorded any cases of computer fraud over the last five years. There has been one incident of computer theft where a PC system unit was stolen from the Department. The police were informed.

AGRICULTURE, FISHERIES AND FOOD

Farm Incomes

Mr. Ben Chapman: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on farm incomes. [108103]

Mr. Nick Brown: Estimated figures show that total income from farming remains broadly unchanged in 1999 compared with 1998. The continued difficulties in the farming industry are as a result of lower prices for most agricultural commodities due to the oversupply of commodity markets. The strength of sterling, which affects all sections of the economy, has also been a factor. Detailed estimates of the income, output and productivity of United Kingdom Agriculture in 1999 were published this morning and have been placed in the Library of the House.

Soya Products (Glyphosate)

Mr. Ben Chapman: To ask the Minister of Agriculture, Fisheries and Food when he intends to publish results on glyphosate residues in soya products. [108104]

Ms Quin: Interim results on glyphosate residues, taken from the Government's ongoing monitoring programme for pesticides, are being published today. A summary of the results from the first six months of a year-long survey of residues in soya products appears in MAFF's Food Safety Information Bulletin. The results show that none of the samples tested contained residues of glyphosate above the reporting level. Copies of the Food Safety Information Bulletin and a more detailed information paper have been placed in the Libraries of the House.

Pig Sector

Miss McIntosh: To ask the Minister of Agriculture, Fisheries and Food if he will take steps to assist pig producers. [106859]

Ms Quin: Steps have already been taken. Formal and informal pig farming co-operatives were eligible to apply for a marketing grant under the Agriculture Development Scheme 1999. The scheme closed for applications on 30 November 1999 and successful applications will be announced shortly. My right hon. Friend the Minister has also announced his intention that pig producers will benefit significantly from an extra £5 million earmarked to help farmers improve their marketing, collaboration and competitiveness. Discussions with the industry are currently taking place on ways of making best use of the money.

The "verification officer" appointed by the Minister will continue his work with industry bodies to identify cases where product is being sold at retail or catering level which might mislead the consumer into believing it contains pork of British origin when in fact it is imported. He will also continue to check progress on the commitment given some time ago by major retailers that all their own label fresh pork and certain processed products such as bacon would come from stall and tether and Meat and Bone Meal free production systems.

At the request of the Minister, the interpretation of the Food Labelling Regulations 1996 as they affected origin marking are to be tightened up. New industry guidelines were put out for consultation and responses received. Those guidelines will be issued shortly.

We continue to try and persuade public authorities that buying to British welfare and other standards offers good value and meets the needs of their "customers". To back up this message, the Minister has written to local councils and health authorities in England to emphasise the importance of sourcing to British standards.

The Minister wrote to Commissioner Fischler on 20 October urging him to re-open the Aids to Private Storage scheme and re-instate the special refund on exports of fresh and frozen carcase meat and cuts to Russia. In addition, UK officials attending the monthly Pigmeat Management Committee meeting, chaired by the Commission, have called for similar action at each meeting since September 1999 (most recently, at the meeting on 18 January).

Miss McIntosh: To ask the Minister of Agriculture, Fisheries and Food what recent discussions he has had with the European Union Commissioner on state aids to the pig sector. [106858]

Ms Quin: My right hon. Friend the Minister has many discussions with Mr. Fischler on all manner of topics. The Minister wrote to Mr. Fischler on state aids on 20 December 1999 and both he and I discussed these with Mr. Fischler in the margins of the Agriculture Council on Monday 24 January.

Rodenticides

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what controls are in place to regulate the use of rodenticides; and if he will make a statement. [106655]

Ms Quin *[holding answer 25 January 2000]:* All pesticides, including rodenticides, are subject to strict statutory control. Anyone wishing to gain an approval for a rodenticide is required to submit a substantial data package for rigorous assessment by the departments responsible for pesticides. Advice is also sought from the independent Advisory Committee on Pesticides on any application for a new use of an approved rodenticide where significant new issues arise as well as on any new rodenticide compounds. Only if, on the basis of these assessments, Ministers are content that there are no unacceptable risks to people or the environment will the rodenticide be approved. All approved rodenticides and their uses are subject to review and, if appropriate, approvals can be restricted or revoked entirely.

Research and Development

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what was the level of expenditure by his Department on research and development in each of the last 10 years. [106990]

Ms Quin: The Department's total expenditure on research and development in each of the last 10 financial years was:

Year	*£ million*
1989–90	112.2
1990–91	119.1
1991–92	121.5
1992–93	132.9
1993–94	135.0
1994–95	137.2
1995–96	139.7
1996–97	137.4
1997–98	140.5
1998–99	139.4

Lindane

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food (1) what assessment he has made of the evidence assembled by other EU member states before their decisions to ban Lindane; [104528]

(2) if he will ban the *(a)* sale and *(b)* use of Lindane; [104651]

(3) what assessment he has made of the extent of bans on the use of Lindane in other countries; [104527]

(4) what steps his Department takes to monitor the effects of Lindane. [104609]

Ms Quin *[holding answer 13 January 2000]:* The Government act as necessary on pesticides in order to safeguard health. In the case of lindane, using a precautionary assessment, independent scientific advice is that currently approved uses (agricultural and non-agricultural) of lindane do not pose any unacceptable risk to people or the environment. In addition all UK pesticide approval holders are legally obliged to report any scientific information relating to the safety of their products and the Government's Pesticide Incident Appraisal Panel considers all investigated incidents where the use of agricultural pesticides may have affected a person's health.

Both the EU and UK have programmes to review pesticides and lindane is under consideration in both programmes. Last June the Advisory Committee on Pesticides, an independent body, considered evidence from both the UK and EU reviews of lindane. In the light of the Committee's recommendations the Government moved swiftly to ban those uses of lindane that gave rise to unacceptable levels of exposure with the remaining uses being allowed to continue subject to further controls to reduce exposure and, where appropriate, companies being required to submit further data including environmental data for non-agricultural uses.

We do not routinely monitor and investigate the decisions taken by the regulatory authorities of other countries primarily because our decisions are based on the evidence and advice presented to UK Ministers about uses in the UK. Technical specifications, product formulations and uses are liable to considerable variation across the world and particular decisions elsewhere may have no direct relevance in the UK. Consequently, in the case of lindane, we have not attempted to establish its historic use overseas or the reasons why other countries have introduced partial or complete bans. The EU has yet to reach conclusions on the future European status of lindane but we have reported the action we have taken to the Commission and encouraged them to reach a European view as soon as possible.

European Food Agency

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the proposals put forward by the European Commission for a European Food Agency; what consultations have been held with Her Majesty's Government on the proposal; what overlap is likely with the work and responsibilities of the UK's Food Standards Agency; what Her Majesty's Government's response to the proposal has been; and when he expects proposals for legislation to be presented to the Council of Ministers. [105487]

Ms Quin *[holding answer 18 January 2000]:* The Commission's White Paper on food safety published on 12 January sets out detailed proposals aimed at restoring public confidence on food safety and includes proposals for setting up an independent European Food Authority by 2002. The Commission proposes that the role of the Authority be restricted to information gathering, risk assessment and analysis, provision of scientific advice and monitoring, but with no responsibility for proposing legislation. The Commission are inviting comments on these proposals by the end of April.

The Government welcome the proposal to set up a European Food Authority which they see as an opportunity to improve the EU food safety regime. The Government will give careful consideration to the proposals before submitting their formal and detailed response.

During development of the proposal officials have provided the Commission with advice based on our experience in setting up the Food Standards Agency.
The current proposals do not involve any Treaty change or significant alteration in the balance of EU and national responsibilities. We will be pressing for an EU Authority which complements the UK's Food Standards Agency.

Calf Exports

Mr. Robertson: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on calf exports from the UK to other EU countries. [102216]

Ms Quin *[holding answer 13 December 1999]:* Exports of all live bovine animals from the UK remain prohibited under EU law.

Further relaxation of the ban to permit the export of live bovines is foreseen in the Florence agreement. However negotiations relating to the lifting of the ban in respect of boneless beef have been by no means easy. The Government will need to consider carefully when the time is right to seek to open negotiations on the next stages of the Florence agreement.

Pesticides

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food when the ban on spraying sulphuric acid on crops was removed in the UK. [103393]

Ms Quin: Sulphuric acid has been used as a pesticide, principally as a desiccant for potato crops, for over 50 years. The current pesticide approval for sulphuric acid was issued in November 1995.

As part of its programme of work the Advisory Committee on Pesticides (ACP) reviewed the use of sulphuric acid as an agricultural desiccant in October 1997. The ACP recommended that approval could continue subject to further investigation into the potential risks to bystanders and the aquatic environment being produced.

The Health and Safety Executive is addressing the issues associated with bystander exposure and will report its findings to the ACP. A research project, managed by the Scottish Agricultural College, is presently under way to study the effects of sulphuric acid on the buffering capacity of natural waters in isolated systems. This addresses changes in acidity in water courses adjacent to crops treated with sulphuric acid. The results are expected later this year and will also be referred to the ACP.

Farming Industry

Mr. Hoyle: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effect on the farming industry of the strength of the pound. [105027]

Ms Quin: The present depressed state of farm incomes results from various factors, including the strength of sterling, the collapse of world prices and the loss of some key export markets. It is difficult to single out one factor in isolation and assess its impact when the factors are to an extent interlinked.

From 1997 to 1999, approximately £227 million was paid in agrimonetary compensation to livestock producers. A further £170 million will be paid to arable farmers in 2000, and beef, sheep and arable farmers can expect agrimonetary compensation amounting to up to £88 million during 2000.

Family Businesses

Mr. Steen: To ask the Minister of Agriculture, Fisheries and Food what recent steps he has taken to support family businesses in *(a)* rural areas and *(b)* national parks. [106056]

Ms Quin: The £1.6 billion support for Rural Development, which my right hon. Friend the Minister announced on 7 December, represents a radical redirection of support for agriculture and a significant increase in expenditure on rural development measures. The shift of emphasis away from production subsidies and the decision to modulate CAP subsidy payments mean that the rural development measures will be of benefit to family businesses in both rural areas and national parks.

Agricultural Research

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food what was the outturn figure for Government spending on research and development relating to *(a)* organic farming, *(b)* agricultural genetic engineering and *(c)* agricultural biotechnology, at 1999 prices, in 1998–99. [107265]

Ms Quin *[holding answer 27 January 2000]:* I refer my hon. Friend to the reply given to my hon. Friend the Member for South Swindon (Ms Drown) on 13 May 1999, *Official Report*, column 211W, which provides the information in respect of 1998–99 R&D spend for each area, and for a number of preceding years.

Chlormequat

Mr. Andrew George: To ask the Minister of Agriculture, Fisheries and Food what representations he has received in relation to the use of chlormequat on fruit trees. [103295]

Ms Quin: My Department has received a number of representations, particularly in relation to the use of chlormequat on pears. These have come from Members of the House, the public, growers and the food and agrochemical industries.

Written Answers to Questions

Tuesday 1 February 2000

NORTHERN IRELAND

Police

Mr. McNamara: To ask the Secretary of State for Northern Ireland (1) if he will take measures to ensure that the composition of the staff of the proposed Policing Board, Northern Ireland Office Police Division and Office of Police Ombudsman are broadly reflective of the population of Northern Ireland as a whole; [107814]

(2) when he intends to report on the role of district policing partnerships in Belfast; and what representations he has received on this matter; [107806]

(3) pursuant to his oral statement of 19 January 2000, *Official Report*, columns 845–48, when he will appoint the Oversight Commissioner; and if he will set out the person specification and job description for the Oversight Commissioner; [107810]

(4) who he plans will be responsible for the periodic review of progress towards a routinely unarmed police service in Northern Ireland recommended by the Patten report; how often these reviews will take place; and if their findings will be laid before the House; [107811]

(5) if he will outline the criteria by which the Policing Board will make a decision on the badge for the proposed Police Service for Northern Ireland; and if he will ensure that proposals be made public; [107809]

(6) what plans he has to develop a tenure policy for police officers; and if he will ensure that officers involved in security work are included in it. [107813]

Mr. Ingram: The Secretary of State made a statement in the House on 19 January 2000, *Official Report*, columns 845–48, setting out the Government's response to the Patten Report. The Government are considering a number of detailed issues in relation to the Report and will make its decisions clear in due course.

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will ensure that the proposed policing board will possess the power to call upon the chief constable to retire in the interests of efficiency and effectiveness, subject to the approval of the secretary of state. [107805]

Mr. Ingram: The Government accept the recommendations of the Patten report that the Policing Board should, with the Secretary of State's approval, be able to call upon the chief constable to retire in the interests of efficiency and effectiveness.

Mr. William Ross: To ask the Secretary of State for Northern Ireland when he last met members of the Northern Ireland Police Federation to discuss his plans to reform the Royal Ulster Constabulary. [107614]

Mr. Ingram: My right hon. Friend the Secretary of State last met with members of the Northern Ireland Police Federation on Tuesday 11 January 2000 to discuss the Patten report.

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will establish a public register of interests and associations for the police in Northern Ireland which will include currently serving officers. [107816]

Mr. Ingram: No. The Patten report does not recommend a public register.

Departmental Smoking Policy

Mr. Crausby: To ask the Secretary of State for Northern Ireland what action he is taking to reduce smoking in his Department. [105796]

Mr. Mandelson: NIO has a well established policy on smoking in the workplace which was first introduced in 1991 and a complete ban on smoking, apart from designated smoking rooms, has been in operation in all NIO premises since 1995. The policy has been supported through participation in the annual no-smoking day campaign and various health awareness events where professional and medical advice and information has been made available to encourage staff who smoke to give it up. The Department also intends to participate in the Quit Year 2000 initiative which has just been launched by the Ulster Cancer Foundation.

The Department is currently participating in a detailed Health Survey of all its staff which will identify the mental and physical health of our staff including basic data on smoking habits which will be used to plan future employee well-being activity.

Firearms

Mr. William Ross: To ask the Secretary of State for Northern Ireland how many crimes were committed in Northern Ireland in each of the last 10 years in which legally-held *(a)* shotguns, *(b)* .22 rifles, *(c)* .22 handguns, *(d)* fullbore handguns and *(e)* fullbore rifles were used by (i) their legal owners and (ii) others. [106965]

Mr. Ingram: The Chief Constable has advised me that the information about the ownership of the firearms used in criminal activity is not readily available and obtaining it would incur disproportionate cost. The table, however, shows the number of offences involving the use of firearms, and the type of firearm used over the last 10 years.

Year	*Handgun*	*Shotgun*	*Air weapon*	*Rifle*	*Machine gun*	*Other*	*Imitation/replica firearms*
1989–90	772	90	17	142	28	231	58
1990–91	797	107	8	122	38	86	51
1991–92	861	105	8	169	28	60	44
1992–93	1,035	126	15	148	28	12	57

Year	Handgun	Shotgun	Air weapon	Rifle	Machine gun	Other	Imitation/replica firearms
1993–94	905	86	10	166	39	31	67
1994–95	570	80	14	73	41	34	53
1995–96	438	60	28	11	4	7	57
1996–97	475	92	39	23	6	9	50
1997–98	610	72	65	17	10	35	56
1998–99[1] (old rules)	506	87	69	23	2	23	45
1998–99[1] (new rules)	510	92	211	23	2	44	47

[1] On 1 April 1998 the Home Office introduced a new counting system under which crime is recorded. The new rules figures can not be directly compared to previous years.

Intelligence Activity

Mr. McNamara: To ask the Secretary of State for Northern Ireland (1) what plans he had to draw up a code of practice on covert law enforcement techniques and other intelligence activity overseen by a complaints tribunal; [107804]

(2) what plans he has to appoint a covert policing commissioner to regulate the activities of Special Branch and other intelligence activity. [107807]

Mr. Ingram: The recommendations about covert law enforcement made by the Independent Commission on Policing for Northern Ireland will be implemented by forthcoming legislation. The legislation will require the publication of Codes of Practice on covert law enforcement techniques which will apply on a UK-wide basis.

Union Flag

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will review the existing practice on the display of the Union Flag from *(a)* police premises and *(b)* other public buildings. [107817]

Mr. Ingram: Regarding the first part of my hon. Friend's question, I refer him to the answer I gave him earlier today on questions regarding this subject. On the second part, I will not be reviewing the flying of flags on public buildings in Northern Ireland under my authority. Other public buildings in Northern Ireland, following devolution on 2 December 1999, now fall within the responsibility of the devolved administration.

EDUCATION AND EMPLOYMENT

Specialist Schools

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment what has been the value of additional private sector money levered in for educational use through the specialist school regime since May 1997. [106994]

Ms Estelle Morris: The value of additional private sector money raised through the Specialist Schools programme since May 1997 is approximately £25,000,000.

Mr. Michael J. Foster: To ask the Secretary of State for Education and Employment if he will list the schools given specialist status since May 1997, and the parliamentary constituencies in which they are located. [106995]

Ms Estelle Morris: The information requested is provided in the following table.

Schools given specialist status since May 1997

School	Parliamentary constituency
Arts Colleges	
Bishopshalt School	Uxbridge
Blatchington Mill School and Sixth Form College	Hove
Brentwood Ursuline Convent School	Brentwood and Ongar
Bridgewater County High School	Warrington South
Bridgewater Hall School	North East Milton Keynes
Castle Hills Community School	Gainsborough
Charles Edward Brooke High School	Vauxhall
Chestnut Grove School	Tooting
Churchfields School	South Swindon
Cotham Grammar School	Bristol West
Egerton Park High School	Denton and Reddish
Egglescliffe School	Stockton South
English Martyrs School and Sixth Form College	Hartlepool
Estover Community College[1]	Plymouth Devonport
Lipson Community College[1]	Plymouth Sutton
Fox Hollies School[1]	Birmingham Sparkbrook and Small Heath
Queensbridge School[1]	Birmingham Selly Oak
Fred Longworth High School	Worsley
Greenfield Comprehensive School	Sedgefield
Greenlands High School	Blackpool North and Fleetwood

Schools given specialist status since May 1997

School	*Parliamentary constituency*
Guthlaxton College	Harborough
Heathfield Community School	Taunton
Icknield High School	Luton North
Intake High School	Leeds West
John Masefield High School	Leominster
Kidbrooke School[1]	Greenwich and Woolwich
Thomas Tallis School[1]	Greenwich and Woolwich
Kings School, The	Wolverhampton South West
Lindsey School, The	Cleethorpes
Lord Lawson of Beamish School	Blaydon
Newall Green High School	Wythenshawe and Sale East
North Kesteven School	Sleaford and North Hykeham
North Leamington School	Warwick and Leamington
Rawlins Community College	Loughborough
Sharnbrook Upper School and Community College	North East Bedfordshire
Sir William Ramsey School	Chesham and Amersham
Somervale School	Wansdyke
South Axholme School	Brigg and Goole
Springwood High School	North West Norfolk
St. John Fisher Catholic High School	Harrogate and Knaresborough
St. Laurence School	Westbury
St. Marylebone School (The)	Cities of London and Westminster
St. Paul's Way Community School	Poplar and Canning Town
St. Peter's School	Bournemouth East
Thomas Tallis School	Greenwich and Woolwich
Thornden School	Romsey
Wheatley Park School	Henley
Language Colleges	
Ashcombe School	Mole Valley
Clevedon Community School	Woodspring
Colfox School	West Dorset
Didcot Girls' High School	Wantage
Elizabeth Garrett Anderson School	Islington South and Finsbury
FitzWimarc School, The	Rayleigh
Harwich School, The	Harwich
Haydon School	Ruislip—Northwood
Hele's School	South West Devon
Highcliffe School	Christchurch
Hockerill Anglo European School	Hertford and Stortford
Holt School, The	Wokingham
Holy Family RC School, The	Sunderland South
Hummersknott School	Darlington
Ian Ramsey CE School	Stockton South
Imberhorne School	Mid Sussex
Impington Village College	South East Cambridgeshire
Judgemeadow Community College	Leicester East
King Edward VII School	Sheffield Hallam
Kingsthorpe Upper School	Northampton North
Little Lever School	Bolton South East
Lord Grey School	Milton Keynes South West
Montsaye School	Kettering
Mountbatten School, The[1]	Romsey
Romsey School, The[1]	Romsey
Northgate High School	Ipswich
Notre Dame High School	Norwich South
Oulder Hill Community School	Rochdale
Our Lady's Convent High School	Hackney North and Stoke Newington
Park View Community School	North Durham
Penrice School	Truro and St. Austell
Prince Henry's Grammar School	Leeds North West
Ryton Comprehensive School	Blaydon
Saint George's CofE School	Gravesham
Shireland High School	Warley
Sir Thomas Rich's School	Gloucester
St. Bede's RC Comprehensive School	North West Durham
St. Clement Danes School	Chesham and Amersham
St. Mary's RC High School	Chesterfield
St. Wilfrid's RC High School and VI Form College	Hemsworth

Schools given specialist status since May 1997

School	*Parliamentary constituency*
Tile Hill Wood School	Coventry North West
Trinity School	Carlisle
Weald of Kent Grammar School	Tonbridge and Malling
Wirrall Grammar School for Girls	Wirral South
Sports Colleges	
Abraham Guest High School	Makerfield
Angley School	Maidstone and The Weald
Angmering School	Arundel and the South Downs
Arrow Vale High School	Redditch
Ashton on Mersey School	Altrincham and Sale West
Benfield School	Newcastle upon Tyne East and Wallsend
Biddick School	Gateshead East and Washington West
Bishop Challoner RC School	Birmingham Selly Oak
Boston Spa Comprehensive School	Elmet
Brookfield High School	Knowsley North and Sefton East
Callington School	South East Cornwall
Chesterfield High School	Crosby
Colne School	North Essex
Davenant Foundation School	Epping Forest
Deanes School (The)	Castle Point
Droitwich Spa School	Mid Worcestershire
Durham Gilesgate	City of Durham
Ernest Bevin School	Tooting
Failsworth School	Ashton under Lyne
Featherstone High School	Ealing Southall
Hailsham Community College	Wealden
Haydon Bridge High School	Hexham
Ivybridge Community College	South West Devon
King Alfred's School	Wantage
King Edward VII High School	North West Norfolk
Kingdown Community School	Westbury
Lancaster School	Leicester South
Langdon School	East Ham
Leon School	Milton Keynes South West
Manor School (The)	Mansfield
Newsome High School	Huddersfield
Northfield School	Stockton North
Oldfield School	Bath
Park House School	Newbury
Penryn Community School	Falmouth and Camborne
Poltair Community School	Truro and St. Austell
Priory School	Barnsley Central
Rawmarch Comprehensive School	Wentworth
Roade School	Northampton South
Shaftesbury School	North Dorset
Southfields Community College	Putney
St. Benedict's Catholic High School	Cheltenham
St. Edmund's Girls' School	Salisbury
St. Joseph's RC High School	Bolton West
St. Mary's Comprehensive School	Pudsey
Thorpe St. Andrew School	Norwich North
Walford High School	Ealing North
Westcroft Special School	Wolverhampton North East
Whickham Comprehensive School	Blaydon
Whitefield School	Finchley and Golders Green
William Parker School	Hastings and Rye
Wood Green High School	West Bromwich West
Write Robinson School	Manchester Gorton
Wye Valley School (The)	Beaconsfield
Technology Colleges	
Abbey Hill School[1]	Stockton North
Beaumont Hill School[1]	Darlington
Ailwyn Community School[1]	North West Cambridgeshire
Ramsey Abbey School[1]	North West Cambridgeshire
Alcester High School	Stratford-on-Avon
Allertonshire School[1]	Richmond (Yorks)
Northallerton College[1]	Richmond (Yorks)

Schools given specialist status since May 1997

School	*Parliamentary constituency*
Ashby Grammar School	North West Leicestershire
Ashfield School	Ashfield
Aston Manor School[1]	Birmingham Ladywood
Heartlands High Secondary School[1]	Birmingham Ladywood
Babington Community College	Leicester West
Balcarras School	Cheltenham
Bedlingtonshire Community High School	Wansbeck
Benjamin Britten High School	Waveney
Beverley High School	Beverley and Holderness
Bicester Community College	Banbury
Birchwood High School	Hertford and Stortford
Bishop Hereford's Bluecoat School	Hereford
Bishop Luffa School	Chichester
Brine Leas County High School	Crewe and Nantwich
Broughton Hall High School	Liverpool Wavertree
Bury St. Edmunds County Upper School	Bury St. Edmunds
Castleford High School	Pontefract Castleford
Chase High School, The	West Worcestershire
Clapton School for Girls	Hackney North and Stoke Newington
Cleeve School	Tewkesbury
Clough Hall Technology School	Staffordshire Moorlands
Cockshut Hill School	Birmingham Yardley
Court Fields Community School	Taunton
Crispin School	Wells
Crosshill Special School[1]	Blackburn
Queen's Park High School[1]	Blackburn
Davison CoE High School	East Worthing and Shoreham
Dene Magna Community School	Forest of Dean
Dorcan Comprehensive School	North Swindon
Downend Comprehensive School	Kingswood
Duchess's Community High School, The	Berwick-upon-Tweed
Edenham High School	Croydon Central
Fakenham High School and College	North Norfolk
Foxhills School	Scunthorpe
George Farmer School, The	South Holland and the Deepings
Gordano School	Woodspring
Grangefield School	Stockton South
Great Cornard Upper School	South Suffolk
Great Yarmouth High School	Great Yarmouth
Guilsborough School	Kettering
Haggerston School	Hackney South and Shoreditch
Hampstead School	Hampstead and Highgate
Hartsdown School	North Thanet
Hayesfield School	Bath
Hazelwick School	Crawley
Heaton Manor School	Newcastle upon Tyne East
Henbury High School	Macclesfield
Hereford School, The [1]	Great Grimsby
Western School[1]	Great Grimsby
Highams Park School	Chingford and Woodford Green
John E. Kennedy RC School	Hemel Hempstead
Joseph Leckie School	Walsall South
Joseph Rowntree School	Vale of York
King Edward VII Upper School	Rutland and Melton
King James's School	Harrogate and Knaresborough
Kirk Hallam Community Technology College	Erewash
Ladymead Community School	Taunton
Launceston College	North Cornwall
Longbenton Community College	North Tyneside
Lutterworth Grammar School	Blaby
Lytham St. Annes School	Fylde
Manor College of Technology	Hartlepool
Millom School	Copeland
Moor End Technology College	Colne Valley
Norton Hill School	Wansdyke

Schools given specialist status since May 1997

School	*Parliamentary constituency*
Parkside Comprehensive School[1]	Plymouth Devonport
Tamarside Community College[1]	Plymouth Devonport
Parliament Hill School	Hampstead and Highgate
Parmiter's School	Watford
Plessington Catholic High School	Birkenhead
Priory Community School A Technology College	Weston-super-Mare
Queen Elizabeth's Community College	Tiverton and Honiton
Queensmead School	Ruislip-Northwood
Rainford High School	St. Helens North
Reepham High School	Mid Norfolk
Ribblesdale County High School	Ribble Valley
Richard Lander School	Truro and St. Austell
Ridings High School	Northavon
Ripon College	Skipton and Ripon
Rivington and Blackrod High School	Chorley
Robert Manning School, The	Grantham and Stamford
Robert Smyth School	Harborough
Shoeburyness Community High School	Rochford and Southend East
South Bromsgrove High School	Bromsgrove
Southam School	Stratford-on-Avon
Southfield Technology College	Workington
Southlands High School	Chorley
Spennymoor School[1]	Bishop Auckland
Tudhoe Grange Comprehensive[1]	Bishop Auckland
Speedwell School	Kingswood
Sponne School	Daventry
St. Ambrose Barlow RC High School	Eccles
St. Augustine's Catholic College	Westbury
St. Birinus School	Wantage
St. John's School and Community College	Devizes
St. Leonard's RC Comprehensive School	City of Durham
St. Marks's Catholic School	Brentford and Isleworth
St. Matthews RC High School	Manchester Blackley
St. Anthony's Girls' School	Sunderland South
Stanley School	North Durham
Steyning Grammar School	Arundel and South Downs
Tewkesbury School	Tewkesbury
Thomas Alleyne's School	Burton
Trinity School, The	Warwick and Leamington
Varndean School	Brighton Pavilion
Wade Deacon High School	Halton
Walker School	Newcastle upon Tyne East
Warwick School, The	Reigate
Washington School	Houghton and Washington East
Washwood Heath School	Birmingham Hodge Hill
Weald School, The	Horsham
West Craven High School	Pendle
Westfield School	South Dorset
Westleigh High School	Leigh
Whitstone Community School	Wells
Winifred Holtby School	Kingston upon Hull East
Woodham Comprehensive School	Sedgefield
Woolwich Polytechnic Boys School	Greenwich and Woolwich
Wyvern Community School, The	Eastleigh

[1] Joint designations

Disability Rights Commission for Wales

Mr. Wigley: To ask the Secretary of State for Education and Employment what consultation took place between himself and the National Assembly for Wales on the appointment of the Disability Rights Commission for Wales. [107015]

Ms Hodge: My right hon. Friend the First Secretary of the National Assembly for Wales and his officials have been consulted at every stage of the recruitment process to appoint a Commissioner with special knowledge of Wales to the Disability Rights Commission.

Summer Camps

Mr. Maclean: To ask the Secretary of State for Education and Employment if he will make a statement, including the cost, on his proposal that all 16-year-olds should attend summer camps. [107495]

Jacqui Smith: I refer the right hon. Member to the reply I gave to the hon. Member for Daventry (Mr. Boswell) on 18 January 2000, *Official Report*, column 389W.

Science Teachers

Mr. Clappison: To ask the Secretary of State for Education and Employment how many recruits for the teaching of *(a)* Physics, *(b)* Chemistry and *(c)* Biology in secondary schools were recruited into initial teacher training courses in each of the last five years. [107176]

Ms Estelle Morris: There are no national data available for secondary initial teacher training courses in Physics, Chemistry and Biology. Data are available for secondary initial teacher training Science courses. Recruitment to Science for England over the last five years is given in the table.

Year	*Number*
1995–96	2,794
1996–97	2,937
1997–98	2,789
1998–99	2,279
1999–2000	2,353

Source:
TTA Survey of ITT Providers

Mr. Clappison: To ask the Secretary of State for Education and Employment how many Physics teacher trainees he expects to be in his target figure for recruitment into initial teacher training courses for Science teaching in secondary schools in *(a)* 2000–01 *(b)* 2001–02 and *(c)* 2002–03. [107180]

Ms Estelle Morris: There are no secondary initial teacher training targets for Physics. Physics is included in the secondary target for Science. The DfEE secondary initial teacher training target for Science in England for 2000–01 is 2,690. Indicative targets for 2001–02 and 2002–03 are also 2,690.

Mobile Phones

Mr. Ottaway: To ask the Secretary of State for Education and Employment what estimate he has made of the impact on schools' budgets of the use by parents of mobile phone numbers as a point of contact for school staff. [107610]

Jacqui Smith: We have made no such estimate. It is for individual schools to determine, and agree with parents, the most cost-effective way of contacting parents in particular circumstances.

School Transport

Mr. Breed: To ask the Secretary of State for Education and Employment what statutory requirement applies to the provision of transport for children to their nearest state school; and what obligation there is for local education authorities to fund such transport *(a)* from the nearest bus stop to the school and *(b)* from the child's home to the bus stop. [107568]

Jacqui Smith: Local Education Authorities must provide free transport for a pupil of compulsory school age who attends his or her nearest suitable school, if it is beyond statutory walking distance from the child's home. These distances are two miles for pupils aged under eight, and three miles for those aged eight and over. If these criteria are not met, a Local Education Authority must still decide whether free transport is necessary, taking account of a pupil's age, the possible routes he or she might take to school, and a parent's wish for denominational education where the parent adheres to the denomination of the school. Free transport may be provided from the child's home or from a bus stop convenient to the pupil's home.

Teachers' Review Body

Mr. Singh: To ask the Secretary of State for Education and Employment if he will make a statement on the report of the School Teachers' Review Body. [108105]

Mr. Blunkett: The 2000 report of the School Teachers' Review Body has been published today. Copies are available in the Vote Office and the Library of the House. This is an historic pay round, centred on modernising the pay system for the entire teaching profession. I am grateful to the Chair and members of the Review Body for their important work.

I asked the School Teachers' Review Body to ensure that, in making its recommendations, six key considerations were taken into account:

the strategy for modernising the teaching profession set out in the Green Paper "Teachers: meeting the challenge of change" (this strategy was similarly set out in the Green Paper "The BEST for Teaching and Learning in Wales);

the need to minimise additional burden on head teachers and line managers, while ensuring effective implementation of the new arrangements to reward excellence in schools;

specific items of non-pay expenditure for delivering a high quality education service should not be diverted to fund a pay settlement;

firm three year plans for my Department's Expenditure Limit and for all local authorities set by the Comprehensive Spending Review, from which we must fund all service improvements and pay settlements, and similar constraints in Wales;

the Government's inflation target, which requires responsibility in all pay settlements;

the need for schools to recruit, retain and motivate sufficient teachers, deputy headteachers and headteachers of the required quality.

I have considered the report carefully against these considerations and am satisfied that they are met. I have decided to accept the Review Body's main recommendations. They are in line with the Government's prudent and disciplined approach to public spending and its commitment to deliver high quality public services and low inflation.

My proposals, which include minor modifications of the STRB recommendations where indicated, are as follows:

General Pay Increase

with effect from 1 April 2000 the values of the pay spines for qualified classroom teachers, Advanced Skills Teachers, heads and deputies, and the pay scale for unqualified teachers, should be increased by 3.3 per cent;

also with effect from 1 April 2000, London allowances other than the inner London Supplement should be increased by 3.3 per cent.

Pay reform: classroom teachers

The existing pay spine will be replaced by a new pay spine and an upper pay range:

Pay spine

the pay spine will comprise nine full salary points (half points are to be abolished;

teachers with a second class honours degree or better should be entitled to one point for qualifications, and the relevant body should have the discretion to award additional points on the pay spine for relevant experience outside teaching;

teachers should receive a point on the pay spine for each year of service subject to the discretion of the relevant body to discount unsatisfactory service on the same basis as applies under the existing pay system;

a teacher whose performance is exceptionally good in a particular year should, at the discretion of the relevant body, be awarded two points on the pay spine for that year of service;

points awarded on the pay spine should become a permanent entitlement for the teacher concerned;

Upper pay range

the upper pay range will comprise five salary points;

teachers at the top of the pay spine who apply to cross the threshold to the new upper pay range and are assessed as meeting national performance standards being developed by the Government will be placed on the first point of that range, which will be £2,000 above point nine on the pay spine;

further progression on the upper pay range will be at the discretion of the relevant body to recognise substantial and sustained performance and contribution to the school as a teacher. Points should not be awarded annually other than in exceptional circumstances, and normally at least two years should elapse between crossing the threshold and being awarded the next point above the threshold uplift. I propose that the first such points should be available in September 2002;

once awarded, the first point on the upper pay range will be a consolidated addition to pay and transferable if the teacher moves to another school (the STRB will consider the status of subsequent pay points in their next report);

Management allowances

the existing system of responsibility points will be replaced by a range of four management allowances;

management allowances should be awarded at the discretion of the relevant body to teachers who undertake clearly defined and significant management tasks additional to their normal duties as classroom teachers. I will consult further on the way such management allowances should be defined in the light of information about the way responsibility points are used at present;

management allowances may be awarded while a teacher is holding a particular post or on a short-term basis at the discretion of the relevant body;

Recruitment and retention allowances:

the existing system of recruitment and retention points will be replaced by a range of three recruitment and retention allowances;

the first or second allowance should be awarded at the discretion of the relevant body to teachers in schools generally; a third allowance could additionally be used in inner London, and in schools in special measures, to help ease particular recruitment and retention problems;

the STRB has recommended that as an alternative to using recruitment and retention allowances as a normal salary enhancement in areas covered by the DfEE's "Excellence in Cities" initiative, the relevant body should also have discretion to use an annual allowance wholly or in part in the form of a lump sum payment subject to satisfactory completion of service in the year concerned. Where lump sums are paid they will not be covered by the normal presumption that teachers' pay and allowances are consolidated and pensionable. I have accepted this recommendation with the modification that the recommended discretion should be available for use by all relevant bodies rather than just those in Excellence in Cities areas.

Special educational needs

the existing system of special needs points will be replaced by two levels of allowance which should be awarded on the same basis as the existing points.

The reformed pay structure for qualified classroom teachers should be introduced on the following basis:

the new structure will be introduced with effect from 1 September 2000, from which date the existing system should cease to exist;

appropriate assimilation arrangements will be drawn up in consultation with interested parties, based on the principle that no teacher should be worse off unless there has been a change in relevant circumstances;

discretionary points and the mandatory special needs point awarded under the existing system should normally be expected to be converted into an appropriate allowance under the new system, but half points and excellence points should be protected on an individual basis; and

discretionary points and the mandatory special needs point awarded under the existing system should not be offset against the threshold uplift.

Advanced Skills Teachers

The separate pay spine for Advanced Skills Teachers should be retained and their possible inclusion in strategic school leadership arrangements should be at the discretion of the governing body.

Leadership Group

The relevant body, having determined the pay of the head, must determine the pay of other leadership group members with effect from 1 September 2000 on the following basis:

the relevant body must determine an appropriate five point individual salary range on the leadership pay spine for each member of the group other than the head;

salary ranges must be positioned between the individual school range adopted for the head and the salary level of teachers immediately below the leadership group. Assimilation must ensure that no one is worse off as a result of the introduction of the new arrangements; and

subsequent movement within the individual salary range must reflect performance as for heads under the arrangements introduced with effect from 1 September 1999.

The maxima for the range of points for each of the eight school groups for heads will be raised by two points, and the top of the pay spine extended accordingly, with effect from 1 September 2000.

To provide relevant bodies with additional flexibility for the initial setting of pay ranges for leadership group members, the existing rule which restricts the circumstances under which a head's individual school range can be reopened must be waived temporarily.

Acceptance of these recommendations is subject to two modifications: first, senior teachers and deputies joining the leadership group should normally assimilate to the nearest point above their existing salary, except where the relevant body judges a higher point is appropriate to ensure that the pay ranges at the school properly reflect the relative responsibilities of jobholders; and secondly, that at the point of assimilation deputies should be on a higher point on the leadership spine than senior teachers in the same school who are not deputies.

I propose to consult on the basis that leadership group members who are not heads should have the same professional duties as deputy heads, save that those who are senior teachers rather than deputies should not be required to undertake the professional duties of the head in the head's absence.

Special School Heads

With effect from 1 September 2000, the existing interim basis on which special schools are assigned to a school group for the purposes of determining the pay of the head will be replaced

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by a new formula which links job weight with pupil numbers and teaching and non-teaching staff numbers. Once the school is assigned to a group, the pay arrangements for the head should be the same as for the head of mainstream schools. The group for hospital schools will be determined on an individual basis, but the pay arrangements must otherwise be the same as for schools generally.

School Performance Award scheme

Governing bodies of schools in receipt of an award under the proposed School Performance Award scheme will be able to distribute some or all of it on the advice of the head in the form of non-consolidated, non-pensionable bonuses to staff.

Fast Track Teachers

The STRB has recommended that teachers on proposed fast-track programmes should have an additional spine point up to the proposed performance threshold, and that such teachers should not be subject to the working time limits that apply to classroom teachers generally. I propose to accept this STRB recommendation with the modification that the additional spine point should be available only to newly qualified teachers who join the fast-track. Other serving teachers below the threshold who join the fast track will benefit from double jumping of experience points so should receive an extra point anyway.

Existing Pay Allowances and Safeguarding

Out of school learning

The existing scope for relevant bodies to make discretionary payments to classroom teachers who participate in out-of-school activities will be maintained but heads, deputies, other leadership group teachers, Advanced Skills Teachers and fast-track teachers will not be eligible for such payments.

In-service training

The existing scope for relevant bodies to make discretionary payments to teachers and deputy heads who undertake in-service training will be maintained and cover leadership group teachers other than the head but not fast-track teachers.

Acting duties

The existing discretionary scope for relevant bodies to pay acting allowances to classroom teachers who are assigned and carry out the duties of a head or deputy, but who have not been appointed as acting heads or deputies, will be maintained and cover teachers who are assigned and carry out the duties of other leadership group members.

Social Priority Allowance and Inner London Supplement

The existing basis for safeguarding residual entitlements to the SPA and ILS will be maintained.

1993 pay restructuring

I will take account of residual entitlements arising from the 1993 restructuring of teachers' pay when consulting interested parties on the appropriate basis for assimilation to the proposed new pay structure from 1 September 2000.

General safeguarding

I will also consult interested parties about the continued basis for general safeguarding with reference back to the STRB as appropriate.

Financial implications

The full cost of the settlement in 2000–01 will arise from the 3.3 per cent. increase in teachers' pay spines and allowances from 1 April 2000, and from the reforms of the qualified teachers' pay system and other changes consequent on previous restructuring which will come into effect from 1 September 2000. The cost of the April increase in 2000–01 will be £420 million in England and Wales. This will be affordable within the resources available to local authorities. In England, Education Standard Spending will rise by £1,103 million (5.4 per cent.) in 2000–01 compared with 1999–2000. Local authorities in England will also benefit in 2000–01 from increased spending power of £90 million resulting from rescheduling of increased employers' contributions to teachers' pensions, and a general increase in Revenue Support Grant of £35 million. In addition to the allocation through the Revenue Support Grant, I have confirmed today that I have identified an additional £50 million from my Department's budget which will be available to schools in England, paid as a Special Grant to ensure that there are additional resources available to meet the challenging standards agenda and the new basic pay increase.

In Wales, following decisions by the National Assembly, local authorities will be able to increase spending on education by £75 million in 2000–01, compared with 1999–2000.

Additional specific funding will support the costs of the reform of the qualified teachers' pay system from September 2000. This will take the form of a new Special Grant in England and specific extra allocations to local authorities in Wales.

In the initial years of the new pay system, the Government will make additional funds available in England to support extra costs incurred by schools as follows:

a Special Grant, established under section 88B of the Local Government Finance Act 1988, which will fund fully the threshold salary uplift of £2,000 payable from September 2000 for every full-time-equivalent teacher moving to the upper pay range in the current year. There will be no quota on threshold successes. All eligible teachers who apply and are assessed as meeting the national standards will move to the upper pay range. This grant will operate until at least March 2002;

a one-off payment of £2,000 from the same Special Grant for every full-time-equivalent classroom teacher appointed directly to the new leadership group in academic year 2000–01. This payment will help support the additional salary costs of teachers joining the leadership group; it will be for schools to decide on a case-by-case basis what pay point on the leadership pay spine would be appropriate taking into account the nature of the post. These payments will be available for academic year 2000–01 only. Thereafter, the additional resources will be included in the local authority funding system and schools' delegated budgets in the normal way.

In addition, the Government will in England make a specified amount of extra resource available for the same period of time as the threshold grant to support the costs to schools of high-performing heads, deputies and Advanced Skills Teachers progressing up their individual pay ranges from September 2000. This will help ensure that excellent achievement among these teachers is recognised and rewarded more consistently—an issue to which the Review Body has drawn attention in paragraph 147 of the current report. The DfEE will consult stakeholders on the operation of this funding, including the most appropriate mechanism for distributing these funds.

In Wales, funding for the pay consequences of teachers' pay restructuring will be made as additional increases to local authorities to enable them to meet the costs of the various elements. The National Assembly is providing an additional £14.5 million in 2000–01, bringing the overall increase in local authorities' spending power in 2000–01 to £91 million. The National Assembly has been consulting on the arrangements for distribution of those additional amounts.

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Taking account of this funding, the additional costs arising within Education Standard Spending from 1 September 2000 are estimated as £7.5 million in respect of the assimilation of classroom teachers to the new pay system and of restructuring the pay of special school heads. Other assimilation costs may arise depending on local decisions by schools; the Review Body is therefore unable to estimate the overall level of such costs.

Next Steps

I am grateful to the Review Body for recommending a general increase at a level which is fair and which can be implemented without staging. I hope teachers will welcome the fact that they will receive their pay increase in full on 1 April this year. I will now initiate consultation with the teacher associations, the employer organisations and other interested parties, as required under section 2(1) of the School Teachers' Pay and Conditions Act 1991, before I make provision by order for teachers' pay and conditions in 2000–01.

Local Education Authorities

Mr. Dobbin: To ask the Secretary of State for Education and Employment what plans he has to take on further consultants and service providers for intervention work in local education authorities. [108317]

Ms Estelle Morris: We will shortly be advertising for organisations interested in providing consultancy support and delivering education services in the event of intervention in local education authorities. This will include extending the remit of the work undertaken by consultants to provide a wide range of general management consultancy and advice. Advertisements will appear in the national press and specialist press from 2 February.

Learning Difficulties

Mr. Ashdown: To ask the Secretary of State for Education and Employment what is his estimate of the percentage of children with moderate learning difficulties who are fully included in education in mainstream schools in each local education authority in England; and if he will make a statement. [107672]

Jacqui Smith: Information by specific types of learning difficulty is not collected centrally.

However, in January 1999, returns of the Annual Schools' Census showed that, in England, 59 per cent. of all pupils with statements of SEN were being educated in mainstream schools.

Mr. Ashdown: To ask the Secretary of State for Education and Employment if he will make a statement on the Government's policy on the inclusion of children with moderate learning difficulties in mainstream schools. [107671]

Jacqui Smith: Promoting the inclusion of children with learning difficulties within mainstream schools, where parents want it and appropriate support can be provided, is a cornerstone of the Government's special educational needs strategy. The education of children with special needs is a key challenge for the nation, and critical to the creation of a fully inclusive society. There are strong educational, as well as social and moral, grounds for educating pupils with special needs or disabilities with their peers.

The SEN/Disability Rights Bill—which will be introduced later this session—will strengthen the right to a mainstream place for pupils with special needs. Where parents want a mainstream setting for their child our policy is to try to provide it. Equally, when parents want a specialist setting for their child it is important that their wishes are respected. Our approach has been practical, not dogmatic. We are advocating inclusion by choice and have underlined that there remains a continuing and vital role for special schools. The key objective must be to safeguard the interests of all children and to ensure that they achieve to their full potential.

Unemployment Statistics

Mr. Wigley: To ask the Secretary of State for Education and Employment what proportion of those who leave the unemployment pool based on the claimant count reapply for benefit within 12 months of securing employment by region. [107229]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Dafydd Wigley, dated 1 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to answer your parliamentary question about the proportion of those leaving the claimant and finding work who rejoin within 12 months. Following are estimates based on the 5% sample cohort of claimants of Jobseeker's Allowance.

Of those leaving the claimant count during 1998 and known to have found work as the reason for ceasing their claim, the proportions of these who started another claim within 12 months of ceasing their original claim, were as follows.

Government Office Region	*Percentage*
North East	45
North West	38
Yorkshire and Humberside	42
East Midlands	37
West Midlands	35
Eastern	35
London	28
South East	33
South West	36
Wales	40
Scotland	43
Northern Ireland	31
United Kingdom	37

HOME DEPARTMENT

Hunting

Dr. Gibson: To ask the Secretary of State for the Home Department (1) which members of the inquiry team chaired by Lord Burns investigating hunting have been members of a pro-field sports organisation; [106954]

(2) which of the members of the inquiry team into hunting, chaired by Lord Burns, have made a *(a)* financial and *(b)* in kind contribution to a pro-field sports organisation (i) event and (ii) hunt; [106955]

(3) which members of the inquiry team chaired by Lord Burns benefited *(a)* from hospitality given by a pro-field sports organisation, *(b)* from income from a pro-field sports organisations either as (i) an employee consultant and (ii) a paid advocate and *(c)* from other financial benefits from such organisations before they were appointed to the inquiry; [106958]

(4) which members of the inquiry team chaired by Lord Burns into hunting have *(a)* presided over, *(b)* been commissioned by and *(c)* worked for an organisation with affiliation to a (i) pro-field sports organisation and (ii) hunt; [106956]

(5) which of the members of the inquiry team chaired by Lord Burns into hunting have *(a)* taken part in and *(b)* attended a hunt as a subscribing member, supporter or follower; and when and where they did so. [106957]

Mr. Mike O'Brien *[holding answer 25 January 2000]:* Inquiries with the Secretariat of the inquiry informs me that none of the members of the inquiry team has made a financial or in-kind contribution to a pro-field sports organisation, event or hunt. Nor have any of the inquiry team been members of a pro-field sports organisation.

With one exception, none of the members of the inquiry team has attended a hunt in any capacity. As part of research into hunting Professor Winter was present to observe a hunt on two occasions in 1991–92. The published research, "Economic and Social Aspects of Deer Hunting on Exmoor and the Quantocks", was funded by the National Trust. As a child, Professor Winter was taken to hunts on about half a dozen occasions.

My right hon. Friend the Home Secretary's reply to my hon. Friend the Member for Wirral, South (Mr. Chapman) of 9 December 1999, *Official Report,* column 617W, announcing the membership of the inquiry, gave details of Dr. Edwards' and Professor Michael Winter's association with the Royal Agricultural College, Cirencester. Professor Marsh is a Governor of the College. None of them has had any connection with the beagle pack, which is owned and managed by a Trust (separate from the College) and available to students through a College Student Union Club.

In 1993, the Royal Agricultural College received a small grant from the Standing Conference on Countryside Sports to carry out research into the implications of pheasant shooting.

Professor Sir John Marsh was Director of the Centre for Agricultural Strategy, which, like the Royal Agricultural College, attended meetings of the Standing Conference on Countryside Sports.

Lord Soulsby of Swaffham Prior was commissioned by the British Field Sports Society to carry out an evaluation of the report on deer hunting, "The Behavioural and Physiological Effects of Culling Red Deer", by Professor Patrick Bateson, together with other evidence. Lord Soulsby received expenses, but no payment, for this work.

The Secretariat informs me that Lord Soulsby of Swaffham Prior, Professor Sir John Marsh and Professor Winter received refreshments when attending meetings organised by the Countryside Alliance and, in Professor Marsh's and Professor Winter's case, by the Standing Conference on Countryside Sports. We are informed that neither they nor the other members of the Inquiry team have received any income or other financial benefits from any pro-hunt organisation.

My right hon. Friend the Home Secretary is satisfied that the Committee of Inquiry will provide an objective view on the issues before the Committee.

Local Election Pilot Schemes

Mr. Watts: To ask the Secretary of State for the Home Department what applications he has received from local authorities wanting to run pilot schemes at local elections in May. [108275]

Mr. Mike O'Brien: We hope that the Representation of the People Bill will receive Royal Assent in time to allow the first pilot schemes of innovative electoral procedures to be run at local elections in May.

Clause 10(11) of the Bill allows for applications to be submitted before the Bill receives Royal Assent.

44 local authorities have submitted applications to run 64 pilot schemes.

Of these, 21 involve early voting, 14 involve all postal ballots, eight involve electronic voting or counting, seven involve changes to the absent vote arrangements, six involve weekend voting, four involve a mobile ballot box, two involve an extension to polling hours, one involves voter notification, one involves a freepost facility. Details are set out in the table.

My officials will notify local authorities by 14 February whether my right hon. Friend the Home Secretary would be minded to approve their applications should the Bill receive Royal Assent in time for schemes to be run in May.

Local Authority	*Number of wards*	*Application to pilot*
Amber Valley BC	Whole authority	1. Electronic voting
	Whole authority	2. Extend entitlement to postal voting
Birmingham MBC	Whole authority	Early voting
Blackburn with Darwen BC	Whole authority	Early voting
Blackpool BC	Whole authority	Early voting
Bolton MBC	3 wards	1. All postal voting
		2. Weekend voting
Broxbourne BC	12 wards	Electronic counting
Bury MBC	1 ward	1. Electronic voting
	Whole authority	2. Early voting
Chester CC	Whole authority	Early voting
Coventry CC	Whole authority	Early voting
Doncaster MBC	1 ward	All postal voting

Local Authority	*Number of wards*	*Application to pilot*
Eastleigh BC	15 wards	1. Extension of entitlement to postal vote
		2. Saturday voting
Gateshead MBC	2 wards	All postal voting
Gloucester CC	3 wards	Extension of entitlement to postal vote
Halton BC	2 wards	Early voting
Ipswich BC	2 wards	All postal voting
Kingston upon Hull CC	Whole authority	Early voting
Knowsley MBC	3 wards	Early voting
Leeds CC	Whole authority	Extend hours of polling
Manchester CC	Whole authority	Early voting
Milton Keynes	3 wards	1. All postal voting
	14 wards	2. Extend entitlement to postal vote
	Whole authority	3. Electronic counting
Mole Valley DC	Whole authority	Extend hours of polling
North Hertfordshire DC	16 wards	1. Saturday voting
		2. Early voting
		3. Change to absent vote arrangements
Norwich CC	2 wards	1. All postal ballots
	2 wards	2. Voting on Sunday (using different hours)
	Whole authority	3. Early voting
	Whole authority	4. Mobile polling stations
Pendle DC	Whole authority	Early voting
Plymouth CC	Whole authority	Early voting
Redditch BC	9 wards	Early voting
Salford MDC	1 ward	1. All postal voting
	2 wards	2. Electronic voting
Solihul MBC	1 ward	All postal voting
St. Helens MBC	6 wards	Early voting
Stevenage BC	2 wards	All postal voting
Stoke CC	Whole authority	Early voting
Stratford on Avon DC	18 wards	Electronic voting
Sunderland CC	8 wards	1. Mobile voting
	Whole authority	2. Early voting
Swindon BC	4 wards	All postal voting
Telford and Wrekin	2 wards	Early voting
Three Rivers DC	Whole authority	1. All postal voting
		2. Early voting
		3. Electronic counting
Thurrock C	3 wards	All postal voting
Trafford MBC	2 wards	Change to absent vote arrangements
Wakefield MDC	Whole authority	Weekend voting
Warrington BC	22 wards	Electronic voting
Watford BC	Whole authority	1. Freepost arrangements as in parliamentary elections
		2. Weekend voting
		3. Early voting
		4. Mobile ballot box
		5. Voter notification
		6. Proxy voting deadline extension
Wigan MBC	3 wards	All postal voting
Windsor and Maidenhead RB	2 wards	Mobile polling facility
Wirral	1 ward	All postal voting

Departmental Staff

Mr. Stephen Twigg: To ask the Secretary of State for the Home Department what percentage of his Department's staff were *(a)* registered disabled, *(b)* women, *(c)* from ethnic minorities and *(d)* from (i) independent, (ii) grammar and (iii) other schools in (1) 1970, (2) 1979, (3) 1989 and (4) 1999. [106763]

Mr. Mike O'Brien: The percentage of permanent staff recorded centrally as having a disability in the Home Office, including the Prison Service, was 0.6 per cent. on 1 April 1999. Detailed figures were given in the reply to my hon. Friend the Member for Bolton, North-East (Mr. Crausby) by my right hon. Friend the Home Secretary on 21 December 1999, *Official Report*, columns 473–74W.

The recorded percentage of female permanent staff in the Home Office, excluding the Prison Service, was 51.8 per cent. on 1 April 1999. The recorded percentage of female staff in the Prison Service was 26.5 per cent. on 21 December 1999. Detailed figures were given in the reply to my hon. Friend the Member for Keighley (Mrs. Cryer) by my right hon. Friend, the Home Secretary on 12 January 2000, *Official Report*, columns 176–77W.

The percentage of permanent staff of ethnic minority origin recorded centrally as being in the Home Office, including the Prison Service, was 5.0 per cent. on 1 April 1999. Detailed figures were also given in the reply to my hon. Friend the Member for Bolton, North-East (Mr. Crausby) by my right hon. Friend the Home Secretary on 20 December 1999, *Official Report*, columns 367W-68W.

Detailed disability, ethnicity, and gender breakdowns for 1970, 1979, and 1989 are not available except at disproportionate cost. The available published staffing figures may be found in Civil Service Statistics, a copy of which is in the Library.

Information on the schools attended by civil servants is not recorded centrally and therefore is not available for the periods requested except at disproportionate cost.

Mike Tyson

Mr. Baker: To ask the Secretary of State for the Home Department if he discussed with the Prime Minister or his Office the matter of whether to allow Mr. Mike Tyson into the UK before announcing his decision. [106650]

Mr. Straw *[holding answer 25 January 2000]:* It is the normal convention under this and previous Governments that discussions that take place between Ministers are not disclosed.

Data Protection

Mr. Cohen: To ask the Secretary of State for the Home Department what representations he has received from the Data Protection Registrar on the Data Protection (conditions under paragraph 3 of Part II of Schedule 1) Order 1999; and if he will make a statement. [107067]

Mr. Mike O'Brien: In the course of consultations during the preparation of the Order, the Data Protection Registrar indicated her preference for it to include a requirement for data controllers to record the third party source of information processed subject to its terms, but that she was otherwise content with its provisions requiring them to provide data subjects with information and to record the decision-making process in cases where disclosure of information where a notice has been received from an individual would involve disproportionate effort. In considering the provisions of the Order, we concluded that a third party recording requirement would impose a burden on business disproportionate to any data protection benefits which it might yield.

State Visits

Ms Oona King: To ask the Secretary of State for the Home Department what plans he has to meet the Metropolitan police in advance of events with security requirements similar to those of a State Visit. [107116]

Mr. Charles Clarke: Liaison between the Foreign and Commonwealth Office and the Metropolitan police normally takes place prior to State Visits or similar events involving overseas visitors. My right hon. Friend the Home Secretary will be considering whether the Home Office should also contribute to such discussions.

Firearms

Mr. Lidington: To ask the Secretary of State for the Home Department (1) what was the total number of criminal incidents in which shotguns were used in the United Kingdom, excluding Northern Ireland, which resulted in *(a)* unlawful death, *(b)* unlawful wounding and *(c)* no physical injury, and in each category showing the total number of incidents in which a licensed weapon was used by a person with legal access to that weapon, for 1994 to 1999; [107054]

(2) how many criminal incidents involving illegally modified shotguns resulting in *(a)* unlawful death, *(b)* unlawful wounding and *(c)* no physical injury there were in Great Britain in each year since 1994, separately identifying the number of incidents in which a licensed weapon was used by a person with legal access to that weapon; [107112]

(3) what was the total number of criminal incidents in which *(a)* firearms, excluding revolvers and automatic pistols, and *(b)* (i) revolvers and (ii) automatic pistols were used in the United Kingdom, excluding Northern Ireland, and which resulted in (1) unlawful death, (2) unlawful wounding and (3) no physical injury, in each category showing the total number of incidents in which a licensed weapon was used by a person with legal access to that weapon, for 1994 to 1999. [107059]

Mr. Charles Clarke: The table relates to Great Britain and provides the readily available information. 'Handguns' include pistols/revolvers, no further breakdown being available in the statistics collected centrally. 'Other firearms' includes all other firearms except shotguns (ie rifles, air weapons, imitations, 'supposed' and 'other' firearms). Fatal and other injuries involve weapons being fired and, for England and Wales only, being used as a blunt instrument. Only in cases of fatal injury (ie homicide) is the legal status of the firearms collected centrally and this is shown in cases where the weapon was known to be legally held.

Figures for 1999 are not yet available.

Notifiable offences [1] recorded by the police in which firearms were reported to have been used, by type of weapon and degree of injury, Great Britain, 1994 to 1998

	Fatal injury				
	Total number	*Of which firearm legally held or certificate not required*	*Other injury*	*No injury*	*Total*
Handguns					
1994	28	—	298	2,833	3,159
1995	40	1	271	3,083	3,394
1996	49	20	269	3,215	3,533
1997	44	1	284	2,468	2,796
1998	29	—	230	2,418	2,677
Other firearms [2]					
1994	9	3	2,092	8,310	10,411
1995	11	2	1,994	8,633	10,638
1996	4	—	1,956	9,009	10,969
1997	4	2	1,831	8,322	10,157
1998	9	—	2,245	9,042	11,296

Notifiable offences [1] recorded by the police in which firearms were reported to have been used, by type of weapon and degree of injury, Great Britain, 1994 to 1998

	Total number	Fatal injury Of which firearm legally held or certificate not required	Other injury	No injury	Total
Sawn off shotguns					
1994	14	1	53	529	596
1995	10	—	50	419	479
1996	7	—	30	368	405
1997	5	—	12	266	283
1998	7	1	28	290	325
Long barrelled shotguns					
1994	24	7	106	659	789
1995	20	6	81	543	644
1996	14	4	71	534	619
1997	12	1	47	302	361
1998	6	1	38	314	358

[1] Crimes and offences in Scotland
[2] Rifles, air weapons, imitations, 'supposed' and 'other' firearms
Source:
Home Office, Crime and Criminal Justice Unit and Scottish Executive, Justice Statistics Unit

Mr. Lidington: To ask the Secretary of State for the Home Department how many *(a)* revolvers, *(b)* automatic pistols, *(c)* other firearms and *(d)* shotguns have been obtained from (i) civilian registered owners, (ii) public bodies and (iii) owners who are unregistered or illegally in possession of such a weapon since 1997. [107113]

Mr. Charles Clarke: Information on the source of firearms is not collected centrally.

Radio Communications Project

Mr. Blunt: To ask the Secretary of State for the Home Department what assessment he has made of the proposals made by John Jarvis in a letter to him of 19 November 1999 for provision of the requirements of the Public Sector Radio Communications Project; and if he will make a statement. [107409]

Mr. Charles Clarke: Mr. Jarvis wrote jointly to me and to my right hon. Friend the Deputy Prime Minister on 19 November with a proposal for an alternative to the Public Safety Radio Communications Project (PSRCP). Officials at the Department of the Environment, Transport and the Regions will shortly be advising Mr. Jarvis that his proposed approach would not meet the user specification for the PSRCP.

The PSRCP will provide the police with new, state-of-the-art radio communications using the most suitable available standard, Trans European Trunked Radio (TETRA). This standard will, unlike Mr. Jarvis's proposed solution, provide a common platform for voice and data communication services.

As I announced in the reply given to my hon. Friend the Member for Corby (Mr. Hope) on 13 January 2000, *Official Report*, column 214W, we have invited the chosen service provider, British Telecom plc, to proceed with the necessary preparatory work in the expectation that a contract will be signed shortly.

Misuse of Drugs Act 1971

Mrs. Anne Campbell: To ask the Secretary of State for the Home Department what plans he has to amend the Misuse of Drugs Act 1971. [107386]

Mr. Charles Clarke: The Government keep the Misuse of Drugs Act 1971 under review to combat changes in drug misuse patterns, and currently have plans to bring 36 ecstasy-type substances (phenethylamine derivatives) under the control of Schedule 2 to the Act. When this change is made, guidance will be issued, for example to the police, courts and British Medical Association.

We are also currently considering whether further guidance is needed in respect of Section 8 of the Act, under which it is an offence for the occupier or manager of any premises knowingly to suffer or permit the premises to be used for the producing or supplying of a controlled drug.

Sexual Abuse

Mr. Clapham: To ask the Secretary of State for the Home Department how many cases were reported to the police alleging sexual abuse in the last year for which figures are available in *(a)* South Yorkshire and *(b)* the United Kingdom; how many cases progressed to a court hearing in *(a)* and *(b)*; and how many in each category resulted in a conviction. [107519]

Mr. Charles Clarke: The number of alleged sexual abuse cases reported to the police is not available. The total number of sexual offences recorded by the police, and the number of prosecutions and convictions for sexual offences for South Yorkshire, and England and Wales, are as follows.

	South Yorkshire	England and Wales
Number of sexual offences recorded in year ended June 1999	676	37,104
Number of prosecutions for sexual offences in year ended June 1999[1]	143	7,726
Number of convictions[2] for sexual offences in year ended June 1999[1]	109	4,375

[1] Includes provisional figures
[2] Includes persons proceeded against in earlier years or for other offences

It should be noted that as the recorded crime figures relate to offences, and the number of prosecutions and convictions relate to offenders, the two types of data cannot be directly compared.

Mr. Clapham: To ask the Secretary of State for the Home Department how many convictions for sexual abuse of children under the age of 10 years there were in the last year for which figures are available, in *(a)* South Yorkshire and *(b)* the United Kingdom. [107520]

Mr. Charles Clarke: The information is not available centrally.

The Home Office Court Proceedings Database does not hold information about the characteristics of individual cases (in this instance the age of a victim) apart from those that are evident from the description of the offence with which the defendant has been charged.

Police Vehicles (Accidents)

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what number and percentage of police vehicles involved in accidents while responding to an emergency or otherwise in pursuit were *(a)* motorway patrol vehicles, *(b)* armed response vehicles and *(c)* other police vehicles for each year since 1995. [107399]

Mr. Charles Clarke: The information available centrally does not include the categories of vehicles requested. But a Home Office study of deaths and serious injuries resulting from police vehicle accidents which was published in 1997 contains this table giving the sorts of police vehicles involved in 1990–93:

Table 17: Role of the police vehicles involved in fatal/serious injury Police Vehicle Accidents: 1990–1993

	Number	Percentage
Traffic	215	27.5
Area/response	116	14.9
Beat patrol	321	41.2
Criminal Investigation Department (CID) Divisional	40	5.1
CID Central	11	1.4
Surveillance	13	1.7
Protection	4	0.5
Territorial Support Group	3	0.4
Police Support Unit	4	0.5
Dog	22	2.8
Other	31	4.0
Total	780	100.0

Note:
Figures in Table 17 exclude 64 cases where the information was no longer available at the time of the research

ORBIS Computer System

Mr. William Ross: To ask the Secretary of State for the Home Department on what date the ORBIS computer system for the administration of firearms was installed by the Metropolitan Police; what was the cost of the installation; what was the cost of the system in the last financial year for which figures are available; what is the contract cost in the current financial year; and for what time period was the initial contract and with what options. [107402]

Mr. Charles Clarke: The Receiver for the Metropolitan Police District tells me that the installation of the ORBIS computer system was completed and accepted by the Metropolitan Police on 15 October 1999. The cost of installation, inclusive of computer hardware and software costs and the salaries of the Metropolitan police staff involved, totalled £265,000. The only costs for the system have been incurred in the current financial year and, inclusive of the first year's maintenance, amount to £114,350. The contract is for two years initially, renewable thereafter by payment of the appropriate support costs.

Research (Primates)

Mr. Wyatt: To ask the Secretary of State for the Home Department how many primates were used in research in the United Kingdom in *(a)* 1997 and *(b)* 1998. [107595]

Mr. Mike O'Brien: Information on the use of animals in scientific procedures is published each year in the Statistics of Scientific Procedures on Living Animals (Great Britain). Tables 1, 18d and 18e refer to the numbers of primates used by type and also provide information on the primary purpose of the procedure. In 1997, the total number of primates used was 3,908. In 1998, the total was 3,655. There were no primates used in Northern Ireland in 1997 and 1998.

Firearms (Compensation)

Mr. Hunter: To ask the Secretary of State for the Home Department how many compensation payments are outstanding under the Firearms (Amendment) Act 1997 compensation scheme; and if he will make a statement. [108066]

Mr. Charles Clarke: As at 27 January, there were just 748 claims outstanding under the firearms compensation schemes. Of these, 643 claims were ones in which payment offers have been made to the claimants concerned but have yet to be accepted.

Prisons (Illegal Drugs)

Mr. Flynn: To ask the Secretary of State for the Home Department what has been the cost of the monitoring of illegal drugs in prisons for each of the last three years. [106562]

Mr. Boateng: The table shows expenditure on mandatory drug testing in prisons for each of the last three years, excluding staff costs which are not collected.

Expenditure on mandatory drug testing in prisons

Year	£
1997–98	1,599,137
1998–99	1,550,254
1999–2000[1]	1,252,357

[1] Year to date figure for April to December 1999

Departmental Research Contracts

Dr. Harris: To ask the Secretary of State for the Home Department, pursuant to his answer of 20 December 1999, *Official Report*, column 373W, on departmental research contracts, if he will place a copy of the standard research contract in use by his Department in the Library. [107097]

Mr. Mike O'Brien: A copy of the standard research contract used by the Home Office Research, Development and Statistics Directorate has been placed in the Library. The document is currently being reviewed and an updated version will be placed in the Library once available. There is no standard contract in the case of scientific research due to the unique nature of each contract let.

Police Recruits

Mr. Simon Hughes: To ask the Secretary of State for the Home Department (1) how many bids have been received for funding for extra police recruits under year one of the Crime Fighting Fund; if he will list the amount of money and number of officers requested in each bid and in total; and if he will make a statement; [107956]

(2) how many additional police recruits he estimates are to be funded in response to bids from police forces for funds from year one of the Crime Fighting Fund; and if he will make a statement. [107957]

Mr. Charles Clarke: Forty three forces have bid for a total of 2,908 officers under year one of the Crime Fighting Fund Recruitment Scheme. Details are set out in the table. Based on the costs set out in the Bidding Guidelines, which were issued for forces and a copy placed in the Library on 2 December 1999, funding for 2,908 officers would total more than £96 million. We are currently assessing the bids against the criteria set out in the Guidelines and my right hon. Friend the Home Secretary, will be announcing the results shortly.

Crime fighting fund—bids for year one 2000–01

Force	Number bid for	Funding if bids met in full Home Office calculation £
Avon and Somerset	65	2,112,500
Bedfordshire	34	1,105,000
Cambridgeshire	43	1,397,500
Cheshire	25	812,500
City of London	16	562,080
Cleveland	34	1,105,000
Cumbria	20	650,000
Derbyshire	100	3,250,000
Devon and Cornwall	70	2,275,000
Dorset	30	975,000
Durham	21	682,500
Dyfed Powys	50	1,625,000
Essex	44	1,430,000
Gloucestershire	30	975,000
Greater Manchester	334	10,855,000
Gwent	34	1,105,000
Hampshire	40	1,300,000
Hertfordshire	16	520,000

Crime fighting fund—bids for year one 2000–01

Force	Number bid for	Funding if bids met in full Home Office calculation £
Humberside	85	2,762,500
Kent	60	1,950,000
Lancashire	51	1,657,500
Leicestershire	60	1,950,000
Lincolnshire	20	650,000
Merseyside	120	3,900,000
Metropolitan	600	21,078,000
Norfolk	35	1,137,500
North Wales	25	812,500
North Yorkshire	17	552,500
Northamptonshire	51	1,657,500
Northumbria	60	1,950,000
Nottinghamshire	40	1,300,000
South Wales	30	975,000
South Yorkshire	50	1,625,000
Staffordshire	34	1,105,000
Suffolk	39	1,267,500
Surrey	60	1,950,000
Sussex	45	1,462,500
Thames Valley	120	3,900,000
Warwickshire	34	1,105,000
West Mercia	36	1,170,000
West Midlands	160	5,200,000
West Yorkshire	60	1,950,000
Wiltshire	10	325,000
Total	2,908	96,130,080

Press Releases

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many Press releases his Department issued in each year from 1995 to 1999. [107955]

Mr. Mike O'Brien: The information for my Department is as follows:

Year	Number
1995	308
1996	404
1997	386
1998	524
1999	450

Asylum Seekers

Mr. Lidington: To ask the Secretary of State for the Home Department if it is his policy that local authorities should from 1 April, take over financial responsibility for asylum seekers disposed to their areas before that date; and if he will make a statement. [108042]

Mrs. Roche: Asylum seekers who claim asylum and support after 1 April will make their claim for support from the National Asylum Support Service in the Home Office. It will be the responsibility of the National Asylum Support Service to determine eligibility for support and to identify a suitable support package. Where local authorities provide accommodation and support for these asylum seekers, it will be under contract to the National Asylum Support Service.

Asylum seekers who claimed asylum and support prior to 1 April will continue to be supported under the existing arrangements.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his estimate of the number of places which will be needed to accommodate asylum seekers under the new arrangements, due to come into force on 1 April; and what progress he has made towards achieving that target. [108043]

Mrs. Roche: In the financial year 2000–01, we are planning on the basis that 35,000 will require full accommodation support. The remainder will either seek support to meet their essential living needs only or will not seek support.

We issued an invitation to tender to a number of accommodation providers. Negotiations are still proceeding. Contracts are expected to be awarded towards the end of February. In parallel, we are in discussion with local government with a view to them providing a substantial amount of the accommodation requirements.

Correspondence

Mr. Loughton: To ask the Secretary of State for the Home Department when the hon. Member for East Worthing and Shoreham will receive a reply to his letters of 20 September and of 10 November 1999 regarding the Immigration and Nationality Directorate. [107960]

Mrs. Roche: I wrote to the hon. Member on 1 February 2000. I am very sorry for the delay.

Animal Experiments

Dr. Tonge: To ask the Secretary of State for the Home Department how many individuals hold a Home Office licence to experiment on animals. [107459]

Mr. Mike O'Brien: The most recent figures available are for December 1999. There were 14,777 live personal licences, issued under the Animals (Scientific Procedures) Act 1986, in Great Britain.

Dr. Tonge: To ask the Secretary of State for the Home Department how many institutions hold a licence to experiment on animals which covers students who may not be required individually to hold a licence while performing their studies. [107460]

Mr. Mike O'Brien: Under the Animals (Scientific Procedures) Act 1986, the Certificate of Designation for an institution does not license individuals. Anyone performing a regulated procedure on a live animal must hold a personal licence in accordance with the 1986 Act. The procedure must be applied as part of a programme of work specified in a project licence which authorises the application of that procedure.

Currently, there are 60 project licences for the use of animals in education and training, held mostly by university employees. In each case, a licence has been granted for an educational objective which cannot be realistically taught by alternative methods. Some procedures are demonstrated by the tutor rather than conducted by the students themselves.

Spray Paints

Dr. Tonge: To ask the Secretary of State for the Home Department what plans he has to restrict further the sale of spray paints. [107461]

Mr. Charles Clarke: The Government are concerned about the damaging effects of graffiti on neighbourhoods and there are substantial penalties available under the Criminal Damage Act 1971: where the criminal damage is more than £2,000, the maximum penalty is 10 years imprisonment for those aged 18 or over, and up to two years detention in a Young Offenders Institution for those aged 15–17. However, within the maximum limit sentencing is a matter for the courts to decide in the light of all the circumstances of the case.

The police already have the power to arrest anyone whom they reasonably suspect has committed or is about to commit the offence of criminal damage. Where vandals are found in possession of a paint spray can with the intention of damaging property or already having done so, the criminal law can be brought to bear. We do not have any plans, therefore, to legislate specifically against the sale or carrying of spray paints but, of course, the matter will be kept under review.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Standard Spending Assessments

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those councils which have *(a)* sought and *(b)* had meetings with him or his ministerial colleagues in the last three months in order to make representations about their standard spending assessment allocation. [106817]

Ms Beverley Hughes: We consulted local authorities on our proposals for the Local Government Finance Settlement for 2000–01 on 25 November 1999. We made it clear that, given the degree of stability we introduced into the settlement this year, we would not invite local authorities to hold meetings with Ministers during consultation on our proposals. During this period we received written requests for meetings from or on behalf of eight local authorities. These were:

Surrey County Council

London Borough of Merton

Poole District Council

Reigate and Banstead District Council

Shropshire County Council

South Yorkshire Fire and Civil Defence Authority

Royal Borough of Windsor and Maidenhead

Leicester City Council.

No Minister from this Department met those authorities to discuss their representations. I did however have separate meetings during that period with the representatives of county councils, district councils and metropolitan district councils on 21 December at the suggestion of the Local Government Association. My right hon. Friend the Minister for Local Government and the Regions also met with the Association of London Government on 10 January and the Local Government Association on 13 January. All representations, whether made in writing or at meetings, were fully considered in reaching final decisions on the settlement.

RAF East Camp

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress in considering the planning issues arising from the RAF East Camp site proposed development in Mill Hill; and when he will announce his decision. [107285]

Ms Beverley Hughes: This is a complex case and it was necessary to re-open the public inquiry in September 1999. The Inspector's supplementary report was received on 22 October 1999 and the Secretary of State's consideration of this case is at an advanced stage. His decision will be issued shortly.

Recycling

Mr. Dobbin: To ask the Secretary of State for the Environment, Transport and the Regions what is his policy on the recycling of materials produced by his Department. [107388]

Ms Beverley Hughes: My Department's policy is to promote recycling of office waste. Our target is to recover 40 per cent. of total office waste, with at least 25 per cent. coming from recycling or composting, in 2000–01 and to continue to increase the amount recovered and recycled by 10 per cent. each year to achieve 70 per cent. recovery or recycling in 2003–04.

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish tables showing the levels achieved by each local authority in relation to the percentage of household rubbish recycled. [107959]

Mr. Mullin: I have placed a list in the House of Commons Library setting out ranges of household recycling rates for local authorities in England and Wales based on data from the 1997–98 Municipal Waste Survey.

Aircraft Accidents

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish a table showing the airlines operating out of and having scheduled flights to the UK and the number of crashes of planes of each airline broken down in terms of *(a)* crashes per one million passengers carried, *(b)* crashes per 10,000 take offs and landings and *(c)* crashes per one million miles travelled, occurring in the last year. [107530]

Mr. Mullin: As aircraft accidents are very rare events, statistics in this format serve no useful purpose and are not used by either the Department or the Civil Aviation Authority. For UK registered aircraft, the CAA use an accident rate per million hours flown averaged over three years as a performance indicator. These figures are published in the CAA's annual report. In addition, the CAA has carried out a review of fatal accidents by world regions. The results of this review were published in CAP 681 "Global Fatal Accident Review 1980–96". Copies of both documents are already in the Library.

Radioactive Waste

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions if Her Majesty's Government have received the report prepared for the Irish Government on the radiological and environmental implications of the disposal in the Irish Sea of radioactive waste arising from United Kingdom sources, published in January 2000. [107511]

Mr. Meacher: My Department has received a copy of the report prepared by the Irish Task Force on the Dumping of Radioactive Material in the Maritime Area.

The Irish report supports the findings of the UK National Radiological Protection Board's report "Assessment of the Radiological Implications of Dumping in Beaufort's Dyke and Other Coastal Waters from the 1950s" (November 1997). It concludes that the potential radiation doses from the dumped material are well below those considered significant for radiological protection purposes.

Korean Airlines Crash

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the depleted uranium weights that were on board the Korean Airlines plane that crashed outside Stansted Airport in January. [107447]

Mr. Mullin *[holding answer 31 January 2000]:* I refer my hon. Friend to my answer of 24 January 2000, *Official Report*, column 122W.

Mortgage Rates

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the standard national rate on mortgages set by local authorities; and if he will change the way the rate is set to bring it closer to commercial interest rates. [108037]

Mr. Mullin: The standard national rate of interest on local authority mortgages is declared from time to time by the Secretary of State in accordance with Schedule 16 to the Housing Act 1985, taking into account prevailing building society interest rates. The current standard national rate is 6.51 per cent. There are no current plans for changes to the way in which the standard national rate is calculated.

Private Rented Property

Mr. Pike: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the impact on his policy of the Spath-Holme Judgment of 20 January regarding rent increases in private rented property. [107632]

Mr. Mullin *[holding answer 31 January 2000]:* We are giving careful consideration to the implications of the Court of Appeal's decision to quash the Rent Acts (Maximum Fair Rent) Order 1999. We remain committed to protecting tenants from excessive increases in fair rents. We intend to petition another place seeking permission to appeal the Court's decision.

Local Government Finance

Mrs. Spelman: To ask the Secretary of State for the Environment, Transport and the Regions by what percentage the average local authority social services budget exceeds the corresponding SSA element. [107986]

Ms Beverley Hughes: The average local authority social services budget exceeds its corresponding SSA for 1999–2000 by 10.9 per cent.

Property Insurers

Mr. Breed: To ask the Secretary of State for the Environment, Transport and the Regions if he will require insurance companies to insist on minimum standards of maintenance and repair of leased properties they insure. [107732]

Mr. Mullin: We have no plans to do so. An insurance company could only enforce such standards by refusing to pay any claim where minimum standards had not been met. This would not help leaseholders. Where landlords are responsible for maintaining property but fail to do so properly, leaseholders should consider asking a Leasehold Valuation Tribunal to appoint a new manager for the building.

However, we are considering options for regulating managers of residential leasehold property as part of our wider leasehold reform package. Such arrangements could be used to tackle poor management standards and to ensure that leasehold property is properly maintained.

Parish and Town Councils

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Government's policy on the role of parish and town councils. [107307]

Ms Beverley Hughes: Parish councils are an essential part of the structure of local democracy in our country and they will continue to play a key role in many of our towns and villages. Modern and dynamic parish councils have a real part to play in the democratic constitution of this country.

Departmental Research Contracts

Dr. Harris: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 20 December 1999, *Official Report*, column 338W, on departmental research contracts, if he will place in the Library a copy of the standard research contract in use by his Department. [107098]

Mr. Mullin: As requested, a copy of the standard research contract conditions in use by the Department of the Environment, Transport and the Regions, has been placed in the Library of the House of Commons. Minor variations are made to the contract conditions from time to time.

Local Authority Pension Funds

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish tables showing the amounts of income lost to each local authority pension fund since budget changes to dividend tax credits. [107958]

Ms Beverley Hughes: Information on any loss of income by individual local authority pension funds due to budget changes to dividend tax credits is not available centrally.

West Sussex County Council

Mr. Soames: To ask the Secretary of State for the Environment, Transport and the Regions what is his assessment of the permanent annual increase in costs accruing to West Sussex County Council resulting from recent changes in the rules for the taxation of investments. [107872]

Ms Beverley Hughes: Information to assess the financial effect of changes in the rules for the taxation of individual local authority investments is not available centrally.

Driving Test

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received on the theory element of the driving test; how many such representations were from national organisations; and what plans he has to ensure that all eligible members of the public have equal access to a theory test. [107456]

Mr. Hill: Since October 1999, one Parliamentary Question has been asked about the driving theory test—I refer the hon. Member to the answer I gave on 10 November 1999, *Official Report*, column 601W—and we have answered five letters. One letter was from a driving instructor association, and one from a road safety organisation. As part of our social inclusion agenda, we make every effort to ensure that all candidates have their needs accommodated. Test centres have been furbished to meet the needs of the physically disabled. Candidates normally select their answers by touching the screen, but help is available where required. Audio support using headphones is provided in English and Welsh, and in 14 other languages. The test is available with British Sign Language. Candidates with special needs are allowed up to double the normal time to complete the test.

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what allowances the Driving Standards Agency makes for people with dyslexia to take the theory test during a driving test. [107455]

Mr. Hill: Since 4 January, the driving theory test has been delivered using a touch screen computer system. This has significant benefits for dyslexic candidates, who can use earphones to listen to an English language voice-over reading the questions and answer options. Dyslexic candidates are allowed up to double the normal time to complete the test.

Correspondence

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions (1) when he will reply to the letter of 6 July 1999 from the hon. Member for South Suffolk; [108044]

(2) when he will reply to the letter from the hon. Member from South Suffolk of 12 January. [108045]

Mr. Hill: I replied to the hon. Member on Monday 31 January. I have supplied a copy for ease of reference.

Waste Incinerators

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions what is his policy on the circumstances in which planning inquiries may be held on proposals to build waste incinerators, and the rights of objectors to such proposals to have a public inquiry. [108320]

Mr. Raynsford: The building of a waste incinerator requires planning permission, for which an application must be made to the local planning authority. Where a local planning authority refuses an application for planning permission, grants it subject to conditions or fails to determine it within eight weeks, the person applying for permission may appeal. The appeal may be dealt with by public inquiry or hearing, although most are dealt with by written representations. An inquiry is likely to be held in the very small proportion of cases where my right hon. Friend the Secretary of State considers it necessary to call in a planning application to determine it himself, instead of leaving it to the planning authority.

My right hon. Friend's policy on call-ins was stated in a written answer by my predecessor on 16 June 1999, *Official Report*, column 138W and this remains the position. He will be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

may conflict with national policies;

could have significant effects beyond their immediate locality;

give rise to substantial regional or national controversy;

raise significant architectural and urban design issues; or

may involve the interests of national security or of foreign Governments.

However each case will continue to be considered on its individual merits.

Objectors to planning applications, including those for waste incinerators, do not have a right to a planning inquiry into their objections. However, they may put their objections to the local planning authority considering the application to which they are opposed, and the authority must have regard to their objections in reaching its decision. Similarly, where an appeal has been lodged against a refusal to an application, objectors may put their points to the inspector, either in writing or, where an inquiry or hearing is held, in person.

Central Rail Users' Consultative Committee

Ms Coffey: To ask the Secretary of State for the Environment, Transport and the Regions when he will appoint a new chairman of the Central Rail Users' Consultative Committee. [108366]

Mr. Hill: I have today announced the appointment of Stewart Francis as the new Chairman of the Central Rail Users' Consultative Committee.

LTS Trains Ltd.

Mr. Watts: To ask the Secretary of State for the Environment, Transport and the Regions if there is a further exemption order for the fleet of new trains to be introduced into service by LTS Trains Ltd. in respect of any of the provisions of the Rail Vehicle Accessibility Regulations 1998; and if he will make a statement. [108367]

Mr. Hill: As my predecessor explained in her answer to my hon. Friend the Member for Basildon (Angela Smith) on 26 May 1999, *Official Report*, column 174W, following an application by LTS Rail Ltd., an Order relating to the exemption of Class 357 trains was laid in Parliament. The Order subsequently came into force on 18 June 1999.

We have received a further application from LTS Trains Ltd. relating to Class 357 trains. This seeks to revoke the original Order and replace it with a new Order to extend the original exemptions to additional vehicles and add new exemptions. This has been discussed with our statutory advisers the Disabled Persons Transport Advisory Committee.

An exemption Order relating to the exemption of the Class 357 trains has been laid in Parliament today. Copies are available from the Library.

These further exemptions will not prevent disabled people from using the new trains. Indeed, we believe that their introduction will make a significant contribution to improving mobility opportunities for disabled people.

Government Panel on Sustainable Development

Mr. Burgon: To ask the Secretary of State for the Environment, Transport and the Regions when the response to the Government Panel on Sustainable Development's fifth annual report will be published. [108414]

Mr. Meacher: I am pleased to announce that the Government's Response to the Fifth Annual Report of the Government Panel on Sustainable Development has been published, and that we have been able to respond positively to the Panel's recommendations. The Panel is a valuable source of advice for Government in the achievement of sustainable development. I wish to express my gratitude to the Convenor of the Panel, Sir Crispin Tickell, and his colleagues for their continued commitment to helping to identify new sustainable ways of enhancing the quality of life and prosperity for everyone.

Examples where the Government has been able to respond positively to the Panel's recommendations are:

on sustainable development and employment: we are forging links between employment and sustainable development, through the National Skills Agenda and the Environment Task Force option under the New Deal;

on environmental issues and European Union: the Prime Minister's Step Change Initiative is encouraging closer co-operation in environment policy issues. The Government's continued support for the Cardiff principles is also key to achieving effective integration of sustainable development in policy making;

on land use legislation: we have introduced new draft Planning Policy Guidance demonstrating the Government's commitment to developing positive policies to deliver sustainable development;

also the forthcoming Urban and Rural White Papers will underline our commitment to protecting and enhancing the environment, and building sustainable communities to foster an inclusive society;

finally, on the international front, we continue our efforts to protect and enhance biodiversity.

I am placing copies of the response in the Library.

INTERNATIONAL DEVELOPMENT

Zimbabwe

Dr. Tonge: To ask the Secretary of State for International Development how many arms export licence applications for Zimbabwe her Department has examined for each month since August 1997. [106986]

Clare Short: Since August 1997, my Department has examined, for each month, for Zimbabwe the following numbers of applications for Standard Individual Export Licences (SIELs) and Open Individual Export Licences (OIELs) concerning the export of goods listed as subject to control in Part III of Schedule 1 to the Export of Goods (Control) Order 1994, usually known as the military list:

August 1997: None
September 1997: 2 SIELs
October 1997: 4 SIELs
November 1997: 4 SIELs
December 1997: 4 SIELs, 2 OIELs
January 1998: 2 SIELs, 2 OIELs
February 1998: 4 SIELs, 1 OIEL
March 1998: 5 SIELs, 4 OIELs
April 1998: 4 SIELs, 5 OIELs
May 1998: 5 SIELs, 2 OIELs
June 1998: 1 SIEL, 4 OIELs
July 1998: 2 SIELs, 7 OIELs
August 1998: 2 SIELs, 4 OIELs
September 1998: 4 SIELs, 2 OIELs
October 1998: 3 SIELs, 4 OIELs
November 1998: 3 OIELs
December 1998: 1 SIEL, 3 OIELs
January 1999: 1 SIEL, 5 OIELs
February 1999: 1 SIEL, 5 OIELs
March 1999: 4 OIELs
April 1999: 2 SIELs, 7 OIELs
May 1999: 3 SIELs
June 1999: 7 SIELs
July 1999: 4 SIELs, 2 OIELs
August 1999: 1 SIEL, 3 OIELs
September 1999: 3 OIELs
October 1999: 1 SIEL, 3 OIELs
November 1999: 1 OIEL
December 1999: None
January 2000: 1 SIEL, 4 OIELs.

Serbia (Humanitarian Aid)

Mr. Dalyell: To ask the Secretary of State for International Development what her policy is on providing humanitarian aid to towns in Serbia under political control of parties in opposition to the Government. [105362]

Clare Short: My Department's policy on humanitarian assistance is to target the most needy on the basis of verified assessments and full accountability, and not on the basis of political allegiance. We believe it is important that any assistance to Serbia as elsewhere should be based on a proper and reliable assessment of needs, that implementing partners should be carefully selected with an emphasis on reliability, and that scrupulous attention should be paid to accountability and transparency.

Research Contracts

Dr. Harris: To ask the Secretary of State for International Development, pursuant to her answer of 6 December 1999, *Official Report*, columns 337–38W, on departmental research contracts, if she will *(a)* state total expenditure on research let by her Department since May 1997 and *(b)* list the titles of all research contracts let by her Department during 1999 and costing £20,000 or more, stating what is the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (iii) a requirement that the final research results incorporate departmental amendments; and if she will place a copy of the standard research contract in use by her Department in the Library. [107105]

Clare Short: The best estimate of total expenditure on research remains as stated in my answer of 6 December 1999, *Official Report*, columns 337–38W. No figures are yet available for this financial year.

I have arranged for a list of research projects over £20,000 let in 1999 to be placed in the Library of the House. This covers 254 projects with a total value of nearly £54 million. The list is not necessarily exhaustive (because research contracts are let by several units in DFID) but shows the overwhelming majority of contracts let during that period.

It also remains the case that the Department's contracts do not provide for departmental veto over publication of research results (except, rarely, where intellectual property rights might otherwise be infringed) or for control over the date of publication of the research. There is no requirement that the final research results incorporate departmental amendments.

I have also arranged for a version of the research contract used by DFID to be placed in the Library of the House. There are slight variations in this contract where it has been tailored to meet the particular needs of different research funding units in the Department.

DEFENCE

Turn-around Times

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the average turn-around time to full serviceability in the years 1997, 1998 and 1999 for *(a)* Tornado GR1/4, *(b)* Tornado F3, *(c)* Harrier, *(d)* Jaguar, *(e)* Nimrod, (g) Sentry, (h) Tristar, (i) Puma, (j) Sea King and (k) Chinook which had been allocated to undergo (i) servicing at 1 Line, (ii) servicing at 2 Line and (iii) servicing at 3/4 Line. [107280]

Mr. Spellar: The information requested is not held centrally, and could only be provided at disproportionate cost.

Tornado

Mr. Robathan: To ask the Secretary of State for Defence how many replacement engines are available for the Tornado aircraft. [107049]

Mr. Spellar: As at Thursday 27 January 2000, there were 30 spare engines available to support the RAF Tornado fleet.

SCOTLAND

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for Scotland if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106293]

Dr. Reid: During the last five years the numbers of public consultations undertaken by the Scottish Office and in relation to which the Departmental Library hold public files were as follows:

Year	*Number of public consultations*
1999[1]	78
1998	107
1997	76
1996	112
1995	86

[1] to 30 June 1999

Detailed information in the form requested by my hon. Friend is either not available or could be obtained only at disproportionate cost.

Private Finance Initiative

Mr. Jack: To ask the Secretary of State for Scotland which projects relating to his Department that appeared in the Private Finance Panel's list of 29 November 1995 *(a)* have been completed, *(b)* are still pending, *(c)* have been dropped and *(d)* are being pursued by means other than a public private partnership. [105879]

Dr. Reid *[holding answer 24 January 2000]:* I refer the right hon. Member to the answer given to him by the Chief Secretary to the Treasury on 24 January 2000, *Official Report*, column 118W.

Research Contracts

Dr. Harris: To ask the Secretary of State for Scotland, pursuant to his answer of 20 December 1999, *Official Report*, column 386W, on departmental research contacts, if he will *(a)* state the total expenditure on research let by his Department since May 1997 and *(b)* list the titles of all research contracts let by his Department for the financial year 1998–99 and costing £20,000 or more, stating what was the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (iii) a requirement that the final research results incorporate departmental amendments. [107101]

Dr. Reid: Information about individual research contracts could be provided only at disproportionate cost.

CULTURE, MEDIA AND SPORT

Broadcasting

20. **Miss Kirkbride:** To ask the Secretary of State for Culture, Media and Sport what assessment he has made of the regulatory environment for broadcasting in the United Kingdom. [105956]

Mr. Chris Smith: The Government's assessment of the regulatory environment for broadcasting in the United Kingdom was set out in the joint DCMS/DTI Green Paper "Regulating Communications—approaching convergence in the information age" and, in the light of responses, our conclusions were published in June last year as "Regulating Communications: The Way Ahead". But it is now clear that a more fundamental reassessment is needed. I shall shortly be announcing how this is to be taken forward.

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for Culture, Media and Sport how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the New Year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104500]

Mr. Chris Smith: DCMS and Royal Parks Agency would have difficulty in identifying the actual amounts spent or the maximum and minimum payments made to staff working over the new year period from other overtime payments. The pay information for non-departmental public bodies is not held centrally. The information required could only be provided at disproportionate cost. Only a small number of DCMS and Royal Parks Agency staff were required to work over this period.

World Class Performance Programme

Mr. Reed: To ask the Secretary of State for Culture, Media and Sport if he will list the sports eligible for the World Class Performance Programme. [107654]

Kate Hoey: These activities are as follows:

Aikido
American football
Angling
Archery
Arm wrestling
Association football
Athletics
Aussie rules
Badminton
Ballooning
Baseball
Basketball
Baton twirling
Bicycle polo
Billiards and Snooker

Bobsleigh
Boccia
Bowls
Boxing
Camogie
Canoeing
Caving
Chinese martial arts
Cricket
Croquet
Crossbow
Curling
Cycling
Disability sports
Dragon boat racing
Equestrian
Fencing
Fives
Flying
Gaelic football
Gliding
Golf
Gymnastics
Handball
Hang-gliding and Paragliding
Highland games
Hockey
Horse racing
Hovering
Hurling
Ice hockey
Ice skating
Jet skiing
Ju jitsu
Judo
Kabaddi
Karate
Kendo
Korfball
Lacrosse
Lawn tennis
Life saving
Luge
Modern pentathlon
Motor cycling
Motor sport
Mountaineering
Movement, dance, exercise and fitness
Netball
Orienteering
Parachuting
Petanque
Polo
Pony trekking
Pool
Quoits
Racketball
Rackets
Racquetball
Rambling
Real Tennis
Roller hockey
Roller skating
Rounders
Rowing
Rugby league
Rugby union
Sailing/Yachting
Sand/land yachting
Shinty
Shooting
Skateboarding
Skiing
Skipping
Snowboarding
Softball
Sombo wrestling
Squash
Street/skater hockey
Sub-aqua
Surf life saving
Surfing
Swimming
Table tennis
Taekwondo
Tang soo do
Tenpin bowling
Trampolining
Triathlon
Tug of war
Unihoc
Volleyball
Water skiing
Weightlifting
Wrestling
Yoga.

Lottery Grants (Shrewsbury)

Mr. Paul Marsden: To ask the Secretary of State for Culture, Media and Sport if he will list the total amount of National Lottery grant awarded to organisations in Shrewsbury and Atcham in each year since the National Lottery's inception; and if he will make a statement. [107259]

Kate Hoey: The value of National Lottery awards to organisations based in the Shrewsbury and Atcham constituency for each year since 1995 (the first year in which awards were made) is shown in the following table. The figures are taken from my Department's National Lottery awards database, using information supplied by the National Lottery distributing bodies.

£

	Value of awards to Shrewsbury and Atcham
1995	808,571
1996	1,610,447
1997	1,238,685
1998	3,053,478
1999	3,198,489

TRADE AND INDUSTRY

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for Trade and Industry how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the new year period; what are the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104490]

Dr. Howells: The information requested for the headquarters Department is not yet available; I will provide a fuller response within the next few weeks.

I have asked the Chief Executives of the Department's agencies to respond directly.

The information in respect of the Department's associated public bodies could be provided only at disproportionate cost.

Letter from Peter Joyce to Mr. Matthew Taylor, dated 1 February 2000:

The Secretary of State for Trade and Industry has asked me to reply to your question about extra bonus payments for Insolvency Service staff who worked over the New Year period.

The Service has not yet made any New Year bonus payments: I am in the process of approving 9 payments of £300 (gross) each.

Letter from Ian Jones to Mr. Matthew Taylor, dated 1 February 2000:

I am responding on behalf of the Employment Tribunals Service to your question about payments to staff over the New Year. I can confirm that no extra bonuses, above usual payments to staff working over the New Year period, were paid by the Employment Tribunals Service.

Letter from David Hendon to Mr. Matthew Taylor, dated 1 February 2000:

The Radiocommunications Agency adopted the DTI scheme of £65 for work between one and six hours subject to an upper limit of £130. 13 staff qualified under this scheme with 5 of these receiving the higher rate.

The Agency also has a Special Bonus Scheme (representing 0.4% of its total Pay budget) to reward exceptional performance in demanding circumstances and 5 staff will receive £500 under that scheme.

Letter from Alison Brimelow to Mr. Matthew Taylor, dated 1 February 2000:

The Patent Office paid a total of £41,000 in special payments to key staff over the New Year period. This represented payments to 41 individuals of £1,000 each. All staff received the same amount. They were required to undertake final confidence testing of systems, prepare the systems for normal operations, and carry out any remedial work required between 31 December 1999 and 4 January 2000.

Letter from John Holden to Mr. Matthew Taylor, dated 1 February 2000:

I have been asked to reply to your recently tabled Parliamentary Question to the Secretary of State for Trade and Industry on Agency bonuses paid over the New Year period. The information you require for Companies House is as follows:

Extra bonuses paid over the 1999/2000 New Year Period

Total amount paid: £28,200
Maximum bonus payment: £550
Minimum bonus payment: £50
No. receiving maximum payment: 31
No. receiving minimum payment: 1

Other staff received payments between the maximum and minimum, typically £250-£300, to make up the remainder of the total of £28,200.

Alstom

Mr. Kidney: To ask the Secretary of State for Trade and Industry when he last met the management of Alstom. [106676]

Mr. Alan Johnson: My right hon. Friend the Secretary of State for Trade and Industry last met the senior management of Alstom on 4 February last year. Officials in my Department are in regular contact with the company.

Power Industry

Mr. Kidney: To ask the Secretary of State for Trade and Industry if he will make a statement on the extent of the United Kingdom's capacity for manufacturing related to the power industry. [106675]

Mr. Alan Johnson: The following table gives figures for value added and other relevant data. The statistics cover the products in Standard Industrial Classifications 28.30 (manufacture of steam generators), part of 29.11 (manufacture of turbines and parts thereof), 3.10 (manufacture of electric motors, generators and transformers) and 31.20 (manufacture of electricity distribution and control apparatus). 1997 is the latest year for which complete figures are available.

	1995	*1996*	*1997*
Gross value added at factor cost (£ million)	3,084	2,898	2,973
Sales and work done (£ million)	7,400	7,213	7,331
Exports (£ million)	3,542	3,998	4,388
Imports (£ million)	3,474	3,926	4,020
UK market (£ million)	7,332	7,141	6,963
Employment (thousand)	120	109	106

Notes:

1. Gross value added, sales and employment for turbines (as part of SIC29.11) are an estimate only, based on individual product data.
2. Trade data for turbines (as part of 29.11) is calculated on a slightly different basis using individual product data.

Source:
ONS

UK Competitiveness Indicators

Mr. Cohen: To ask the Secretary of State for Trade and Industry what factors underlay the conclusions contained in his report, UK Competitiveness Indicators 1999, that United Kingdom consumers show more inertia and are generally less demanding than in other countries with similar income levels; and if he will make a statement. [106520]

Dr. Howells: Our White Paper "Modern Markets: Confident Consumers" (Cm 4410) sets out how knowledgeable and assertive consumers can spur businesses to compete and innovate, thereby leading to better quality and lower prices. The White Paper contains a series of policies to drive this virtuous circle between consumer demand and business performance. The competitiveness indicators will provide a means of tracking our success vis a vis our leading competitors.

Nuclear Materials (Safeguards)

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 19 January 2000, *Official Report*, columns 487–88W, on nuclear materials, if he will set out, in each of the 20 cases of advance notification, the quantity and type of nuclear material, including its isotopic composition, involved; and if he will indicate for what reason nuclear materials from the unsafeguarded military stockpile were not used for the functions set out. [107267]

Dr. Howells *[holding answer 27 January 2000]:* As I indicated in my answer on 19 January 2000, *Official Report,* columns 487–88W, a study bringing together data on these and other withdrawals from safeguards is being conducted. More information on withdrawals from safeguards will be provided later in the year when that study has been completed.

The withdrawals described in my previous answer comprised small quantities of material for use in instrument calibration or radiation detectors, or as analytical tracers or radiological shielding. There are no facilities outside safeguards which manufacture material in such quantities and forms from the military stockpile. Defence establishment requirements for these commercially available specialist materials are currently met by purchase from civil operators.

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry how many permanent withdrawals of nuclear material from safeguards have taken place since the Tripartite UK-Euratom-IAEA Voluntary Safeguards Agreement came into force; and to what purpose material permanently withdrawn was put. [107498]

Dr. Howells: As I indicated in my answer on 19 January 2000, *Official Report,* columns 487–88W, a study bringing together data on these and other withdrawals from safeguards is being conducted. I expect to be able to provide more information on withdrawals from safeguards later in the year when that study has been completed.

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry if he will make it his policy to initiate negotiations with the European Commission, Euratom and the International Atomic Energy Agency towards the deletion of Article 14 of the Tripartite Safeguards Agreement of August 1978. [107500]

Dr. Howells: No. Government policy on future withdrawals of nuclear material from safeguards was described in the White Paper published in July 1998 to announce the outcome of the Strategic Defence Review (SDR).

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 19 January 2000, *Official Report*, column 487W, on nuclear materials safeguards, if he will set out *(a)* the number of facility attachments, *(b)* the number of particular safeguards provisions and *(c)* the material balance areas existing at each of the plants respectively from which nuclear materials were withdrawn from safeguards. [107512]

Dr. Howells: European Commission particular safeguards provisions (PSPs) exist for the National Physical Laboratory, Nycomed Amersham, and RSL Equipment Ltd., but have yet to be finalised for UKAEA Harwell and Centronics Ltd. None of the plants has been designated by the IAEA for routine safeguards inspection under the UK/Euratom/IAEA safeguards agreement (INFCIRC/263) and so no facility attachments exist for them. Disclosure of detailed information on nuclear material accountancy arrangements, including on Material Balance Areas (MBAs), would harm national security and would not be in the public interest.

Car Insurance Market

Mr. Hoyle: To ask the Secretary of State for Trade and Industry what recent assessment he has made of the extent of competition in the UK car insurance market; and if he will make a statement. [107400]

Dr. Howells: Under UK competition law in the first instance it is the responsibility of the Director General of Fair Trading (DGFT) to investigate allegations of anti-competitive behaviour and possible abuses of a dominant position. I am not aware of any ongoing investigation into the car insurance market by the Office of Fair Trading.

If my hon. Friend has any evidence that competition in the market is not working he should draw it to the attention of the DGFT.

Bankruptcy

Mr. Burgon: To ask the Secretary of State for Trade and Industry in the last three years, how many bankrupt people who appointed the Official Receiver to act on their behalf as trustee were transferred to a private trustee; and after what periods. [107438]

Dr. Howells *[holding answer 28 January 2000]:* The number of bankruptcy orders made and the number of cases transferred to Insolvency Practitioners in the years 1997–98, 1998–99 and in the nine months to 31 December 1999 is as follows:

Period	*New cases*	*Cases transferred*
1 April 1997 to 31 March 1998	19,713	5,811
1 April 1998 to 31 March 1999	20,508	6,013
1 April 1999 to 31 December 1999	15,812	4,838

The age of cases transferred is not recorded centrally and could only be ascertained at disproportionate cost. However the great majority of cases are transferred as a result of an Insolvency Practitioner being appointed trustee by the Secretary of State on the application of the Official Receiver. Statistics are maintained centrally regarding the age of cases where such applications are made as to whether they are less than or more than five months old. Those statistics show that there is an almost equal split between the two categories.

Street Lighting

Ms Walley: To ask the Secretary of State for Trade and Industry what steps he will take to ensure that competition in electricity connections for street lighting columns can proceed quickly; and if he will make a statement. [107582]

Dr. Howells: The Director General of the Office of Gas and Electricity Markets (Ofgem) will shortly be publishing a paper setting out his proposals for increasing competition in electricity connections. This paper will also address the specific issue of developing competition in electricity connections for street lighting columns.

Cabling (Licences)

Mr. Rowe: To ask the Secretary of State for Trade and Industry if he will make it a requirement for the granting of licences to companies for the laying of cables that they share cable trenches with other companies; and if he will make a statement. [107604]

Ms Hewitt: There are no plans to introduce a requirement to share trenches within the scope of Telecommunications Act 1984 licences. While trench sharing between two or more operators often occurs, circumstances of timing and routing make this impractical as a requirement. However, the licences currently issued require operators to explore the possibility of using existing ducts or conduits and the New Roads and Street Works Act 1991 places a duty on the highway authorities to co-ordinate the execution of works in the highway.

Additionally the Department has written at both Ministerial and official level to all telecommunications operators with code powers reminding them of their obligation to explore duct sharing and encouraging them to consider trench sharing as a means of reducing unnecessary digging. We have also drawn operators' attention to a new private sector initiative to encourage dig co-ordination.

Recycling

Mr. Dobbin: To ask the Secretary of State for Trade and Industry what is his policy on the recycling of materials produced by his Department. [107859]

Dr. Howells: At present this Department has schemes in place to recycle all paper, toner cartridges and tin cans. The Department regularly reviews the scope for recycling other materials.

European Southern Observatory

Mr. Dalyell: To ask the Secretary of State for Trade and Industry what discussions he has had with the authorities of the European Southern Observatory and Governments of nations participating in the European Southern Observatory about United Kingdom involvement in the project. [106370]

Ms Hewitt: Neither my right hon. Friend the Secretary of State nor my noble Friend the Minister for Science have had any discussions with the authorities of the European Southern Observatory (ESO), or with Governments of ESO member states about UK participation in ESO.

Any potential future UK membership of, or involvement with, ESO would be funded by the science vote through the budget of the Particle Physics and Astronomy Research Council (PPARC). Senior officials from PPARC have had initial exploratory discussions with ESO officials about potential UK involvement with ESO, but this has not led to any specific recommendations for Ministerial consideration.

Renewable Energy Sources

Mr. Watts: To ask the Secretary of State for Trade and Industry what conclusions have been reached in response to the public consultation on Government policy for renewable sources of energy. [108365]

Mrs. Liddell: Renewable sources of energy are an essential element of the Government's Climate Change Programme. They are set to make an increasingly important contribution to the provision of secure, diverse and sustainable energy supplies. Renewable sources of energy will become increasingly important in the new millennium as electricity consumption increases and existing nuclear generating capacity is retired. For all these reasons the Government are committed to increasing the contribution from renewable sources of energy to the UK's energy supplies.

The Government believe that our objective for the renewables industry can best be achieved within the framework of a competitive market. This will give the industry the greatest opportunity for technological innovation and the optimisation of efficiency so that the most cost-effective renewables can be brought forward. In order for this to be achieved the Government intend to give a clear signal to the industry that we are targeting a 10 per cent. share of electricity supply to be provided from renewable sources.

Key elements of our strategy to achieve the policy aim will be:

a new Renewables Obligation on all electricity suppliers;

exemption of electricity and heat from renewables from the Climate Change Levy;

an expanded support programme for new and renewable energy including research, development, demonstration and dissemination; and,

development of a regional strategic approach and targets for renewable energy.

The Renewables Obligation will enable us to make progress towards a target of generating 10 per cent. of our electricity from renewable sources by 2010. Clearly hitting this higher target may, at least in the medium term, mean slightly higher costs to consumers and the acceptability of those higher costs must be fully considered. The necessary legislative powers will be taken in the Utilities Bill which the Government introduced on 20 January. The Renewables Obligation and the associated Renewables (Scotland) Obligation will be an obligation on all licensed suppliers to supply a specified proportion of their electricity supplies from renewable sources of energy. Any additional cost of supplying electricity from renewables will be met by suppliers and may be passed onto their customers. There will be no new levy for these arrangements. The Renewables Obligation will be imposed by a Statutory Instrument that will contain the detailed requirements. The Government expect to require all suppliers to obtain a specified proportion of their electricity from renewables rising year by year to achieve the 2010 target. I shall be consulting the industry, as well as electricity consumers, on the costs of achieving the precise obligation (and the rate of progress towards the overall target and price cap) in advance of the enabling Order being laid before Parliament later this year.

It will be essential to ensure that commercially viable projects already contracted under the NFFO and SRO arrangements continue to attract and retain project finance so that the UK stays on track to source 5 per cent. of its electricity from renewables by 2003. Accordingly, transitional arrangements are being developed by the contracting parties. The Utilities Bill will give powers for secondary legislation to be developed to facilitate this process. The Bill includes powers to continue the operation of the current sections 32 and 33 of the Electricity Act 1989 (relating to NFFO and SRO Orders and the Fossil Fuel Levy) and these measures may be amended to adjust to the new arrangements as necessary.

The renewables industry has made great strides in recent years. It has reduced the costs of the more mature renewable technologies over the last decade to the point where they are rapidly becoming competitive with other energy sources in the UK. The Government hope that the industry can rise to the challenge of the new policy by meeting the proposed targets at an acceptable cost that will not have a major impact on electricity prices. We will be consulting on what increase would be acceptable to consumers in order to promote renewables, but have in mind an increase of 1–2 per cent. in electricity prices by 2010, in return for which there will be real benefits to society from lower greenhouse gas emissions and a more diverse energy supply. This new approach to bringing forward renewables works with the grain of other developments in the electricity supply market. These other changes that the Government and the Regulator are taking forward should more than offset any increase arising from our support for renewables, so electricity prices should continue to fall in real terms over the coming years.

In addition, the Government's new policy will provide a positive strategic approach to planning for renewable energy from the regional level downwards to facilitate its development while continuing to protect the countryside. The Government are therefore proposing that regional renewable energy assessments should set the framework for a more strategic land-use planning approach at regional level, itself providing the framework for local authorities' development plans and decisions on individual energy projects.

This is an exciting time for the renewables industry, and an opportunity for it to move from being a fledgling industry to becoming a mainstream business activity. This policy offers good business opportunities in the home market, which will provide a good base for developing exports. Most importantly, it will make an important contribution to the protection of our environment, while contributing to diversity and security of energy supplies.

I have published today "New and Renewable Energy—Prospects for the 21st Century—Conclusions in Response to the Public Consultation", to coincide with the introduction of the Utilities Bill. This is an initial policy statement to inform discussion of the powers in the Bill to introduce a Renewables Obligation on electricity suppliers. I am also planning to provide a full report containing the proposed programme for renewables later in the year after further discussion with interested parties in the light of this document.

WALES

Child Abuse Inquiry

Mr. Jon Owen Jones: To ask the Secretary of State for Wales when he will publish the report of the North Wales Child Abuse Inquiry. [108321]

Mr. Paul Murphy: The printing and translation arrangements for this report are drawing to completion and I intend to present the report and make a statement to the House in the week beginning 14 February.

Research Contracts

Dr. Harris: To ask the Secretary of State for Wales, pursuant to his answer of 6 December 1999, *Official Report*, column 370W on departmental research contracts, if he will *(a)* state the total expenditure on research contracts let by his Department since May 1997 and *(b)* list the titles of all research contracts let by his Department during 1999 costing £20,000 or more, stating the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (iii) a requirement that the final research results incorporate departmental amendments; and if he will place a copy of the standard research contract currently in use by his Department in the Library. [107092]

Mr. Paul Murphy: As I indicated in the answer I gave on 6 December 1999, *Official Report*, column 370W, the term 'research' covers a wide range of activities. The information requested is not held centrally by my Department and could be provided only at disproportionate cost.

FOREIGN AND COMMONWEALTH AFFAIRS

Kosovo

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what is his most recent estimate of the number of Serbs who have been ethnically cleansed from Kosovo since June 1999. [107483]

Mr. Vaz: Protection of the Kosovo Serbs and other minorities is a top priority for KFOR and UNMIK. KFOR devotes around half of its resources at present to maintaining a presence in minority areas. In the UK-led sector, there are KFOR soldiers present in Serb towns and villages, as well as soldiers deployed to protect individual homes and farms. KFOR conducts patrols and escorts individuals to school and to work. In September 1999 UNMIK and Mr. Kouchner estimated 97,000 Serbs remain in Kosovo from a pre-war population of around 200,000. Since then there have been population movements in both directions of similar size.

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on KLA involvement in terrorism and drug running. [107523]

Mr. Vaz: The KLA was demilitarised in September 1999 in accordance with UN Security Council resolution 1244 and has ceased to exist. The UN Mission in Kosovo

and the NATO-led Kosovo force monitor individuals and armed groups for any illegal activity and pay particular attention to tackling violence and drug trafficking.

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the current strength of and support for the KLA in Kosovo. [107524]

Mr. Vaz: The KLA was demilitarised in September 1999, in accordance with UN Security Council resolution 1244 and has ceased to exist. Recent opinion polls indicate that the PPDK (Democratic Progress Party of Kosovo), the political party formed by the former commander of the KLA, Hashism Thaqi, has about 29 per cent. support and its leader about 15 per cent. We are committed to early democratic elections in Kosovo.

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the levels of *(a)* rape, *(b)* murder, *(c)* torture and *(d)* intimidation of Serb civilians in Kosovo; and if he will make a statement. [107525]

Mr. Vaz: There were 430 reported murders and 180 kidnappings in Kosovo in the period between KFOR's deployment there on 12 June and 25 December last year. We do not have a breakdown of these figures by ethnic origin but of the 383 murders reported up to mid-November, 139 were Serbs, 145 Albanians and 99 of unknown ethnic origin. UNMIK and KFOR are putting substantial resources into protecting ethnic minorities. Currently over 50 per cent. of KFOR troops are on minority protection duties, providing a permanent presence in Serb towns, villages, neighbourhoods and individual houses. KFOR's presence has resulted in a significant reduction in the number of reported major offences from over 300 in the last week of June to fewer than 50 in the last week of November. There are no figures available for the other crimes.

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs how many British soldiers are involved in full-time protection of Serb civilians in Pristina from attacks by Albanians. [107522]

Mr. Vaz: Some 3,500 British soldiers are deployed with KFOR in Kosovo, of whom some 2,300 are serving in Pristina. KFOR currently devotes about half of its resources to protecting Serbs and other minorities.

Visitor Visas

Mr. Mudie: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions are taking place with the Home Office regarding the restarting of the appeals against refusal of visitors visas. [107353]

Mr. Vaz: Discussions are taking place with the Home Office about the proposed new appeal right for family visitors, with a view to implementation later this year.

Colonel Gaddafi

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations were made by the Government to Mr. Prodi on his decision to invite Colonel Gaddafi to visit Brussels; and if he was aware of the proposal to invite Colonel Gaddafi to visit Brussels before it was made. [107367]

Mr. Vaz: The questions of a visit to Brussels came up in an unscheduled telephone conversation between Prodi and Gaddafi in December. We were not informed in advance of this conversation and no formal invitation was made. Following a Libyan suggestion in January that Gaddafi was to make a visit, we made clear to the Commission that such a visit would be premature until Libya had confirmed that it accepted the Barcelona Declaration and the acquis of the Barcelona Process unconditionally and in full. A visit to Brussels could only then be considered.

Intergovernmental Conference

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the extension of co-decision as it relates to the Intergovernmental Conference discussions. [107363]

Mr. Vaz: We will shortly publish a White Paper covering all aspects of institutional reform. This will set out our position on the possible extension of the codecision procedure.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations the Government have made to the Portuguese Presidency regarding an extension of the agenda for the forthcoming Intergovernmental Conference. [107358]

Mr. Vaz: We are in regular contact with the Portuguese Presidency on all aspects of the IGC.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs when he next plans to meet representatives of the Portuguese Presidency to discuss the Intergovernmental Conference. [107366]

Mr. Vaz: We are in regular contact with the Portuguese Presidency about the IGC. I will next meet my Portuguese counterpart, Sexias da Costa, on 8 February.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what the Government's policy is on the extension of the powers of the President of the European Commission. [107359]

Mr. Vaz: We will shortly publish a White Paper on the forthcoming Intergovernmental Conference. This will cover all aspects of the IGC, including the possibility of extending the powers of the President of the European Commission.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what the Government's policy is on extension of the provisions for flexibility in the Amsterdam Treaty. [107360]

Mr. Vaz: We will shortly publish a White Paper on all aspects of the forthcoming Intergovernmental Conference. This will set out our policy on flexibility.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs when he will publish his White Paper on the Intergovernmental Conference. [107362]

Mr. Vaz: We intend to publish the White Paper in the week beginning 7 February.

Qualified Majority Voting

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his statement of 18 January 2000, *Official Report*, column 669, whether border controls, defence, taxation, social security, own resources and Treaty amendments represent a definitive list of issues in which he will not countenance an extension of qualified majority voting at the IGC. [107397]

Mr. Vaz: We have long made it clear that we will not support the extension of QMV to areas of key national interest. Border controls, defence, taxation, social security, own resources and Treaty change are examples of such areas.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Government's policy on the level of the blocking minority threshold for votes in the EU Council of Ministers. [107348]

Mr. Vaz: The threshold for a blocking minority has for many years been set at around 30 per cent. of the votes. The Government's view is that this sets about the right balance between ease with which legislation can be passed or blocked.

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his oral statement of 18 January 2000, *Official Report*, column 670, what is his policy on extension of qualified majority voting to all areas which are currently the subject of dispute between Spain and the UK in respect of their application to Gibraltar. [107398]

Mr. Vaz: We have made it clear on a number of occasions that we will consider the extension of qualified majority voting on a case by case basis. Where it is in Britain's interests we will support it. But in key areas of national interest we shall insist on retaining unanimity.

Charter of Fundamental Rights

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what is his policy on incorporation of the Charter of Fundamental Rights into the EU Treaties; and if he will make a statement. [107364]

Mr. Vaz: We believe that a Charter which sets out rights already enjoyed by EU citizens in a clear and accessible way will help to deepen and strengthen the culture of rights and responsibilities at all levels across the EU. We consider that these objectives can best be met if the Charter is drafted as a declaratory document, identifying and complementing existing legal instruments on fundamental rights. We do not therefore favour the Charter's incorporation into the Treaties.

EU Enlargement

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his counterpart in *(a)* Poland, *(b)* Hungary, *(c)* the Czech Republic, *(d)* Estonia, *(e)* Slovenia and *(f)* Cyprus with respect to the accession negotiations, and the timetable for accession to the EU; and if he will make a statement. [107349]

Mr. Vaz: Whenever my right hon. Friend the Foreign Secretary meets his counterparts from Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia, he discusses accession negotiations with them. When he met them in December in the margins of the Helsinki European Council, he noted that their countries have been making good progress in their preparation for accession. He emphasised that the UK wants the applicant states to join the European Union as soon as they are able to meet the obligations of membership. It is too soon to say when this will be.

European Resolutions

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed *(a)* amendment 14 to resolution B5–0308/1999, *(b)* resolution A5–0058/1999 and *(c)* resolution B5–0327/1999 with representatives of the European Parliament; and if he will make a statement. [107368]

Mr. Vaz: My right hon. Friend the Secretary of State has not held discussions with MEPs on these resolutions.

Counter-terrorism (USA)

Mr. McNamara: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his reply to the Member for Enfield, Southgate (Mr. Twigg) of 19 January 2000, *Official Report*, column 477W, if he will place in the Library a copy of the US Senate testimony on counter-terrorism to which he refers. [107830]

Mr. Battle: I placed a copy in the Libraries of the House today, Tuesday 1 February.

Commonwealth Institute

Mr. Quinn: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Commonwealth Institute's relationship with the Foreign and Commonwealth Office [108184]

Mr. Hain: The Commonwealth Institute ceased to be a Non-Departmental Public Body under the direction of the Foreign and Commonwealth Office on 31 December 1999. This was a Commonwealth Institute initiative. Its new status is that of an independent charity, in the form of a company limited by guarantee. I am arranging for copies of the Memorandum and Articles of Association of the new body to be placed in the Library of the House.

Under the terms of its agreement with the Commonwealth Institute, the Foreign and Commonwealth Office is investing £8.055 million in a severance package in 1999–2000 and 2000–01. The funding will restore and develop the building, support new programmes and provide the Institute with financial stability while its plans take effect.

This development means that the Imperial Institute Act 1925 and the Commonwealth Institute Act 1958 need to be repealed, and we shall be seeking that this be done as soon as possible.

I wish the Institute well as it becomes a pan-Commonwealth agency dedicated to promoting the Commonwealth.

GCHQ

Mr. Quinn: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the compensation schemes for the 14 trade unionists dismissed from GCHQ. [108189]

Mr. Robin Cook: I can announce that I have today laid before Parliament the two schemes that will put into effect the compensation of the 14 former GCHQ employees for their loss of pension rights. Details of the two schemes will be placed in the Libraries of the House.

Mr. Tyler: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make arrangements for the hon. Member for North Cornwall to visit GCHQ Morwenstow and receive a briefing on that station's purpose and performance. [107866]

Mr. Robin Cook: GCHQ would be delighted to make arrangements for the hon. Member, as constituency MP, to visit its outstation at Morwenstow to receive an unclassified briefing and to meet members of staff there.

Details of the station's purpose and performance are classified. The hon. Member will be aware that, as part of GCHQ, the Morwenstow outstation is subject to the scrutiny of the Intelligence and Security Committee, the members of which have access to classified material concerning GCHQ and its outstations under the Intelligence Services Act 1994.

Correspondence

Mr. Winnick: To ask the Secretary of State for Foreign and Commonwealth Affairs when the hon. Member for Walsall, North will receive a reply to his letter of 20 December concerning a constituent. [107852]

Mr. Vaz: I wrote to my hon. Friend on 29 January about this case.

Beef Ban

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs when he plans to discuss the French ban on United Kingdom beef with the French Foreign Minister. [107357]

Mr. Vaz: The European Commission began legal proceedings against France's illegal ban on British beef on 4 January. This is now a matter between the Commission and the French Government, though my right hon. Friend the Foreign Secretary maintains a regular dialogue with the French Foreign Minister, M. Hubert Vedrine, to discuss a range of bilateral issues, such as the beef ban.

PRIME MINISTER

EU Defence

Mr. Ottaway: To ask the Prime Minister if, pursuant to his answer of 20 January 2000, *Official Report*, column 537W, on European Defence, if he will place Mr. Liddle's speaking notes in the Library. [107052]

The Prime Minister: I am advised that Mr. Liddle used brief speaking notes. They are not a comprehensive record. It would therefore not be appropriate for them to be placed in the Library of the House.

British-Irish Council

Mr. Wigley: To ask the Prime Minister if he will make it his policy to seek the consent of other parties to the Agreement on the joint ministerial Committee of the British-Irish Council to publishing the names of those who attend meetings. [107125]

The Prime Minister: I refer the right hon. Member to the answer I gave to my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) on 19 January 2000, *Official Report*, columns 472–73W.

European Integration

Mr. Maclean: To ask the Prime Minister when he last had discussions with the Prime Minister of Portugal on European integration. [107504]

The Prime Minister: I last spoke to Prime Minister Guterres of Portugal at a private dinner in Lisbon on 7 January. We discussed a range of international and EU issues, in particular Portuguese Presidency priorities.

Colonel Gaddafi

Mr. Maclean: To ask the Prime Minister what representations he has made to the EU Commission on Mr. Prodi's official invitation to Colonel Gaddafi to visit Brussels. [107502]

The Prime Minister: Mr. Prodi has spoken to Colonel Gaddafi on the telephone about a possible visit, but has made it clear that the next step in the development of EU/Libya relations is for Libya to accept the Barcelona acquis without conditions. The United Kingdom has made the same point in discussion of this matter with Libya and EU Partners. The question of high level visits to Brussels could only then be considered.

Balkans

Mr. Dalyell: To ask the Prime Minister what action he is taking as a result of his conversations in London with the Prime Minister of Montenegro on *(a)* lifting sanctions against Serbia, *(b)* restoring river traffic on the Danube and *(c)* pollution caused by NATO military action. [107761]

The Prime Minister *[holding answer 31 January 2000]:* My meeting with President Djukanovic focused on the prospects for stability in the Balkans. I made clear Her Majesty's Government's support for President Djukanovic's programme of political and economic reform.

Privy Council (Judicial Committee)

Mr. Mackinlay: To ask the Prime Minister who appoints judges to serve on the Judicial Committee of the Privy Council. [107626]

The Prime Minister *[holding answer 31 January 2000]:* Only judges who are Privy Councillors may serve on the Judicial Committee and it is of course The Queen who appoints Privy Councillors on the recommendation of Her Ministers. The senior Law Lord decides which judges are invited to make up a particular Board of the Judicial Committee.

Russia

Mr. Mackinlay: To ask the Prime Minister which United Kingdom Ministers have visited the Russian Federation since 1 May 1997; and for what purpose. [107627]

The Prime Minister *[holding answer 31 January 2000]:* Details of visits are as follows:

Month/year	*Minister*	*Purpose*
July 1997	Secretary of State for Foreign and Commonwealth Affairs	Bilateral consultations
October 1997	Myself	Bilateral consultations
November 1997	Secretary of State for Defence	Bilateral consultations
March 1998	President of the Board of Trade	G8 Energy Ministerial
July 1998	Under-Secretary of State for International Development	Bilateral consultations/Know-How-Fund co-operation
July 1998	Minister for Science, Energy and Industry	Bilateral discussions/UK-Russia Science and Technology Committee
September 1998	Minister for Farming and the Food Industry, Lord Donoughue	'Britain: Window for Business' exhibition
September 1998	Minister for Trade	'Britain: Window for Business' exhibition
September 1998	Minister of State, Foreign and Commonwealth Office (Ms Quin)	Bilateral consultations
September 1998	Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Baroness Symons)	Bilateral consultations
March 1999	Secretary of State for Foreign and Commonwealth Affairs	Bilateral consultations
September 1999	Minister of State, Foreign and Commonwealth Affairs (Mr. Hoon)	Bilateral consultations
October 1999	Minister of State, Home Office (Mr. Clarke)	G8 Meeting of Justice and Interior Ministers

Social Exclusion

Mr. Field: To ask the Prime Minister what is the expected date of publication of the report on deprived areas by the Social Exclusion Unit's Policy Action Team. [108072]

The Prime Minister: The National Strategy for Neighbourhood Renewal will be published in the summer. In order to allow individuals and organisations as much opportunity as possible to contribute to its preparation, the Social Exclusion Unit will be publishing a consultation version of the strategy in the next few weeks, and then holding a wide range of consultation events and seminars around the country.

LORD CHANCELLOR'S DEPARTMENT

Court Videolinks

Mr. Key: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the companies which supply, provide and service secure videolink technology for use in British courts; and what arrangements are in place to prevent the interception of transmissions by third parties. [107871]

Jane Kennedy: Videolink technology is used occasionally in the Crown Court to enable witnesses to give evidence from abroad. The installation is arranged locally by the party whose witness is giving evidence in this way. No information is held centrally on the suppliers used or the arrangements put in place to prevent interception. A pilot is currently in place to provide a videolink between Strangeways Prison and the Crown Court in Manchester.

Departmental Targets

Mr. Hawkins: To ask the Parliamentary Secretary, Lord Chancellor's Department what progress has been made in relation to his Department's targets for increased efficiency in the Departmental Annual report. [108046]

Mr. Lock: The LCD's objectives and measurable efficiency and effectiveness targets are contained in a Public Service Agreement published in December 1998. Management systems put in place to monitor achievement of the targets commenced on 1 April 1999. Progress against each of the targets will be reported in the LCD Departmental Report 2000–01 to 2001–02 to be published in April 2000.

SOCIAL SECURITY

Benefit Decisions

Mr. Dismore: To ask the Secretary of State for Social Security what was the total number of claims in each of the last three years for *(a)* disability living allowance, *(b)* attendance allowance and *(c)* incapacity benefit; in each category, how many and what proportion of the total (i) were successful on the original application and (ii) resulted in an appeal; of those that were successful how many and what proportion of the total (1) were successful on appeal and (2) resulted in an appeal to the commissioners; and of those applications that resulted in an appeal to the Commissioners, how many and what proportion of the total were successful. [106671]

Mr. Bayley: The information is not available in the format requested. Such information as is available is in the tables.

Disability living allowance decisions on initial claims, reviews, and appeals

	1997	1998	1999[1]
Decisions on initial claims			
All decisions	486,566	391,583	373,645
Successful decisions	220,228	178,802	176,371
Proportion successful	45%	46%	47%
Reviews[2,3]			
All decisions	374,494	319,501	278,365
Successful decisions[4]	140,245	108,842	91,994
Proportion successful	37%	34%	33%
Appeals			
All decisions	35,696	47,025	49,857
Successful decisions[5]	19,335	22,350	24,051
Proportion successful	54%	48%	48%

Attendance allowance decisions on initial claims, reviews, and appeals

	1997	1998	1999[1]
Decisions on initial claims			
All decisions	425,903	394,354	381,378
Successful decisions	301,908	291,353	280,967
Proportion successful	71%	74%	74%
Reviews[2,3]			
All decisions	121,474	102,520	94,289
Successful decisions[4]	70,241	57,999	50,345
Proportion successful	58%	57%	53%
Appeals			
All decisions	5,215	6,538	6,066
Successful decisions[5]	3,003	3,382	2,899
Proportion successful	58%	52%	48%

[1] The figures for 1999 include reconsiderations and supercessions under the new system of decision making and appeals.
[2] Includes some cases where the initial decision was in a previous year.
[3] Figures relate both to awards made following review of unsuccessful initial or renewal claims, and to cases where the value of the award has increased as a result of the review.
[4] Figures relate both to awards made following an appeal against unsuccessful reviews, and to cases where the value of the award has increased as a result of the appeal.
[5] Successive decisions may be made in different years, so the figures for each stage of decision making are likely to relate to different caseloads.
Source:
Analytical Services Division: 100 per cent. data.

Entitlement to Incapacity Benefit is based on a person's incapacity provided they satisfy the National Insurance contribution conditions. An award of benefit is made from the outset if the contribution conditions are satisfied and there is acceptable medical evidence to support the claim. Subsequently, incapacity is assessed under the relevant medical test (either the Own Occupation Test (OOT) during the first 28 weeks of incapacity where the claimant has a recent work record or the All Work Test (AWT) after 28 weeks or from the start of the claim where the claimant has not recently worked). If the test is not satisfied, benefit is disallowed from that point.

The numbers of claims for Incapacity Benefit (IB), awards and decisions relating to application of the incapacity tests

	1995–96	1996–97	1997–98	1998–99
Claims received by BA	1,054,340	1,062,817	1,012,981	930,002
Disallowed at outset due to failing the contribution conditions	382,443	439,645	435,095	398,605
IB awards commencing in the period[1]	535,100	495,560	455,380	409,980
Examinations performed[2]	434,617	716,084	615,324	n/a
Awards subsequently disallowed				
Disallowed following OOT test	1,288	2,170	2,664	2,750
Disallowed following AWT	66,367	112,046	104,339	88,904
Disallowed—non-return of questionnaire	7,710	9,134	10,887	10,578
Disallowed—did not attend examination	2,416	6,652	7,069	8,687

[1] The sum of the IB awards and those disallowed at outset does not equal the number of IB claims, as this figure includes claims that are subsequently withdrawn and accident declarations (which are made in case a claim to benefit becomes necessary at a later date as a result of an industrial accident). It is not therefore possible to give proportional figures.
[2] Examinations performed includes Severe Disablement Allowance cases and cases where only National Insurance Credits are awarded.
Source:
Claims received—100 per cent. clerical count work.
IB spells commencing—1 per cent. sample of claimants.
Disallowance figures—100 per cent. count of the computer system.

IB appeals and decisions (calendar years)

	1996	1997		1998
	A	A	B	B
Number of IB AWT appeals lodged	55,813	30,512	37,405	68,541
Number of IB AWT appeals heard and decided	37,740	46,411	5,551	61,931
Found in favour of appellant	18,026	20,301	2,175	25,107
Proportion found in favour of appellant	47%	44%	39%	40%
Original decision upheld	[1]—	[1]—	3,342	36,597
Proportion where original decision upheld	[1]—	[1]—	60%	59%
Number of IB appeals lodged (not AWT)[2]	6,490	3,097	5,118	11,259
Number of IB appeals heard and decided (not AWT)[2]	3,120	4,133	661	6,801
Found in favour of appellant (not AWT)[2]	1,035	1,182	121	1,732

IB appeals and decisions (calendar years)

	1996	1997		1998
	A	A	B	B
Proportion found in favour of appellant	33%	29%	18%	25%
Original decision upheld (not AWT)[2]	[1]—	[1]—	438	5,039
Proportion where original decision upheld	[1]—	[1]—	66%	74%

[1] Information not available
[2] Includes OOT cases
Note:
1. The appeals lodged in a particular period may not necessarily go on to tribunal in the same time period.
2. The figures provided are counts of each event in each time period.
Source:
A—100 per cent. extract from ITS computerised records.
B—100 per cent. download from the Generic Appeals Processing System (GAPS) which replaced the earlier computer system in 1997.

Mr. Dismore: To ask the Secretary of State for Social Security if he will state, for each of the last three years, and the present year to date, how many *(a)* applications for and *(b)* reviews of (i) disability living allowance, (ii) attendance allowance and (iii) incapacity benefit were (1) decided on paper and (2) decided after a medical examination; and how many in each category resulted in (x) continuation of benefit, (y) an increase in benefit and (z) withdrawal of benefit. [106685]

Mr. Bayley: Disability Living Allowance (DLA) is a non-contributory benefit available to severely disabled people aged under 65 on the basis of their care and mobility needs; Attendance Allowance (AA) is available to those over 65 with care needs.

Information on the use of medical examinations in determining entitlement is available only for applications for benefit, and is in the tables.

Disability living allowance applications

Decision and evidence used	1997	1998	1999
Decisions based on claim form	83,886	59,733	46,637
Decisions based on claim form in conjunction with an external medical practitioner's report	171,719	131,593	146,078
Awards based on claim form	30,130	23,843	20,592
Awards based on claim form in conjunction with an external medical practitioner's report	77,005	52,578	61,079

Attendance allowance applications

Decision and evidence used	1997	1998	1999
Decisions based on claim form	178,830	160,700	138,823
Decisions based on claim form in conjunction with an external medical practitioner's report	60,419	45,675	57,627
Awards based on claim form	131,242	127,114	114,222
Awards based on claim form in conjunction with an external medical practitioner's report	26,946	18,133	23,191

Source:
Analytical Services Division: 100 per cent. data

Incapacity Benefit is awarded on the basis of medical evidence at the outset of a claim, provided the contribution conditions are satisfied, and continues to be paid subject to satisfaction of incapacity tests.

There are two tests of incapacity, the Own Occupation Test (OOT), which applies for the first 28 weeks for people who had a regular occupation, and the All Work Test (AWT) which applies to all cases where incapacity lasts more than 28 weeks. The AWT may be reapplied periodically to ensure that the entitlement conditions continue to be met. Where, following the application of the relevant test, a person is found capable of work, the incapacity decision is reviewed and benefit will be disallowed. An unfavourable determination on incapacity is not made without the claimant being given the opportunity for a medical examination, except where they fail without good cause to respond to requests for information in relation to the All Work Test.

Unfavourable determinations may be challenged on appeal and, since September 1999, may be reconsidered and revised where the claimant requests this within a specified time limit (one month). The available information is in the table.

IB cases allowed and disallowed following application of medical control

	1995–96	1996–97	1997–98	1998–99
Benefit continued following referral to Medical Services[1]	561,502	840,679	773,741	740,067
Disallowed following OOT test	1,288	2,170	2,664	2,750
Disallowed following AWT	66,367	112,046	104,339	88,904
Disallowed—non-return of questionnaire	7,710	9,134	10,887	10,578
Disallowed—did not attend examination	2,416	6,652	7,069	8,687

[1] Includes cases where no medical examination was carried out and where benefit was allowed following medical examination.
Note:
From April 2000 the All Work Test will be replaced by the Personal Capability Assessment
Source:
100 per cent. count of the computer system

Benefits (Shropshire)

Mr. Paul Marsden: To ask the Secretary of State for Social Security how many pensioners he estimates will benefit from the minimum income guarantee uprating in *(a)* Shrewsbury and Atcham and *(b)* Shropshire in the first year of its operation; and if he will make a statement. [107255]

Mr. Rooker: Based on the latest administrative data that the Department holds, it is estimated that over 2,000 pensioners in the constituency of Shrewsbury and Atcham, and some 7,000 pensioners in the county of Shropshire will benefit from this April's increase to the minimum income guarantee.

Notes:

1. Figures have been rounded to the nearest hundred and quoted in thousands.

2. Pensioners are defined as where the claimant, and/or partner is aged 60 or over.

3. Sample size 5 per cent.

4. Figures for 1998 are allocated by matching the postcode against the 1998 version 1 of the Postcode Directory, and 1999 figures by matching the postcode against the 1999 version 1 of the Postcode Directory.

Source:

Income Support Quarterly Statistical Enquiries, August 1998 and August 1999.

Mr. Paul Marsden: To ask the Secretary of State for Social Security what estimate he has made of the number of severely disabled children aged three and four who will benefit financially from the provisions of the Welfare Reform Bill in *(a)* Shrewsbury and Atcham and *(b)* Shropshire in the first year of its operation; and if he will make a statement. [107254]

Mr. Bayley: This information is not available in the format requested. Such information as is available is as follows.

In 2001–02 we estimate that approximately 7,000 severely disabled children aged three or four in Great Britain will become entitled to the higher rate mobility component of Disability Living Allowance (DLA). If the proportion of gainers in the areas requested were in line with the proportion of all DLA recipients in these areas, about 10 children would qualify in Shrewsbury and Atcham and about 50 in Shropshire.

Automated Credit Transfer

Mr. Webb: To ask the Secretary of State for Social Security how many benefit recipients have been paid twice as a result of recent errors in the automatic credit transfer system; how much was overpaid; what was the cost of the steps taken to recover the overpayment; how much has so far been repaid; and if he will make a statement. [107636]

Angela Eagle: The administration of benefit payments is a matter for Mr. Peter Mathison, the Chief Executive of the Benefits Agency. He will write to the hon. Member.

Letter from Alexis Cleveland to Mr. Steve Webb, dated 31 January 2000:

The Secretary of State has asked Peter Mathison to respond to your recent question asking how many benefit recipients have been paid twice as a result of recent errors in the automatic credit transfer system; how much was overpaid, what was the cost of the steps taken to recover the overpayment; how much has so far been repaid; and if he will make a statement. As he is unavailable due to annual leave I am replying.

A computer processing problem resulted in a batch of Income Support payments paid by Automated Credit Transfer being duplicated. 112,000 Income Support customers received duplicate payments amounting to £10.5m. The payments were made into customers' bank accounts on 18 January. The duplicate payments made represent a very small proportion of the total number of Income Support payments the Agency makes each year.

Our aim is to protect the public purse and seek recovery when able to do so. Steps have been taken to account separately for the recovery of these duplicate payments and the Benefits Agency's Central Recovery Group (CRG) were asked to co-ordinate the recovery. Customers were notified of the problem by letter on 24 January and given details of how to repay the duplicate payment. Letter were issued to 109,663 customers. Letters were not issued where we had been informed the customer has since died or where the amount paid was less than £5.

The Central Recovery Group has set up dedicated phone lines to receive phone calls from customers who needed to speak to somebody about how to pay the money back. Customers can also contact their local benefit offices for advise and guidance.

Although customers have been asked to make repayment to the Central Recovery Group, customers may chose to make repayment at their local office. Although no specific information has yet been collected, Central Recovery Group estimate that in the last two days they have already received about 28,000 replies. The 3,000 opened today contained £157,000 in repayments. The vast majority of callers have also indicated a willingness to repay. This indicates a positive outlook for recovery from customers.

No estimate is yet available as to the extra costs incurred in recovering the overpaid benefit.

I hope this is helpful.

Departmental Research Contracts

Dr. Harris: To ask the Secretary of State for Social Security, pursuant to his answer of 21 December 1999, *Official Report*, column 541W, on departmental research contracts, if he will place a copy of the standard research contract in use by his Department in the Library. [107096]

Mr. Rooker: A copy of the standard Department of Social Security research contract has been placed in the Library.

Winter Fuel Payments

Mr. Gale: To ask the Secretary of State for Social Security when he will issue guidance to local benefit offices concerning the manner in which winter fuel payments are to be processed. [107853]

Angela Eagle: I refer the hon. Member to the written answer I gave the hon. Member for Isle of Wight (Dr. Brand) on 24 January 2000, *Official Report*, column 81W.

New Deal (Lone Parents)

Mr. McNamara: To ask the Secretary of State for Social Security whether single parents with a degree qualification can qualify for the New Deal for Lone Parents. [107462]

Angela Eagle: All lone parents on Income Support are eligible to join the voluntary New Deal for Lone Parents.

Since October 1998, when the New Deal for Lone Parents was launched nationwide, over 104,000 lone parents have attended interviews, 89 per cent. of these have decided to participate and over 28,000 have obtained jobs.

Benefit Payment Methods

Mr. Ashdown: To ask the Secretary of State for Social Security, pursuant to his answer of 20 January 2000, *Official Report*, column 572W, on benefit payment methods, what assumptions about the number of people who will opt to have benefits paid directly into a bank account rather than at a post office underlay his forecast of annual savings; and if he will make a statement. [107786]

Mr. Rooker: I refer the right hon. Member to the written answer given to the hon. Member for Northavon (Mr. Webb) on 17 January 2000, *Official Report*, column 333W.

Fraud Inquiry

Mr. Field: To ask the Secretary of State for Social Security what the cost of the inquiry was into organised benefit fraud by John Scampion. [108041]

Mr. Rooker: Funding of £85,000 was allocated to the review of organised fraud. The final costs of this exercise are not yet known.

Gardening Leave

Mr. Willetts: To ask the Secretary of State for Social Security how many officials in his Department are on gardening leave. [108055]

Mr. Rooker: The terms and conditions of the Department do not include a provision for gardening leave. We would interpret the term as applying to staff who have no current assignment and are in receipt of full pay and are not required to attend for work. The Department currently has no staff whose absence falls within this interpretation.

CABINET OFFICE

Non-departmental Public Bodies

Mr. Llew Smith: To ask the Minister for the Cabinet Office what plans she has to reduce the number of non-departmental public bodies. [106731]

Mr. Stringer: The number of non-departmental public bodies has fallen by 6 per cent. since 1997 and now stands at 1,057. This information is published in Public Bodies 1999, copies of which are available from the Libraries of the House. The Government will continue to ensure that the number of non-departmental public bodies is monitored and kept under control.

Civil Service (Political Activities)

Mr. Robertson: To ask the Minister for the Cabinet Office, pursuant to her answer of 18 January 2000, *Official Report*, column 394W, if she will review the operation of the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987, to allow for an extension of the Civil Service grades who can take part in all political activities. [106324]

Mr. Stringer: Consideration is being given to a possible amendment to the Servants of the Crown (Parliamentary, European Parliamentary, National Assembly for Wales, New Northern Ireland Assembly and Scottish Parliament Candidature) Order 1999 to allow Departments greater flexibility in the definition of the "politically free" group.

HEALTH

Cosmetic Surgery

15. **Ann Clwyd:** To ask the Secretary of State for Health what recent representations he has received on the regulation of private cosmetic surgery. [106252]

Ms Stuart: We have received a number of representations about the need to regulate more effectively premises where cosmetic surgery and laser treatment for cosmetic purposes are provided.

We recognise that greater assurance for the public is needed about the safety and quality of the treatment being provided in this area. We therefore intend to introduce improved regulation of independent healthcare services, including premises where cosmetic surgery is performed, medical treatment is provided under anaesthesia or sedation, and where certain laser treatment is provided. These measures are included in the provisions of our Care Standards Bill. Our aim is to achieve more effective regulation to assure the quality of private cosmetic surgery, the adequacy of information for patients and would-be patients, the safety of the technology and equipment used, including laser treatment, and the effectiveness of complaints procedures when things do go wrong. We are confident that this will provide the enhanced safeguards and assurance of standards in private cosmetic surgery.

Beta Interferon

16. **Mr. Chaytor:** To ask the Secretary of State for Health when he expects the National Institute for Clinical Excellence to publish its guidance on the use of beta interferon in the treatment of multiple sclerosis. [106253]

Mr. Denham: The work programme for the National Institute for Clinical Excellence (NICE) was announced on 4 November 1999. The timing of the appraisal is a matter for NICE to determine subject to wider discussion with stakeholders. I understand the results of NICE's deliberations on beta interferon will be available in late summer this year.

Ovarian Cancer

18. **Ms Perham:** To ask the Secretary of State for Health what support his Department provides for ovarian cancer research. [106255]

Yvette Cooper: The Government spent approximately over £1 million in 1998–99 on directly commissioned research projects relating to ovarian cancer.

The Department also supports research in the National Health Service funded by research councils and charities. It is estimated that over £1 million of this is supporting ovarian cancer research.

The Medical Research Council has been working with a number of cancer charities to set up a major study of screening on ovarian cancer. An announcement will be made shortly.

NHS Direct

19. **Ms Ryan:** To ask the Secretary of State for Health what assessment he has made of the effectiveness of NHS Direct in meeting patient needs. [106256]

Ms Stuart: NHS Direct has proved to be very effective in meeting patients' needs. Sheffield University's independent interim evaluation of the first three NHS Direct pilot sites found that overall 97 per cent. of callers surveyed were either satisfied or very satisfied with the service they received. Out of those callers triaged by a nurse, nurses advise two out of three callers to a more appropriate setting of care than the caller said they would otherwise have used.

26. **Dr. Palmer:** To ask the Secretary of State for Health if he will make a statement on the impact to date on access to health care of the NHS Direct service. [106263]

Ms Stuart: NHS Direct is improving access to health care by advising callers which part of the NHS to contact. NHS Direct nurses advise two out of three callers to use a more appropriate setting of care than the caller said they would otherwise have used. One in three callers are advised how to look after themselves at home. Over the holiday period, NHS Direct handled over 200,000 calls: if NHS Direct had not been available, many of these callers would have contacted other NHS services, including accident and emergency departments and the ambulance services at a time when these services were very hard pressed.

Cancer Services

20. **Mr. Blizzard:** To ask the Secretary of State for Health if he will make a statement on the implementation of the programme to ensure that patients with cancer do not have to wait to see a specialist. [106257]

Yvette Cooper: We are ending long waits for outpatient appointments. By the end of 2000 we will have put the necessary arrangements in place to enable patients with suspected cancer referred urgently by their GP to be seen by a specialist within two weeks.

Vibration White Finger

21. **Mr. Dalyell:** To ask the Secretary of State for Health what was the incidence of vibration white finger treated by the NHS in each of the last five years; and if he will make a statement. [106258]

Mr. Denham: The incidence of vibration white finger (VWF) treated by the National Health Service is not recorded. Hospital admissions for VWF will be included in those people having 'cervical sympathectomy', the surgical procedure to treat it. These figures were:

1993: 391
1994: 379
1995: 467
1996: 487
1997: 301.

Recent research by the Medical Research Council estimates that 242,000 adults in Britain suffer from cold-induced finger blanching as a result of exposure to hand-arm vibration at work.

Flu Outbreak

22. **Sir Sydney Chapman:** To ask the Secretary of State for Health if he will make a statement about the impact of the recent flu outbreak on the NHS. [106259]

Yvette Cooper: The incidence of flu, along with other acute respiratory illness, has put very real pressure on NHS services this winter, but the NHS is dealing with these pressures. The peaks in demand are being managed better than previously, with NHS staff—in both primary care and the hospitals sector—working well to manage the current pressures.

Waiting Times (Operations)

23. **Mr. Boswell:** To ask the Secretary of State for Health what has been the change in waiting times for hospital operations in the last three months. [106260]

Mr. Denham: Waiting times fell in the last three months for which data are available. Since August 1999 the average length of time patients were waiting for inpatient treatment has fallen from about 13 weeks to about 12 weeks in November 1999.

A and E Departments

24. **Mr. Kidney:** To ask the Secretary of State for Health what progress he is making in improving hospitals accident and emergency departments. [106261]

Ms Stuart: Last year, we announced a £115 million programme to modernise and upgrade all accident and emergency departments which needed it. Of the 244 schemes planned, over a quarter (27.5 per cent.) have now been completed. About half of the schemes will be finished by April, and some 80 per cent. by July.

Lichfield Victoria and Hammerwich Hospitals

25. **Mr. Fabricant:** To ask the Secretary of State for Health if he will make a statement on the future provision of services currently available at the Lichfield Victoria Hospital and the Hammerwich Hospital in South Staffordshire. [106262]

Yvette Cooper: The hon. Member will be aware that South Staffordshire Health Authority is currently undertaking a wide ranging strategic review of services. I understand that the Health Authority is still working-up proposals, and as such it would not be possible for me to

comment at this time on the future provision of services at Lichfield Victoria Hospital and the Hammerwich Hospital.

Primary Care Groups

27. **Mr. Crausby:** To ask the Secretary of State for Health what progress he is making with the development of primary care groups. [106264]

Mr. Denham: 481 Primary Care Groups began on 1 April 1999 and are making excellent progress in bringing GPs, nurses, health professionals and social services together to deliver better services for their local population. 68 Primary Care Groups have also made applications to gain Primary Care Trust status this year and I have recently announced the first 17 to start from 1 April 2000.

Dementia

28. **Mr. Coaker:** To ask the Secretary of State for Health what plans he has to develop services for people suffering from dementia. [106265]

Mr. Hutton: Improving mental health services in the National Health Service is a priority for this Government. The Department also works closely with organisations such as the Alzheimer's Society, Dementia Relief Trust and the Dementia Services Development Centres who provide advice and support to users, their carers and those developing local services.

The work for the National Service Framework for Older People covers mental health including dementia. We expect to be publishing the National Service Framework later this year.

Nurses (Recruitment and Retention)

29. **Mr. Gapes:** To ask the Secretary of State for Health what action he is taking to increase the recruitment and retention of nurses. [106266]

Mr. Denham: We are committed to help the National Health Service recruit the extra nurses it needs to deliver modern and dependable care.

Last month (January), we announced an above inflation pay award of 3.4 per cent. for all nurses, with additional increases for experienced staff nurses of 7.8 per cent.

As a result of last year's national recruitment campaign, over 5,000 nurses are returning to the NHS, and applications for nursing degree courses are up by 24 per cent.

I am pleased to tell my hon. Friend that we will be launching this year's national recruitment campaign on 28 February. The campaign will include high profile TV and press advertising, and will target those areas of the country with the most pressing vacancies.

The Government are also making progress on modernising services and modernising employment practice in the NHS to retain nurses. Through our national nursing strategy, "Making a Difference", the NHS is developing flexible and family friendly working practices; extending and improving investment in lifelong learning and professional development, and tackling violence and racism in the workplace.

General Practitioners

30. **Ms Rosie Winterton:** To ask the Secretary of State for Health what steps he is taking to ensure that GPs receive continuing professional development. [106267]

Mr. Denham: Continuing professional development (CPD) in general practice is important. Learning must be lifelong and cannot cease at the end of formal training. To provide the best possible service to their patients general practitioners should keep up to date with advances in patient care and continually review and improve their knowledge, skills and abilities. We will be issuing a paper on CPD in primary care, building on the many examples of good work already being done by GPs and extending these principles to all primary care staff.

Out-of-area Treatment

31. **Miss Kirkbride:** To ask the Secretary of State for Health what recent representations he has received regarding the operation of the out-of-area treatment scheme. [106268]

Mr. Denham: Extra Contractual Referrals (ECRs) were part of the unfair "two tier" internal market, and were abolished on 31 March 1999. They have been replaced by new arrangements for commissioning services—long term service agreements, specialised service agreements and out-of-area treatments.

Following the introduction of the new commissioning arrangements on 1 April 1999, the National Health Service Executive has received a small number of representations regarding the out-of-area treatment scheme. We are, of course, keeping the arrangements under review.

35. **Mr. Leigh:** To ask the Secretary of State for Health what is the target time set by his Department within which a trust should receive payment for treatments given under the out-of-area treatment scheme. [106272]

Mr. Denham: Under the Out-of-area treatment (OAT) arrangements, each National Health Service trust has a main commissioner. The main commissioner health authority is funded for OATs through an annual non-recurrent adjustment to allocations. NHS trusts should be paid by their main commissioners in line with the profile agreed locally.

NHS Spending

32. **Mr. Flynn:** To ask the Secretary of State for Health what total spending in the NHS will be in the current financial year; and what estimate he has made of the level in *(a)* 2006 and *(b)* 2007. [106269]

Mr. Denham: In 1999–2000 total gross National Health Service expenditure in England is forecast to be £43,049 million.

As my right hon. Friend the Prime Minister said in the House on 19 January 2000, *Official Report*, columns 835–42, if we continue to manage the economy properly we will be able to sustain increases in the National Health Service funding which will bring us up to the European average.

Eye Tests

33. **Mr. Burgon:** To ask the Secretary of State for Health what assessment he has made of the take-up of free eye tests for pensioners and the results of such tests. [106270]

Mr. Hutton: Since April 1999, when we extended eligibility for National Health Service sight tests to everyone aged 60 or over, some 50,000 more people have been undergoing these tests each week. We estimate that some five per cent. of those tested are referred for investigation of suspected eye disease.

Health Spending

34. **Mr. David Heath:** To ask the Secretary of State for Health what increase in UK health spending would be required to raise it to the European Union average. [106271]

Mr. Denham: As my right hon. Friend the Prime Minister said in the House on 19 January 2000, *Official Report,* columns 835–42, if we continue to manage the economy properly we will be able to sustain increases in the National Health Service funding which will bring us up to the European average.

Midwifery (North Essex)

36. **Mr. Bob Russell:** To ask the Secretary of State for Health if he will provide additional funds to the North Essex health authority to enable team midwifery groups to be provided throughout the authority's area. [106273]

Yvette Cooper: North Essex Health Authority is in the process of reviewing its maternity services strategy for the whole of its area, with key stakeholders and users. There will be no changes made to existing maternity services until this strategy has been agreed. Any proposed changes to existing provision will be the subject of a full and open consultation.

The 2000–01 unified allocation for North Essex Health Authority is £544.95 million, representing a cash increase of £34.15 million (6.68 per cent). It is for health authorities, in partnership with NHS trusts, primary care groups, local authorities and local stakeholders to determine how best to use their funds to meet national and local priorities for improving health and modernising services. The significant additional resources available will help them in this.

Head Lice

37. **Mr. White:** To ask the Secretary of State for Health how much the NHS spends each year on drugs to treat head lice. [106274]

Mr. Denham: The net ingredient cost of prescription items dispensed in the community for the treatment of head lice in each of the past five years, for which information is available, was as follows:

Net ingredient cost of prescription items for head lice treatments (England)

Year	*£000*
1994	3,107.3
1995	4,785.3
1996	7,538.4
1997	8,165.9
1998	6,352.3

Data are not collected centrally for treatments dispensed in hospital.

Waiting Lists (Consultants)

38. **Mr. Todd:** To ask the Secretary of State for Health when he last met representatives of consultants to discuss targets for reducing waiting lists. [106275]

Mr. Denham: Ministers in the Department regularly visit the health service and talk to consultants and other professionals on a wide range of topics, including waiting lists.

Southend and Thameside Community Care Trusts

39. **Sir Teddy Taylor:** To ask the Secretary of State for Health if he will make a statement on the merger of the Southend and Thameside Community Care Trusts. [106276]

Mr. Denham: Southend Community National Health Service Trust and Thameside Community NHS Trust will merge from 1 April 2000 following a period of statutory consultation which ended on 31 August 1999.

The benefits of merger of the two trusts are significant. Equity, efficiency and access to services should all be improved. Elimination of organisational barriers will provide a platform from which clinical services can be developed. Thus best practice can more easily and quickly be implemented in respect of integration of mental health and other services in community settings. Management should be better placed to liaise effectively with stakeholders within and outside the NHS. The new structure will also improve local flexibility to make future changes easier, as primary care groups and Primary Care Trusts mature and take on additional roles. In addition, savings from reduced management costs can be re-invested in direct patient care.

Meningitis

40. **Mr. Healey:** To ask the Secretary of State for Health if he will make a statement on progress in the immunisation programme using the new meningitis vaccine. [106277]

Yvette Cooper: The introduction of the new meningitis C vaccine is progressing very well. Immunisation for 15 to 17-year-olds is largely completed, babies have been receiving the vaccine since November and we are on target to offer the vaccine to everyone aged under 18 by the end of the year.

NICE

Mr. Geraint Davies: To ask the Secretary of State for Health if he will make a statement on the effectiveness of the National Institute for Clinical Excellence. [106250]

Mr. Denham: NICE will secure a more rapid uptake of cost-effective innovations, eliminate the lottery of care, and help the NHS deliver the best possible patient care with the resources available. NICE's initial work programme was announced in November. Interim guidance on Relenza has already been issued. Appraisal guidance on hip implants, extraction of wisdom teeth, taxanes for breast and ovarian cancer, coronary artery stents, and new diagnostic techniques for cervical cancer will follow over the next three months or so. The first compilation of general practitioner referral guidelines will be published in April.

Older Carers

Mr. Pickles: To ask the Secretary of State for Health how many people aged over 65 years were acting as carers for relatives under the age of 50 in *(a)* 1998, *(b)* 1988 and *(c)* 1978; and what are the projected figures for 2008. [104509]

Mr. Hutton: The information is not available for the years nor the age groups requested.

The 1995 General Household Survey (GHS) indicates that there are around 1 million people in Great Britain who are aged 65 and over and acting as a carer. The number of carers aged over 65 who are caring for people of different age groups can not be estimated accurately, because of small sample sizes. However, the GHS found that less than 0.5 per cent. of the total population aged 16 or more, were aged 65 and over and caring for a relative aged under 65.

Mr. Pickles: To ask the Secretary of State for Health how many people aged over 65 years were acting as carers for relatives over the age of 70 years in *(a)* 1998, *(b)* 1988 and *(c)* 1978; and what is the projected figure for 2008. [104508]

Mr. Hutton: The information is not available for the years nor the age groups requested.

The 1995 General Household Survey (GHS) indicates that there are around 1 million people in Great Britain who are aged 65 and over and acting as a carer. The number of carers aged over 65 who are caring for people of different age groups cannot be estimated accurately, because of small sample sizes. However, a rough estimate would indicate that around 500,000 people aged 65 and over were caring for relatives aged 75 and over.

Intensive Care Beds

Mr. Hammond: To ask the Secretary of State for Health if he will place in the Library a list of intensive care beds in each NHS hospital in England and Wales on *(a)* 31 March 1999 and *(b)* the latest date for which figures are available. [104774]

Mr. Denham *[holding answer 17 January 2000]:* The information has been placed in the Library. Information for Wales is a matter for its Administration.

Blood Donors

Mr. Denis Murphy: To ask the Secretary of State for Health how many blood donors there were in each NHS region broken down by blood type; and how much blood was donated in each of the last five years. [106932]

Mr. Denham: Information on the number of donors, their blood types, and on the number of donations, is collected by National Blood Authority blood centre rather than by National Health Service region.

The number of donors and their blood groups, and donations collected, are set out in the table for each blood centre in 1998–99, the last year for which figures are available. For each of the last five years, the donor and donation figures for England are given.

The figures on the number of donors registered over the five year period are variable because the National Blood Authority records were reviewed and updated before transfer to a new national computer system in 1998, to remove duplicate and obsolete entries.

Centre	*O+*	*O-*	*A+*	*A-*	*B+*	*B-*	*AB+*	*AB-*	*Total*
Registered donors 1998–99									
Brentwood	79,286	18,973	75,275	17,347	16,431	3,564	6,664	1,517	219,057
North London	70,775	15,989	61,033	13,179	16,384	3,160	6,165	1,355	188,040
South Thames	87,236	21,485	81,116	18,486	18,601	4,065	7,194	1,601	239,784
London and South East	237,297	56,447	217,424	49,012	51,416	10,789	20,023	4,473	646,881
Birmingham	59,258	16,051	53,751	12,657	11,389	2,631	5,440	1,038	162,215
Bristol	92,116	23,898	85,780	20,245	18,170	4,242	7,933	1,651	254,035
Southampton	42,318	10,943	40,675	9,561	8,321	1,989	3,862	796	118,465
Midlands and South West	193,692	50,892	180,206	42,463	37,880	8,862	17,235	3,485	534,715
Sheffield	54,430	13,988	51,871	12,819	10,561	2,627	5,046	1,143	152,485
Leeds	43,902	10,727	39,068	9,383	9,106	2,066	3,541	817	118,610
Manchester	108,620	26,407	89,763	21,409	21,035	4,777	7,348	1,685	281,044
Newcastle	42,854	11,406	35,037	8,834	8,484	2,169	3,443	882	113,109
North	249,806	62,528	215,739	52,445	49,186	11,639	19,378	4,527	665,248
Donations colected 1998–99									
Brentwood	104,786	25,371	98,291	22,688	21,212	4,666	8,101	1,918	287,033
North London	94,119	22,019	78,298	17,211	20,526	4,073	7,288	1,602	245,137
South Thames	117,518	29,626	106,718	24,831	23,940	5,462	8,188	2,019	318,302
London and South East	316,423	77,017	283,307	64,730	65,678	14,200	23,577	5,540	850,472

Centre	O+	O-	A+	A-	B+	B-	AB+	AB-	Total
Birmingham	96,479	27,550	85,754	20,264	17,660	4,138	4,831	1,426	258,102
Bristol	108,014	29,862	97,568	23,717	19,659	4,811	5,254	1,534	290,419
Southampton	54,255	15,360	49,584	11,664	9,927	2,407	2,816	831	146,844
Midlands and South West	258,748	72,772	232,905	55,646	47,247	11,356	12,901	3,791	695,365
Sheffield	88,863	22,714	81,682	20,443	17,002	4,158	4,566	1,233	240,661
Leeds	59,344	14,667	51,853	12,640	12,080	2,751	4,311	1,003	158,650
Manchester	116,788	29,449	95,874	23,262	22,152	5,128	6,981	1,594	301,227
Newcastle	57,598	15,521	47,033	11,967	10,757	2,817	3,605	949	150,247
North	322,594	82,351	276,442	68,312	61,991	14,853	19,463	4,779	850,785

Registered/Collected—England

Year	
Active donors	
1994–95	2,221,883
1995–96	2,225,565
1996–97	1,906,637
1997–98	1,914,351
1998–99	1,846,844
Donations	
1994–95	2,255,102
1995–96	2,329,767
1996–97	2,355,551
1997–98	2,389,028
1998–99	2,396,622

Cerebral Palsy

Mr. Gordon Prentice: To ask the Secretary of State for Health how much his Department has spent on research into cerebral palsy in each of the last five years; and if he will make a statement. [107060]

Mr. Denham: The Government fund health and medical research in a number of ways.

The Medical Research Council (MRC)—which receives most of its income via grant-in-aid from the office of my right hon. Friend the Secretary of State for Trade and Industry—funds medical research as part of the Government's funding of the science and engineering base.

It is the main agency through which the Government support research on the causes and treatment of disease.

The Department funds research and development to support its work on policy development and evaluation in health and social care. The Department also manages the National Health Service research and development levy which is used to support research and development of relevance to the National Health Service in hospitals, general practice and other health care settings, and to fund the NHS research and development programme.

During 1998–99 the MRC spent £58 million on neurosciences and mental health research.

This research portfolio covers a wide range of areas in basic research that underpin the understanding of diseases and dysfunction of the brain, including cerebral palsy.

The national NHS research and development programme has funded a number of projects on cerebral palsy at a total cost of £619,579. Expenditure for this work over the last five years is as follows.

	£
1995–96	40,314
1996–97	129,454
1997–98	129,454
1998–99	171,339
1999–2000	101,658

Management of much of the research supported by the NHS research and development levy is devolved and details of expenditure at project level are not held centrally by the Department. For example, the Department provides support funds to allow work funded by others such as the Research Councils and charities to be conducted within the NHS. Local research projects may also be funded through NHS regional offices. The total spend on cerebral palsy research will therefore be greater than that shown for the national NHS research and development programme above.

The Department also funds the National Perinatal Epidemiology Unit at Oxford, whose programme includes work on cerebral palsy.

Project details of work directly funded by the Department or supported through the NHS research and development levy can be found on the National Research Register (NRR). This is available in the Library and most medical libraries on CD-ROM and on the Internet: http://www.doh.gov.uk/nrr.htm. The NRR lists a considerable number of projects related to cerebral palsy.

Waiting Lists

Mr. Austin: To ask the Secretary of State for Health (1) what recent assessment he has made of the impact of private practice in the same NHS unit or specialty on the waiting list and waiting time for treatment; [107391]

(2) what action he has taken in relation to Recommendation 15 of the Health Committee report, "Public Expenditure on Health Services: Waiting Lists" (Session 1990/91: page xxiv); and if he will make a statement. [107392]

Ms Stuart: We have made no assessment of the impact of private practice on waiting lists and times for treatment in the same National Health Service unit or specialty.

Mr. Burns: To ask the Secretary of State for Health if he will publish, for each of the next 12 months, the week in which he expects to announce the latest *(a)* in-patient waiting list figures and *(b)* out-patient waiting list figures. [107301]

Mr. Denham *[holding answer 31 January 2000]:* The in-patient waiting list statistics for the end of December 1999 and out-patient waiting times statistics for the third quarter of 1999–2000 will be published during the week commencing 14 February 2000. Publication dates for later months will be published, as usual, one month prior in the Office for National Statistics' "Updates".

NHS Consultants (Private Practice)

Mr. Austin: To ask the Secretary of State for Health what assessment he has made of the average time spent on private practice by NHS consultants. [107390]

Ms Stuart: The vast majority of our consultants work hard for the National Health Service and more than fulfil their contractual commitments.

We are currently negotiating a new modern contract for consultants with the Central Consultants and Specialists Committee of the British Medical Association. We want to see better, more robust job planning arrangements, supported by regular appraisal, to ensure that consultants' undoubted energies are focused clearly on delivering key service goals and priorities, providing patients with the high quality care that they need and expect, increasing productivity where it is needed most and cutting waiting lists.

Private Finance Initiative (Hospitals)

Mr. Dobbin: To ask the Secretary of State for Health if he will list those hospitals planned to be built under the private finance initiative indicating how many projects have been completed. [107434]

Mr. Denham: A list of all 31 major private finance initiative schemes is in the table. It shows schemes that have reached financial close and work has started on site, and schemes that have been given the go-ahead and are working towards financial close. The first three major acute PFI schemes, at Carlisle, Dartford and Gravesham and South Buckinghamshire will become operational in 2000.

Major capital schemes—approved since May 1997

£ million

PFI schemes	*NHSRO*	*Approximate capital*
PFI schemes reached financial close with work started on site:		
Dartford and Gravesham NHS Trust	SE	94
Carlisle Hospitals NHS Trust	N&Y	65
South Buckinghamshire NHS Trust	SE	45
Norfolk and Norwich NHS Trust	East	144
North Durham Health Care NHS Trust	N&Y	61
Greenwich Healthcare NHS Trust	Lond	93
Calderdale Healthcare NHS Trust	N&Y	65
South Manchester University Hospitals NHS Trust	NW	66
Bromley Healthcare NHS Trust	Lond	118
Barnet and Chase Farm Hospitals NHS Trust	Lond	54
Worcester Royal Infirmary NHS Trust	WM	87
Hereford Hospitals NHS Trust	WM	64
South Durham Healthcare NHS Trust	N&Y	41
South Tees Acute Hospitals NHS Trust	N&Y	122
Swindon and Marlborough NHS Trust	SW	96
Kings Healthcare NHS Trust	Lond	64
Total PFI schemes reached financial close with work started on site (16)		1,277
PFI schemes approved but not yet started on site:		
Wave 1a schemes		
University College London Hospitals NHS Trust	Lond	274
St. Georges Hospital NHS Trust	Lond	44
Barts and The London NHS Trust	Lond	462
Total London		780
2nd wave schemes prioritised		
Central Manchester Healthcare NHS Trust and Manchester Children's Hospital NHS Trust	NW	250
Dudley Priority Hospitals NHS Trust	WM	68
West Berkshire Priority Care NHS Trust	SE	29
Newcastle Upon Tyne Hospitals NHS Trust	N&Y	124
Walsgrave Hospitals NHS Trust and Coventry Healthcare NHS Trust	WM	181
West Middlesex University Hospitals NHS Trust	Lond	33
Total 2nd wave schemes prioritised		685
Total April 1998 Announcement		1,465
3rd wave schemes prioritised [1,2]		
Leeds Teaching Hospitals NHS trust	N&Y	125
The Radcliffe Infirmary NHS Trust	SE	71
Havering Hospitals NHS Trust	Lond	148
Portsmouth Hospitals NHS Trust	SE	75
Blackburn, Hyndburn and Ribble Valley Healthcare NHS Trust	NW	52
Southern Derbyshire Acute Hospitals NHS trust	Trent	177
Total 3rd wave scheme prioritised		648
Total PFI		3,390

Major capital schemes—approved since May 1997

£ million

PFI schemes	*NHSRO*	*Approximate capital*
Publicly funded schemes:		
Publicly funded schemes with work started on site		
Rochdale Health Care NHS trust	NW	24
Royal Berkshire and Battle Hospital NHS Trust	SE	74
Central Sheffield University Hospitals NHS Trust	Trent	24
Guys and St. Thomas' NHS Trust	Lond	50
Total		172
Publicly funded schemes approved but not started on site		
Royal Hull Hospitals NHS Trust	N&Y	20
Gloucestershire Royal NHS Trust	SW	25
Total		45
Total Publicly Funded		217
Total major capital investment given go ahead		3,607

[1] For schemes still in early stages of development, estimates are based on highest costed option
[2] Figures may not sum due to rounding
Note:
The capital values of PFI schemes are approximate and defined as:
Total Capital Cost to the Private Sector includes the costs of land, construction, equipment and professional fees but excludes VAT, rolled up interest and financing costs such as bank arrangement fees, bank due diligence fees, banks' lawyers fees and third party equity costs. As PFI procures a service rather than the underlying asset, capital values shown are necessarily estimates.

Summary:

All schemes

Since 1 May 1997, 37 major hospital developments, worth over £3.1 billion have been given the go ahead.

PFI schemes

31 major hospital developments worth over £2.9 billion have been given approval to proceed under the Private Finance Initiative since 1 May 1997, 16 of which, worth almost £1.3 billion have already signed final contracts and begun building. Of these 16, three are scheduled to become operational in 2000.

Publicly funded schemes

The go ahead has also been given to six publicly funded schemes worth almost £220 million, with work on site already started at four of these.

Piped Oxygen

Mr. Norman: To ask the Secretary of State for Health what reports he has received on the benefits of having piped oxygen in acute wards in terms of patient care and nursing staff productivity. [107417]

Ms Stuart: No central reports are available on the benefits of having piped oxygen in acute wards in terms of patient care and nursing staff productivity. Experience shows that piped oxygen is beneficial in terms of improved patient care, providing a safe, cost effective and productive service.

NHS Hospitals (Training)

Dr. Stoate: To ask the Secretary of State for Health (1) how many doctors currently working in the private health sector were trained in NHS hospitals; [107432]

(2) how many people in professions allied to medicine currently working in the private health sector were trained in NHS hospitals; [107429]

(3) how many nurses currently working in the private health sector were trained in NHS hospitals. [107428]

Ms Stuart: Data on the source of health professionals qualifications working in the private sector are not collected centrally. However, the great majority of United Kingdom trained health professionals working in the private health sector will have received their professional education and training within or associated with the National Health Service.

Bio-medical Scientists

Mr. Soames: To ask the Secretary of State for Health how many bio-medical scientists are employed by the West Sussex Health Authority; and what is the Authority's establishment for bio-medical scientists. [107874]

Mr. Denham: The information requested is given in the table.

NHS Hospital and Community Health Services (HCHS): all pathology scientists within West Sussex Health Authority, as at 30 September 1998

	Total pathology scientists
Whole-time equivalent	5
Numbers (headcount)	5

Notes:
1. "Pathology Scientists" include Biomedical Scientists, Immunologists, Clinical Cytogenetics, Chemical Pathologists, Haematologists etc.
2. "Pathology Scientists" can not be broken down in any more detail to reveal Biomedical Scientist numbers.
Source:
Department of Health Non-Medical Workforce Census

Breast Cancer

Ms Perham: To ask the Secretary of State for Health how many women with suspected breast cancer waited to see a consultant for *(a)* two, *(b)* three, *(c)* four, *(d)* five, *(e)* six, *(f)* seven and *(g)* eight weeks in the most recent period for which figures are available; and if he will

provide this information in respect of the age groups (i) under 29, (ii) 30 to 49, (iii) 50 to 64, (iv) 65 to 74, (v) 75 to 84 and (vi) 85 years and over. [105067]

Mr. Denham: The information is not available centrally in the form requested. In the three months ending 30 September 1999, 95 per cent. of patients with suspected breast cancer were seen for their first outpatient appointment within two weeks of their GP deciding they should be referred urgently and the National Health Service trust receiving the referral within 24 hours.

Community Hospital (Lymington)

Mr. Swayne: To ask the Secretary of State for Health when he expects to announce a decision on the proposed private finance initiative scheme for a new community hospital for Lymington. [107264]

Mr. Denham *[holding answer 31 January 2000]:* Negotiations between Southampton Community Health Services National Health Service Trust and its private sector partner on the proposed private finance initiative scheme for a new community hospital for Lymington are continuing. We hope these will be completed shortly, allowing an announcement to be made shortly after.

AGRICULTURE, FISHERIES AND FOOD

Country of Origin Labelling

Dr. Naysmith: To ask the Minister of Agriculture, Fisheries and Food what action the Government are taking to curb misleading country of origin labelling on food products. [108318]

Mr. Nick Brown: Following consultation of the food industry and enforcement authorities I issued today revised guidance notes on origin labelling to ensure that consumers are not misled about the true origin of the food they buy. A copy of the guidance notes has been placed in the Library of both Houses.

Red Tape Review

Dr. Naysmith: To ask the Minister of Agriculture, Fisheries and Food when he will announce his responses to the Red Tape Review reports on the Meat Industry, IACS and Inspections, and the Intervention System. [108319]

Mr. Nick Brown: Further to my replies of 13 December 1999, *Official Report,* column 89W, to my hon. Friend the Member for Bristol, North-West (Dr. Naysmith), and to my hon. Friends the Members for Wirral, South (Mr. Chapman) and for Preseli Pembrokeshire (Mrs. Lawrence), 21 December 1999, *Official Report,* columns 572–73W, welcoming the three reports prepared as key parts of the review of regulatory burdens on agriculture, I am today placing in the Library of the House action plans which set out the Government's responses to the 107 recommendations in the reports. We have accepted 98 of the 107 recommendations. We shall be giving six recommendations further consideration, and will do so as rapidly as possible. Of the 98 recommendations we have accepted, we shall be pursuing 23 in Brussels to seek changes in the basic legal provisions.

Over-30-month Scheme

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will publish the criteria by which the Intervention Board awards slaughter contracts under the over-30-month scheme. [102918]

Mr. Nick Brown *[holding answer 16 December 1999]:* I refer the hon. Member to the reply given to the hon. Member for Brentwood and Ongar (Mr. Pickles) on 25 January 2000, *Official Report,* column 183W.

Asset Sales

Mr. Matthew Taylor: To ask the Minister of Agriculture, Fisheries and Food if he will list the items in the National Assets Register sold by his Department, its agencies and associated public bodies since 15 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104479]

Mr. Morley: Some £16,744,388 has accrued to my Department, its agencies and associated non-departmental public bodies from sales of surplus assets disposed of since 15 February 1999.

A summary of individual assets and groups of assets sold or otherwise disposed of by my Department and its associated bodies since February 1999 is contained in the following tables. The table headings reflect the categories reported in the National Asset Register.

Categories where no disposals have taken place have been omitted.

More detailed information (such as types of computer, descriptions of individual vehicles) is held by the Department but would be expensive to compile.

Since the National Asset Register was published in November 1997, a total of £29,374,183 has been realised from disposals of such assets.

The Department remains committed to the early identification of surplus assets and their disposal on terms favourable to the public purse.

1. Property

The Ministry has disposed of the sites listed since 15 February 1999, and realised £14,450,100 to date. A further £1,850,000 is payable to MAFF in 2000–01 arising from these sales. Individual figures for each item are held by my Department but have not been reported here for reasons of commercial confidentiality.

A number of surplus properties remain. Action is in hand to dispose of these at best value to the Department.

1A. Freehold Property—HQ and Regional Offices

Berkeley Towers, Nantwich Road, Crewe

1B. Freehold Property—Laboratories

Central Science Laboratory, London Road, Slough

CSL National Bees Unit, Luddington, Stratford upon Avon (2 plots)

1C. Freehold Property—Farms etc.

Efford EHS, Lymington, Hants. (part)

Marsh Cottages, Rosemaund, Preston Wynne, Hereford

1 Marsh Cottages, Rosemaund, Preston Wynne, Hereford

9 Great North Road, Chawston, BedsHurstborne Common, Andover, Hants.

1D. Freehold Property—Buffer Depots

Former RAF station, Strubby, Alford, Lincs.

Gravel Pit, Hertford Road, Hoddesdon, Herts.

Towy Avenue, Llandovery, Dyfed

2B. Historic Leasehold Property—Laboratories

Olantigh Road, Wye, Ashford, Kent

3A. Long Leasehold Property—Laboratories

CSL Colney Lane, Norwich.

5A. Information Technology—Equipment (Servers, Pcs)

	Description	
	Number disposed of	*Sales receipts (£)*
MAFF	104	0
PSD	69	0
MHS	[1]—	0
CSL	78	0
VMD	[1]—	0
VLA	3	0
CEFAS	[1]—	0
FRCA	[1]—	0
Total	> 254	0

[1] Where number of units are not stated, the information is available but due to changes in local accounting systems could only be retrieved at significant cost.

Notes:

As a consequence of technical obsolescence, IT disposals tend to have no resale value. The Department and its Agencies seek to maximise the use of existing technology where possible, and only dispose of IT equipment when it can no longer meet the Department's needs.

The Department has incurred some additional expense to dispose safely of PCBs and Monitors but this cost is not readily distinguishable from other expenditure on waste disposal.

5B. Information Technology—Main Systems

Version 9.3.7 of the "ORACLE Financials" Resource Accounting and Management Information System has been superseded by version 10.7. The earlier version has been retained for accessing archived data. PSD upgraded their SUN Accounts system in March 1999. Although there was no cash benefit from the disposal of the old system and associated equipment, the Agency received a trade-in value of £20,000 against the cost of the upgrade.

Some non-critical software systems were capitalised on MAFF and Agency Accounts where material external costs had been incurred. These had no residual value, were not Millennium compliant, and have been written off from the accounts.

6. Office Equipment

	Description	
	Numbers disposed of	*Sales receipts (£)*
MAFF	25	2,350
PSD	—	—
MHS	—	—
CSL	1	0
VMD	—	—
VLA	—	—
CEFAS	—	—
FRCA	—	—
Total	26	2,350

7. Scientific and Laboratory Equipment

	Description	
	Numbers disposed of	*Sales receipts (£)*
MAFF	—	—
PSD	—	—
MHS	—	—
CSL	62	0

7. Scientific and Laboratory Equipment

	Description	
	Numbers disposed of	*Sales receipts (£)*
VMD	—	—
VLA	78	14,668
CEFAS	—	—
FRCA	—	—
Total	140	14,668

8. Furniture and Fittings

Small amounts of furniture and fittings have been disposed of when dilapidated, but with no resale value.

9. Vehicles

	Description	
	Numbers disposed of	*Sales receipts (£)*
MAFF	49	137,316
PSD	—	—
MHS	7	32,240
CSL	21	64,720
VMD	—	—
VLA	7	7,015
CEFAS	18	14,547
FRCA	6	14,033
Total	108	269,871

12. Non-Departmental Public Bodies

Covent Garden Market Authority

No items have been sold since 15 February 1999, though plant and equipment with a book value of £3,069 was disposed of with no cash benefit.

Total sales since 1997 = £2,359.

Food from Britain

No assets have been disposed of since 15 February 1999.

Total sales since 1997 = £30,302

Horticulture Research International

No assets have been disposed of since 15 February 1999. There have been no sales receipts for registered assets since 1997.

Meat and Livestock Commission

Sales of surplus assets since 15 February 1999:

IT Equipment: £3,000

Vehicles: £122,000

Total Sales since 1997 = £474,000.

Sea Fish Industry Authority

The following items have been sold since 15 February 1999:

Office equipment: £1,478

IT Equipment: £251

Vehicles: £950

Disposals with no cash benefit—1 portacabin.

Total sales since 1997 = £15,988.

Royal Botanic Gardens, Kew

The following items have been sold since 15 February 1999:

Scientific and Laboratory Equipment: £1,170

Vehicles: £10,900

Total sales since 1997 = £24,326.

West Devon Meats

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what plans he has to compensate farmers who

incur extra transport costs as a result of the withdrawal of the contract with West Devon Meats to slaughter cattle under the over thirty months scheme. [101912]

Ms Quin *[holding answer 13 December 1999]:* There are no plans to provide such compensation. Neither was such compensation paid at the time of the previous tender. It is the responsibility of the producers to transport their Over Thirty Months Scheme (OTMS) animals from the farm to the point of slaughter. The Government's responsibility is to ensure that there is a sufficient number of access points into the scheme, and that they are well distributed having regard to the main production areas. The outcome of the tender for OTMS slaughtering services, together with the unchanged network of 170 markets registered to collect OTMS cattle (10 of which are in Devon), fully meet these requirements.

EU Leader Plus Programme

Mr. Bercow: To ask the Minister of Agriculture, Fisheries and Food what is the United Kingdom's share of the EU Leader Plus programme; which member states receive more funding under the programme than the United Kingdom; and if he will make a statement. [105663]

Mr. Morley: The United Kingdom's share of the EU Leader Plus Community Initiative is 106 million euro out of 2,020 million euro for the period 2000–06. The Member States receiving more funding than the United Kingdom are Germany, Greece, Spain, France, Italy and Portugal. The European Commission have said that allocations to Member States were based on allocations under previous programmes and objective criteria such as population in rural areas, utilised agricultural area and population density.

Sugar

Mr. Hunter: To ask the Minister of Agriculture, Fisheries and Food what is his policy in respect of ensuring that future arrangements provide a sufficient supply of imported raw sugar to maintain the basic level of cane refining. [105491]

Ms Quin: The UK attaches considerable importance to the maintenance of adequate raw sugar supplies to the cane refining industry, which produces about half of our sugar. We therefore need to keep this consideration firmly in mind in forthcoming discussions about the EU sugar regime, and preferential access for cane sugar.

Pig Sector

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effectiveness of the investigations of his meat trader adviser in respect of the pig sector; and when his findings will be published. [106865]

Ms Quin: The meat trade adviser is in contact with all the major British retail and catering groups and has had several useful meetings with key industry organisations on the issue of misleading labelling of pigmeat products. Progress is being made and labels are being changed. Although not produced in a form which can readily be published, the meat trade adviser's findings are made known as he discusses his progress regularly with the National Pig Association and other industry bodies.

New guidelines on less ambiguous country of origin labelling will shortly be issued to Trading Standards Officers by my Department's Food Labelling and Standards Division.

Mr. Cawsey: To ask the Minister of Agriculture, Fisheries and Food what progress has been made in establishing a state aid scheme for the pig sector in agreement with the EU. [105139]

Ms Quin *[holding answer 17 January 2000]:* The European Commission has made clear in correspondence and at meetings that it will not sanction any scheme which fails to meet the rules. The rules preclude the payment of operating aids, i.e. subsidies that are simply aimed at improving the producer's position in the market. However, we continue to consider possible ways forward in consultation with industry representatives.

Regulation

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food which interested organisations besides the NFU he has contacted concerning the level and costs of regulation affecting farming in *(a)* the United Kingdom and *(b)* other member states in the last 12 months. [106868]

Ms Quin: The Department consults all interested organisations on regulatory proposals for which it is responsible as a matter of course. Further, a wide range of interested organisations responded to our open invitation to identify regulatory burdens on agriculture as part of the review launched in September 1999. The three Red Tape working groups we set up between them consulted over 300 organisations; the full lists of consultees are appended to their reports available in the Library of the House.

Consultation with organisations in other Member States is a matter for national authorities. However, we maintain regular contact with Commissioner Fischler and European ministerial colleagues.

New Forest Draghounds

Mr. Michael J. Foster: To ask the Minister of Agriculture, Fisheries and Food who has the authority to grant the New Forest Draghounds a licence to operate in the New Forest. [106993]

Mr. Morley: The Forestry Commission has authority to grant licences for activities on the Crown Lands of the New Forest.

Press Releases

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food how many press releases have been published by his Department since 1995. [106991]

Mr. Morley: The number of press releases published by MAFF since 1995 are as follows:

Year	*Number*
1995	540
1996	491
1997	467
1998	553
1999	571

Rodenticides

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what plans he has to monitor the incidence of *(a)* rodenticide levels in higher food-chain wildlife and *(b)* resistance in rats to rodenticides; and if he will make a statement. [106661]

Ms Quin *[holding answer 25 January 2000]:* The Wildlife Incidents Investigation Scheme collects reports of wildlife deaths that may have been caused by rodenticides or other pesticides. All incidents accepted into the Scheme are investigated and the pesticide involved, if any, identified. The results of investigations may be used in a review of the pesticide approval and in enforcement action. In 1998, 49 cases were found to involve anticoagulant rodenticides.

The Department of the Environment, Transport and the Regions' latest English House Condition Survey, published on 5 January, showed generally low levels of rodent infestation. Separate work carried out by the Ministry of Agriculture, Fisheries and Food on levels of resistance to anticoagulant rodenticides in rats on farms showed that there is not a general problem.

The Ministry of Agriculture, Fisheries and Food also carries out research to identify issues affecting the development and spread of resistance and the risk to non-target wildlife species arising from the use of rodenticides.

Departmental Employment

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food how many people are employed by his Department; and what was the equivalent figure five years ago. [106989]

Mr. Morley: On 1 October 1994, there were 10,793 staff working in my Department and its agencies.

On 1 October 1999 (the latest information available) there were 9,782 staff working in MAFF and its agencies undertaking broadly comparable functions. In addition, there are 1,482 staff working for the Meat Hygiene Service who undertake functions which were the responsibility of local authorities in 1994. These figures are expressed in Full Time Equivalent terms. (Total = 11,264 staff).

Intervention Board

Jane Griffiths: To ask the Minister of Agriculture, Fisheries and Food (1) if he has received the PricewaterhouseCoopers' report which includes a review of the Agricultural Intervention Board; and if he will make a statement; [107044]

(2) when he plans to announce his decision on the future of the Agricultural Intervention Board. [107045]

Ms Quin: My right hon. Friend the Minister has received PricewaterhouseCoopers' report on CAP Scheme Administration in England.

The report considers the current arrangements for administration of CAP schemes against the background of the Modernising Government agenda, and focuses in particular on the scope for improving service delivery to claimants and making best use of IT developments. It recommends that the CAP scheme payment functions of MAFF in England and of the Intervention Board in the UK should be merged to create a new CAP administration organisation supported by a single state of the art IT system.

My right hon. Friend is now considering these recommendations. Any radical reorganisation of CAP administration will be considered in the context of the Spending Review 2000. Decisions on the future of the Intervention Board will be taken in conjunction with the devolved administrations, since the Board reports to Agriculture Ministers in all four parts of the United Kingdom.

Farming (Shropshire)

Mr. Paul Marsden: To ask the Minister of Agriculture, Fisheries and Food how much Government funding was given to farmers in Shropshire in *(a)* 1998 and *(b)* 1999; and if he will make a statement. [107167]

Ms Quin: Total subsidies paid to farmers in Shropshire by MAFF during 1998 amounted to £43,588,045. These include national and EU funding. Farmers also benefit from expenditure on market support measures, although this is not paid directly to them.

Figures for 1999 are not yet available.

Pigmeat

Dr. Kumar: To ask the Minister of Agriculture, Fisheries and Food what checks are introduced on imported pigmeat which is processed and sold in pre-packed form. [107107]

Ms Quin: All meat and meat products, including processed and pre-packed pigmeat, imported from third countries are subject to veterinary inspection at designated Border Inspection Posts. All consignments are subject to documentary and identity checks and at least 20 per cent. of consignments are subject to physical checks. These checks are to ensure that conditions of import have been complied with and that the products have remained in a satisfactory condition during transport.

Meat and meat products originating in all EU member states, including the UK, are subject to strict hygiene rules laid down in EU law. Among other things, this sets out the licensing, structural and supervision requirements to be applied in all meat plants before they can be approved for trade with other member states. Member states to which meat and meat products may be dispatched are permitted to carry out random checks at destination but these are limited by virtue of the fact that there are no certification or pre-notification requirements for most consignments.

Ensuring that all member states comply with their Community obligations in properly implementing and applying EU hygiene rules is the responsibility of the European Commission, whose Food and Veterinary Office carries out regular programmes of inspection visits to all member states. Their reports are considered by the Standing Veterinary Committee in Brussels, and, if necessary, the Commission will take infraction proceedings against member states whose arrangements are considered inadequate.

Forestry

Mr. Cox: To ask the Minister of Agriculture, Fisheries and Food what acreage of forestry land is under cultivation in the United Kingdom. [107292]

Mr. Morley: There are 2.66 million hectares of woodland in the United Kingdom.

Welsh Assembly

Mr. Wigley: To ask the Minister of Agriculture, Fisheries and Food what plans he has to review the way in which his Department communicates with the Agricultural Section of the National Assembly for Wales, with regard to information emanating from the European Union; and if he will make a statement. [107230]

Ms Quin *[holding answer 27 January 2000]:* This Department is committed to providing all the devolved administrations with full and comprehensive details, as early as possible, of all developments and initiatives within the framework of the European Union which may be relevant to them. The devolved administrations are also committed to informing this Department of any direct approaches they receive from the Commission on new policy initiatives. These arrangements are reflected in the draft bilateral Concordat between MAFF and the Cabinet of the National Assembly for Wales. Similar working arrangements were in place between officials in MAFF and the Welsh Office Agriculture Department before devolution. If a need to revise the practices is identified and agreed, the Concordat can be amended at any time.

Fishing Quotas

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the effect on stocks of cod of the cut in the North Sea quota. [107476]

Mr. Morley: The total allowable catch (TAC) of 81,000 tonnes agreed for 2,000 takes account of scientific advice from the International Council for the Exploration of the Sea (ICES) that the stock is currently outside safe biological limits and that fishing mortality should be reduced to prevent further decline in the Spawning Stock Biomass (SSB) in the short term. The ICES advice indicates that the maximum catch limit agreed provides a high probability that the SSB will increase to above the precautionary reference level of 150,000 tonnes over the next few years.

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the effect on stocks of coley of the quota cuts of the last five years. [107475]

Mr. Morley: The table shows the total allowable catches (TACs) for North Sea and West of Scotland saithe (coley) over the last five years.

Tonnes

	North Sea	*West of Scotland*
1996	111,000	13,000
1997	115,000	12,000
1998	97,000	10,900
1999	110,000	7,500
2000	85,000	7,000

It can be seen that the North Sea TAC has moved up and down, while the West of Scotland TAC has steadily declined, reflecting scientific advice from the International Council for the Exploration of the Sea on the state of the stock. The reductions agreed for 2000 take account of advice from ICES that the combined saithe stock is outside safe biological limits and that fishing mortality should be reduced to prevent further decline in the Spawning Stock Biomass (SSB) in the short term. The reduced TACs will help ensure that the SSB increases to more sustainable levels over the medium term.

Fisheries Aid

Mr. Soames: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the impact the cut in fisheries grant-in-aid in West Sussex will have on sea trout runs in the Western Rother, Arun and Adur rivers. [107873]

Mr. Morley: It is for the Environment Agency to determine its spending priorities for 2001–02 in the light of the planned £1.5 million reduction in Grant-in-Aid in England. It is not possible for me to predict how the cut is likely to affect sea trout runs in the West Sussex area.

TREASURY

Official Visits

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer if his visit to Rome in October 1997 was an official visit; and what consequent declaration he made relating to gifts and hospitality to his Permanent Secretary. [107637]

Mr. Gordon Brown *[holding answer 31 January 2000]:* I travelled to Rome in October 1997—at no cost to public funds—both for a private visit and to meet the Italian Finance Minister, Mr. Carlo Ciampi. In line with the requirements of the Ministerial Code no declaration to the Permanent Secretary was necessary.

Child Benefit

Mr. Webb: To ask the Chancellor of the Exchequer if he will estimate the yield from tapering away child benefit in the hands of the highest earner in a couple according to the thresholds and tapering mechanism envisaged for child tax credits. [103146]

Dawn Primarolo: The Government have introduced child tax credits in the WFTC and will introduce a separate children's tax credit from April 2001. The two credits have very different withdrawal mechanisms and without a clearer guide as to which should be applied it is not possible to answer the question.

VAT (Labour-intensive Industry)

Mr. Gray: To ask the Chancellor of the Exchequer if he will make a statement on his plans to apply the EU proposal to offer VAT relief to labour intensive industries in the UK with special reference to the equestrian industry. [107389]

Dawn Primarolo: The EC Directive which provides for an optional, experimental, reduced rate of VAT applies only to a narrow range of labour intensive services. The Chancellor has no plans for its application to the equestrian industry.

Working Families Tax Credit

Ms Kelly: To ask the Chancellor of the Exchequer what estimate he has made of the cost of lowering the working-hours requirement for receipt of the working families tax credit from 16 hours to 10 hours for parents who have at least one child aged under five years for *(a)* both parents and *(b)* one parent. [107404]

Dawn Primarolo: Reliable estimates for the cost of lowering the working hours requirement for receipt of the Working Families' Tax Credit from 16 hours to 10 hours for parents with at least one child aged under five years are not available.

Tobacco Smuggling

Mr. Maclean: To ask the Chancellor of the Exchequer what recent discussions he has had with other EU countries on the problem of tobacco smuggling in Europe. [107497]

Dawn Primarolo: The problems of tax fraud and international criminality, including tobacco smuggling, are matters regularly included in discussions which I and other members of the Government have with counterparts in other EU member states. These are underpinned by frequent operational and other contacts between officials in both the UK and other member states, together with the Anti-Fraud Unit of the European Commission.

Mr. Maclean: To ask the Chancellor of the Exchequer what recent reports he has received on the extent of *(a)* Mafia and *(b)* other criminal organisations' involvement in tobacco smuggling in Europe and on the centres of control and operation. [107499]

Dawn Primarolo: Treasury Ministers receive regular reports on tax fraud activity affecting a variety of sectors including tobacco. Some of this information is in the form of confidential and operationally sensitive advice, some is contained in published documents. A recent document in the latter category is the 1998 European Commission "Annual Report on the Fight Against Fraud" published on 19 November 1999, a copy of which is available in the House of Commons Library.

Income Tax Revenue

Mr. St. Aubyn: To ask the Chancellor of the Exchequer how much income tax revenue was derived from income in excess of *(a)* £35,000, *(b)* £50,000, *(c)* £75,000, and *(d)* £100,000 in the last financial year. [107394]

Dawn Primarolo: The amounts of income tax liable from people with total incomes in excess of £35,000, £50,000, £75,000 and £100,000 in 1998–99 are £36.6 billion, £27.3 billion, £19.2 billion and £15.1 billion respectively.

These estimates are based on the 1997–98 survey of personal incomes projected to 1998–99 consistent with November 1999 Pre-Budget Report assumptions.

Mr. St.Aubyn: To ask the Chancellor of the Exchequer how much income tax revenue derived from *(a)* lower rate receipts, *(b)* basic rate receipts and *(c)* higher rate receipts in the last financial year. [107393]

Dawn Primarolo: In 1998–99, total income tax liabilities are estimated to be around £89 billion before allowances given as tax deductions at a fixed rate (such as the married couples allowance) and £85.5 billion after these allowances. Lower rate, basic rate and higher rate liabilities, before the aforementioned allowances are estimated to be £22.8 billion, £41.0 billion and £25.3 billion respectively.

These estimates are based on the 1997–98 survey of personal incomes projected to 1999–2000 consistent with November 1999 Pre-Budget Report assumptions.

Dwellings (VAT)

Mr. Curry: To ask the Chancellor of the Exchequer if he will list for each of the most recent 10 years for which figures are available *(a)* the numbers of dwellings upon which repairs were carried out occasioning a VAT payment, *(b)* the yield from such payments in each year and *(c)* the average value of the work carried out. [107754]

Dawn Primarolo: Statistics on dwellings on which repairs have been carried out and on the VAT relating to such repairs are not directly available.

Based on data published in Housing and Construction Statistics 1988–98, VAT charged in 1998 in respect of repairs, maintenance and improvements carried out by contractors on private sector housing in Great Britain is estimated at £1.7 billion. It is not possible to identify repairs separately.

Fees

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer which fees his Department, its agencies and associated public bodies collect; how much has been raised and will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [107976]

Mr. Timms: I refer the hon. Member to the answer I gave him on 27 January 2000, *Official Report*, column 265W.

VAT

Miss McIntosh: To ask the Chancellor of the Exchequer what legal advice he has received on reducing VAT on repairs to historic buildings. [107926]

Dawn Primarolo: EC law does not permit a reduced rate of VAT for repairs to historic buildings. A recent Directive made provision for a short term experimental reduced rate for renovation and repairs of private housing, which could therefore cover some historic buildings.

Departmental Accommodation

Mr. Maclean: To ask the Chancellor of the Exchequer for each of the Treasury buildings in London, how many rooms are set aside for *(a)* ethnic minority religious use, *(b)* pregnant women and *(c)* smokers. [107529]

Miss Melanie Johnson: *(a)* None.

(b) Pregnant women have use of two rooms in the Parliament Street office and one room at Allington Towers.

(c) Smoking is largely restricted to dedicated ventilated smoking room (four smoking rooms in Parliament and three smoking rooms at Allington Towers) and is not permitted in common areas, with the exception of an area of the Staff Restaurant.

Research Contracts

Dr. Harris: To ask the Chancellor of the Exchequer, pursuant to his answer of 16 December 1999, *Official Report*, column 300W, on research contracts, if he will state the total expenditure on research let by his Department since May 1997 and list the titles of all research contracts let by his Department during 1999 and costing £20,000 or more, stating the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (iii) a requirement that the final research results incorporate departmental amendments; and if he will place a copy of the standard research contract currently in use by his Department in the Library. [107037]

Miss Melanie Johnson: I refer the hon. Member to the answer I gave him on 16 December 1999, *Official Report*, column 300W.

Invest to Save

Mr. Drew: To ask the Chancellor of the Exchequer what plans the Government have for a successor programme to Invest to Save. [108047]

Mr. Andrew Smith: The future of the Invest to Save Budget (ISB) will be considered in the 2000 Spending Review and decisions announced as part of the Government's spending plans for the period 2001–02 to 2003–04.

Written Answers to Questions

Wednesday 2 February 2000

DEFENCE

A400M Project

Mr. Hancock: To ask the Secretary of State for Defence if he will list the UK-based companies with potential to benefit from contracts if the Airbus Military Company's A400M proposals are accepted by his Department; and if he will estimate how many jobs the project would create in the United Kingdom. [104420]

Dr. Moonie: BAE Systems, as one of the Airbus partners, would expect to play a significant role in the A400M programme if the Government were to select this aircraft as a solution to the RAF's Future Transport Aircraft (FTA) requirement. Beyond that, there is potentially large scope for UK aerospace suppliers to participate in the A400M programme. However, it would not be possible for me to list specific companies at this stage as the selection of suppliers would be properly a matter for the commercial judgment of Airbus Military (as Prime Contractor) during the aircraft development programme.

We are taking account of employment forecasts for competing options for the FTA requirement. As the Minister for Competitiveness advised the hon. Gentleman, *Official Report*, 15 December 1999, column 208W, the FTA competition is as yet undecided and it would be inappropriate to publish information supplied by companies. I must therefore withhold commercially sensitive information under Exemption 13 (third party's commercial confidences) of the Code of Practice on Access to Government Information.

ASTOR System

Mr. Hancock: To ask the Secretary of State for Defence which UK-based companies will be contributing towards development of the Raytheon ASTOR system. [104408]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Sir Robert Walmsley to Mr. Mike Hancock, dated 2 February 2000:

I am replying to your question to the Secretary of State for Defence about the ASTOR programme. This matter falls to me to answer within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

Over 80 UK based companies will be involved in the ASTOR programme. The major companies being Raytheon Systems Limited (UK), BAe Systems, Short Brothers, Motorola UK, Marshall SV, Matra Marconi, Ultra, and Rolls Royce.

Mr. Hancock: To ask the Secretary of State for Defence how long he expects the new Raytheon ASTOR system to be in service with the RAF. [104400]

Dr. Moonie: We expect the new Raytheon ASTOR system to be in service about 30 years.

Mr. Hancock: To ask the Secretary of State for Defence when he expects *(a)* the final delivery of the Raytheon ASTOR system to be made to the RAF and *(b)* the system to be in service. [104401]

Dr. Moonie: I expect delivery of the final Airborne Stand-Off Radar (ASTOR) air platform to be delivered in 2007, and the system's In-Service Date to be 2005.

Post Offices

Mr. Jack: To ask the Secretary of State for Defence what proposals are currently being considered by his Department to help to sustain and develop the viability of rural and urban sub post offices. [105906]

Dr. Moonie: I refer the right hon. Member to the answer given him on 20 January 2000, *Official Report*, columns 519–20W, by my hon. Friend the Minister for Competitiveness.

Hagglunds BV206 Vehicles

Mr. Hancock: To ask the Secretary of State for Defence what is the cost of the Hagglunds BV206 vehicles being delivered to the Royal Marines. [106151]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Sir Robert Walmsley to Mr. Mike Hancock, dated 2 February 2000:

I am replying to your question to the Secretary of State for Defence about the cost of the Hagglunds BV206 vehicles being delivered to the Royal Marines. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

The Hagglunds BV206 vehicle has been in service with the Royal Marines for over ten years and no new vehicles of this type are being procured. However, the Defence Procurement Agency is currently in contract negotiations with Hagglunds for the procurement of an All Terrain Vehicle (Protected), known as (ATV(P)), for the Royal Marines. Once accepted into service, this vehicle will provide a protected manoeuvre capability additional to that of the BV206 vehicles. Since the price is still under negotiation, I am withholding information on the cost of this project in accordance with Exemption 7 of the Code of Practice on Access to Government Information, which relates to effective management and operations of the public service.

Mr. Hancock: To ask the Secretary of State for Defence what is the cost of installing the UK/VSC 501 satellite system on the Hagglunds BV206 vehicles being delivered to the Royal Marines. [106153]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Sir Robert Walmsley to Mr. Mike Hancock, dated 2 February 2000:

I am replying to your question to the Secretary of State for Defence about the cost to the Ministry of Defence of installing the UK/VSC 501 satellite system on the Hagglunds BV206 vehicles being delivered to the Royal Marines. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

The total procurement cost for the two UK/VSC 501 satellite communications terminals, each of which were installed in a MOD owned Hagglunds BV206, was just under £3.2m. This cost includes the procurement of spares, training, documentation and supporting infrastructure. The vehicles were delivered to the Royal Marines last April.

Jaguar Reconnaissance Aircraft

Mr. Hancock: To ask the Secretary of State for Defence what is the cost of equipping the SEPECAT Jaguar reconnaissance aircraft with the Vicon 18 Series 601 GP (1) electro-optic pods; and how many aircraft will be fitted with the pods. [106155]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Sir Robert Walmsley to Mr. Mike Hancock, dated 2 February 2000:

I am replying to your question to the Secretary of State for Defence about the cost of equipping the SEPECAT Jaguar reconnaissance aircraft with the Vicon 18 Series 601 GP(1) electro-optics pods, and how many aircraft will be fitted with the pods. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

The cost of equipping the Jaguar GR3a reconnaissance aircraft with the Vicon 18 Series 601 GP(1) electro-optics pod is expected to be £19.2m. This covers the provision of 14 pods, 4 Ground Imagery Exploitation Systems, the integration of the pods onto the aircraft, clearance activities and project support.

The 14 pods will be capable of being fitted to any single seat Jaguar GR3a aircraft.

Type-45s

Mr. Hancock: To ask the Secretary of State for Defence (1) what were the reasons which underlay his decision not to limit the equipment and systems for the Type 45 to the three former common new generation frigates partner contractors; and if he will make a statement; [107040]

(2) who will have control of the equipment selection for the new Type 45 warship; and if he will make a statement; [107041]

(3) what were the reasons involving the Horizon Programme which underlay the decision not to use a single prime contractor; and if he will make a statement. [107043]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Sir Robert Walmsley to Mr. Mike Hancock, dated 2 February 2000:

I am replying to your questions to the Secretary of State for Defence about the Type 45 destroyer and Horizon frigate programmes. These matters fall to me to answer within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

We did not limit equipment and systems for the Type 45 to the three "CNGF" former partner contractors because there were elements in their design that were superfluous to UK requirements. For example, as I said in evidence to the House of Commons Defence Committee on 16 June 1999, the unit production cost of an electronic warfare system for a national warship is planned to be about one third of that envisaged for the Horizon frigate.

Nevertheless, as a consequence of GEC (Marconi)'s membership of the now disbanded Horizon International Joint Venture Company, BAE SYSTEMS is able to make maximum use of the work accomplished during the Horizon design definition phase and, as I said in my letter dated 10 January 2000, have indicated that they will make use of some 70% of the work done for the Horizon programme. It will be for BAE SYSTEMS, as the Prime Contractor for the Type 45 programme, to make many of the decisions on equipment selection for the Type 45. However, the Company will be required to demonstrate value for money through competitive procurement of equipment and systems for the ship and to show that the equipment selected provides the required capability. This will take account of competitions already undertaken for Horizon equipment whilst moving forward with the national programme at an affordable cost.

With regard to your question concerning the continuing industrial difficulties with the Horizon Programme which underlay the decision not to use a single prime contractor, the information requested was given in the supplementary memorandum submitted by the MoD to the House of Commons Defence Committee (HCDC), Session 1998/99:

"The key difficulty in forming an effective industrial organisation centred on the selection of a Prime Contractor able to direct its subcontractors to the extent required to manage the overall risk. In essence, the very wide range of companies involved could not agree on one of them becoming an effective leader. This prevented the nomination of an empowered prime contractor taking full responsibility for the project, which is fundamental to best procurement principles." (HCDC's eighth report, session 1998/99 (page 54).

Sri Lanka

Mr. Cox: To ask the Secretary of State for Defence if he will list the military assistance he has given to the Sri Lankan Government during the last two years. [108014]

Mr. Spellar: During the period 1 January 1998 to 31 January 2000 personnel from my Department have provided the following military assistance to the Sri Lankan Government:

Assistance to the Sri Lankan Army in the setting up of a Command and Staff College and on syllabus development and training.

Advice to the Sri Lankan Joint Operations Bureau on the concept and organisation of Joint Forces and Joint Service formations.

Training and advice to the Sri Lankan Army Medical Corps on battlefield life saving measures.

Advice to the Sri Lankan military on explosives ordnance disposal.

Advice and engineering training on the C130 transport aircraft for 15 ground engineers and technicians from the Sri Lankan Air Force.

Additionally, nine Sri Lankan military personnel have attended MOD-run professional courses in the UK. Courses attended are: The Royal Navy Young Officers Course, The Royal Military Academy Sandhurst Commissioning Course, The All Arms Drill Instructors Course, The RAF's Basic Instructional Techniques Course and The Royal College of Defence Studies Course.

MOD funded the explosives ordnance disposal advice and part funded Sri Lankan attendance on the 1999 RCDS course. All other military assistance was funded either by the Sri Lankans or the Foreign and Commonwealth Office.

Territorial Army

Mr. Blunt: To ask the Secretary of State for Defence if he will list by arm or corps *(a)* the intervals between

emergency operational tours as at 1 July 1999 and *(b)* the proportionate manpower cuts taken by each arm or corps in the latest reorganisation of the Territorial Army. [107412]

Mr. Spellar *[holding answer 1 February 2000]:* The average theoretical operational tour interval as at 1 July 1999 for those Arms and Corps for which figures are readily available are set out in the table. These figures reflect the high level of operational commitments that was being experienced at the time: this level of commitment has reduced significantly since then with the reductions in force levels in the Balkans. Figures for the other arms/corps are not routinely calculated.

Arm/Corps	*Tour interval (months)*
Royal Armoured Corps	12
Royal Artillery	18
Royal Engineers	7
Royal Signals	6
Infantry	15

The following table shows the proportionate TA manpower reduction for the same arms/corps:

Arm/Corps	*Manpower reduction (Percentage)*
Royal Armoured Corps	49
Royal Artillery	25
Royal Engineers	51
Royal Signals	[1] —
Infantry	55

[1] No reduction

RAF Future Procurement

Mr. Hancock: To ask the Secretary of State for Defence when he expects to make a decision on the future strategic transport aircraft and tactical transport aircraft for the RAF. [104402]

Dr. Moonie: We hope to be in a position to make a decision on our Short Term Strategic Airlift programmes early this year.

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for Defence how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the new year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum bonuses paid; and if he will make a statement. [104484]

Dr. Moonie: In addition to the normal bank holiday rates of double time, MOD civilian staff below the Senior Civil Service were entitled to claim an additional plain time rate for hours worked in a limited period either side of midnight on 31 December 1999, and also receive a lump sum payment of £100. It is too early to know how many staff will claim such payments or what the total cost will be but the numbers involved will only be a very small proportion of the Department's employees.

Departmental Land (Access Rights)

Mr. Michael J. Foster: To ask the Secretary of State for Defence what rights of access currently exist for walkers on his Department's land. [105498]

Dr. Moonie: There is a presumption of access to MOD land wherever this is consistent with military activities, the health and safety of the public, environmental and conservation considerations, and the interests of our tenants. There have been leaflets and publications available for some years, most notably the booklet "Walks on MOD Lands", giving information about access opportunities on the Defence Estate. A copy of this booklet will be placed in the Library of the House. My Department is working to improve both public access and the provision of information. The booklet is currently under review and a revision will be published later in the year. Work is also being undertaken to develop an access website.

C-130J Transport Aircraft

Mr. Hancock: To ask the Secretary of State for Defence what recent representations he has received on the trials of the C-130J transport aircraft; and if he will make a statement. [106156]

Dr. Moonie: I am not aware of any such representations.

BBC World Service

Mr. Cohen: To ask the Secretary of State for Defence if he will list the votes and subheads for the funds which cover his Department's financial contribution to BBC World Service monitoring; and if he will make a statement on their purpose. [106863]

Dr. Moonie: BBC Monitoring provides a valued information service to Government. Rapid reporting of open source information from around the world is an important aspect of the work of the MOD and other parts of Government. The MOD contribution is 40 per cent. of BBC's Monitoring funding, and is included within the expenditure shown within Class VI, Vote 1, Part II, Section J of the MOD's Supply Estimates 1999–2000, a copy of which is in the Library.

Departmental Savings

Mr. Blunt: To ask the Secretary of State for Defence above what level a saving from an individual efficiency measure must be reported to his Department by budget-holders. [107414]

Mr. Spellar: The normal delegations of financial authority to budget holders set reporting levels for expenditure not savings. There is no specific financial level of savings for which current individual efficiency measures must be reported to MOD HQ. Individual measures are reported if the budget holder considers them significant, in line with their delegated authority.

With the introduction of Resource Accounting and Budgeting in the MOD, Top Level Budget holders will in the future be required to report individual efficiency measures reducing expenditure by more than £0.5 million in any year compared to the previous year.

Adventure Training

Mr. Blunt: To ask the Secretary of State for Defence if the decision no longer to employ full-time civilian adventure training instructors for the Army in Germany following the 1998 Review of Adventure Training was scored as an efficiency savings measure for budget purposes. [107410]

Mr. Spellar: The arrangements for Adventurous Training in Germany have recently been restructured. The training has been more closely focused on military requirements and the number of individuals trained reduced. The facilities are now paid for entirely from public funds, rather than from a mix of public and non-public funds as previously. No efficiency savings have been scored as a result of these changes.

Horizon Programme

Mr. Hancock: To ask the Secretary of State for Defence what were the lessons learned which will be built into the Smart Procurement Initiative from the outcome of the Horizon Programme; and if he will make a statement. [107042]

Dr. Moonie: I am pleased to say that the principal "lessons learned" from the outcome of the Horizon programme covering procurement strategy, risk reduction, communication with industry at an early stage of the project, and affordability have already been built into the Smart Procurement Initiative, thus ensuring that they will be applied in all future circumstances. Other lessons included work share arrangements. The involvement of trans-national companies and OCCAR are likely to be helpful in dealing with work share issues. These types of issues will be taken into account as Smart Procurement Implementation progresses.

Land Mines

Mr. Martin Bell: To ask the Secretary of State for Defence which Governments and private companies were involved in the sale of land mines formerly held by UK armed forces; and if he will make a statement. [107272]

Dr. Moonie *[holding answer 28 January 2000]:* All UK operational stocks of anti-personnel mines (APMs) as defined under the Ottawa Convention were destroyed by 19 October 1999 as the Convention required. None of these stocks were sold, either to Governments, or to private companies. Details of historical holdings of APMs by UK armed forces would not be available without disproportionate cost.

RAF Expenditure

Mr. Robathan: To ask the Secretary of State for Defence how much his Department has spent on the RAF in the current financial year to date; and how much he plans to expend in the remainder of the financial year. [107599]

Mr. Spellar: The information cannot be provided in the requested format. Information is available for RAF Strike Command, RAF Personnel and Training Command and RAF Logistics Command and shows the spend reported up to 31 December 1999 is £2,868 million. The planned expenditure for the current financial year is approximately £4,160 million.

Computers

Mr. Burstow: To ask the Secretary of State for Defence on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106232]

Dr. Moonie *[holding answer 31 January 2000]:* There is no evidence of a successful incursion, from an external source, to any Departmental computer system during the past five years. There were two cases during 1999 of corruption of Websites holding Unclassified MOD information. Measures have been taken to secure both these sites. There are widespread and frequent probes of MOD firewalls connected to the Internet, which do not result in successful penetrations of MOD systems. There have, however, been 25 recorded instances during the past five years of internal incursions by MOD staff, none of which had any operational impact. Appropriate disciplinary measures were taken, as required, in each case.

Mr. Burstow: To ask the Secretary of State for Defence how many cases of computer *(a)* fraud, including fraudulent use of computer chips and *(b)* theft his Department has recorded in the last five years. [106213]

Dr. Moonie *[holding answer 31 January 2000]:* There have been no cases in the past five years in which MOD computers have been used to directly expedite a fraud against the MOD. There have been 18 cases where MOD computers have been used in support of fraudulent activities. There have been 594 reported cases of computer theft within the MOD over the past five years.

Naval Ship Rules

Mr. Hancock: To ask the Secretary of State for Defence what savings will result from switching to the Lloyd's Register Naval Ship Rules; and if he will make a statement. [108036]

Mr. Spellar: It is expected that Lloyd's Register's Naval Ship Rules will, by capitalising on the Rules for the design, construction and maintenance of commercial shipping, lead to savings in this area of at least £1 million per annum.

Army Personnel

Mr. Hancock: To ask the Secretary of State for Defence what measures he is taking to improve the anticipated shortfall of personnel in the Army by 2005; what implications these will have on readiness; and if he will make a statement. [108035]

Mr. Spellar: The Army is currently forecasting a return to a state of full manning by around April 2005. The current manning deficit is being tackled by a series of recruiting and retention-positive measures. These include significant improvements which have been made to the operational welfare package, a reduction in force deployments to both Bosnia and Kosovo, and the Learning Forces initiative. Welcome progress has also been made by the Services Families Task Force, which is addressing a variety of issues relating to military service that are of concern to Service personnel.

Army Training Camp, Bramley

Mr. Hunter: To ask the Secretary of State for Defence if he will make a statement on the future of the army training camp at Bramley, Basingstoke. [108067]

Mr. Spellar: The Army has a continuing requirement for Bramley Training Area and there are no current plans for major development to the facility, or disposal of the site.

Nancekuke

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his answer of 24 January 2000, *Official Report*, column 78W, on Nancekuke, what the scrap metal was composed of, in what quantity it was found and on what dates and what was the obsolete plant. [107634]

Dr. Moonie *[holding answer 31 January 2000]:* Documentary evidence states that the scrap metal consisted of decontaminated chemical plant, service pipework, cubicle fronts and structural steelwork. The actual quantities are unknown. It is considered that the majority of materials would have been dumped between the closure decision in 1976 and the vacation of the site by the Chemical Defence Establishment in 1978. I am not aware of any documentary evidence as to the nature of the 'obsolete plant' referred to in the question.

Mr. Dalyell: To ask the Secretary of State for Defence, pursuant to his answer of 24 January 2000, *Official Report*, column 70W, on Nancekuke, if he will place in the Library a map indicating the exact locations of the mineshafts; and if all mineshafts were examined in 1991 by the National Rivers Authority. [107635]

Dr. Moonie *[holding answer 31 January 2000]:* A copy of a map indicating the locations of the relevant mineshafts will be placed in the Library of the House. Water sampling was conducted by the National Rivers Authority between 1990 and 1992, and there is no evidence of mineshafts having been examined.

Research Contracts

Dr. Harris: To ask the Secretary of State for Defence, pursuant to his answer of 7 December 1999, *Official Report*, column 454W, on departmental research contacts, if he will place a copy of the standard research contract in use by his Department in the Library. [107099]

Dr. Moonie *[holding answer 1 February 2000]:* The Department does not use a standard research contract. Terms and conditions of contracts for research differ according to the work required.

Standing Civilian Courts

Mr. Key: To ask the Secretary of State for Defence what is the average period which elapses between the commission of an offence and the date of the subsequent trial in standing civilian courts. [107870]

Mr. Spellar *[holding answer 1 February 2000]:*

The Naval Service

The Naval Service does not hold civilian standing courts.

The Army

The average period between an offence being committed and the date of a trial in a subsequent standing civilian court is eight months for 1st hearing (a guilty plea) and 10 months for 2nd hearing (not guilty plea).

The RAF

The average period between an offence being committed and the date of a trial in a subsequent standing civilian court is six months for 1st hearing (guilty plea) and nine months for 2nd hearing (not guilty plea).

Chinook MK2

Mr. Drew: To ask the Secretary of State for Defence if the helicopter Chinook MK2 was subjected to a full vehicle electro-magnetic interference test using the radio environmental generator by Boscombe Down as part of its CIA release trials in January 1994. [108052]

Mr. Spellar: Yes.

Vehicle Maintenance

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the average number of maintenance man-hours per driving hour for *(a)* Warrior variants, *(b)* Challenger 1, *(c)* Challenger 2, *(d)* Saxon variants, *(e)* AVF 430 variants, *(f)* Sabre, *(g)* Striker, *(h)* Scimitar, *(i)* Spartan, *(j)* Sultan, *(k)* Samaritan and *(l)* Samson in each of the last five years; and if he will make a statement. [107548]

Mr. Spellar: The information requested is not held in the format requested and could be provided only at disproportionate cost.

Driver hours are not used as currency for measuring equipment usage. Usage is controlled through activity set by annual track mileage allocations for each vehicle type. Maintenance in the Land environment is different from that in, for example, the Air environment where they use largely scheduled maintenance based on flying hours. Maintenance of Army tanks and vehicles is achieved through a mix of planned maintenance (servicing based on time and mileage) and reactive repair maintenance. The latter regime is the larger element.

HOME DEPARTMENT

Sunday Dancing

Mr. Blizzard: To ask the Secretary of State for the Home Department what the timetable is for the implementation of his proposal to legalise Sunday dancing. [107613]

Mr. Mike O'Brien: On 17 January, we laid before Parliament a draft Deregulation Order to remove the ban on commercial dancing on Sundays. The draft Order is now subject to the usual process of scrutiny by the Parliamentary Deregulation Committees, and approval by both Houses. That process is likely to take until the summer. If approved, the ban on Sunday dancing would be lifted three months later, to allow time for applications to trade on Sundays to be heard.

Circus Animals

Mr. Coaker: To ask the Secretary of State for the Home Department what recent assessment he has made of the effectiveness of the Protection of Animals Act 1911 with respect to circus animals; and if he will make a statement. [107731]

Mr. Mike O'Brien: We have made no formal assessment of the effectiveness of the Protection of Animals Act 1911 with regard to circus animals. In 1998, there were 1,107 prosecutions made under the Act, but these figures do not show details of the animals involved or the profession of the defendants. The figures do, however, confirm that the Act—which covers all domestic and captive animals—is frequently used, and we have been given no reason to doubt its general effectiveness.

Circus animals, when being trained and performing, have additional protection against cruelty under the provisions of the Performing Animals (Regulation) Act 1925.

Anti-Irish Discrimination

Mr. McDonnell: To ask the Secretary of State for the Home Department what action his Department is taking to tackle anti-Irish discrimination. [107588]

Mr. Mike O'Brien: I should make it clear that Irish people already receive the protection that current legislation provides. The Race Relations Act 1976 makes it unlawful for anyone to discriminate against another on ethnic grounds. Successful complaints in relation to discrimination against the Irish have been brought by the Commission for Racial Equality (CRE) resulting in compensation payments and agreements by organisations to change their practices. A Bill currently before Parliament will amend the 1976 Act by extending it to the functions of public authorities not currently covered by the Act. The Bill will also put a statutory duty on public authorities to promote racial equality.

It is also an offence to incite ethnic hatred against the Irish community by virtue of part III of the Public Order Act 1986. Racist violence and harassment towards members of the Irish community falls under the new racially aggravated offences in the Crime and Disorder Act 1998.

The Government are also addressing the specific issues of discrimination and disadvantage faced by some sections of the Irish community. These were highlighted in the CRE's Report, "Discrimination and the Irish Community in Britain" which has been the subject of a number of discussions which I and my colleagues across Whitehall have been having with the Irish Ambassador and representatives from Irish organisations.

One of the major issues was a recommendation that there should be a separate Irish category in the ethnic origin question in the next Census in 2001. The Draft Census Order for England and Wales was laid before Parliament on Monday 10 January. It includes an ethnicity question with a category for "Irish" cultural background in the "White" section.

We will continue to look carefully at other concerns to ensure that the Irish community has full access to the rights and opportunities.

WRVS (Prisons)

Mr. Maclean: To ask the Secretary of State for the Home Department if he will list those prisons in which the WRVS deliver services, and the nature of the services. [107580]

Mr. Boateng: The invaluable support which the Women's Royal Voluntary Service (WRVS) offers to the Prison Service covers a large part of the prison estate with around a hundred prisons benefiting from the work of WRVS volunteers. The services provided by the WRVS include the provision of supervision for children's visits to parents in prisons; the running of prison visitors' centres and their tea bars; and the development of toy libraries for visiting children. In view of the differing needs of prisons, the development of partnerships with the WRVS is undertaken by individual establishments. Detailed information about the use of volunteers in prisons is not available centrally, however, a survey of all prisons is being undertaken with a view to establishing more specific information about their use of volunteers.

Prison Visits

Mr. Maclean: To ask the Secretary of State for the Home Department what plans he has to use a computerised booking system for visits to prisoners. [107581]

Mr. Boateng: The use of a computerised booking system will be looked at during the course of a review of visits policy. Its feasibility will also be examined as part of the Prison Service public/private sector partnership project, Quantam, which aims to deliver improved services through the effective use of information technology.

Prisoners (Money)

Mr. Maclean: To ask the Secretary of State for the Home Department if he will list the permitted methods for families to send money to prisoners; and if he will make a statement. [107579]

Mr. Boateng: Families can send money to prisoners by cheque, postal order or cash. Under Prison Rule 43(3), prisoners' money must be held in an account under the control of the governor. Postal orders and cheques therefore, should be made payable to the governor of the prison and the sender of the money must always be identified.

Child Pornography

Mr. Paul Marsden: To ask the Secretary of State for the Home Department how many individuals were prosecuted for offences in connection with child pornography on the internet in each year for which figures are available; and if he will make a statement. [107574]

Mr. Charles Clarke: Offences involving child pornography on the internet would be prosecuted under either section 1 and section 6 of the Protection of Children Act 1978 as amended or section 160 of the Criminal Justice Act 1988 as amended.

However, court proceedings data received centrally under this legislation do not specify the type of medium used.

The table shows the number of persons prosecuted under the above legislation.

Number of persons prosecuted at magistrates courts for child pornography offences, England and Wales, 1994–98

Offence	*1994*	*1995*	*1996*	*1997*	*1998*
Take, or make indecent photographs or pseudo-photographs of children[1]	40	53	80	111	116
Possession of an indecent photograph, or pseudo-photograph, of a child[2]	53	60	125	124	167

[1] Protection of Children Act 1978 section 1, section 6 as amended by Criminal Justice and Public Order Act 1994 section 84
[2] Criminal Justice Act 1988 section 160 as amended by Criminal Justice and Public Order Act 1994 sections 84(4) and 86(1)

Fox Hunting

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what considerations lay behind his decision to include in the membership of the inquiry into the economic impact of fox hunting individuals with a record of support for fox hunting. [107618]

Mr. Mike O'Brien: I refer to the reply I gave to my hon. Friend, the Member for Norwich, North (Dr. Gibson) on 1 February 2000, *Official Report*, columns 504–06W. The members of the inquiry team were recommended on the basis of their knowledge and expertise. They have been appointed to provide a view on the issues before the Committee. These extend beyond the economic impact of hunting with dogs.

Home Detention Curfew Scheme

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department how many people were tagged in the latest 12-month period for which figures are available; and what number and percentage broke the terms of their tagging order. [107617]

Mr. Boateng: In the period from 28 January 1999 to 26 January 2000, a total of 19,164 persons were subject to a curfew with electronic monitoring. Of these, 16,242 were released from prison on Home Detention Curfew under the Crime and Disorder Act 1998. The remaining 2,922 were monitored under a range of other provisions.

As of 26 January, of the 16,242 offenders placed on the Home Detention Curfew (HDC) scheme, 766 have had their licences revoked by the Secretary of State and a further 41 have been referred to the courts either by the Probation Service or the police for breach action (807 in total, amounting to 5 per cent. of all offenders placed on HDC).

Of the 766 offenders whose licences have been revoked, in 517 cases the offender had been in breach of the curfew conditions, in 226 cases it was no longer possible to monitor the offender's whereabouts electronically, in seven cases the offender was deemed to present a risk of serious harm and in 16 cases the licence was revoked under section 39 of the Criminal Justice Act 1991 following a breach of the non-curfew conditions of the licence.

Of the 2,922 persons monitored under the other provisions, a total of 353 (12 per cent.) have had their curfew order or curfew condition revoked by the courts. Information on the reason for the revocation is not centrally available.

Miss Widdecombe: To ask the Secretary of State for the Home Department what offences were committed by prisoners released under the Home Detention Curfew scheme who re-offended while on the scheme; and if he will make a statement. [108098]

Mr. Boateng: As of 31 January 2000, the Prison Service had received notification of 174 curfewees who had been charged with an offence committed while subject to the Home Detention Curfew scheme. A breakdown of the offences committed by these curfewees is shown in the table.

This breakdown has been prepared from information supplied by police forces and drawn from the police national computer. Further analysis of re-offending by those subject to home detention curfew is currently underway as part of a long term evaluation of the scheme, including the procedures for notification of further charges to the Prison Service by the police.

Overall, the Home Detention Curfew scheme has been a success, with 95 per cent. of curfewees completing their period of curfew licence. However, we are not complacent about any re-offending on curfew and the scheme is strictly enforced. Where a prisoner does commit a further offence while subject to curfew, he or she is in breach of their licence conditions, and may be recalled to prison, in addition to the possibility of additional sentence for the new offence.

Offences curfewees charged with while on home detention curfew

Offence type	*Number*
Burglary, theft and shoplifting (including Taking without consent and taking and driving away)	62
Assault	31
Driving and traffic offences	15
Breach of the peace (including drunk and disorderly)	14
Drug offences	13
Handling stolen goods/deception	10
Criminal damage	10
Threatening behaviour	8
Breach of a court injunction or restraining order	3
Possession of an offensive weapon	3
Harassment	1
Going equipped	1
False imprisonment	1
Arson	1
Indecent exposure	1
Total	174

Note:
Where a curfewee was charged with more than one offence, they appear in the table next to the most serious offence. The table excludes cases where, following initial notification, the Prison Service was informed that charges had been withdrawn.

Road Accidents

Mr. Reed: To ask the Secretary of State for the Home Department how many prosecutions were successfully brought against drivers who caused road traffic accidents while at work in the last 12 months for which figures are available. [107658]

Mr. Charles Clarke: The information requested is not available as the circumstances of the offence and the employment status of the offender are not collected centrally.

Chelmsford Prison

Mr. Bob Russell: To ask the Secretary of State for the Home Department if he will provide funds for the provision of accommodation at Chelmsford Prison to enable a full search of visitors suspected of possessing drugs. [107726]

Mr. Boateng: Visitors to Chelmsford prison are subject to a "pat-down" search and must pass through an X-ray portal. A passive drug detection dog is deployed. Visitors may not take property into the visits area and lockers are provided for bags and other possessions. Any items to be handed in to prisoners are X-rayed.

There are no plans to provide facilities for strip-searching of visitors at Chelmsford. Capital funding for the Prison Service is limited and other projects linked to the provision of places and the maintenance of security have priority.

Asylum Seekers

Mr. Waterson: To ask the Secretary of State for the Home Department how many asylum seekers and refugees are residing in the Eastbourne area. [107600]

Mrs. Roche: This information is not available. Central Government do not keep records of the number of asylum seekers residing in a particular location.

Ms Oona King: To ask the Secretary of State for the Home Department what was the average length of time taken to determine asylum applications from asylum seekers who submitted their applications in 1991. [107294]

Mrs. Roche: It is estimated that the average length of time taken to reach an initial decision on an asylum application lodged in 1991 was 25 months.

Mr. Gerrard: To ask the Secretary of State for the Home Department how many decisions have been made to date as a result of the measures announced in the White Paper, "Fairer Faster and Firmer", on asylum applications made *(a)* between 1 July 1993 and 31 December 1995 and *(b)* before 1 July 1993; and how many of these resulted in (i) a grant of asylum, (ii) exceptional leave to remain and (iii) refusal. [107109]

Mrs. Roche: The requested information is given in the table.

Decisions [1] made under the backlog clearance exercise on applications [2] lodged in the United Kingdom, up to the end of December 1995 January to December 1999

Number of principal applicants

	Decisions on applications made between July 1993 and 31 December 1995				*Decisions on applications made prior to July 1993*	
	Recognised as a refugee and granted asylum	*Not recognised as a refugee but granted exceptional leave to remain*	*Refused asylum and ELR after full consideration*	*Refused on non-compliance grounds [3]*	*Granted exceptional leave with immediate settlement*	*Refused on non-compliance grounds under backlog criteria [3]*
January	—	—	—	—	420	—
February	—	5	—	—	525	—
March	20	360	*	*	535	5
April	145	285	5	—	575	—
May	435	225	—	20	490	—
June	175	275	—	60	755	—
July	45	445	*	80	790	—
August	45	635	5	225	700	30
September	35	365	*	190	510	215
October	45	540	—	100	205	140
November	35	680	*	75	*	—
December	45	840	*	65	30	—

[1] Figures rounded to the nearest 5, with '*' = 1 or 2
[2] Excluding dependants
[3] Paragraph 340 of Immigration Rules. For failure to provide evidence to support the asylum claim within a reasonable period, including failure to respond to invitation to interview to establish identity.

Immigration Appeals

Ms Oona King: To ask the Secretary of State for the Home Department what plans he has, in the light of the judgment in the case of R. *v.* Secretary of State for the Home Department ex-Parte Ali, to review his policy of refusing to accept recommendations by immigration appellate authority adjudicators when an appeal is dismissed. [107433]

Mrs. Roche: It is not our policy to refuse to accept recommendations made by adjudicators in dismissed or withdrawn appeals. We will act on such recommendations where the written determination discloses clear exceptional compassionate circumstances which have not previously been considered and which would merit an exercise of discretion outside the Immigration Rules. We have no plans to review this policy following the judgment in the case of R. *v.* Secretary of State for the Home Department ex-Parte Ali.

Crown Court Appeals

Miss Widdecombe: To ask the Secretary of State for the Home Department (1) if it is his intention to allow prosecution and defence to make oral representations in open court during an appeal against magistrates decision on mode of trial under his proposal to restrict the right to elect trial by jury; [108102]

(2) what estimate he has made of the cost of an appeal to the Crown Court against magistrates decision as to mode of trial, under his proposals to restrict the right to trial by jury; [108100]

(3) further to his answer of 27 January 2000, Official Report, column 250W, on Crown Court appeals, what his estimate is of the number of defendants who would appeal to the Crown Court against magistrates decisions as to mode of trial each year under his proposals; and what assumptions underlie that estimate. [108151]

Mr. Straw: The Government believe that most of these appeals could be determined very quickly on the basis of the papers by a single judge. However, they intend to give the judge the power to permit oral representations to be made to him by both the prosecution and defence if he considers it necessary in the interests of justice to do so. It is estimated that a paper based appeal to the Crown Court would cost £90 and an oral appeal would cost an additional £182. It is assumed that 3,900 or 25 per cent. of defendants would appeal.

Anti-social Behaviour Orders

Mr. Mudie: To ask the Secretary of State for the Home Department how his Department will monitor the *(a)* number, *(b)* cost and *(c)* effectiveness of the anti-social behaviour orders. [107352]

Mr. Charles Clarke: We are in the process of setting up arrangements for the courts to monitor the number of anti-social behaviour orders granted in their area and to provide us with a quarterly return. We are committed to reviewing the effectiveness of the provision once it has been in force for two years. I will ensure that this research also looks into cost issues.

Schengen Agreement

Mr. Maclean: To ask the Secretary of State for the Home Department if he will make a statement on the operation of the Schengen Agreement. [107503]

Mrs. Roche: The Schengen acquis has now been incorporated into European Union structures in accordance with the Schengen Protocol to the Treaty of Amsterdam. The acquis continues to operate as between signatory states. The United Kingdom submitted a formal application to participate in parts of the Schengen acquis on 20 May 1999, which is still under consideration.

Criminal Assets

Mr. Cousins: To ask the Secretary of State for the Home Department if he will make a statement on the enforcement of the Government's policy on seizure and pursuit of criminal assets. [106589]

Mr. Charles Clarke: This Government are determined to ensure that criminals do not keep their ill-gotten gains. The third report of the Home Office Working Group on Confiscation—published in November 1989—proposed a range of measures to tighten up the enforcement of criminal confiscation orders. Since the Working Group reported, the Government have been considering more widely whether some confiscation and forfeiture functions, including the enforcement of confiscation orders, might be operated more effectively by a national confiscation agency. In the autumn, the Prime Minister asked my right hon. Friend the Member for Makerfield, Minister of State at the Cabinet Office (Mr. McCartney), to act as sponsor Minister for a project in the Cabinet Office's Performance and Innovation Unit to consider the role that following the money trail and seizing criminal assets can play in the fight against crime and how to maximise the effective use of these tools. The Performance and Innovation Unit is expected to report in the spring and a White Paper proposing comprehensive action against financial crime to issue shortly thereafter.

Kosovar Refugees

Mr. Gerald Howarth: To ask the Secretary of State for the Home Department, pursuant to his answer of 14 December 1999, *Official Report*, column 140W, on Kosovar refugees, if he will update the figures provided in his answer; how many of the 4,346 Kosovar refugees admitted to the United Kingdom under the UNHCR Humanitarian Evacuation Programme have left the United Kingdom voluntarily; and what action he intends to take in respect of those who have not yet left the United Kingdom to return to Kosovo. [108120]

Mrs. Roche: The information provided in my reply on 14 December 1999, *Official Report*, column 140W, on nationals of the Federal Republic of Yugoslavia is the latest available.

As at 31 January, 1,570 Kosovans had returned. Of those 182 had left under the 'explore and prepare programme'.

All the evacuees were given 12 months' Exceptional Leave to Remain in the United Kingdom and will not have their stay curtailed. We have made clear that there will not be a general extension of leave for those granted Exceptional Leave to Remain (ELR) under the Kosovan concession and Kosovans are expected to make arrangements to leave once their current leave to remain expires.

The voluntary return programme from the United Kingdom began on 26 July 1999 and is open to Kosovans who arrived under the Humanitarian Evacuation Programme and independent arrivals. Returnees are provided with the necessary travel documentation to enable them to travel under the arrangements put in place by the United Nations High Commissioner for Refugees and the International Organisation for Migration (IOM). The Government are also running an Explore and Prepare scheme to enable heads of households and community leaders with ELR to return to Kosovo to make advance preparations for the permanent return of their families. We expect a large return this spring and are working to ensure that it comes about.

Operation Runacre

Mr. Mackinlay: To ask the Secretary of State for the Home Department if he will make a statement on the negligent discharge of a police firearm on 20 January

1998 in the course of Operation Runacre, stating when it was first officially reported and by whom; and what subsequent investigation was carried out into it. [106712]

Mr. Charles Clarke: I understand from the Metropolitan Police that an allegation concerning a negligent discharge of a firearm was first made anonymously. This was investigated by the Metropolitan Police's Complaints Investigation Bureau a few days after the incident, and the investigation concluded that no discharge had occurred. Since then, additional allegations have been made and the incident is being reinvestigated by the Criminal Investigation Bureau.

Drugs (Prisons)

Mr. Peter Bottomley: To ask the Secretary of State for the Home Department how many undercover police operations investigating the use or supply of illegal drugs took place in prison establishments in each of the past two years; if the prison authorities were notified in advance and if *(a)* use and *(b)* supply was detected. [107929]

Mr. Boateng: There are occasions when, at the request of the police, or other investigatory authority, approval is granted for an undercover operation to be conducted within a prison. There were eight such operations in 1998 and 16 in 1999. All these operations took place with approval from Prison Service headquarters and the prior knowledge of the local prison authorities. Two of the above operations related to the supply of drugs within the prisons concerned but the majority related to the large scale supply of illegal drugs outside prison. The outcome of these operations is not known to the prison authorities.

There will also have been a number of operations conducted locally to each prison involving co-operation between the local police and the prison in relation to the supplying of illegal drugs into that prison. Information concerning these operations is not collated centrally but it is known that in the 12 months ending 31 December 1999, 823 visitors to prison were arrested attempting to bring drugs into prisons.

Misuse of Drugs Act 1971

Mrs. Anne Campbell: To ask the Secretary of State for the Home Department what plans he has to issue further guidance regarding the Misuse of Drugs Act 1971. [107865]

Mr. Charles Clarke: I refer my hon. Friend to the reply I gave on 1 February 2000, *Official Report*, column 512W.

Immigration

Mr. Simon Hughes: To ask the Secretary of State for the Home Department whether the inquiries have been completed into the effectiveness of immigration controls and the entry of foreign nationals into the UK who have been investigated for war crimes; and if he will make a statement. [108083]

Mrs. Roche: Those convicted or suspected of war crimes may be prevented from entering the United Kingdom in accordance with the powers in Rule 320 of the Immigration Rules. We are considering the scope for obtaining better information on those who may be war criminals so that those powers can be used to best effect. This review is not yet completed.

SOLICITOR-GENERAL

Fiat Applications

Mr. McNamara: To ask the Solicitor-General how many applications have been made to him in each of the last three years for his fiat; in respect of what proceedings such applications were made; and in how many and in what percentage of such cases in each category he *(a)* granted and *(b)* withheld his consent. [107831]

The Solicitor-General: The information requested could not be obtained without disproportionate cost. Statistics are not maintained. It is estimated that the information is contained in many different files, catalogued in a number of different series. For example, in criminal cases, consents to prosecution cover a wide range of criminal offences. There are also fiats which relate to civil proceedings. The work involved in providing an accurate answer would breach the established limits for the amount of work that should be undertaken in answering parliamentary questions.

TRADE AND INDUSTRY

Human Genome Project

Mr. Beard: To ask the Secretary of State for Trade and Industry what steps are being taken to ensure a common approach between the USA, the UK and the rest of the European Union to patents arising from the human genome project. [106603]

Ms Hewitt: The public and charitable funders of the international human genome project have agreed that they will release the gene sequence information they generate as quickly as possible; and they will not patent that information. The Government strongly support this approach as it allows maximum exploitation by public and private sector researchers of the data generated. Nonetheless, translating fundamental genome sequence information into new gene-based diagnostics and therapeutics will, in many circumstances, involve sufficient innovation to justify intellectual property protection.

The EU Directive on the Legal Protection of Biotechnological Inventions, which will come into force later this year, harmonises national patent laws within Europe. There are certain global norms, upon which the EU system is based, which are followed by other national authorities, including those of the United States. It is a matter solely for the national authorities to interpret these criteria in relation to applications for patents, including those concerning the human genome.

Export Licences

Mr. Menzies Campbell: To ask the Secretary of State for Trade and Industry how many Standard Individual Export Licences have been issued to *(a)* Sri Lanka and *(b)* Colombia covering ratings (i) ML1, (ii) ML2, (iii) ML3, (iv) ML11 and (v) 1C350 since 31 December 1997. [107518]

Dr. Howells: Details of all SIELs and OIELs issued between 1 January and 31 December 1998 were set out in the Government's Annual Report on Strategic Export Controls, published by the Foreign and Commonwealth Office; copies are in the Library of the House.

As regards export licences granted between 1 January 1999 and 24 January 2000, the Export Control Organisation's computer databases have been interrogated. Twenty-six Standard Individual Export Licences (SIELs) were issued covering the export to consignees or end-users in Sri Lanka of goods with the ratings ML1, ML2, ML3, ML11 and 1C350; two such licences were issued for the export of such goods to Colombia.

Standard Individual Export Licences issued between 1 January 1999 and 24 January 2000 covering exports to Sri Lanka or Columbia

Rating	*Number of SIELs issued to Sri Lanka covering goods with this rating*	*Number of SIELs issued to Colombia covering goods with this rating*
ML1	5	1
ML2	5	0
ML3	6	0
ML11	5	1
1C350	5	0

This information should be considered in light of the answer I gave my hon. Friend the Member for Kingswood (Mr. Berry) on 27 July 1999, *Official Report*, columns 307–08W.

Utilities Bill

Mr. Chope: To ask the Secretary of State for Trade and Industry when he intends to publish draft guidance under Clauses 9 and 13 of the Utilities Bill. [107665]

Mrs. Liddell *[holding answer 31 January 2000]:* I intend to publish a preliminary draft of the social and environmental guidance for the energy sector provided for under Clauses 9 and 13 of the Utilities Bill shortly.

TransTec

Mr. Drew: To ask the Secretary of State for Trade and Industry if the inquiry he has commissioned into TransTec will cover the decision by Ford UK to execute their penalty clauses. [107875]

Mr. Byers: The conduct of the inspection is a matter for the independent inspectors.

Mr. Drew: To ask the Secretary of State for Trade and Industry what plans he has made to ensure that the current inquiry into TransTec does not prevent its sale as a going concern. [108048]

Mr. Byers *[holding answer 1 February 2000]:* Any sale of TransTec is a matter for the administrative receivers. The inspection should not affect any commercial arrangements being made by them.

Mr. Drew: To ask the Secretary of State for Trade and Industry what plans he has made to minimise the impact on creditors, suppliers and employees of the current inquiry into TransTec. [108049]

Mr. Byers *[holding answer 1 February 2000]:* There is no reason why the inspection, as such, should have any impact on creditors, suppliers and employees.

Post Office Smart Card

Mr. Drew: To ask the Secretary of State for Trade and Industry what discussions he has had with the Post Office management on the research and development needed for the production of a smart card. [108051]

Mr. Alan Johnson *[holding answer 1 February 2000]:* My right hon. Friend and I maintain an ongoing dialogue with the Post Office Board on the development of the Horizon project including the use of smart card technology.

Post Office (ACT)

Mr. Drew: To ask the Secretary of State for Trade and Industry when his Department last had discussions with Post Office management on the subject of automated credit transfer of the benefits business. [108050]

Mr. Alan Johnson *[holding answer 1 February 2000]:* My right hon. Friend and I have frequent discussion with Post Office management about a wide range of issues including the Horizon project to automate the post office network and the planned migration of payment of benefits from order books and girocheques to an automated credit transfer system.

Regional Development Funds

Mr. Andrew George: To ask the Secretary of State for Trade and Industry what recent discussions he has had with his ministerial colleagues about Government plans to meet their obligations in the United Kingdom's European Union Objective 1 regions. [106590]

Mr. Caborn: My right hon. Friend and I have frequent contacts with ministerial colleagues on various aspects of the European structural funds.

Research Contracts

Dr. Harris: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 8 December 1999, *Official Report*, column 572W, on departmental research contracts, if he will *(a)* state total expenditure on research let by his Department since May 1997 and *(b)* list the titles of all research contracts let by his Department during 1999 and costing £20,000 or more, stating what is the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (ii) a requirement that the final research results incorporate departmental amendments; and if he will place a copy of the standard research contract currently in use by his Department in the Library. [107094]

Ms Hewitt *[holding answer 1 February 2000]:* The 1999 Forward Look of Government-Funded Science, Engineering and Technology shows total extramural

expenditure on research and development by the Department of Trade and Industry for the last two financial years as follows:

	£ million
1997–98	276.9
1998–99	[1]259.2

[1] Estimated outturn

In respect of *(b)*, this information would be available only at disproportionate cost.

A copy of the Department's standard terms and conditions of contract for services has been placed in the Library of the House. These terms and conditions are not specific to research contracts and do not deal with the handling of research results. The terms and conditions agreed may vary to some extent depending on the contract in question. However, as a general rule, the Department actively encourages publication of research it has funded.

Climate Change Levy

Mr. Jack: To ask the Secretary of State for Trade and Industry by what amount, expressed in terms of megawatts, the generators of electricity would have to be reduced in order to reduce carbon dioxide emissions to the equivalent required by the climate change levy. [107919]

Mrs. Liddell: The climate change levy is expected to reduce carbon dioxide emissions by at least 2MtC a year, before including the effect of negotiated agreements. If a 2MtC saving were to be brought about through reductions in electricity generation, this could be achieved either through a reduction of 21 terawatt hours in gas fired generation or 9 terawatt hours in coal fired generation. This would be broadly equivalent to the loss of all output from 3000MW of gas fired plant otherwise operating at a load factor of 80 per cent., or 2000MW of coal fired plant operating at just over 50 per cent. load factor.

Mobile Phones

Mr. MacShane: To ask the Secretary of State for Trade and Industry (1) if he will ensure that authorisation of a parent or guardian is needed before children under the age of 16 years enter into financial agreements with mobile phone companies; [107567]

(2) if he will introduce legislation to provide for a parent's or guardian's authorisation before children under the age of 16 years enter into a contract with mobile phone companies. [107652]

Ms Hewitt: The Government do not believe that specific regulation is desirable to prevent those under sixteen years of age from entering into a contract for a mobile phone. It is very unlikely that a consumer credit agreement entered into by person under the age of eighteen, for the purposes of a mobile phone contract, would be enforceable against that person. This is no doubt the reason why operators require a person to be over 18 before they can sign up a mobile contract.

Republic of Ireland

Mr. McDonnell: To ask the Secretary of State for Trade and Industry what action his Department is taking to promote trade between the United Kingdom and the Republic of Ireland. [107589]

Mr. Caborn: The services of British Trade International are available to exporters to the Republic of Ireland as they are to exporters to other Western European countries. Activities include the Export Explorer scheme to encourage first-time exporters to visit the Republic, an export promoter to inform companies of the opportunities in the market and encourage them to trade with the Republic and sectoral activities such as the provision of information stands at trade fairs in Ireland.

Internet

Mr. Paul Marsden: To ask the Secretary of State for Trade and Industry what steps he has taken to raise public awareness of the role of the Internet Watch Foundation to investigate alleged pornographic materials; and if he will make a statement. [107573]

Ms Hewitt: The Government are continuing to support the Internet Watch Foundation (IWF), and both Alex Allan, the e-envoy, and I attended its recent re-launch.

Following a recommendation in a recent report, "Review of the Internet Watch Foundation", the IWF is currently pressing Internet Service Providers to put links to the IWF on their sites, in order to make it more visible and accessible to their users. The Government are also working at a European level to promote the work that the IWF has done as a model for the rest of the world.

Mr. Paul Marsden: To ask the Secretary of State for Trade and Industry if he will make a statement on the progress made by the Internet Watch Foundation in implementing the recommendations of the Department of Trade and Industry/Home Office report entitled Review of the Internet Watch Foundation. [107572]

Ms Hewitt: The Internet Watch Foundation (IWF) has made good progress towards implementing the report's recommendations. Its organisational structure has been revised, as the new chair, Roger Darlington, announced at the IWF re-launch on 25 January. As part of the extended remit announced at the relaunch, the IWF has undertaken a review of the resources required for the hotlines, and extended its work to cover racism on the internet. It is also continuing to participate in developing content filtering and labelling schemes.

Mozambique (Coal)

Mr. Trickett: To ask the Secretary of State for Trade and Industry what is the final destination of coal being imparted from Mozambique; who is the purchaser; and what estimate he has made of the effect of the imports on employment among mine workers. [107594]

Mrs. Liddell: Information is not collected on the final destination of coal imported into the United Kingdom. Figures for 1999 as a whole are not yet available, but in the first three quarters of 1999 it is estimated that 19,000 tonnes of coal were imported into the United Kingdom from Mozambique—around 0.1 per cent. of total coal imported during the same period. No estimates have been made of the effects of the imports of coal from Mozambique on employment among mine workers.

Coal Miners (Compensation)

Mr. Wigley: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 20 January 2000,

Official Report, column 521W, what has been the average proportion of compensation paid to successful claims on coal miners' compensation for chronic bronchitis and emphysema, which relates to general damages for pain suffering and loss of amenity. [107175]

Mrs. Liddell: Of the 1,047 claims settled to date the vast majority have been on the basis of a claimant electing to accept an expedited payment following screening spirometry rather than proceeding through a full medical assessment. Such payments are not broken down separately into general and special damages. Nine claims have been settled to date where general and special damages have been separately assessed. The average proportion of compensation paid that relate to general damages, in these cases, is 53 per cent.

Parental Leave

Mr. John D. Taylor: To ask the Secretary of State for Trade and Industry which other EU member states provide *(a)* paid and *(b)* unpaid parental leave; and if he will make a statement about paid parental leave. [108111]

Mr. Alan Johnson: From the information that we hold, it appears that some form of payment is provided in Italy, Sweden, Austria, Belgium, Denmark, Finland, France, Germany and Luxembourg during parental leave, subject to each member state's qualifying conditions.

There does not appear to be any universal provision for payment in Spain, Portugal, Greece, Ireland or the Netherlands.

We have introduced unpaid parental leave in line with the agreement concluded by the social partners and our commitment in the "Fairness at Work" White Paper. Our task now is to monitor the take-up, impact and effectiveness of the new right, which will help to inform future thinking on parental leave.

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for Trade and Industry if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106295]

Mr. Byers: This Government are keen to hear what people have to say about their new proposals and policies. My Department has a broad range of responsibilities and interacts directly with the business community and many other interest groups. We consult widely on many issues, using a range of different mechanisms depending on the subject matter and interest groups involved. I regard this as an important aspect of the modernising government initiative. Comprehensive and detailed information in the form requested is, however, not held centrally and the information could be obtained only at disproportionate cost.

EDUCATION AND EMPLOYMENT

Maintained Schools

Dr. Vis: To ask the Secretary of State for Education and Employment what information his Department collects on the number of pupils attending each maintained school in England and Wales; if this information is held centrally; and if it is made available to the public. [107025]

Ms Estelle Morris: For England, the most comprehensive source of information about the number of pupils in maintained schools is that derived from returns made by schools to the Department in January. The annual school Performance Tables (Secondary and Primary) publish, for each school in the tables, the total number of pupils of all ages on the school register in January. This information has been checked with the individual schools as part of the Performances Tables checking exercise.

Matters relating to the collection and release of pupil data in maintained schools in Wales is the responsibility of the Secretary of State for Education for Wales.

Durham LEA

Mr. Steinberg: To ask the Secretary of State for Education and Employment what was the aggregate schools budget for Durham Local Education Authority in *(a)* 1998–99 and *(b)* each of the previous four years. [108010]

Ms Estelle Morris: The Aggregate Schools Budgets (ASB) for Durham Local Education Authority in 1998–99 and the previous four years are as shown in the table. Figures up to 1996–97 are not comparable with those for later years because of local government re-organisation.

	£ million
1998–99	144.4
1997–98	138.4
1996–97	159.6
1995–96	154.2
1994–95	152.3

Standards Fund Grants

Mrs. May: To ask the Secretary of State for Education and Employment (1) how many bids for standards fund grants have been received for 2000–01, broken down by category of grant and by local education authority; [108070]

(2) how many bids for standards fund grants were received in 1999–2000, broken down by category of grant and by local education authority; and how many allocations of grant were taken up in each category. [108071]

Ms Estelle Morris *[holding answer 1 February 2000]:* The information requested is currently being collected and I will write to the hon. Member as soon as possible.

Teachers (Early Retirement)

Mr. Steinberg: To ask the Secretary of State for Education and Employment how many teachers took early retirement in each of the last five years. [108011]

Ms Estelle Morris: Teachers retiring early from the maintained nursery, primary, secondary and special sector in England and Wales under the premature or ill-health retirement arrangements in each of the last five years were as follows:

Financial year	*Premature* [1]	*Ill-health* [2]
1994–95	7,660	5,290
1995–96	9,080	5,190
1996–97	10,730	5,400
1997–98	12,600	3,640
1998–99[3]	2,520	2,500

[1] Since September 1997 the additional cost of premature retirement has been borne by the employer rather than the Teachers' Pension Scheme.
[2] Changes in the statutory regulations governing ill-health retirements came into force in April 1997. To qualify for ill-health retirement benefits since April 1997 a teacher must be regarded as permanently unfit to teach.
[3] 1998–99 data are provisional.

Youth Support Service

Mr. Stephen Twigg: To ask the Secretary of State for Education and Employment when he will be publishing details about the proposed youth support service. [108603]

Mr. Wicks: I am pleased to announce that we will publish tomorrow a policy document which sets out the Connexions strategy designed to raise educational achievement for all teenagers and how we envisage the new youth support service will operate. This service, outlined in the White Paper, "Learning to Succeed", will be called the "Connexions Service". Copies of the document will be available in the Vote Office and the Printed Paper Office at 9 a.m. on 3 February. Copies will also be placed in the Library.

We will be publishing a more detailed Connexions Service Prospectus and Specification in the spring.

National Lottery

Mr. Bob Russell: To ask the Secretary of State for Education and Employment when the National Lottery funded school sport co-ordinators will be in post. [107163]

Kate Hoey: I have been asked to reply.

The aim is that the first tranche of school sport co-ordinators should be in post during the autumn term 2000.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Street Lighting

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what funding provision he has made to local authorities for the urgent replacement of lighting columns which are in a critical condition within the United Kingdom in the last twelve months. [107370]

Mr. Hill: Some central Government funding is available to local authorities for new street lighting schemes under the Private Finance Initiative. Where local authorities apply for this funding, proposals should be appraised in line with the Department's "New Approach to Appraisal" to ensure that the benefits and costs (including environmental and safety benefits) are presented in a consistent way.

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what guidance his Department has provided on how to assess the condition of concrete lighting columns. [107371]

Mr. Hill: Highways Agency Standard TD23, Inspection and Maintenance of Lighting Columns, details procedures for all types of lighting columns, including concrete. It is used as part of routine maintenance procedures on motorways and trunk roads. The Standard is included in "The Design Manual for Roads and Bridges" and is available for use by local authorities on local roads.

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions which local authorities have undertaken programmes to test systematically the integrity of lighting columns since 1997. [107372]

Mr. Hill: This information is not available centrally.

Mrs. Curtis-Thomas: To ask the Secretary of State for the Environment, Transport and the Regions what recent assessment he has made of the condition of the street lighting network within the United Kingdom. [107369]

Mr. Hill: There is no comprehensive central data collected on the condition of the street lighting network. Routine inspections conducted on motorway and trunk road lighting provide a continuous assessment of the condition of the lighting equipment on those roads. Local highway authorities are responsible for the condition of street lighting on local roads.

Homophobic Bullying

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions what recent independent research the Government have commissioned into *(a)* the extent of homophobic bullying in schools and *(b)* the attitudes of teachers to section 28 of the Local Government Act 1988. [107271]

Ms Armstrong: The most recent research into homophobic bullying in schools and teachers' attitudes towards section 28 of which we are aware was published in November 1997 by the University of London's Institute of Education. The Government itself did not commission this, or any other recent research on these issues.

Ghost Ants

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions what reports his Department has recently received about infestations by ghost ants; and if he will make a statement. [107164]

Mr. Hill: None.

Planning Decisions

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will assess the advantages and disadvantages of extending

the right of appeal to opponents of planning applications following granting of planning permission by local authorities. [107564]

Ms Beverley Hughes: It is the responsibility of local planning authorities to act in the general public interest when determining planning applications. They must determine applications in accordance with the development plan unless material considerations indicate otherwise. Such considerations can include views expressed by local residents and other third parties. The scope for third parties to participate fully in the development control process has been increased in recent years, through statutory requirements to consult on the preparation of the development plan and to publicise all planning applications. Local authorities' handling of planning applications may also be challenged in the courts. While the introduction of a third party right of appeal would give opponents of particular development proposals further opportunities to have their views considered, this could delay many otherwise acceptable developments on which people have already been consulted.

Mr. Trickett: To ask the Secretary of State for the Environment, Transport and the Regions how many times he has rejected the recommendations of planning appeals inspectors; what proportion of the total number of such recommendations this represents; and how many such decisions were subsequently the subject of legal challenge, in each of the last five years. [107592]

Ms Beverley Hughes: The information is as follows:

	1995	*1996*	*1997*	*1998*	*1999*
Number of recommendations rejected	8	6	7	10	8
(Total number of recommendations)	(179)	(154)	(153)	(125)	(80)
Proportion of total recommendations	4%	4%	5%	8%	10%
Subject of legal challenge	0	0	0	1	1

Mr. Trickett: To ask the Secretary of State for the Environment, Transport and the Regions how many times he has made decisions which were at variance with determinations made by the appropriate local planning authority following an appeal hearing, in each of the last five years. [107593]

Ms Beverley Hughes: In each of the last five years the number of decisions made by the Secretary of State, following a planning appeal which he has recovered, at variance with determinations made by the local planning authority is as follows:

	Number
1995	21
1996	20
1997	16
1998	26
1999	12

Hawksbill Turtles

Mr. Lepper: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the draft proposal by Cuba on hawksbill turtles for discussion at the forthcoming conference of the Convention on International Trade in Endangered Species. [107609]

Mr. Mullin: This proposal, together with others for consideration at the forthcoming CITES Conference, was discussed at a recent informal meeting of EU experts.

It seems unlikely that the Commission will recommend member states to support Cuba's main proposal. While EU experts were in general agreement that Cuba's precautionary measures, as observed by the fact-finding mission in September 1999, appear to be in order, the status of the species in Caribbean waters remains unclear.

Irish Community

Mr. McDonnell: To ask the Secretary of State for the Environment, Transport and the Regions what action his Department is taking to *(a)* develop and *(b)* support services to the Irish community in Britain. [107586]

Ms Beverley Hughes: The Department's policies and programmes are aimed at promoting social cohesion and at providing opportunity for all. It is however principally for local authorities, housing associations, and local regeneration partnerships to identify the needs of particular communities within their areas, including the Irish community, and to develop and support services to meet these needs.

A66 (Safety)

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions when the safety studies on the A66 will be completed. [107576]

Mr. Hill: The Highways Agency is currently in the process of letting a contract to carry out the study. Work is expected to start during April 2000, and is expected to take about nine months. It is therefore expected that the study will be completed around the end of the year.

Playing Fields

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions how many proposed developments on playing fields have been referred to him for approval following the introduction of new legislation to protect playing fields; and how many he has objected to. [107725]

Ms Beverley Hughes: Since the Town and Country Planning (Playing Fields) (England) Direction 1998 came into effect on 23 December 1998, 17 planning applications have been referred to the Secretary of State, one of which was called-in for his determination and six of which are currently under consideration.

Tankers (Oil Spills)

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what measures *(a)* he has introduced and *(b)* plans to introduce to prevent oil spills from tankers at sea affecting the United Kingdom's coast. [107923]

Mr. Hill: My Department's Maritime and Coastguard Agency (MCA) will shortly be publishing a revised National Contingency Plan for Marine Pollution from Shipping and Offshore Installations. The plan provides a framework for the UK's response to marine pollution from ships and offshore installations. The MCA implements the plan when marine pollution incidents involving ships and offshore installations occur in UK waters. The plan remains under constant review in the light of the experience gained from incidents and exercises.

The MCA also inspects at least one quarter of ships calling at UK ports to ensure that they comply with international safety rules and standards and operates surveillance aircraft to patrol UK waters.

In addition, my Department will shortly begin a consultative process that could lead to the setting up of Marine Environmental High Risk Areas (MEHRAs) to help protect sensitive marine and coastal environments at particular risk from pollution from shipping.

Erika Oil Spill

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what assistance his Department is giving to the French authorities in dealing with the Erika oil spill. [107925]

Mr. Hill: My Department's Maritime and Coastguard Agency (MCA) has assisted the French authorities in a number of areas of counter pollution response.

The MCA co-ordinated the provision of an oil recovery vessel, the British Shield. It provided specialist oil recovery equipment for the vessel from its stockpile and an operator to operate and maintain the equipment on site. I understand that this equipment has made a valuable contribution to the oil recovery operation.

Staff from the MCA have visited the affected sector of the French coastline to provide advice on beach clean-up techniques, the nature and fate of the heavy fuel oil involved, and waste disposal. It has co-ordinated the provision of advice on, and assistance with, wildlife cleaning and rehabilitation.

The MCA will continue to assist the French authorities as efforts to clean up oil spilt by the Erika continue.

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the Erika oil spill on United Kingdom biodiversity, with particular reference to breeding birds. [107924]

Mr. Hill: None. However, the Government's statutory adviser on wildlife, the Joint Nature Conservation Committee, co-ordinates periodic surveys of coastal colonies of seabirds. A full survey is currently under way.

Air Pollution

Mr. John Cryer: To ask the Secretary of State for the Environment, Transport and the Regions (1) when he expects to publish revised guidance on air pollution standards for animal rendering plants; [107935]

(2) what estimate he has made of the cost of his Department's revised guidance on air pollution standards for animal rendering plants to each of those companies currently rendering under contracts from the Intervention Board under the over-30 months scheme; and how much of this cost will be borne by the Intervention Board. [107934]

Mr. Hill: The revised guidance note was published on 13 January 2000 and copies have been placed in the Library of the House as well as being sent to relevant local authorities and to the UK Renderers Association.

The note contains guidance for the animal rendering sector as a whole. The costs to individual plants will depend, among other things, on the extent to which plant are currently complying with the original 1991 guidance and the techniques used for the purpose of achieving such compliance.

Seamen

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of seamen employed in the UK shipping industry are foreign nationals not resident in the UK. [108023]

Mr. Hill: A Chamber of Shipping manpower survey of its member companies found that in May 1999 17.4 per cent. of officers and 22 per cent. of ratings working on Chamber of Shipping member companies' vessels were foreign nationals.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will investigate the use by UK shipping companies of offshore contracts for British seamen employed on domestic services. [108021]

Mr. Hill: The Government committed in their shipping policy paper "British Shipping: Charting a new course" to publish guidelines for the industry on the applicability and use of offshore contracts for seafarers, and to determine whether any amendment to employment rights legislation was necessary.

The Government have set out the current position in a paper to the social partners and are taking it forward in the training and employment catalyst group established to progress the action points from "Charting a new course".

Air Accidents Investigation Branch

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many qualified staff are employed by the Air Accidents Investigation Branch; and what budget they *(a)* had in 1998–99 and *(b)* will have in 1999–2000 and 2000–01. [108078]

Mr. Mullin: The Air Accidents Investigation Branch employs 11 professional pilots and 19 graduate engineers. The budget for 1998–99 was £4,121,000. The budget for 1999–2000 is £4,461,000 and for 2000–01 the bid figure is £4,434,000.

Airfield Closures

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many *(a)* private and *(b)* public airfields have closed in the UK in the last five years. [108030]

Mr. Mullin: The Department is unable to obtain accurate information regarding all public and private aerodromes which have stopped operating in the last five years.

The only accurate data we have concern the number of licensed aerodromes which have closed in these years. Statistics from the Civil Aviation Authority (CAA) show that in the last five years, eight aerodromes have had their licence revoked.

We are aware that in the last five years some aerodromes have received a CAA operating licence and although the figure can vary each year, the number of licensed aerodromes remains fairly constant, on average between 142 and 146.

Rail Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to remove control of overall safety regulation from Railtrack; and on what date he expects the new regime to be in place. [107861]

Mr. Hill: We are presently considering the main functions of Railtrack's Safety and Standards Directorate and where they are best located. The Health and Safety Executive is the sole regulator for railway safety and is involved in this work.

Regional Development Agencies

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions how many staff are employed by each of the regional development agencies. [107941]

Ms Beverley Hughes: The number of full-time equivalent staff employed by each of the regional development agencies at 30 September 1999, the most recent figures available, are as follows. The figures include temporary staff and secondees.

	Number
One NorthEast	232
North West Development Agency	199
Yorkshire Forward	211
East Midlands Development Agency	132
Advantage West Midlands	147
East of England Development Agency	71
South East England Development Agency	95
South West England Development Agency	171

Regional Development Boards

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions how many of the regional development board local appointees have resigned since their appointments. [107945]

Ms Beverley Hughes: Of the 102 board members appointed when the Regional Development Agencies were established on 1 April 1999, three board members since have resigned, one each from the South West, West Midlands, and Yorkshire and the Humber regions.

South West Trains

Mr. Ian Taylor: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce the decision on South West Trains' application for confirmation of their new byelaws. [107936]

Mr. Hill: The Secretary of State is currently considering the byelaws submitted to him by South West Trains, the other railway companies and London Underground, alongside the formal representations received on these byelaws following advertisement. A decision will be made on whether to confirm, amend or reject the byelaws submitted by all the train companies later this year.

Housing Finance

Dr. Lynne Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his policy regarding applications for local authorities for the writing off of housing revenue account debts and the source of finance for any approvals of such applications. [107922]

Mr. Mullin: Where the capital receipt which a local authority receives for the transfer of its entire housing stock is less than the debt attributed to the stock, the Government are prepared to make a one-off payment to assist the authority to repay the outstanding Public Works Loan Board debt principal. In such cases the local authority will be required to repay its attributable housing debt shortly after the transfer is completed. These new arrangements were announced to the House on 16 December 1999, *Official Report*, column 250W, by my hon. Friend the Minister for Housing and Planning following consultation with local authorities and others last year.

Under these arrangements local authorities are required to meet from the capital receipt or their existing resources any premiums arising from the early repayment of debt. An authority with overhanging debt applying for a place on the housing transfer programme must, in addition to meeting the other published criteria, demonstrate that it can pay the premiums arising from the early repayment of debt before they can be allocated a place on the housing transfer programme.

A copy of a guidance note setting out the detailed arrangements was placed in the Libraries of the House and the Vote Office.

Energy Efficiency

Mr. Boswell: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to ensure that prospective purchasers of new homes are made aware of their energy efficiency through the standardised assessment procedure rating. [107645]

Ms Beverley Hughes: It is already a requirement of the building regulations that a person building a new home should calculate the energy rating of the dwelling using the Standard Assessment Procedure, and notify the

rating to the relevant building control body. My hon. Friend the Minister for Housing and Planning announced last year that the building regulations will be amended to require the builder, in addition, to put up a notice of the energy rating in the new home. My Department is currently working on the details of the amendment to the regulations.

Separately, my hon. Friend announced in October last year proposals to require any person marketing a home to provide a pack of standard information and documents for prospective buyers. We envisage that this pack will include an energy rating, calculated in accordance with the Standard Assessment Procedure.

Heathrow Airport

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions when the public inquiry into Heathrow's proposed fifth terminal will report its findings [108170]

Ms Beverley Hughes: The public inquiry closed on 17 March 1999 and the Inspector has said that he expects to take up to two years to produce his report. The Secretary of State will need to give the report full consideration before reaching a decision.

Rough Sleepers

Mr. Flynn: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effectiveness of policies over the past 10 years in reducing the incidence of rough sleeping. [106594]

Ms Armstrong: Thorough independent evaluations were carried out on each of the three main phases of the Rough Sleepers Initiative, from 1990 to 1999, as well as on smaller individual projects. The most recent evaluation report, "Homes for Street Homeless People, An evaluation of the Rough Sleepers Initiative", was published in December 1999 and copies were placed in the House Libraries.

Gardening Leave

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions how many officials in his Department are currently on gardening leave; and if he will make a statement. [108158]

Ms Beverley Hughes: We interpret the term "gardening leave" as applying to staff who have no current assignment and are in receipt of full pay and are not required to attend for work.

One member of staff falls into this category.

Road Safety

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions when he will make an announcement about road safety policy; and if he will make a statement. [108157]

Mr. Hill: We will shortly be publishing a new road safety strategy, which will set out a range of measures for improving road safety.

Dangerous Chemicals

Mr. Tyler: To ask the Secretary of State for the Environment, Transport and the Regions if he will review the co-ordination between Government Departments of scientific advice and policy development relating to dangerous chemicals. [106592]

Mr. Meacher: The Government published a strategy on chemicals in the environment, "Sustainable production and use of chemicals: A strategic approach", in December 1999. Copies are available in the House of Commons Library.

This strategy includes mechanisms for obtaining independent scientific advice and developing policy on dangerous chemicals in the environment in an open and transparent way with the assistance of a new Stakeholder Forum. This Forum will comprise representatives from all of the major stakeholders and will provide advice to Government on the assessment and management of chemicals in the environment. Government Departments, including those with responsibility for health and trade, will be represented on the Forum. Government Departments will continue to work together taking account of the advice from this Forum.

Non-domestic Rates

Ms Kelly: To ask the Secretary of State for the Environment, Transport and the Regions if he intends to make changes to the appeals system for non-domestic rates valuations from 1 April 2000; and if he will make a statement. [108602]

Ms Armstrong: In March 1999, as part of the Financial Management and Policy Review of the Valuation tribunal service, we consulted on possible changes to the appeals system for business rates. Appeals against a rating assessment can take some years to resolve because of the sheer numbers that are received. At present, businesses are too often in the dark about when their appeal will be considered. This is unacceptable. I believe it is important to businesses that they are given this information and an opportunity to make representations to appropriate bodies for earlier action if they believe this to be necessary.

Therefore we propose the following reforms to improve the business rates appeals system:

- a new comprehensive programme setting out when ratepayers can expect their appeals to be considered by the Valuation Officer and, if any remain unresolved, when the case may be heard by the Valuation Tribunal;
- the opportunity for ratepayers to make representations if they believe that their place in the timetable is unreasonable;
- improvements in the quality and timeliness of information provided to ratepayers about their valuations;
- clear guidelines on what information the ratepayer should be given and when;
- work towards ending the culture of brinkmanship by cutting off last minute discussions prior to the hearing at the Tribunal;
- on a trial basis, exchanging information on valuations prior to Tribunal hearings.

We will also encourage early submissions of appeals, limiting the extent to which late appeals can be retrospective. Existing rating lists will close to any new appeals on 31 March 2001.

I believe that these and other initiatives will bring greater clarity to the appeals system and more certainty to businesses about when their appeals will be resolved. They will be achieved through a combination of regulation and best practice.

Priority will be given to the settlement of appeals relating to the 1995 rating list and previous lists. We intend to deal with these appeals as far as possible before work starts on new appeals against the 2000 list.

Correspondence

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions when he will reply to the letter of 6 July 1999 from the hon. Member for South Suffolk. [108044]

Mr. Hill: I replied to the hon. Member on 9 September 1999. I enclose a copy for ease of reference.

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions when he will reply to the letter from the hon. Member for South Suffolk of 12 January. [108045]

Mr. Hill: I replied to the hon. Member on Monday 31 January. I enclose a copy for ease of reference.

INTERNATIONAL DEVELOPMENT

Primary Education

Mr. Cohen: To ask the Secretary of State for International Development what proportion of the overseas aid budget for the current financial year is targeted at the provision of primary education. [107425]

Clare Short: My Department has commitments totalling around £800 million to education, of which three-quarters is for basic and primary education. We have committed over £300 million to such programmes since May 1997. In 1998–99 over 16 per cent. of bilateral programme commitments were targeted towards primary education.

EU Aid Programme

Mr. Don Foster: To ask the Secretary of State for International Development if she will list for the past 12 months *(a)* the financing proposals prepared by the European Commission which her officials have been asked to consider for approval at the European Development Fund Committee and the EC Asia and Latin America Committee, *(b)* the amounts of European Development assistance concerned for each of these projects, *(c)* the dates on which her officials received the documentation for these projects, *(d)* the dates of the meetings at which each of these was to be considered and *(e)* in each case whether the projects were approved. [106135]

Clare Short: A table listing the financing proposals put forward for approval at the European Development Fund and Asia and Latin America Management Committees over the past year, to the extent that records are available, has been sent to the hon. Member and a copy placed in the Library. The documentation is usually received by officials about three week before each meeting.

CULTURE, MEDIA AND SPORT

Cyclists (Spot Fines)

Dr. Tonge: To ask the Secretary of State for Culture, Media and Sport what discussions he has had with the *(a)* Royal Parks Agency and *(b)* Royal Parks Constabulary about applying spot fines to cyclists caught exceeding speed limits in the Royal Parks. [107457]

Mr. Alan Howarth *[holding answer 1 February 2000]:* My right hon. Friend the Secretary of State has not had any discussions with the Royal Parks Agency, which includes the Royal Parks Constabulary, about applying spot fines to cyclists caught exceeding speed limits in the Royal Parks.

There is a practical obstacle to enforcing speeding offences against cyclists because bicycles are not obliged to have speedometers. However, we constantly monitor the impact of cycling on other park users. If we find that problems are arising, we will consider what measures might be appropriate to deal with them, including the introduction of fixed penalty notices.

Playing Fields

Mr. MacShane: To ask the Secretary of State for Culture, Media and Sport what recent representations he has received about access to sports playing fields by inner-city schools. [108133]

Kate Hoey: Since the beginning of the new school term in September, my right hon. Friend and I have received no such representations.

National Lottery

Mr. Matthew Taylor: To ask the Secretary of State for Culture, Media and Sport if he will list for each parliamentary constituency *(a)* the total proceeds in cash terms of National Lottery ticket sales over the past five years, *(b)* the total grants to good causes for the last five years, and *(c)* the total prize money distributed over the last five years; if he will give in each case the average figure for all constituencies; and if he will make a statement. [106504]

Kate Hoey *[holding answer 24 January 2000]:* I have placed in the Libraries of the House tables showing *(a)* total National Lottery tickets sales by constituency (average for each constituency, £38,290,852); and *(b)* total National Lottery awards by constituency (average for each constituency, £10,838,719) for the first five years of the National Lottery (to 13 November 1999). The total amount won in prizes over the same period was £11,926,610,114, which equates to an average of £18,098,043 per constituency. The breakdown of prizes by constituency is not available.

Historic Aircraft

Mr. Keetch: To ask the Secretary of State for Culture, Media and Sport if historic military aircraft restoration projects are eligible for lottery funding; and if he will make a statement. [107374]

Mr. Alan Howarth *[holding answer 28 January 2000]:* The Heritage Lottery Fund can support a wide variety of projects relating to aviation heritage, including

the restoration of historic military aircraft. The Trustees are willing to consider projects involving the long-term conservation; housing and interpretation of important aircraft. However, they do not expect to fund projects which restore aircraft to flying condition, given the risk of accident.

English Heritage

Mr. Stephen Twigg: To ask the Secretary of State for Culture, Media and Sport if he will list the percentage of *(a)* registered disabled people, *(b)* women, *(c)* people from ethnic minorities and *(d)* people from (i) independent schools, (ii) grammar schools and (iii) other schools that worked for English Heritage in each of the years (i) 1970, (ii) 1979, (iii) 1989 and (iv) 1999. [107010]

Mr. Chris Smith *[holding answer 27 January 2000]:* English Heritage, which is sponsored by this Department, has provided the following statistics for 1999 from information held on employees:

	Percentage
Registered disabled	0.37
Women	53.88
Ethnic minorities	2.32

Historic data for the earlier years are not readily available. English Heritage was not established until 1984 and in 1989 it did not have a computer system which could record this information. English Heritage does not maintain a record of the schools attended by employees.

Football Regulator

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport what plans he has to introduce a Football Regulator; and what recent representations he has received from the *(a)* Football Association and *(b)* Premier League on this matter. [107298]

Kate Hoey *[holding answer 28 January 2000]:* A number of the recommendations contained in the final report of the Football Task Force, which was published on 22 December, relate to the future regulation of football. The Task Force was divided on the merits of different kinds of regulator with some recommending a "Football Audit Commission" and others an "Independent Scrutiny Panel". The Government are now considering all the Task Force's recommendations and will respond in due course. The Department has received no recent representations from either the Football Association or the FA Premier League on this matter.

Sport England

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport when he last met the Chairman and Chief Executive of Sport England; and what matters were discussed. [107297]

Kate Hoey *[holding answer 28 January 2000]:* My right hon. Friend and I last met the Chairman and Chief Executive of Sport England on 26 January 2000 to discuss the possible location for a venue for major international athletics events.

Royal Opera House

Mr. Cohen: To ask the Secretary of State for Culture, Media and Sport if he will list the reasons for *(a)* cancelled and *(b)* halted performances at The Royal Opera House indicating the action taken by the board of management in relation to faulty construction work in each case; and if he will make a statement. [107064]

Mr. Alan Howarth: In December 1999, the Royal Opera House cancelled six performances of a Ligeti production scheduled for December and a further five performances of other productions scheduled to take place between January and April. Technical rehearsal time for these productions, which had been planned for Autumn 1999, was spent commissioning the new stage equipment. The cancellation freed time in November and December to enable the Opening Celebration, Falstaff, A Celebration of International Choreography and The Nutcracker to open on schedule and be performed as planned.

The matinee performance of Gawain on 19 January was cancelled as the Royal Opera House management felt it was inappropriate to risk having to make last minute changes to the performance schedule because of unforeseen problems with the stage machinery that could have resulted in delays to the beginning of the performance, and therefore to the schools' return journeys.

The final ballet in a mixed programme of ballets was cancelled on 20 January because problems with the scene shifting equipment had been encountered earlier during the day which delayed the starting time of the performance, threatening the possibility of completing the full programme for the evening within a reasonable time.

The manufacturers of the stage equipment and the Royal Opera House's technical staff are working with the new equipment to debug the system, and all possible measures have been taken to ensure performances take place as planned. To date there have been approximately 40 performances in the main auditorium, and a full programme of performances in the Linbury Studio Theatre and Clore Studio Upstairs, as well as free concerts in the Vilar Floral Hall.

FOREIGN AND COMMONWEALTH AFFAIRS

Diplomatic Staff

Mr. Robathan: To ask the Secretary of State for Foreign and Commonwealth Affairs if his Department instructs British diplomatic staff overseas not to communicate with individual UK nationals. [107566]

Mr. Hain: Staff overseas are instructed not to send substantive replies to letters on official matters received directly form Members of Parliament but to refer such letters to the Department for answer by the appropriate Minister. There are no such instructions in relation to correspondence with members of the public.

Southern Sudan

Mr. Rowe: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received concerning the use of child soldiers in southern Sudan. [107601]

Mr. Hain: We have received many reports of the use of child soldiers in the ongoing conflict in southern Sudan. The EU sponsored resolution on the Sudan at last year's Commission on Human Rights urges all parties to the conflict not to use children as soldiers. This is a message we repeat regularly.

Mr. Rowe: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received concerning the attack on the relief workers of Norwegian Church Aid, Africa Inolanol Church and the Sudanese Episcopal churches in southern Sudan. [107602]

Mr. Hain: I understand that on the morning of 14 January, a Norwegian Church Aid mission looking at displacement and food shortages near Parajok, Eastern Equatoria, was attacked. Two Norwegian Church Aid, one African Inland Church, two Episcopal Church and three Sudan Relief and Rehabilitation Association workers were killed; three others survived.

Iraq

Mr. Wigley: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the UNICEF estimate of the number of children who have died in Iraq during the period for which sanctions have been imposed; and if he will make a statement. [107591]

Mr. Hain: We are very concerned about UNICEF's preliminary report into Child and Maternal Mortality in Iraq and continue to support efforts to target the humanitarian effort there towards the most vulnerable. We are discussing with UNICEF how they propose to adjust their programme in Iraq in light of the survey and are considering opportunities for working with them.

Meanwhile, the comprehensive resolution on Iraq, SCR 1284, which was drafted and piloted through the Security Council by the UK, includes a raft of measures providing for a bigger and better "oil for food" programme. It also calls on the Government of Iraq at last to prioritise its spending under "oil for food" more effectively and address the needs of vulnerable groups.

In this respect we oppose the present plan prepared by Iraq which allocates just $10 million out of an available sum of $3.5 billion to targeted feeding programmes for malnourished children.

If the Iraqi Government had chosen to prioritise genuinely the humanitarian assistance which has been made availabie since the implementation of UNSCR 986 in 1996, the suffering of the Iraqi people would have been hugely reduced.

Mr. Robathan: To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance he has given to INDICT. [108038]

Mr. Hain: We continue to support the INDICT campaign. I made this clear when I spoke at an INDICT function in the margins of last year's Labour party conference. FCO officials remain in regular contact with INDICT representatives, offering advice and support as appropriate.

Egypt

Mrs. Spelman: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received regarding the findings of the Egyptian Government's inquiry into the recent killings in the village of Al-Kosheh. [107984]

Mr. Hain: The Egyptian authorities have pledged to carry out a thorough investigation in to the recent events in and around Al-Kosheh and that investigation is ongoing. Our Embassy in Cairo has been following events and has discussed them with the Egyptian authorities.

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Egyptian Government regarding the security of the Christian community following the recent killings in the village of Al-Kosheh. [107656]

Mr. Hain: We were concerned to hear of reports of violence in early January in and around Al-Kosheh. Our embassy in Cairo has been following the events and has discussed them with the Egyptian authorities. The Egyptian authorities have pledged to carry out a thorough investigation. That investigation continues.

NORTHERN IRELAND

Departmental Fees

Mr. Matthew Taylor: To ask the Secretary of State for Northern Ireland if he will list the fees his Department, its agencies and associated public bodies collect; how much has been raised or it is anticipated will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [105996]

Mr. Ingram: Police Division collect two types of fees, one for registration of premises in which explosives are kept and secondly for licences to purchase, possess or use display fireworks. Fireworks licences were introduced in 1996–97.

Police Division treat these receipts as negative public expenditure offsetting them against relevant expenditure. The table shows the actual amount collected and the estimated amounts from 1989–2002 in respect of both fees. Estimates beyond 2002 are not available as the NIO, in line with other Government Departments, do not estimate beyond this period.

£

	Registered premises	*Firework displays*
2001–02	[1]-6,000	[1]-4,000
2000–01	[1]-6,000	[1]-4,000
1999–2000	[1]-7,000	[1]-6,000
1998–99	-6,253	-4,595
1997–98	-5,891	-4,768
1996–97	-4,881	-4,302
1995–96	-1,377	n/a
1994–95	-1,276	n/a

£

	Registered premises	Firework displays
1993–94	–1,186	n/a
1992–93	–1,031	n/a
1991–92	–1,211	n/a
1990–91	–1,281	n/a
1989–90	–1,136	n/a

[1] Estimate

The Royal Ulster Constabulary charges fees in respect of firearm certificates and these are treated as negative public expenditure.

The table shows moneys collected and estimated amounts for the period covering 1989–2002.

£

	Firearm certificates
2001–02	[1]-900,000
2000–01	[1]-900,000
1999–2000	[1]-967,000
1998–99	–816,000
1997–98	–888,000
1996–97	–1,087,000
1995–96	–806,000
1994–95	–848,000
1993–94	–1,149,000
1992–93	–752,000
1991–92	–845,000
1990–91	–1,218,000
1989–90	–731,100

[1] Estimate

Gardening Leave

Mr. MacKay: To ask the Secretary of State for Northern Ireland how many officials in his Department are on gardening leave. [107961]

Mr. Mandelson *[holding answer 1 February 2000]:* No officials in my Department are on gardening leave.

Decommissioning Commission

Mr. McWalter: To ask the Secretary of State for Northern Ireland if he will deposit in the Library a copy of the International Decommissioning Commission's report. [108470]

Mr. Mandelson: I anticipate placing a copy of this report in the Library before the end of the week.

HEALTH

Beta Interferon

Mr. Love: To ask the Secretary of State for Health what was the take up rate of beta interferon for multiple sclerosis sufferers in each of the health authorities in Greater London in each of the last three years. [105425]

Ms Stuart: The information requested is not available.

We have asked the National Institute for Clinical Excellence (NICE) to conduct an appraisal of beta interferon as part of its first work programme, and we expect to have authoritative guidance by the summer. Meantime, health authorities should have policies in place which provide for individual cases to be considered on their merits in the light of the evidence available on different forms of treatment.

Mr. Love: To ask the Secretary of State for Health what is the Department of Health's guidance on the number of expert assessments that need to be carried out before a multiple sclerosis patient can be prescribed with beta interferon; and if he will make a statement. [105426]

Ms Stuart: Guidance issued by the Department in 1995, EL(95)97, advises that patients who apparently fulfil the indications for treatment should be referred to a neurologist for a decision on whether treatment is indicated. A number of laboratory tests are also recommended prior to initiating, and during, therapy. The guidance advises that patients receiving beta interferon treatment should be reviewed by the neurologist at a frequency appropriate to the individual patient's condition, and treatment stopped if for example there are unacceptable side effects.

We have asked the National Institute for Clinical Excellence (NICE) to conduct an authoritative appraisal of beta-interferon as part of its first appraisal programme. NICE is expected to report in the summer.

Mr. Love: To ask the Secretary of State for Health what was the average cost of a course of treatment of beta interferon for a patient with relapsing remitting multiple sclerosis in the last 12 months; and if he will make a statement. [105427]

Ms Stuart: The cost of a one-year course of beta interferon treatment is around £10,000.

Consultants (Suspensions and Dismissals)

Mr. Chope: To ask the Secretary of State for Health how many NHS consultants in England are suspended on full pay; and how many have been so suspended for more than *(a)* three months, *(b)* six months and *(c)* nine months. [106537]

Mr. Denham: Figures are held centrally only on suspensions lasting longer than six months. As at 31 December 1999, the latest date for which figures are available, there were two consultants suspended for more than six months and 16 for more than nine months. Information is not collected on suspensions lasting less than six months.

Caesarian Births

Helen Jones: To ask the Secretary of State for Health if he will list *(a)* the number of births by caesarian section and *(b)* the percentage of births this figure represents in the North West Region for each of the past five years. [107141]

Yvette Cooper *[holding answer 27 January 2000]:* Based on the information available to the Department, the estimated figures for the five years 1993–94 to 1997–98, the most current period available, are in the table.

Estimated number of caesarean sections in England

Year	Caesarean delivery percentage	Number of caesareans
1993–94	15	93,000
1994–95	16	93,500
1995–96	16	95,000

Estimated number of caesarean sections in England

Year	Caesarean delivery percentage	Number of caesareans
1996–97	17	98,700
1997–98	17	103,000

Estimated number of caesarean sections in North West Region

Year	Caesarean delivery percentage	Number of caesareans
1993–94	15	11,700
1994–95	15	12,400
1995–96	15	12.000
1996–97	16	13,100
1997–98	16	12,500

Post-natal Depression

Helen Jones: To ask the Secretary of State for Health how many NHS trusts routinely use the Edinburgh Postnatal Depression Scale at post-natal examinations; and what advice his Department has given on the use of this scale. [107142]

Yvette Cooper *[holding answer 27 January 2000]:* The information requested is not available centrally. The Department has not issued advice specifically on the Edinburgh Postnatal Depression Scale.

We recognise the role of health visitors and midwives in assessing and supporting mothers with post-natal depression. The National Service Framework for mental health, published in September 1999, includes evidence on effective ways of reducing the risks of post-natal depression and sets a target for all health authorities to have protocols agreed and implemented between primary care and specialist services for management of depression and post-natal depression by April 2001.

Funding (Cumbria)

Mr. Maclean: To ask the Secretary of State for Health what *(a)* cash and *(b)* percentage increase in health funding for (i) North Cumbria Health Authority and (ii) Cumbria Ambulance Service he proposes for 2000–01. [107527]

Mr. Denham: The 2000–01 allocation for North Cumbria health authority is £213.66 million. This represents a cash increase of £13.82 million (6.92 per cent.).

National Health Service trusts receive most of their income from the service agreements they hold with other NHS bodies.

Crohn's Disease

Mr. Martlew: To ask the Secretary of State for Health what evidence he has evaluated on the alleged connection between Crohn's disease and the drinking of unpasteurised milk. [107356]

Mr. Denham: We are not aware of any specific evidence on the alleged connection between Crohn's disease and the consumption of unpasteurised milk. The Department has examined the alleged link between Crohn's disease and mico para tuberculosis, which can occur in milk.

The Advisory Committee on Dangerous Pathogens considered the evidence for and against such a link in 1992 and 1998. In reviewing the more recent evidence in 1998 the Committee concluded that there was not sufficient evidence to revise its earlier opinion that a link was not proven.

Capital Prioritisation

Mr. Norman: To ask the Secretary of State for Health when the review of the Capital Prioritisation Process began; who is undertaking the review; and when the Minister will consider its conclusions. [107416]

Mr. Denham: Officials have been asked to consider the process for prioritising future major capital investment schemes and review whether the current capital prioritisation process properly meets the requirements of Ministers. No external bodies are involved in this process. Ministers will make an announcement in due course.

Royal Marsden and Christie Hospitals

Mr. Brady: To ask the Secretary of State for Health if he will give the amount of non-capital funding in 1998–99 for *(a)* the Christie Hospital and *(b)* the Royal Marsden which was derived from *(a)* his Department, *(b)* charitable donations, *(c)* endowments and *(d)* other sources. [107376]

Mr. Denham *[holding answer 28 January 2000]:* The information requested is in the table:

£ million

	Christie Hospital	Royal Marsden
Departmental	38.4	53.1
Charitable including endowments	12.4	0.919
Other sources	6.6	20.1

It should be noted that as cancer service providers both of these hospitals are not directly comparable due to a number of factors which are unique to the Royal Marsden Hospital. These include the population served, level of complex surgery performed, a different case mix, higher building and capital costs as well as higher staffing costs as a result of London weighting.

NHS Expenditure

Mr. Webb: To ask the Secretary of State for Health if he will set out total expenditure on the NHS *(a)* at 1999–2000 prices and *(b)* as a proportion of natural income for each financial year since 1978–79 and for the remainder of the period covered by the Comprehensive Spending Review; and if he will provide a breakdown between (i) current and (ii) capital expenditure. [107661]

Mr. Denham: The table shows for England, (a) gross National Health Service expenditure, (b) gross current NHS expenditure, (c) gross capital NHS expenditure. It is not possible to provide England NHS expenditure as a percentage of Gross Domestic Product (GDP) as GDP relates to the United Kingdom as a whole rather than England. Column (d) therefore provides Gross UK NHS expenditure as percentage of GDP.

	(a) England total gross [1] NHS expenditure in 1999–2000 prices [2] (£ million)	(b) England total gross NHS current expenditure in 1999–2000 prices (£ million)	(c) England total gross NHS capital expenditure in 1999–2000 prices (£ million)	(d) UK total gross NHS expenditure as a percentage of GDP
1978–79	21,589	20,229	1,360	4.7
1979–80	21,971	20,662	1,309	4.7
1980–81	24,206	22,704	1,502	5.3
1981–82	24,789	23,130	1,659	5.4
1982–83	25,278	23,661	1,617	5.4
1983–84	25,647	24,030	1,617	5.3
1984–85	26,202	24,481	1,721	5.3
1985–86	26,317	24,529	1,788	5.1
1986–87	27,444	25,580	1,864	5.1
1987–88	28,667	26,833	1,835	5.1
1988–89	29,852	27,994	1,858	5.1
1989–90	30,012	27,947	2,065	5.0
1990–91	31,153	29,041	2,113	5.2
1991–92	33,217	31,118	2,100	5.6
1992–93	35,258	33,015	2,242	5.9
1993–94	36,335	34,222	2,113	5.9
1994–95	37,919	35,529	2,390	5.9
1995–96	38,580	36,318	2,261	5.9
1996–97	38,786	36,904	1,882	5.7
1997–98	39,904	38,256	1,647	5.7
1998–99	40,780	39,439	1,342	5.7
1999–2000	43,049	41,187	1,762	5.9
2000–01	44,619	42,370	2,054	6.0
2001–02	46,189	43,639	2,264	6.0

[1] Gross NHS expenditure is Net or Government expenditure (ie that financed by the exchequer) plus income from receipts and charges.
[2] Adjusted by 22 December 1999 GDP deflator.
Note:
Figures may not be wholly consistent over the period due to classification changes.

Asylum Seekers

Mr. Waterson: To ask the Secretary of State for Health what extra resources he is making available to meet the demands on the NHS made by asylum seekers and refugees. [107603]

Mr. Hutton: Primary care groups are responsible for planning and commissioning health care for all their population including any asylum seekers that are allocated to their areas. Funding for primary care takes account of visitors from overseas, including asylum seekers and refugees.

Mr. Waterson: To ask the Secretary of State for Health how many asylum seekers and refugees have presented themselves to *(a)* general practitioners, *(b)* district general hospitals and *(c)* other NHS services in Eastbourne in the last 12 months. [107615]

Mr. Hutton: Between November 1998 and December 1999, 213 asylum seekers and refugees registered with general practitioners in Eastbourne Downs Primary Care Group, the primary care group covering the Eastbourne area.

Information regarding the number of asylum seekers and refugees presenting to district general hospitals and other National Health Service services in Eastbourne is not collected.

Biomedical Scientists

Mr. Soames: To ask the Secretary of State for Health if he will list by region his Department's establishment for biomedical scientists. [107608]

Mr. Denham: The Department does not employ Biomedical Scientists working in the National Health Service. Their contracts are held by individual NHS trusts, special health authorities and other statutory authorities.

The available information is shown in the table. Biomedical scientists are included in the table but cannot be separately identified.

NHS Hospital and Community Health Services (HCHS): all pathology scientists by region, in England as at 30 September 1998

	Whole-time equivalent	Numbers (headcount)
Northern and Yorkshire	190	200
Trent	110	120
Anglia and Oxford	90	100
North Thames	260	280
South Thames	170	180
South West	130	140
West Midlands	110	110
North and West	200	220
Other	240	250
England Total	1,510	1,600

Notes:
1. "Other" includes staff employed by SHAs, OSAs and other centrally based services.
2. Figures are rounded to the nearest 10.
3. Due to rounding totals may not equal the sum of component parts.
4. "Pathology scientists" includes Immunologists, Clinical Cytogenetics, Chemical Pathologists, Haematologist etc.
5. Biomedical scientists are included in the totals but cannot be identified separately.
Source:
Department of Health Non-Medical Workforce Census.

Hearing Aids

Mrs. Spelman: To ask the Secretary of State for Health (1) where the pilot schemes for digital hearing aids will be located; and how individuals who wish to take part in the pilots may do so; [107985]

(2) what are the criteria used for the selection of sites for his Department's new digital hearing aid pilot; [107987]

(3) how many pilot schemes with end dates for hearing aids his Department has created in each of the last three years; what the end dates were; and if the pilot schemes have been rolled out by their end dates. [107988]

Mr. Hutton: The pilot scheme to trail digital hearing aids which we announced recently is a new scheme; there have not been any earlier pilots of a similar nature funded by the Department.

The criteria for the scheme are currently being finalised. We will be writing to National Health Service trusts and health authorities shortly to seek applications from hearing aid departments to participate in the scheme. Details of the participating sites, when agreed, will be publicised.

Leishmaniasis

Mr. Dalyell: To ask the Secretary of State for Health if he will make a statement on the provision within the NHS for treating leishmaniasis. [106208]

Yvette Cooper *[holding answer 1 February 2000]:* Services for the diagnosis and treatment of leishmaniasis, as for other imported infections, are provided by and through the patient's general practitioner. If the patient has a mild form of the disease, this would be managed by the GP. If, however, the patient has a more severe form of the disease, the GP would refer the patient to a hospital specialist. Consultants in dermatology, infectious diseases or tropical diseases would be appropriate, depending on the clinical presentation and local circumstances.

Research Contracts

Dr. Harris: To ask the Secretary of State for Health, pursuant to his answer of 8 December 1999, *Official Report*, column 465W, on departmental research contracts, if he will *(a)* state total expenditure on research let by his Department since May 1997 and *(b)* list the titles of all research contracts let by his Department during 1999 and costing £20,000 or more, stating what is the value of each contract, and in each case whether the contract included (i) departmental veto over publication of the research results, (ii) departmental control over the date of publication of the research and (iii) a requirement that the final research results incorporate departmental amendments. [107095]

Yvette Cooper *[holding answer 1 February 2000]:* Since 1997 the total expenditure on research contracts let by the Department through departmental and National Health Service research and development budgets is as follows:

Policy Research Programme expenditure:

1997–98: £26.2 million

1998–99: £27.3 million

NHS research and development programme expenditure on directly commissioned projects:

1997–98: £75,847,000

1998–99: £73,437,000

NHS research and development programme expenditure on allocations to NHS providers:

1997–98: £350,019,000

1998–99: £350,959,000.

Information about individual research contracts is collectable only at disproportionate cost.

Details of medical and related research funded or supported by the Department can be found in the National Research Register. This is available in the Library and in most medical libraries on CD Rom, and on the internet: *http://www.doh.gov.uk/nrr.htm.*

Copies of model contracts for the Department's Policy Research Programme and the NHS research and development programme are in the Library.

Health Insurance

Mr. MacShane: To ask the Secretary of State for Health what assessment he has made of the percentage of total labour costs of firms in *(a)* the automobile sector and *(b)* the insurance sector attributable to providing health insurance cover for their employees, in (i) the United States, (ii) Canada, (iii) France and (iv) Germany. [107802]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Denis MacShane, dated 2 February 2000:

As the Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question regarding the percentage of total labour costs attributable to providing health insurance cover for various countries.

The information you requested is not available from the ONS. The Statistical Office of the European Communities publishes data for Germany and France, although it should be noted that the latest available data relate to 1992. Information for the United States and Canada can be obtained from the US Bureau of Labour Statistics and Statistics Canada respectively.

HOUSE OF COMMONS

Appointments Commission

Mr. Gordon Prentice: To ask the President of the Council what consideration underlay the decision to appoint Pricewaterhouse to headhunt for possible members of the Appointments Commission; and if she will make a statement. [107350]

Mrs. Beckett: The Government decided to use recruitment consultants to assist in the process of identifying candidates for the House of Lords Appointments Commission in order to ensure that the widest possible field of candidates was considered, and to benefit from their professional expertise in managing the process. PricewaterhouseCoopers executive search and selection were appointed after four firms were invited to tender for the project. The whole process is being done under the principles of the Commissioner

for Public Accounts, and will also include public advertisements. The actual appointments will be made by a selection panel.

TREASURY

Unemployment (City of Durham)

Mr. Steinberg: To ask the Chancellor of the Exchequer how many unemployed *(a)* male and *(b)* female 16 to 24-year-olds in the City of Durham (i) had never been employed and (ii) had been unemployed for more than a year, in each of the last five years; and what were the highest levels of unemployment recorded in Durham in each of the last five years for *(a)* 16 to 24 year olds and *(b)* those aged 25 years. [108012]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Gerry Steinberg, dated 2 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your recent parliamentary question on unemployed people in Durham.

The Labour Force Survey (LFS) is in the ONS's main source of labour market data on individuals. The measure of unemployment derived from the LFS is defined on a consistent and internationally recognised basis set out by the International Labour Organisation (ILO). The LFS can provide information on people aged 16 to 24 who have never been employed and people aged 16 to 24 who have been unemployed for more than a year. However, no LFS data on people who have never been employed and the length of ILO unemployment are available below county level.

As with any sample survey, Labour Force Survey estimates are subject to sampling variability. The smaller the estimate, the larger the variability relative to the size of the estimate and even for Durham county such analyses will not provide reliable estimates.

The ONS also publishes figures on the number of people who are claiming Jobseeker's Allowance or National Insurance Credits. This is published monthly and is known as the claimant count.

Detailed information for the City of Durham constituency on claimant count levels and monthly analyses of computerised claims by specific age and duration bands can be obtained from the Nomis database at the House of Commons Library. The claimant count has been on a downward trend in each of the last five years in the City of Durham constituency. The highest point during this period was in January 1996.

LINK

Ms Drown: To ask the Chancellor of the Exchequer (1) if he will make representations to the LINK board meeting on 29 February, regarding access to financial services; [107730]

(2) what assessment he has made of the impact that LINK ATM surcharging will have on access to financial services for people on low incomes. [107729]

Miss Melanie Johnson: It is for banks in the first instance to resolve how they charge their customers for the use of ATM machines in a competitive environment. My right hon. Friend the Chancellor of the Exchequer has commissioned a review of banking competition under Don Cruickshank. When it reports the Government will consider carefully whether any action is required.

Credit Ratings

Mr. Pickles: To ask the Chancellor of the Exchequer if the credit rating of companies seeking to tender for services provided by his Department is checked before the contract is awarded. [107741]

Mr. Andrew Smith: Treasury decisions on an individual bidding company's financial standing take account of latest available audited and interim accounts and any other relevant published information including credit and debt rating. These checks are undertaken on contracts where early termination would place a financial and operational risk on the Department.

Mr. Pickles: To ask the Chancellor of the Exchequer how often the credit rating of companies supplying services to his Department is checked. [107749]

Mr. Andrew Smith: During the period of the contract, the Treasury will carry out checks of this nature only if it has reason to believe that any of its contractors may be in financial trouble.

Debt Reduction

Mr. Cox: To ask the Chancellor of the Exchequer if he will list those countries with whom he has recently discussed help from the United Kingdom as to the possible reduction of their debt burden. [108017]

Miss Melanie Johnson: The Chancellor of the Exchequer and Secretary of State for International Development announced on 21 December 1999 that the UK will be providing 100 per cent. relief on the debts of all the Heavily Indebted Poor Countries, once the country qualifies for relief under the HIPC initiative. No extra conditions will apply.

Uganda will be one of the first countries that will benefit from the extra relief to be provided by the UK. In a meeting with the Chancellor and Secretary of State for International Development just before Christmas, the Ugandan Treasury Secretary told them that the extra money will go towards meeting his country's commitment to universal primary education and towards lowering the pupil:teacher ratio in schools from today's level of 100:1 to 50:1 in 2003.

Climate Change Levy

Mr. Sheerman: To ask the Chancellor of the Exchequer what help is he able to offer those industries that are intensive energy users but are presently outside the eligibility criteria to enter into a negotiated agreement under the climate change levy. [107937]

Mr. Timms: Those sectors outside the scope of the negotiated agreements stand to benefit from a number of modifications to the design of the climate change levy announced by the Chancellor in the Pre-Budget Report, including the lower overall rates of the levy; the exemptions for electricity generated from 'new' forms of renewable energy and in 'good quality' combined heat and power plants; and the trebling of support for energy efficiency measures under the levy package.

Tobacco Revenues

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if spending on the NHS during the period of

the second Comprehensive Spending Review, excluding any increases in spending that result from real terms increases in revenues from tobacco, will not be cut in real terms. [107983]

Mr. Andrew Smith: Decisions on expenditure plans for 2001–02 to 2003–04 will be taken in due course as part of the current spending review. The Government are however committed to increase NHS spending in real terms, year on year.

Reserves

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer (1) what the profits were from the Bank of England's investment of the reserves net of management charges for the last five years; [106799]

(2) what the cost was of holding the Government's foreign currency reserves in the last five years. [106798]

Miss Melanie Johnson: The 1997–98 accounts of the Exchange Equalisation Account, the account at the Bank of England which holds the United Kingdom's foreign currency and gold reserves, were published on 26 January. These accounts were the first ever accounts of the Exchange Equalisation Account to be published. The accounts for 1998–99 will be published once the National Audit Office has completed its audit.

The Treasury has a PSA target to:

"minimise the cost of holding the Government's foreign currency reserves, while reducing risk".

A report on performance against this target will be published in the Treasury's Departmental Report to be published later this year.

IT Staff Salaries

Mr. McWalter: To ask the Chancellor of the Exchequer what assessment he has made of the effect of the differentials between the salaries of IT staff in the *(a)* public sector and *(b)* private sector on the efficiency of public sector IT procurement. [106585]

Mr. Andrew Smith: This is one of a range of issues currently being examined by the Cabinet Office's review of major IT projects. We are also taking careful account of it in setting up the Office of Government Commerce.

Tax Credits

Mr. Webb: To ask the Chancellor of the Exchequer if he will estimate the number of *(a)* families with dependent children, *(b)* non-pensioner couples with no children, *(c)* non-pensioner single people, *(d)* pensioner couples and *(e)* single pensioners who have gross annual income of less than £10,000 and who (i) pay tax and (ii) do not pay tax, if receipts of tax credits are treated as negative taxation. [103551]

Dawn Primarolo: Treating the Working Families Tax Credit as negative taxation impacts only upon category *(a)*: families with dependent children. It is estimated that in 2000–01 there will be 270,000 families with dependent children with gross annual income of less than £10,000 that include a taxpayer. Of those families about 200,000 will receive Working Families Tax Credit that exceeds the total tax liability of the family. For 2000–01 the numbers affected in the other categories, and the numbers in receipt of other tax credits such as the Disabled Person's Tax Credit are too small, or the amounts involved are too small, for reliable estimates to be made.

Press Releases

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer how many press releases were issued by the Treasury in each year from 1995 to the present. [106802]

Dawn Primarolo: The number of Treasury press notices in each year from 1995 to the present is as follows:

	Number
1995	186
1996	187
1997	184
1998	244
1999	239
2000	[1]8

[1] To date

SOCIAL SECURITY

Nursing Home Residents (Income Support)

Mr. O'Hara: To ask the Secretary of State for Social Security if he will estimate how many residents of residential and nursing homes *(a)* in total, *(b)* aged 65 years or over and *(c)* aged under 65 years, who have preserved rights to income support, are being supported by local authorities. [104063]

Mr. Hutton: I have been asked to reply.

The information requested is not available centrally.

State Second Pension

Mr. Field: To ask the Secretary of State for Social Security what measure of average earnings will be used to update the lower earnings threshold for the state second pension. [107670]

Mr. Rooker: The Low Earnings Threshold will be revalued annually in line with increases in national average earnings, normally measured by the Average Earnings Index (All Employees) as published by the Office for National Statistics.

Invalid Care Allowance

Mr. Shaw: To ask the Secretary of State for Social Security what is the method used to calculate holiday entitlement for people in receipt of Invalid Care Allowance. [107653]

Mr. Bayley: We recognise the importance for carers of being able to take a break from their caring responsibilities. A carer in receipt of Invalid Care Allowance is therefore able to retain entitlement during short breaks not exceeding four weeks in any 26 without losing benefit.

The calculation of this entitlement involves the use of a rolling period of 26 weeks. Each week of the proposed break is assessed to see if it falls within a period of 26 weeks in which no more than four weeks' break will have occurred in total.

Neighbour Nuisance

Mr. Coaker: To ask the Secretary of State for Social Security what plans he has to use benefit sanctions to tackle the problem of neighbour nuisance. [107484]

Angela Eagle: We have made it clear that there is no unconditional right to benefits. Rights must be matched by responsibilities. We are looking at these issues across the board, but no announcements are imminent.

Pensioner Incomes

Dr. Lynne Jones: To ask the Secretary of State for Social Security what estimate he has made of the age at which the income of the two pensioners in examples 1 and 2 of page 122 of the "Opportunities for All" report will be less than the Minimum Income Guarantee; and what are his assumptions about increases in *(a)* the basic state pension, *(b)* the state second pension and *(c)* the Minimum Income Guarantee after 2051. [107373]

Mr. Rooker: The information is in the table.

The time taken and age at which each of the two illustrative examples detailed would fall onto the Minimum Income Guarantee (MIG).

	Example 1	*Example 2*
Time taken to fall onto the MIG following retirement (years)	9	12
Age when example falls onto the MIG	74	77

Note:
These results have been estimated assuming:
State second pension starts in 2002 and is uprated in line with prices once in payment;
Basic state pension is uprated in line with prices;
Minimum Income Guarantee is uprated in line with earnings from 1999 onwards;
Earnings are assumed to grow 1.5 per cent. faster than prices in line with GAD projections;
A person who works for a full working life begins work at age 16, works for 49 years and retires at age 65.

LORD CHANCELLOR'S DEPARTMENT

Barristers (Northern Ireland)

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department what words form the declaration required as a condition of appointment to the Senior Bar in Northern Ireland; and what is his assessment of the compatibility of this requirement with *(a)* the Fair Employment Act, *(b)* the Good Friday Agreement and *(c)* UN Basic Principles on the Role of Lawyers. [107826]

Mr. Lock: Those called as Queen's Counsel in Northern Ireland are required to make the same declaration as is required of Queen's Counsel in England and Wales:

"I, N., do sincerely promise and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second and all whom I may lawfully be called upon to serve in the office of one of Her Majesty's Counsel learned in the Law according to the best of my skill and understanding."

The second part of the question relates to a matter currently before the High Court in Northern Ireland, and it would therefore be inappropriate to comment at this stage.

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department how many individuals have been called to the Bar in Northern Ireland in each of the past 10 years; and what was the perceived community affiliation of the intake in each year. [107824]

Mr. Lock: I understand from the Inn of Court of Northern Ireland that the numbers of individuals called to the Bar of Northern Ireland were:

Year	*Term*	*Number called*	*Total*
1989	Hilary	4	—
	Trinity	6	—
	Michaelmas	24	34
1990	Trinity	7	—
	Michaelmas	26	33
1991	Trinity	9	—
	Michaelmas	22	31
1992	Hilary	2	—
	Trinity	1	—
	Michaelmas	22	25
1993	Hilary	3	—
	Trinity	7	—
	Michaelmas	23	33
1994	Hilary	1	—
	Trinity	2	—
	Michaelmas	36	39
1995	Trinity	4	—
	Michaelmas	21	25
1996	Hilary	7	—
	Trinity	6	—
	Michaelmas	33	46
1997	Hilary	7	—
	Trinity	3	—
	Michaelmas	43	53
1998	Hilary	14	—
	Michaelmas	36	50
1999	Hilary	13	—
	Michaelmas	43	56

Information on the perceived community backgrounds is irrelevant and is not collected.

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the dates of correspondence exchanged since January 1997 with the Northern Ireland Lord Chief Justice concerning appointments to the Senior Bar; and if he will place copies of correspondence in the Library. [107825]

Mr. Lock: This relates to a matter currently before the High Court in Northern Ireland and it would therefore be inappropriate to comment or to provide copies as sought at this stage.

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will set out the procedures for nomination, selection and appointment of the Senior Bar in Northern Ireland; how many appointments have been made in each of the last 10 years; and what was the perceived community affiliation of the intake in each year. [107823]

Mr. Lock: The process of appointing Queen's Counsel relates to a matter currently before the High Court in Northern Ireland and it would therefore be inappropriate to comment. The nomination and selection process is one of open application, the applications received being considered alongside the views of consultees who comprise judges, the Northern Ireland Bar and Law Society of Northern Ireland. Selections are made on merit.

The number of Queen's Counsel appointed in Northern Ireland in the last 10 years are:

Year	Number
1989	8
1990	—
1991	—
1992	—
1993	10
1994	—
1995	—
1996	13
1997	—
1998	—
1999	10

The call of members of other Inner Bars and calls Honoris Causa are not included.Information on the perceived community background of appointees is irrelevant and is not collected.

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department what consultation procedures were adopted following publication of the Elliott report in May 1997; what responses were made; and what conclusion he reached. [107827]

Mr. Lock: This relates to a matter currently before the High Court in Northern Ireland and it would therefore be inappropriate to comment at this stage.

Community Legal Service

Angela Smith: To ask the Parliamentary Secretary, Lord Chancellor's Department when the Lord Chancellor intends to publish directions to the Legal Services Commission setting priorities for funding in respect of the Community Legal Service. [108671]

Mr. Lock: My noble and learned Friend the Lord Chancellor wrote yesterday to Peter Birch CBE, Chairman-Designate of the Legal Services Commission, enclosing three directions about priorities for funding, the scope of the Community Legal Services Fund and particular budgets within the Fund. Copies of these directions have been placed in the Libraries of both Houses.

AGRICULTURE, FISHERIES AND FOOD

Agriculture Development Scheme

Dr. Naysmith: To ask the Minister of Agriculture, Fisheries and Food what grants have been offered under the Agriculture Development Scheme. [108570]

Mr. Nick Brown: I am pleased that offers of some £2 million in marketing grants have been made under the Agriculture Development Scheme. Around 35 per cent. of the money will benefit the pig sector directly and some of the other projects directed at the livestock sector will also help pig producers. Overall, we are assisting a wide range of sectors and regions. The following organisations have been offered grant aid.

Sector	Lead organisation	Project
Pigs	Assured British meat	National assurance database information and administration system (pigs module)
Pigs	Assured British Meat	ABM Assured British Pigs Scheme data merger
Pigs	BOCM Pauls Ltd.	Maximising pig carcase value
Pigs/organic	Eastbrook Farm Organic Meats Ltd.	Growing the organic pigmeat market from a UK production base
Pigs	Food Trak plc	Traceability in the pigmeat supply chain
Pigs	JSR Farms Ltd.	Integrated pigmeat supply initiative
Pigs	Ladies In Pigs	A catering college's initiative to secure the future for British pigmeat in catering
Pigs	Meat and Livestock Commission	Project 2: improving supply chain communications
Pigs	National Pig Association	A risk management initiative for UK pig industry
Pigs	United Pig Marketing	A shared IT and information system for UPM and its supply chain partners
Pigs	University of Aberdeen	A training package for the British pig industry using multi-media technology
Beef	Glendale Beef Producers	Glendale Beef Producers' initiative
Beef/dairy	Warwickshire Quality Calves	Improving the value of beef calves from the dairy herd
Dairy	National Milk Records plc	Proposal for a south west dairy information network
Dairy/organic	Organic Milk Suppliers Co-operative	Design and initial implementation of a novel technology transfer and quality management system on organic dairy farms
Dairy/speciality	Business Link Bradford and District	Feasibility study into potential for a yoghurt production facility in the Asian community
Eggs	British Free Range Egg Producers Association	British Free Range Egg Marketing Company Ltd.
Sheep	British Sheep Dairying Association	Implementation of structural development of the sheep dairy sector
Sheep/speciality	Business Link Bradford and District	New routes to new markets—investigation into ways of making better use of sheepmeat products to the benefit of producers
Wild boar	The British Wild Boar Association	To improve collaborative marketing activity between primary and secondary producers of British farmed wild boar
Livestock general	Assured British Meat	Multiple retail caterers—food safety assurance module
Livestock general	Assured British Meat	Assurance chain—focus farms
Livestock general/regional/speciality	Assured British Meat	Assurance and food heritage
Livestock general	Farmway Ltd.	Marketing co-operatively produced branded pork, beef and lamb through 'Farmway' co-operative stores: a feasibility study
Livestock general	Harper Adams University College	Building regional enterprise and agricultural competitiveness through IT (Breakthrough-IT)
Livestock general	Meadow Valley Livestock Ltd.	Improving farmers' efficiency and returns by directing them to market led, added value marketing schemes
Livestock general	South East Primestock Producers (SEPP) Ltd.	A plan for regional growth and farmer
Livestock general/organic/speciality	Humane Slaughter Association	Mobile slaughter unit 2000
Nursery stock	Horticultural Trades Association	A project to influence structural change in the landscape supply chain to build value in the soft landscape market

Sector	Lead organisation	Project
Nursery stock	Horticultural Trades Association	A project to extend the HTA nursery certification scheme to include the inspection and supply of local provenance
Nursery stock	Horticultural Trades Association	A project to develop a greater understanding of the supply chain within the nurserystock sector
Onions	British Onion Producers Organisation	Sector analysis of the onion market
Potatoes	Hereward Growers	Collaborative marketing initiative
Soft fruit	Advanced Marketing Services Ltd.	Soft fruit development for category management
Soft fruit	The Berryworld Producers' Organisation Ltd.	Development of an integrated traceability system for the soft fruit industry
Tomatoes	Tomato Growers Association	Investigation into the development of an integrated quality management system for the British tomato industry
Top fruit	Fruition Group Ltd.	Rationalisation: the basis of a full category player
Horticulture general	Checkmate International	Benchmarking services for the EUREP GAP framework
Horticulture general	Institute of Grocery Distribution	Benchmarking the industry
Combinable crops	Samuel Rose Ltd.	Promoting vertical integration through farmer collaboration in agricultural supply chains
Combinable crops	United Grain Producers	"The Marlborough Group" (working together to improve farm incomes)
Farmers' markets	National Association of Farmers Markets	Together to market
Direct selling	Farm Retail Association	Red and green box scheme feasibility study
Viticulture	The Magpie Consultancy	Formation of a collaborative marketing company owned by producers and devoted to the marketing development of the wines and vineyards of England
Trout	Longford Estate	Co-ordinated approach to trout marketing
General	Plunkett Foundation	Increasing competitiveness in the farmer controlled business sector through the use of best practice benchmarking
General	Lantra	Increasing the competitiveness of the land based sector

CABINET OFFICE

Anti-drugs Co-ordinator

7. **Mr. Chope:** To ask the Minister for the Cabinet Office when she last met the anti-drugs co-ordinator. [106591]

8. **Mr. Campbell-Savours:** To ask the Minister for the Cabinet Office what recent discussions she has had with the anti-drugs co-ordinator on the incidence of drugs use. [106593]

Marjorie Mowlam: I hold regular meetings with the Anti-Drugs Co-ordinator to discuss all aspects of the Government's anti-drug strategy.

Investors in People

10. **Mrs. McKenna:** To ask the Minister for the Cabinet Office what progress has been made in achieving Government targets on securing Investors in People status for all Government Departments. [106596]

Mr. Ian McCartney: 88 per cent. of civil servants now work in organisations that are recognised as Investors in People. This is a significant achievement and Departments and Agencies should be congratulated on their progress.

Cannabis

11. **Mr. Chaytor:** To ask the Minister for the Cabinet Office what assessment she has made of the advantages and disadvantages of establishing a royal commission on the law relating to cannabis. [106598]

Mr. Ian McCartney: Establishing such a Royal Commission would pre-suppose that some change in the law is necessary or desirable. That is not this Government's belief and we have no intention of legalising any controlled drug.

Social Exclusion Unit

12. **Mr. MacShane:** To ask the Minister for the Cabinet Office what progress is being made in implementing the Social Exclusion Unit's report on truancy. [106599]

Marjorie Mowlam: Good progress in implementing the Social Exclusion Unit's report is being made and as part of this process the Department for Education and Employment recently launched its strategy document "Tackling Truancy Together" for consultation. My hon. Friend the Minister of State for School Standards and I am monitoring progress both within DfEE, across Whitehall and beyond.

13. **Fiona Mactaggart:** To ask the Minister for the Cabinet Office if she will make a statement on the work of the Social Exclusion Unit. [106600]

Marjorie Mowlam: The Social Exclusion Unit was established in December 1997. Since then it has produced five reports and action plans on subjects as diverse as rough sleeping and teenage pregnancy.

The Prime Minister will announce a new work programme for the Unit in the summer of 2000, once its current project to develop a national strategy for neighbourhood renewal is completed.

18. **Ms Rosie Winterton:** To ask the Minister for the Cabinet Office if she will make a statement on the work of the Social Exclusion Unit. [106606]

Marjorie Mowlam: The Social Exclusion Unit was established in December 1997. Since then it has produced five reports and action plans on subjects as diverse as rough sleeping and teenage pregnancy.

The Prime Minister will announce a new work programme for the Unit in the summer of 2000, once its current project to develop a national strategy for neighbourhood renewal is completed.

Older People

14. **Shona McIsaac:** To ask the Minister for the Cabinet Office if she will make a statement on the Better Government for Older People initiative. [106601]

Mr. Ian McCartney: The Better Government for Older People programme is continuing to make good progress towards delivering the improved public services that older people deserve.

Those involved in its 28 pilot projects, which involve nearly 300 partner organisations, are making an invaluable contribution to this work. We have decided to extend the programme until December 2000 to make sure its lessons are widely learned across the public sector.

Drugs (Zero Tolerance)

15. **Dr. Tonge:** To ask the Minister for the Cabinet Office what assessment she has made of the progress in implementing the zero tolerance policy towards drugs. [106602]

Mr. Ian McCartney: The Government are making good progress towards the tough targets set out in its strategy document, "Tackling Drugs to build a better Britain".

Clearly there is much to do, but a great deal of work is already under way. My right hon. Friend the Home Secretary recently announced details of how £20 million has been allocated for the expansion of Arrest Referral Schemes designed to get drug misusers into treatment. This is in addition to the £217 million allocated to anti-drugs work as part of the last spending review.

Regulatory Impact Assessments

16. **Mrs. Curtis-Thomas:** To ask the Minister for the Cabinet Office if she will list the Bills for which a regulatory impact assessment has been made. [106604]

Mr. Stringer: I refer my hon. Friend to the twice-yearly Command Papers, titled "Regulatory Impact Assessments", which are placed in the Libraries of the House. A regulatory impact assessment must be carried out whenever proposed regulations will have significant costs for business, charities or voluntary organisations.

Statements

17. **Mr. Robathan:** To ask the Minister for the Cabinet Office pursuant to her oral statement of 18 January 2000, *Official Report*, column 759, on oral statements to the House, if she will make a statement on Government policy on giving information to the press before making statements to the House. [106605]

Mr. Stringer: As the Ministerial Code makes clear, when Parliament is in session, Ministers will want to bear in mind the desire of Parliament that the most important announcements of Government policy should be made, in the first instance, to Parliament.

GM Crops

19. **Mr. Luff:** To ask the Minister for the Cabinet Office what recent representations she has received from interested parties on the co-ordination of Government policies on genetic modification of agricultural crops; and if she will make a statement. [106607]

Marjorie Mowlam: A number of outside organisations have written to me seeking meetings, and I am in the process of meeting a number of them. These include environmental groups, consumer bodies and industry representatives.

Regulations

20. **Mr. Forth:** To ask the Minister for the Cabinet Office how many regulations have been introduced and how many abolished since 1 May 1997. [106608]

Mr. Stringer: It is the Government's policy to introduce regulation only when really necessary and to ensure that it imposes the minimum burden to achieve its objective. The Government also insists that a regulatory impact assessment is carried out whenever regulations are likely to have an impact on business, charities or voluntary organisations. The number of regulatory impact assessments is recorded in twice-yearly Command Papers which are placed in the Libraries of the House. Listing the absolute number of regulations made is meaningless. If one assumes that the term regulations means Statutory Instruments, the total would include all those with no impact on business, every deregulatory order, every routine air traffic and road closure order, as well as those that have lapsed and those laid in order to revoke existing Statutory Instruments.

Special Advisers

21. **Mr. Paterson:** To ask the Minister for the Cabinet Office if she will make a statement on the increase in the cost of special advisers since May 1997. [106609]

Mr. Stringer: The estimated cost of Special Advisers in 1999–2000 is £4.0 million. The increase in cost is the result of strengthening the centre to ensure a firm political focus and greater co-ordination in the work of this Administration.

Electronic Government Services

22. **Mr. Wyatt:** To ask the Minister for the Cabinet Office if she will publish the performance tables for each Department for the electronic delivery of Government services. [106610]

Mr. Ian McCartney: I refer my hon. Friend to my earlier reply of 17 January 2000, *Official Report*, column 276W. The Autumn 1999 monitoring report is available at the Central Information Technology Unit website at www.citu.gov.uk.

Civil Service Fast Stream

23. **Mr. Healey:** To ask the Minister for the Cabinet Office if she will make a statement on the fast stream development programme for civil servants. [106611]

Mr. Stringer: The fast stream development programme is an annual scheme to recruit high calibre graduates into the Civil Service. In line with the Modernising Government agenda, it aims to recruit candidates who are the most able and who reflect the full diversity of our society. The fast stream selection process will come under direct Civil Service management from December 2001.

Candidates are selected by a combination of tests, assessment centre and interview. The programme offers a training and development package leading to early promotion.

The scheme will play an important role in helping to fulfil parts of the "Modernising Government" agenda which lays down key steps for the development of a Civil Service for the 21st Century. Work is continuing to ensure that fast stream entrants reflect the full diversity of society and the scheme is reviewing and developing its recruitment criteria to reflect current and future needs. This will ensure that the most able people meet the Civil Service's need for leadership, management and service delivery as well as traditional policy skills.

The Civil Service fast stream development programme is going through further changes. The former Secretary of State for the Cabinet Office, my right hon. Friend the Member for Copeland (Dr. Cunningham), in response to a parliamentary question from my hon. Friend the Member for Dumfries (Mr. Brown) about the future arrangements for recruitment to the Civil Service fast stream development programme, announced on 10 February 1999, *Official Report*, column 232:

> A review of the operation of the recruitment process took place during 1998. As a result I have decided in principle that, on the expiry of the current contracts, the selection stages of the process will return to direct Civil Service management. I expect specialist services including advertising, publicity, response handling and psychology support to continue to be supplied by the private sector following competitive tender.

Direct Civil Service management will begin from December 2001. The aims of this change are to develop the scheme's ability to recruit the best people for the job, improve candidate care and improve the image of the Civil Service as an employer.

Written Answers to Questions

Thursday 3 February 2000

ENVIRONMENT, TRANSPORT AND THE REGIONS

Senior Salaries Review Body

Mr. Geraint Davies: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the report and recommendations of the Review Body on Senior Salaries on the Greater London Authority. [107864]

Mr. Prescott: The Review Body on Senior Salaries report on the initial pay, expenses, pensions and severance arrangements for the Mayor of London and members of the London Assembly is published today. Copies are available in the Libraries of the House. The Prime Minister and I are grateful to the Chairman and Members of the Review Body for their work.

The main recommendations of the Review Body with regard to pay are:

Salary	£
Mayor	84,385
Deputy Mayor	51,743
Assembly member	34,438

The Review Body recommended that pay levels should be uprated annually beginning on 1 April 2000 by the same percentage as the average of the movements in the mid-points of the nine senior civil service pay bands below permanent secretary and that an independent review of pay levels should take place in 2002 and then at intervals of three years.

The Review Body also recommended that a Mayor of London, Deputy Mayor or an Assembly member who is also an MP, an MEP or a salaried Office-Holder in the House of Lords should receive an abated salary in respect of his or her GLA role equal to one third of the relevant GLA salary; the Mayor, Deputy Mayor and Assembly members' pension arrangements should be provided through the Local Government Pension Scheme; and that severance payments should be made only to the Deputy Mayor, and only if he or she loses that role other than at an election. The Review Body also expressed the view that members of the Authority should receive travel and subsistence payments similar to those available to staff of the Department for the Environment, Transport and the Regions.

The Government have decided to accept the Review Body's recommendations on pay, expenses, pensions and severance arrangements in full. We recognise that it has been extremely difficult to evaluate the weight of responsibilities for unique positions which do not yet exist. In particular, the Review Body concluded that there was currently insufficient evidence about additional responsibilities of the Chair of the Assembly and of membership of a functional body to reach a view on whether there should be additional remuneration for these roles.

The Government acknowledge the uncertainties, and have therefore decided to invite the Review Body to carry out an early review of remuneration and pensions. This review would begin nine months after the new Authority became fully operational. It would therefore progress on a basis of fact and experience rather than on the inevitable current basis of anticipation of roles and responsibilities. The statutory guidance on ethical standards, issued under section 66 of the Greater London Authority Act 1999, will require the Authority to have due regard to the SSRB's recommendations in deciding future salaries.

Game Managers and Pigeon Fanciers

Ms Ward: To ask the Secretary of State for the Environment, Transport and the Regions what action he is taking to address the concerns of game managers and pigeon fanciers with respect to predation of game birds and racing pigeons by birds of prey; and if he will make a statement. [108604]

Mr. Mullin: The issues arising from the recovery of some bird of prey populations and their impact on game bird and moorland management and on racing pigeons have been addressed by the UK Raptor Working Group.

This group, jointly chaired by my Department and the Joint Nature Conservation Committee, and comprising experts from the fields of bird conservation, game management and pigeon racing, has funded significant research and considered information from a wide range of sources including leading authorities and relevant specialists. The group has now agreed a package of recommendations and submitted its final report to UK Ministers. Copies are available in the House Libraries.

I welcome the publication of these recommendations and hope they will help provide an integrated solution to the problems presented by birds of prey to game bird managers and pigeon fanciers. Implementation of these recommendations will of course be a matter for the devolved administrations and I will be asking English Nature for advice with respect to implementation in England.

Water Industry Act 1999

Mr. Burgon: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the use of his powers under the Water Industry Act 1999. [108816]

Mr. Meacher: We have today published "Water Industry Act 1999: Delivering the Government's Objectives", which will be available in the Library of the House, or from the Department's website (www.environment.detr.gov.uk).

This document is the final part of a series of publications associated with the Water Industry Act 1999. It comprises:

guidance to the Director General of Water Services on matters he is required to take into account when approving water company's annual charges schemes

Regulations, protecting vulnerable groups, and prescribing conditions where metering is permitted, which were laid on 22 December.

responses to consultation on both the guidance and the regulations, and regulatory appraisals for each set of regulations.

The proposals in this document deliver the Government's key water charging objectives: fair and affordable water charges—particularly for vulnerable customers—and the sustainable use of water supplies and protection of the aquatic environment.

The guidance sets out the Government's approach to key water charging issues. It encourages water companies to develop charging systems that are fair and affordable, and take account of environmental considerations. Customers should expect stable and predictable bills, and charges should be transparent and closely related to services provided.

The Water Industry (Charges) (Vulnerable Groups) Regulations 1999 offer new, additional protection to customers who might face hardship affording their bills because they use large amounts of water for essential purposes and pay on a measured basis. Customers will qualify for assistance if they are in receipt of income related benefits or tax credits (Income Support, Income-based Jobseeker's Allowance, Working Families Tax Credit, Disabled Person's Tax Credit, Housing Benefit and Council Tax Benefit) and either

(a) they have three dependent children under the age of 16; or

(b) they have a medical condition requiring significant extra water use (these are defined as kidney failure requiring home dialysis, abdominal stomas, desquamation, weeping skin disease and incontinence).

Customers in these circumstances will be entitled to pay the average charge for the company that supplies them, rather than their actual measured charge. This represents a significant new step to tackle water poverty.

The Water Industry Act 1999 restricts water companies' powers to impose meters on customers. However, the Government accept that metering may be acceptable in some circumstances, such as when a customer is using a large volume of water for discretionary purposes. The Water Industry (Prescribed Conditions) Regulations 1999 therefore set out conditions when companies will continue to be permitted to require customers to have water meters. These include circumstances such as automatic garden watering, automatic replenishment of a large pond or swimming pool, very large baths, high consumption showers and certain types of water softening unit. These Regulations also give the Secretary of State power to permit metering in designated areas of water scarcity. No such areas are designated at present. Any application for designation would need to be considered by the Secretary of State, consulting the Director General of Water Services, the Environment Agency and bodies representing customers in the relevant area.

Trunk Roads

Mr. Leslie: To ask the Secretary of State for the Environment, Transport and the Regions how many schemes in the targeted programme of trunk road improvements will start in 2000–01. [108704]

Mr. Hill: A start will be made in 2000–01 on 13 of the 37 schemes in the targeted programme of improvements announced in "A New Deal for Trunk Roads in England"—six more than previously planned. The acceleration of six schemes by bringing their starts forward from 2001–02 reflects our commitment to modernising the country's transport system. All the schemes in the targeted programme were assessed using the New Approach to Appraisal against our criteria of safety, environmental impact, economy, accessibility and integration.

The full list of starts now planned for 2000–01 is as follows:

A1: Willowburn-Denwick Improvement, Northumberland

A6: Great Glen Bypass, Leicestershire

A6: Clapham Bypass, Bedfordshire[1]

A11: Roudham Heath-Attleborough, Dualling, Norfolk[1]

A27: Polegate Bypass, East Sussex

A41: Aston Clinton Bypass, Buckinghamshire

A43: Whitfield Turn, Brackley Hatch Improvement, Northants

A43: Silverstone Bypass, Northants

A43: M40-B4031 Dualling, Oxon/Northants[1]

A66: Stainburn and Great Clifton Bypass, Cumbria[1]

A500: Basford, Hough, Shavington Bypass, Cheshire[1]

A650: Bingley Relief Road, Bradford[1]

A1033: Hedon Road Improvement, Hull.

[1] Start previously planned for 2001–02.

In addition to these 13 schemes work is planned to start later this year on the privately financed Birmingham Northern Relief Road and we are at the final stages of letting the design, build finance and operate contract for improvements to the A13 in East London. Work will also start soon on widening the M2 between the A2 at Cobham and junction 4 at Rochester.

Greater London Authority

Mr. Fitzpatrick: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made with the secondary legislation setting out detailed arrangements for the Greater London Authority elections. [108703]

Mr. Hill: I intend to lay a number of orders and the elections rules to give effect to the following decisions.

Early voting

I shall shortly be laying the necessary secondary legislation to allow voters who wish to vote in person, but cannot do so on 4 May, to vote early. The order will provide for voting in one or two locations in each borough on 27, 28 and 29 April 2000, between 7 am and 9 pm daily. The precise locations of early voting polling stations will be publicised locally and voters will complete ballot papers in the normal way. This will be a new option, and is in addition to postal and proxy voting, which will also be available.

Elections rules

Consultation on the detailed elections rules is now complete and these will be laid shortly. As well as providing for all aspects of the running of the elections these will provide for the hours of polling to be between 7 am and 9 pm. They will also provide for the following levels of deposits and signatures for candidates.

Each Mayoral candidate will be required to gather 330 signatures—ten from each London borough and the City of London—in support of his or her candidacy. They will also be required to pay a deposit of £10,000, which would be forfeited if a candidate fails to obtain 5 per cent. of the vote.

Assembly candidates will not be required to collect signatures in support of their candidacies. In respect of deposits, there will be different arrangements for the different categories of candidate. Parties with a list of candidates, and independent candidates contesting London-wide list seats, will be required to pay a deposit of £5,000, which will be forfeited if they fail to obtain 2.5 per cent. of the vote.

Candidates contesting Assembly constituencies will pay a deposit of £1,000 which will be forfeited if they fail to obtain 5 per cent. of the vote.

Election expenses

Following consultation on the proposed limits for candidates' and third parties' election expenditure, I will lay a draft order shortly setting out the following maximum spending limits for the GLA elections:

£420,000 per mayoral candidate;

£35,000 per candidate contesting an assembly constituency;

£330,000 per party or independent candidate contesting the London-wide list.

£25,000 per third party supporting or opposing mayoral candidates;

£25,000 per third party supporting or opposing London-wide list candidates, including independent candidates; and

£1,800 per third party supporting or opposing assembly constituency candidates.

These limits will enable candidates and parties to fight effective campaigns, at either the London-wide or the constituency level.

Some political parties have expressed concern that candidates in GLA elections, in common with local elections generally, are not entitled to a free mailshot. We believe that a free London-wide mailing would be particularly vulnerable to abuse by unscrupulous candidates seeking to gain advertising at the tax payers expense for the cost of a deposit. Following the consultation exercise we have lowered the proposed limits to provide a more level playing field for less well resourced parties and independent candidates, and will allow parties with both a Mayoral candidate and a London-wide list to pay for a single election mailshot to every London household should they wish to.

The order is subject to affirmative resolution in each House of Parliament. If approved, the limits will come into force on the day after the day on which the order is made. Candidates' limits will cover any expenditure as defined in section 76 of the Representation of the People Act 1983.

Disqualification

An order will be laid in draft before each House of Parliament specifying the offices and appointments, the holders of which will be disqualified from being elected or being the Mayor or an Assembly member. This order supplements the disqualification arrangements already contained in section 21 of the Greater London Authority Act 1999 and other legislation.

We intend the GLA to be an inclusive authority, which works in partnership with other organisations on London's behalf. We are therefore keeping to a minimum those offices and appointments which a person will not be able to combine with membership of the GLA. The order will specify only those offices which are required to be or seen to be politically impartial; are with a body which will scrutinise the GLA or one of the functional bodies; or are with a body which may exercise a quasi-judicial role over the GLA or a functional body. I have today placed in the Library of the House a list of offices and appointments which will be designated in the order. Conflicts with public office, whether of interest or of time pressures, will also be covered in the statutory guidance on ethical standards to which the Authority will be required to have regard. I intend to publish this guidance shortly.

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for the Environment, Transport and the Regions how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the New Year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104666]

Ms Beverley Hughes: The total spent in DETR(Central), its agencies and associated bodies is not yet known as some payments have still to be processed. The figures in the table are provisional and are based on the additional costs incurred above the usual overtime and on call payments over the New Year period (31 December to 3 January):

	£
DETR(Central)	3,513.35
MCA	429.45
HSE	15,727.00
Total	19,669.80

About half of this relates to on call payments for staff on standby at home. Those staff who attended worked, in general, in emergency planning rooms, IT divisions, Press Office, Private Office and building maintenance and security divisions.

In addition to this, in DETR(C) some special bonuses will be paid to staff who made a particular contribution at this time. As at 31 January, four payments have been made totalling £1,400. The following agencies did not have any staff working over the New Year period: the Queen Elizabeth II Conference Centre, the Rent Service, and the Vehicle Certification Agency.

The information in respect of the following agencies could not be provided without incurring disproportionate cost: the Driving and Vehicle Licensing Agency, the Planning Inspectorate, Government Office, the Vehicle Inspectorate and the Highways Agency.

Bathing Water

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions (1) what measurements have been taken of discharges of materials harmful to bathing water quality from the River Ribble into the Irish sea over the last *(a)* 12 months, *(b)* 24 months and *(c)* 36 months; [106365]

(2) at what points along the River Ribble water quality has been tested; and what the results of these tests have been, for *(a)* the last 12 months, *(b)* the last 24 months and *(c)* the last 36 months. [106362]

Mr. Meacher *[holding answer 24 January 2000]:* Water quality has been extensively tested at many points and at various times along the River Ribble and elsewhere as part of the comprehensive programme of studies into problems with compliance with the EC Bathing Water Directive along the Fylde coast. The main purpose of the programme has been to determine the inputs of faecal contamination to the area, and their patterns of dispersion and impacts on bathing waters, in order to establish the need for further improvements to the sewerage infrastructure. Measurements have also been taken to develop a water quality model of the River Ribble and its estuary. I will arrange for the Environment Agency, North West Region to send my hon. Friend a copy of their report on these issues.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what recent measures the European Union authorities have requested to ensure compliance with mandatory EU bathing water standards along the Fylde coast. [106367]

Mr. Meacher *[holding answer 24 January 2000]:* The EC Commission has not requested any measures additional to those under way by the Environment Agency and North West Water.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the reasons for the failure of North West Water's recent bathing water improvement schemes to raise the level of compliance with mandatory EU standards along the Fylde coast. [106364]

Mr. Meacher *[holding answer 24 January 2000]:* Recently completed investment schemes have improved water quality in the Ribble Estuary, although these have not yet brought compliance with the EC Bathing Water Directive along the Fylde coast. The Environment Agency considers that further improvements are required to treatment and storm water management at Wigan/Skelmersdale and to stormwater management at Southport and combined sewer overflows in Preston to ensure compliance at Southport and Lytham with the EC Bathing Water Directive. The Agency is currently investigating the possibility that compliance problems in the Blackpool area are caused by contaminated groundwater from beneath the town.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what discussions have taken place with businesses in the North West about monitoring discharges into *(a)* the River Ribble and *(b)* the Irish sea. [106361]

Mr. Meacher *[holding answer 24 January 2000]:* The Environment Agency has monitored each of the significant discharges in the area thought to impact on bathing water quality along the Fylde coast. The main focus of discussion has been on steps to reduce sewage discharges operated by North West Water but the Agency has been in contact with other dischargers where it appears that they may be implicated in the problems of compliance with the EC Bathing Water Directive.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what assurances he has received from North West Water and the Environment Agency that the latest investment programme to improve bathing water quality along the Fylde coast will result in compliance with EU directive standards. [106368]

Mr. Meacher *[holding answer 24 January 2000]:* The completed improvement schemes and further planned improvements are considered necessary to ensure compliance with the EC Bathing Water Directive along the Fylde coast. Whether these works will be sufficient to ensure compliance or whether additional measures will be required will be clearer as the results of current investigations into the causes of failure become available and are assessed.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what recent assessment he has made of the possible contribution of animal and avian waste to bathing water quality along the Fylde coast. [106363]

Mr. Meacher *[holding answer 24 January 2000]:* The Environment Agency's current assessment is that animal and avian waste is unlikely to make a significant contribution to the overall bacterial load, in terms of compliance with the EC Bathing Water Directive. However, the Agency is undertaking further studies to refine this assessment.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what recent measures have been required of North West Water to ensure compliance with mandatory EU bathing water standards along the Fylde coast. [106366]

Mr. Meacher *[holding answer 24 January 2000]:* Recent measures required of North West Water and completed in 1999 were the provision of ultra-violet disinfection in Southport, Hesketh Bank, Preesall and Preston sewage treatment works; a substantial increase in the stormwater storage associated with the Fylde tunnel; improved stormwater arrangements at Fairhaven/Lytham, Hesketh Bank, Harrowside and Preston works; and closure of the works at Hambledon with transfer of flows to Fleetwood.

Further works required as soon as possible include treatment enhancement and stormwater management at Southport and combined sewage overflows in Preston. All these measures are considered necessary to ensure bathing water compliance in the area.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what discussions his Department has had with the relevant EU authorities about water quality and beach pollution in the last 12 months. [106360]

Mr. Meacher *[holding answer 24 January 2000]:* My Department has regular and frequent contact with the EC Commission to discuss bathing water quality including progress on improving compliance along the Fylde coast with the EC Bathing Water Directive.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what recent assessment has been made of the possible impact on bathing water quality along the Fylde coast of *(a)* agricultural runoff and *(b)* discharges by businesses other than North West Water into the River Ribble. [106355]

Mr. Meacher *[holding answer 24 January 2000]:* The Environment Agency estimate that the contamination load of agricultural runoff and other non-water company discharges into the River Ribble is small, in terms of compliance with the EC Bathing Water Directive, compared to discharges by North West Water. But to determine whether contamination from animals can be significant in some circumstances, studies are being undertaken to discover the geographical origin of animal faeces, including the forensic examination of washed-up material to determine the diet of the producer animal; and bacterial "fingerprinting" to determine whether there are any types characteristic of particular animal species.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what measures of bathing water quality have been taken at *(a)* Blackpool, *(b)* Fleetwood and *(c)* Thornton Cleveleys in (i) the last 12 months, (ii) the last 24 months and (iii) the last 36 months. [106358]

Mr. Meacher *[holding answer 24 January 2000]:* All bathing waters are measured 20 times between May and September each year against the quality requirements of the EC Bathing Water Directive. Results for the bathing waters at Blackpool, Fleetwood and Cleveleys over the past three years are as follows:

Number of samples passing the mandatory coliform bacteria standards (19 or more is a pass)

	1997	*1998*	*1999*
Blackpool South	11	15	16
Blackpool Central	16	14	15
Blackpool North	18	18	16
Fleetwood	16	20	20
Cleveleys	18	20	19

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what initial assessment he has made of the impact on bathing water quality on the Fylde coast of the treatment plant at Fleetwood. [106359]

Mr. Meacher *[holding answer 24 January 2000]:* The plant at Fleetwood, which treats sewage which was previously discharged untreated at several points close to the Fylde coast, was a necessary first stage of the bathing water quality improvement programme. Water quality monitoring studies by the Environment Agency show that the treated discharges from Fleetwood into the Lune Deeps have a negligible adverse impact on Fylde coast bathing waters.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what recent discussions his Department has had with North West Water and the Environment Agency on enforcement of bathing water quality by the European Commission. [106356]

Mr. Meacher *[holding answer 24 January 2000]:* The Department has regular and frequent contact with North West Water and the Environment Agency on measures to ensure bathing waters in the area achieve the required EU standards.

Mr. Gordon Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what the results are of the QSR for the Irish sea. [106357]

Mr. Meacher *[holding answer 24 January 2000]:* The Quality Status Report for the Celtic Seas (which covers the Irish Sea) is being prepared by the OSPAR Commission for the protection of the marine environment of the North East Atlantic. The Commission plans to publish it in June, along with the other four regional Quality Status Reports (on the Arctic, the North Sea and English Channel, the Bay of Biscay and the deep Atlantic) and the holistic Quality Status Report on the North East Atlantic as a whole.

Construction Industry

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions how many deaths were recorded in the United Kingdom construction industry in the last 12 months. [107291]

Mr. Meacher: The table shows the provisional figures for fatalities in the construction industry for 1998–99. Final figures, which should be available in May 2000, may be slightly higher because fatalities include deaths up to a year after the date of an accident.

HSE is working with the construction industry, trade unions, clients and other stakeholders to reduce the toll of accidents and ill-health through a wide range of initiatives, in particular the "Working Well Together" Campaign.

Fatalities in construction as reported to HSE and Local Authorities, 1998–99 [1]

	Number
Employees[2]	48
Self-employed	18
Members of the public	4
Total	70

[1] Provisional

[2] Including trainees

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect of Government policies on the long-term performance and profitability of the construction industry since May 1997; and if he will make a statement. [107847]

Ms Beverley Hughes: Steadier growth in the economy and the introduction of expenditure plans that cover a full three years will free the construction industry from the damaging stop-go cycle that has so constrained its performance in the past. It will also provide a more secure base for innovation and improved profitability in the future. The Government are also encouraging the industry to radically improve its performance through implementing the recommendations of the Construction Task Force as set out in "Rethinking Construction".

It is too soon to assess what impact these initiatives are having on the long term performance and profitability of the industry. However, as a part of our drive to encourage radical change, we published last April the first set of standard, industry wide, key performance indicators (KPIs). If, as we intend, these are widely adopted by the industry they will provide an effective means of measuring progress in future.

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what gross construction output as a proportion of gross domestic product was during 1998–99; and what the average was for European Union member states. [107849]

Ms Beverley Hughes: In England in 1996 (the latest year available for England), gross construction output was about 8 per cent. of gross domestic product. Comparable figures for the EU as a whole show that construction made up about 12 per cent. of gross domestic product in that year.

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what has been the annual growth of the construction industry in each of the last 10 years. [107850]

Ms Beverley Hughes: Annual growth of the construction industry in England in each of the last 10 years has been as follows:

	Percentage
1988	21.5
1989	17.2
1990	5.0
1991	–8.6
1992	–9.3
1993	–2.1
1994	7.3
1995	6.1
1996	6.8
1997	6.4
1998	7.5

Source:
Housing and Construction Statistics, DETR

A40 (Cheltenham)

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his decision to refuse Gloucestershire County Council's bid for funding for a route to bypass the A40 through Cheltenham. [107563]

Mr. Hill: The Government Office for the South West wrote to Gloucestershire County Council on 16 December 1999 explaining why my Department was unable to accept the A463 Shipton Solers to Air Balloon scheme for support in the 2000–01 Local Transport Capital Settlement. The County Council has been advised to consider alternative solutions including looking at the feasibility of dealing with the safety issues by a combination of smaller scale schemes.

Alba Proteins

Mr. Maclean: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce the decision in the appeal by Alba Proteins against conditions imposed on their plans by Eden District Council. [107578]

Mr. Meacher: The Department published on 13 January this year a revised version of the statutory guidance relating to air pollution control from animal rendering processes: Process Guidance Note PG6/1(00)—The Processing of Animal Remains and By-Products. The parties to the Alba Proteins appeal will shortly be invited to comment on how any changes in policy, outlined in this revised guidance note, may affect the appeal. Following consideration of their comments, the Secretary of State should then be in a position to announce a decision.

Credit Ratings

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions if the credit rating of companies seeking to tender for services provided by his Department is checked before the contract is awarded. [107740]

Ms Beverley Hughes: Decisions on a bidding company's financial standing take account of latest available audited and interim accounts and any other relevant published information, which may include credit and debt rating. These checks are undertaken on contracts where the risk of early termination would place a financial and operational risk on my Department.

Mr. Pickles: To ask the Secretary of State for the Environment, Transport and the Regions how often the credit rating of companies supplying services to his Department is checked. [107751]

Ms Beverley Hughes: During the period of a contract my Department will generally carry out checks into a company's financial standing if it has reason to believe that any of its contractors may be in financial trouble.

En Route Centre, Swanwick

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if there are sufficient air controllers trained and ready to operate the new En Route Centre at Swanwick from the date of opening. [108029]

Mr. Mullin: NATS has carried out detailed planning of its requirements for air traffic controllers and the transitional arrangements for training controllers on the new system. NATS is confident that it will have sufficient appropriately trained and validated controllers to operate the new centre from the date of its opening.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what is the exact date on which the National Air Traffic Services facility at Swanwick will open. [108024]

Mr. Mullin: NATS continues to work towards the introduction into operational service of the New En-Route Centre in the winter of 2001–02.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if the National Air Traffic Services at Swanwick will be fully operational at the time of its opening. [108028]

Mr. Mullin: Yes, the New En-Route Centre will be fully operational at the time of its opening.

Air Accidents Investigation Branch

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many recommendations of the Air Accidents Investigation Branch have been implemented in the last 10 years. [108033]

Mr. Mullin: The recommendations of the Air Accidents Investigation Branch are in a variety of formats, including suggestions that reviews or research be carried out: for this reason there is no standard definition of whether a recommendation has been implemented or not. The Civil Aviation Authority has recorded its responses to those recommendations addressed to the Authority in terms of "fully accepted", "partially accepted" and "not accepted". Since 1 January 1990, 473 recommendations to the Authority have been fully or partially accepted and 66 not accepted.

It is not possible to give comparable information in respect of those safety recommendations addressed over the last 10 years to other organisations, such as foreign aviation authorities, as they may respond in a variety of ways. The CAA has agreed that, in future, its annual Progress Report on safety recommendations addressed to the Authority should include such information as is available on actions taken by other bodies in response to safety recommendations, in order to provide the public with a more complete picture of progress on all AAIB safety recommendations.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many recommendations made by the Air Accident Investigation Branch relate to the Manchester 737 accident. [108034]

Mr. Mullin: The Air Accidents Investigation Branch's report on the accident to the Boeing 737, G-BEJL, at Manchester Airport on 22 August 1985 was published as Aircraft Accident Report 8/88 on 13 March 1989; it contained 31 safety recommendations.

Aircraft Inspections

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many 737 aircraft have been inspected by independent inspectors. [108027]

Mr. Mullin: Civil Aviation Authority Surveyors inspect selected aircraft each year in accordance with a policy, and associated programme, published in Airworthiness Notice No. 30 (*CAA Aircraft Survey Programme—All United Kingdom Registered Aircraft*). This survey programme is independent of the operators' inspections carried out as part of the scheduled maintenance programme.

In the year ending 1999, 77 Boeing 737 aircraft were surveyed by CAA.

Air Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many aircraft, operating on behalf of United Kingdom airlines, flying for hire and reward and not on the United Kingdom register flew into and out of British airspace in 1999. [108079]

Mr. Mullin: During 1999 UK airlines leased 48 foreign registered aircraft for planned periods, varying in length from less than one week up to 12 months. Of these, 43 were leased with crew. In the same year, foreign registered aircraft carried out 249 unplanned substitution flights on behalf of UK carriers whose own aircraft became temporarily unavailable.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions when the Safety Regulation Group of the CAA will publish guidelines on wiring and flight fire. [108025]

Mr. Mullin: The Civil Aviation Authority and other accredited UK and international bodies have published requirements and guidelines concerning aircraft wiring and the prevention of in-flight fire and smoke for many years.

The UK airworthiness codes already prescribe mandatory requirements for electrical wiring design and installation which are intended to prevent the aircraft as whole being put at risk in the event of wiring faults or serious malfunction of the electrical system or any connected equipment. In particular, there is a requirement that wiring must not be able to create a fire or smoke hazard under temporary or continuous fault conditions. Demonstration of compliance with these requirements is required for all aircraft. Also, British Standards Institute and European aeronautical cable specifications and standards define flammability and toxicity requirements for aircraft wiring, as well as defining standardised methods of testing aircraft wire.

In addition to the mandatory requirements, CAA have also published guidelines on electrical wiring and electrical protection. For example, the CAA Civil Aircraft Airworthiness Information and Procedures (CAP562) contain instructions on inspection and testing of electrical circuits, installation and maintenance of electrical cables, protection against electrostatic discharge, care and maintenance of electrical power supplies, electrical cable failure and procedures for resetting thermal circuit breakers.

These requirements and guidelines are well established and well known throughout the UK aviation industry. In addition, the CAA proposes to submit to the Joint Aviation Authorities by September 2000 a consolidated version of its established guidelines concerning aircraft wiring and the prevention of in-flight fire and smoke, for promulgation throughout the JAA member states.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many instances of pressure on commercial pilots to lower safety standards have been registered in the confidential reporting system in the last 12 months. [108031]

Mr. Mullin: The UK Confidential Human Factors Incident Reporting Programme (CHIRP) is run by the CHIRP Charitable Trust. The January 2000 edition of CHIRP's publication "Feedback" contains a "Key Word analysis" of reports received in 1999, which indicates that the key words 'commercial pressure' appeared in 7 per cent. of the 141 reports received that year in the flight deck category. The analysis notes that in view of the voluntary nature of the reporting process, the results have no statistical significance.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what steps the Government are taking to ensure that rudders of UK-registered 737 aircraft are fault free. [108026]

Mr. Mullin: The United States' Federal Aviation Administration is the regulatory authority responsible for overseeing the safe design of Boeing aircraft and for issuing information necessary to maintain their continued airworthiness. The Federal Aviation Administration has issued Airworthiness Directives covering both inspections of the Boeing 737 rudder system as well as revisions to flight crew operating procedures. These directives are intended to reduce the likelihood of possible rudder system faults compromising the aircraft's safety.

The United Kingdom Civil Aviation Authority requires that any Federal Aviation Administration directives applicable to Boeing 737 aircraft are complied with by UK operators and carries out regular surveys to monitor, and if necessary, enforce compliance. Although the Authority reserves the right to vary Federal Aviation Administration directives for the UK fleet, it has had no cause, to date, to impose additional requirements with respect to the Boeing 737 rudder system.

Helicopter Inspections

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if it is a requirement for helicopter inspections to be carried out by operations inspectors who are trained helicopter pilots; how many operations inspectors are trained helicopter pilots; and if he will make a statement. [108032]

Mr. Mullin: There are no international standards governing the qualifications of civil aviation authority inspectors, but the International Civil Aviation Organisation "Manual of Procedures for Operations Inspection, Certification and Continued Surveillance" recommends that to carry out a flight inspection of an aircraft, an inspector should be qualified in that type of aircraft.

In the United Kingdom, all helicopter flight inspections, together with technical evaluations of the helicopter, equipment, and operation are undertaken by Civil Aviation Authority Flight Operations Inspectors who possess a current Airline Transport Pilots Licence (Helicopters), and have had considerable commercial operating experience often including management or training duties. Not only are proficiency checks undertaken, but regular line flying duties in a variety of roles are carried out by all helicopter Flight Operations Inspectors.

The CAA has 13 specialist helicopter Flight Operations Inspectors.

There are some aspects of helicopter operations which can be audited or checked by suitably trained Inspecting Staff, who nevertheless do not hold a professional helicopter pilots licence. For example examination of pilots duty hours and training records would not necessarily require professional piloting expertise in order to evaluate their validity and integrity.

Regional Development Agencies

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions what has been the expenditure on *(a)* staff and *(b)* office accommodation of each of the regional development agencies. [107942]

Ms Beverley Hughes: The planned expenditure for 1999–2000 for each of the Regional Development Agencies on staff and on accommodation are as follows:

£

Regional Development Agency	*Staff*	*Accommodation*
North West Development Agency	4,400,000	500,000
One North East	4,388,000	649,000
Yorkshire Forward	5,629,000	929,000
Advantage West Midlands	2,979,000	813,000
East Midlands Development Agency	3,396,000	1,135,000
East of England Development Agency	2,975,000	285,000
South West of England Regional Development Agency	4,147,000	2,321,000
South of England Development Agency	2,846,000	1,269,000

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions what budget is available to the regional development agencies for implementing their sustainable development programmes. [107944]

Ms Beverley Hughes: The Regional Development Agencies (RDAs) have not been given specific budgets to implement sustainable development policies. The RDAs have a statutory duty to contribute to the achievement of sustainable development in the UK, and it is integral to their Regional Strategies and action plans. The RDAs' contribution to sustainable development will be delivered through the implementation of these plans, and of their programmes and projects.

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions what timetable he has given the regional development agencies for their contributions to an integrated transport system in the regions. [107940]

Ms Beverley Hughes: Regional Development Agencies (RDAs) have a keen interest in integrated transport issues in their regions. They are providing an important input into the regional transport strategies which are being prepared as part of the Regional Planning Guidance (RPG). The timetable for the preparation of RPG varies by region.

The regional planning bodies are also considering the transport implications of RDAs' regional strategies. Similarly, the regional transport strategies should inform and assist the RDAs in the implementation of their own Strategies.

RDAs have also been invited to feed their ideas on integrated transport into the 10-year plan for investment in transport, currently being developed by my Department.

Mr. Sheerman: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to ensure that the regional development agencies deliver their plans for sustainable development on time. [107943]

Ms Beverley Hughes: The Regional Development Agencies (RDAs) were not required to develop specific sustainable development plans. The RDAs' contribution to sustainable development is integral to their regional strategies and action plans, and will be delivered through the implementation of these plans, and of their programmes and projects.

The Government will shortly be issuing guidance on Regional Development Sustainable Development Frameworks which will be high level vision statements for sustainable development in the regions. The RDAs will play a key role in producing the frameworks but will not take the lead.

Local Government

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 25 January 2000, *Official Report*, column 145W, on local government, what meetings he and his ministerial colleagues have had with the New Local government Network on the Government's modernisation agenda. [108380]

Ms Armstrong: Ministers have met the New Local Government Network on a number of occasions. A range of topics on the Government's modernisation agenda have been discussed.

Home Improvement Agencies

Mrs. Browning: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the awarding of section 169 grant for home improvement agencies. [108219]

Mr. Mullin: Grant is payable to local authorities under section 169 of the Local Government and Housing Act 1989 to support the running costs of home improvement agencies operating in their areas. My Department is currently considering authorities' applications for the renewal of grant in 2000–01, and will announce the allocations as soon as possible.

Bournemouth International Airport

Mr. Chope: To ask the Secretary of State for the Environment, Transport and the Regions how long the Government Office of the South West took to decide whether or not to call in the planning application submitted by Bournemouth International Airport for a new passenger terminal; and if he will make a statement. [108340]

Ms Beverley Hughes: The planning application which Bournemouth International Airport submitted to Christchurch Borough Council on 28 November 1997 was referred to the Government Office for the South West on 21 July 1999. The application was called in for the Secretary of State's own determination, after careful consideration of all the issues, on 20 December 1999.

Planning Applications

Mr. Chope: To ask the Secretary of State for the Environment, Transport and the Regions what was the performance of the Government Office of the South West against the target of reaching 80 per cent. of decisions on whether or not to call in planning applications within three weeks and 100 per cent. of cases within seven weeks in the last 12 months. [108339]

Ms Beverley Hughes: During 1999 the Government Office for the South West issued 85 per cent. of decisions on whether or not to call in such applications within three weeks, and 88 per cent. within the secondary target of seven weeks.

Mr. Chope: To ask the Secretary of State for the Environment, Transport and the Regions how many decisions on whether or not to call in planning applications were reached after more than seven weeks since May 1997. [108338]

Ms Beverley Hughes: The total number of decisions for 1998 and 1999 is 294. Prior to 1998, the information was not collated on computer and, as a result, the figure for 1997 is not readily available and could be obtained only at disproportionate cost.

Rough Sleepers

Mr. Field: To ask the Secretary of State for the Environment, Transport and the Regions what is his latest estimate of the number of people sleeping rough in England. [108341]

Ms Armstrong: On 15 December 1999 the Government published their latest estimate of the number of people sleeping rough in England. This estimate showed that, as at June 1999, there were 1,633 people sleeping rough in England on any one night, of which 635 were in Greater London. Copies are available from the House Libraries. We will be publishing shortly updated figures for Central London, following recent single night street counts.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for the Environment, Transport and the Regions how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108402]

Ms Armstrong: I am not able to provide this information to my right hon. Friend as correspondence between Members and Departments is treated in confidence unless the originating Member chooses to make such issues public.

PM10 Emissions

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions when he will introduce a new target for PM10 emissions; and if he will make a statement. [108334]

Mr. Meacher: I announced the publication of the Air Quality Strategy for England, Scotland, Wales and Northern Ireland on 19 January. When launching the Strategy, I explained that work is already in hand which will allow us to consider a new objective for particles towards the end of this year. This work includes consideration of particles' health effects: the costs and benefits of reducing levels of particles in air; and the effects of recent policy developments on particle levels.

Recycling

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the percentage of municipal waste that will be recycled by *(a)* 31 December 2001, *(b)* 31 December 2005 and *(c)* 31 December 2010. [108337]

Mr. Meacher: The Government have set a goal of at least 30 per cent. of household waste to be recycled or composted by 2010. The Government are also committed to achieving 25 per cent. as soon as possible, and hope to do this by 2005.

The latest municipal waste recycling and composting figure for England and Wales is 8 per cent. (based on 1997–98 data).

Wildlife and Countryside Act 1981

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions how many prosecutions have been made under section 14 of the Wildlife and Countryside Act 1981 for the illegal release of Schedule 9 plants. [108300]

Mr. Mullin: Prosecutions under section 14 of the Wildlife and Countryside Act 1981 are brought by the police, and it is not a requirement for them to notify this Department of any such prosecutions. The Department has no record of any section 14 prosecutions in respect of plants.

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions how many licences have been issued under section 14 of the Wildlife and Countryside Act 1981 for release of Schedule 9 plants. [108299]

Mr. Mullin: In the last five years one licence has been issued under section 14 of the Wildlife and Countryside Act 1981 for the release of Schedule 9 plants. This was for an experimental release of Japanese knotweed, "Fallopia japonica", at a single site in Cheshire to assess the plant's competitive abilities against native weed species.

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what his estimate is of the cost of controlling invasive plants which are *(a)* scheduled and *(b)* unscheduled under the Wildlife and Countryside Act 1981. [108301]

Mr. Mullin: Information about the cost of controlling invasive plants, whether scheduled or not, is not co-ordinated centrally and therefore is not available.

PPG23

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to announce changes to PPG23. [108336]

Ms Beverley Hughes: The waste planning elements of PPG23 have already been dealt with and published under PPG10—Planning and Waste Management (September 1999). We propose to revise the remainder of PPG23 in two stages: the first dealing with contaminated land, and the second dealing with the planning aspects of pollution control, including air quality and water quality. We aim to issue a draft for consultation on contaminated land and planning issues to coincide with the entry into force of regulations and guidance on the new regime for the management of contaminated land under Part IIA of the Environmental Protection Act 1990, expected in April 2000. Preparation of a consultative draft on planning and pollution control will follow the implementation of Integrated Pollution Prevention and Control (IPPC) under new Pollution, Prevention and Control Regulations, expected in May 2000.

TRADE AND INDUSTRY

Competition Commission (Media)

Mr. Baker: To ask the Secretary of State for Trade and Industry if he will refer the proposed merger of United Newspapers and Carlton to the Competition Commission. [108182]

Dr. Howells: My right hon. Friend the Secretary of State will decide whether or not to refer this case to the Competition Commission in the light of advice he has received from the Director General of Fair Trading. He will announce his decision as soon as is practicable.

Car Dealership Exemptions

Mr. Baker: To ask the Secretary of State for Trade and Industry if it is his policy that the exemption which allows exclusive car distribution and dealership arrangements will end in October 2002. [108177]

Dr. Howells: The provision permitting car manufacturers to operate selective and exclusive distribution networks on certain conditions, commonly known as the cars block exemption, is a European Commission Regulation (Regulation (EC) 1475/95). The European Commission is currently reviewing its operation in order to draw up an evaluation report by the end of this year. This report will in turn provide a basis for discussions involving the Commission and the member states on what, if anything, should replace the block exemption when it expires on 30 September 2002. We wish to ensure that the review is undertaken in as thorough and transparent a way as possible.

The UK Government's policy towards the block exemption will be informed by the findings of the Competition Commission about its effects upon the market for new cars in the UK.

Government Chemist

Mr. Borrow: To ask the Secretary of State for Trade and Industry if he has received the 1999 report of the Government Chemist. [108814]

Mr. Alan Johnson: I have just received the third annual report of the Government Chemist and copies will be placed in the Library of the House.

Post Office Reform

Mr. Hoyle: To ask the Secretary of State for Trade and Industry if he has appointed advisers to support the implementation of the reforms described in the White Paper on Post Office Reform. [108811]

Mr. Alan Johnson: I have appointed Deloitte & Touche to provide support for the implementation of the financial provisions set out in the Post Office White Paper (CM 4340) and Herbert Smith to provide legal advice on any commercial issues arising from implementation of the reform package. Both appointments were made after competitive tenders.

Telecommunications Act

Mr. Andy King: To ask the Secretary of State for Trade and Industry when he will publish proposals for reform of the Telecommunications Act 1984; and if he will make a statement. [108815]

Mr. Byers: My right hon. Friend the Secretary of State for Culture, Media and Sport and I propose to publish a White Paper later this year setting out the Government's proposals for reform of the framework of communications legislation. This will include proposals for changing both the Telecommunications and Broadcasting Acts as a basis for legislation when parliamentary time allows. The White Paper will accordingly be broad in its scope, covering both infrastructure and content issues. It will draw on responses to the options for reform of the broadcasting and telecommunications framework set out in the Government's June 1999 statement, "Regulating Communications: The Way Ahead" and will take full account of emerging conclusions from the current review of the European Union regulatory framework for communications. The work will be taken forward by a joint DTI/DCMS team to ensure a coherent and consistent approach to the regulation of the converging communications industries.

Oil and Gas Licensing

Mr. Miller: To ask the Secretary of State for Trade and Industry when he will announce the 9th Round of Landward oil and gas licensing. [108813]

Mrs. Liddell: I am inviting applications for Petroleum Exploration and Development licences over unlicensed areas in Great Britain in the 9th Round of Landward Licensing.

The closing date for applications has been set as 5 May. I hope to be able to make an announcement about licence awards as soon as possible after that once all applications have been thoroughly considered and assessed.

While much smaller than its offshore counterpart, there is an active oil and gas industry searching for and exploiting Britain's onshore petroleum resources. The award of licences will enable companies to explore for and exploit the petroleum resources of Great Britain, which include conventional oil and gas, mine vent gas and coal bed methane trapped in coal seams.

I hope this current invitation to apply for petroleum licences will sustain the momentum created by its predecessors and allow further discoveries to be made.

Cabling

Mr. Rowe: To ask the Secretary of State for Trade and Industry how many licences for the laying of cable routes through the boroughs of Maidstone and Swale he has granted since May 1997; and how many applications for licences are under consideration. [107605]

Ms Hewitt: Since May 1997, 53 licences have been granted conferring statutory rights to lay cable routes in the public highway anywhere in the United Kingdom. Eight further national licence applications are under consideration.

Mr. Rowe: To ask the Secretary of State for Trade and Industry how many representations he has received from *(a)* individuals and *(b)* representative bodies since May 1997 relating to the laying of cable routes through (i) Kent and (ii) Maidstone and Swale Borough Council areas. [107606]

Ms Hewitt: Since May 1997, the Department has received a total of 13 representations about telecoms cabling in Kent: 11 from individuals and two from representative bodies, one of which referred to cable laying in Swale.

Departmental Expenditure and Running Costs Limits

Mr. Shaw: To ask the Secretary of State for Trade and Industry what changes will be made to the departmental expenditure limit and running costs limit for his Department and the Office of Fair Trading in the current financial year. [108982]

Mr. Byers: Subject to parliamentary approval of the necessary Supplementary Estimate, the voted element of the Departmental Expenditure Limit for the Department of Trade and Industry will be increased by £61,879,000 from £3,181,682,000 to £3,243,561,000. The net provision of Class IX Vote 1 will be increased by £43,696,000, which results from:

(i) an increase of £59,700,000 in the net provision for Coal Health liabilities, which has arisen exclusively from a forecast shortfall in Coal Pension Fund Surpluses which are appropriated in aid;

(ii) a reduction of £5,970,000 in the provision for the Coal Authority grant in aid;

(iii) an increase of £14,000,000 in the gross expenditure provision for the Aerospace budget in order to facilitate the repayment to Rolls Royce plc of certain amounts that have been overpaid by that company, which is offset by an increase of £14,000,000 in the appropriations in aid provision;

(iv) the transfer of £10,000,000 from the Local Competitiveness budget to the Inland Revenue (Class XVI Vote 4) for providing payroll support for new employers;

(v) the transfer of £34,000 from the Coal Health Liabilities budget to the Department of Social Security (Class XII Vote 3) to facilitate access to miners' medical records held by the Benefits Agency.

The opportunity of a Supplementary Estimate is also being taken to switch resources between certain lines of the Vote and to accommodate an increase of £300,000 in the appropriations in aid provision for the Departmental Capital budget as a result of the sale of a property, together with an equivalent increase in the gross expenditure provision for that budget.

The net provision of Class IX Vote 2 will be increased by £18,183,000, of which £16,183,000 represents the take up of End Year Flexibility entitlements as announced by my right hon. Friend the Chief Secretary to the Treasury on 27 July 1999, *Official Report*, column 393W, and £2,000,000 represents a transfer of provision in respect of work commissioned of the British Antarctic Survey, which is part of the Natural Environment Research Council, by the Ministry of Defence. This is offset by an equivalent reduction in the provision for Class VI Vote 1 (Defence: operational and support costs, logistics services, and systems procurement and research). The opportunity of a Supplementary Estimate is also being taken to switch resources between certain lines of the Vote and to accommodate an increase in the amount of recovered VAT, together with an equivalent increase in costs incurred on the Vote.

The overall increase of £61,879,000 for Class IX Votes 1 and 2 will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

In addition, subject to parliamentary approval of the necessary Supplementary Estimate, the voted element of the Departmental Expenditure Limit of Class IX Vote 7—the Office of Fair Trading—will be increased by £725,000 from £30,722,000 to £31,447,000 and the gross running costs limit will be reduced by £400,000 from £24,184,000 to £23,784,000. The increase in the Departmental Expenditure Limit results from the take up of End Year Flexibility entitlement of £725,000, as announced by my right hon. Friend the Chief Secretary to the Treasury on 27 July 1999, *Official Report*, column 393W. The reduction in the gross running costs limit is offset by an increase of £400,000 in the provision for "Direct Expenditure: Other current". The increase in net provision will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

Fireworks

Mr. Woolas: To ask the Secretary of State for Trade and Industry what plans he has to review the sale of fireworks. [108373]

Dr. Howells: The Fireworks (Safety) Regulations 1997 introduced comprehensive controls on the types and sizes of fireworks which can be sold to the public. I have no plans to introduce further controls on fireworks or to review the existing Regulations.

World Trade Organisation

Mrs. Ewing: To ask the Secretary of State for Trade and Industry what representations he has received from the Scottish Executive on the impact of the Seattle round of negotiations of the World Trade Organisation on Scotland; and what consultation he has undertaken with bodies in Scotland in relation to the WTO. [107466]

Mr. Caborn *[holding answer 2 February 2000]:* There was no agreement in Seattle among WTO member governments on the terms for the launch of a new Round of trade negotiations. My right hon. Friend the Secretary of State stated that the Government's position following the Seattle Conferences in the debate in the House on 9 December 1999, *Official Report*, columns 1022–94. As the Government remain committed to the launch of a new comprehensive Round of trade negotiations, the existing consultation processes it has in place remains valid. This includes a consultation exercise launched last year covering all of the UK. We will continue to hold meetings with people from across the UK including business, NGOs and trade unions at both official and ministerial level. While we have received no formal representations from the Scottish Executive in relation to Seattle, we will be keeping in touch with the First Minister and DTI officials will continue to have contacts with Scottish Executive officials on the range of issues.

Lomé Convention

Mrs. Ewing: To ask the Secretary of State for Trade and Industry what recent assessment he has made of the impact of WTO rules on the workings of the Lomé Convention. [107468]

Mr. Caborn *[holding answer 2 February 2000]:* The Government are aware that the tariff preferences available under the Lomé Convention are incompatible with the rules of the WTO in so far as they discriminate between developing countries and thus require a waiver from GATT Article I. The current waiver expires in February 2000 along with the Convention itself and will have to be renewed by agreement with other WTO member governments for the preferences to continue. We strongly support the WTO, which is why we argued for a new, WTO-compatible approach to EU trade relations with Lomé countries after the current Convention expires.

Both the EU and our Lomé partners have agreed in principle with this approach, which will enter into force after a transitional period of eight years, during which time the current trade arrangements will be rolled over, and a new WTO waiver sought for this rollover period. The Government believe that this approach will give Lomé countries the best chance of integrating more fully into the multilateral trading system, thereby promoting their sustainable development and contributing to poverty eradication.

Meat Imports

Mr. Wigley: To ask the Secretary of State for Trade and Industry if he will list the volume of imports of *(a)* beef and beef products and *(b)* lamb and lamb products in each year since 1995. [107134]

Ms Quin: I have been asked to reply.

Official Overseas Trade Statistics show that the volume of imports of *(a)* beef and beef products and *(b)* lamb and lamb products during 1995–98 and January to October 1999 were as shown in the table.

UK imports of beef and sheep meat 1995–98 and January to October 1999

Tonnes[1]

	1995	1996	1997	1998	January–October 1999
UK imports of beef	254,892	210,362	250,156	208,818	192,450
of which:					
Carcase meat	130,710	123,117	154,943	123,099	114,353
Meat and offal preparations	101,508	73,117	79,752	73,502	67,655
Offal	22,674	14,128	15,461	12,217	10,443
UK imports of mutton and lamb:	142,823	146,627	137,936	128,238	104,040
of which:					
Carcase meat	128,681	132,754	127,352	116,946	93,376
Meat and offal preparations	287	546	359	829	456
Offal	13,856	13,326	10,225	10,463	10,207

[1] Product weight

Mozambique

Mr. Bill O'Brien: To ask the Secretary of State for Trade and Industry how much coal was imported from Mozambique in the past three years; what the transport arrangements are for coal supplied by Mozambique; and if he will make a statement. [107920]

Mrs. Liddell: Figures for 1999 as a whole are not yet available, but in the first three quarters of 1999 it is estimated that 19,000 tonnes of coal were imported into the United Kingdom from Mozambique. Prior to 1999, this information was not disclosed because the data were commercially sensitive. Customs and Excise has a duty not to disclose details relating specifically to an individual trader's activity. Information is not collected on the mode of transport used for imported coal.

Hollis Industries plc

Mrs. Browning: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 25 January 2000, *Official Report*, column 208W, if he will list the reasons for the timing of his written answer informing the House of the outcome of the Hollis Inquiry. [108392]

Mr. Byers: It was a written question which I replied to as soon as possible.

TransTec

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will list those companies which are under investigation by officials into allegations of misuse of Government grants which were subsidiaries of *(a)* TransTec plc and *(b)* Hollis Industries. [108390]

Mr. Byers: I refer the hon. Member to the reply I gave to her on 25 January 2000, *Official Report*, column 206W.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if inspectors investigating TransTec plc will issue an interim report. [108388]

Mr. Byers: These are independent inspectors. They can issue an interim report if they wish.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will revise the guidance he has given to inspectors investigating TransTec plc to include allegations of misuse of his Department's grants awarded to TransTec and its subsidiary companies. [108386]

Mr. Byers: There is no need to do to so as they already have such a power.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will list the procedures being followed by his officials investigating allegations of misuse of Government grants awarded to TransTec plc and its subsidiaries. [108389]

Mr. Byers: The Department's inquiries are aimed at establishing the nature and extent of the allegations and the further action that should be taken in relation to those allegations.

Mrs. Browning: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 25 January 2000, *Official Report*, column 205W, what action he plans to take as a result of departmental interviews with Mr. Ayriss and Mr. Dickinson. [108394]

Mr. Byers: The Department's inquiries are still in progress.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he will revise the guidance he has given to inspectors investigating TransTec plc to include the reorganisation of the company in 1991. [108387]

Mr. Byers: As I have already stated on 25 January 2000, *Official Report*, column 208W, if the independent inspectors conclude that there are matters earlier in the company's history which merit investigation then they have the power to do so.

Mrs. Browning: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 25 January 2000, *Official Report*, column 206W, if he will list the minuted meetings held by his Department and representatives of TransTec plc in *(a)* 1995, *(b)* 1996, *(c)* 1997, *(d)* 1998 and *(e)* 1999. [108393]

Mr. Byers: The Company Law and Investigations Directorate has had no minuted meetings with representatives of TransTec.

Press Releases

Dr. Cable: To ask the Secretary of State for Trade and Industry how many Government Press releases his Department issued in each year from 1995 to 1999. [106561]

Mr. Byers: The number of Press releases issued by the DTI were:

1995: 908

1996: 973

1997: 877

1998: 1,064

1999: 1,063.

Construction Industry Scheme

Mr. Gibb: To ask the Secretary of State for Trade and Industry if he will refer the Construction Industry Scheme arrangements and their impact on the construction plant hire industry to the Director General of Fair Trading. [104891]

Dawn Primarolo: I have been asked to reply.

The Inland Revenue is aware of the concerns of the construction plant hire industry about the Construction Industry Scheme. The Office of Fair Trading has brought the issue of alleged unfairness to the attention of the Inland Revenue. The Inland Revenue is continuing to consult with representative bodies about areas of the scheme which are causing difficulties. The Office has advised the Revenue that they will not be investigating the matter further.

INTERNATIONAL DEVELOPMENT

Departmental Expenditure Limit

Mr. Crausby: To ask the Secretary of State for International Development what changes will be made to the departmental expenditure limit running costs limit for her Department in 1999–2000. [108706]

Mr. Foulkes: Subject to parliamentary approval of the necessary Supplementary Estimate, for Class VIII, Vote 1: Department for International Development, the Departmental Expenditure Limit for 1999–2000 will be increased by £213,528,000 from £2,297,090,000 to £2,510,618,000. This increase is the net effect of:

	£
Take up of end of year flexibility in respect of an underspend against EC attributed aid	105,878,000
Increase in respect of humanitarian assistance to Kosovo	58,000,000
Increase in respect of humanitarian assistance to East Timor	3,250,000
Increase in respect of payments under the Gibraltar Social Insurance Fund	13,100,000
Increase in respect of contributions to the IMF trust fund for HIPC countries	33,300,000

The increase will be a charge on the Departmental Expenditure Limit reserve and will not therefore add to the planned total of public expenditure.

PRIME MINISTER

Council of Europe

Mr. Mackinlay: To ask the Prime Minister what derogations Her Majesty's Government have applied for in respect of the United Kingdom's membership of the Council of Europe and its hosting of appeal courts empowered to uphold the death penalty in other countries; and if he will make a statement. [107625]

The Prime Minister *[holding answer 31 January 2000]:* The United Kingdom has no derogations in respect of its membership of the Council of Europe. In cases where the Judicial Committee of the Privy Council acts as an appeal court for an independent state, including states which impose the death penalty, it does so as an integral part of the judicial structure of that state rather than of the United Kingdom. It is for these states to decide whether they wish to continue to use the Judicial Committee of the Privy Council as their final court of appeal. Her Majesty's Government cannot interfere in the judicial processes of another state. But this in no way implies that the United Kingdom condones the death penalty: the United Kingdom regularly raises these issues, bilaterally and with European Union partners, with such states pressing their Governments to abolish the death penalty.

SOLICITOR-GENERAL

Departmental Expenditure Limit

Mr. Dismore: To ask the Solicitor-General what proposals there are to amend the Attorney-General's Department's Departmental Expenditure Limit and Running Costs Limit for 1999–2000. [108702]

The Solicitor-General: Subject to parliamentary approval of the necessary Supplementary Estimates for Class V, Vote 4 (The Crown Prosecution Service) and Class V, Vote 6 (HM Procurator General and Treasury Solicitor), the Attorney-General's Department's Departmental Expenditure Limit for 1999–2000 will be increased by £6,596,000 from £335,295,000 to £341,891,000.

The Crown Prosecution Service's Running Costs Limit will be increased by £496,000 from £227,625,000 to £228,121,000. This increase is required to fund preparatory work to modernise the Crown Prosecution Service information technology infrastructure.

HM Procurator General and Treasury Solicitor's Running Costs Limit will be increased by £5,600,000 from £4,735,000 to £10,335,000. Appropriations in aid will also be reduced by £3,400,000. This will fund expenditure arising from the closure of the Government Property Lawyers Agency on 30 September 1999, which was announced to the House by answer to a Parliamentary Question on 11 November 1998, *Official Report*, column 187W.

The increases will be offset by the surrender of £589,000 of the Attorney General's Department's End Year Flexibility of £612,000 as announced by the Chief

Secretary to the Treasury on 27 July 1999, *Official Report*, column 393W. £93,000 of this will be transferred to the Home Office in respect of the CPS contribution towards the cost of Integrating Business and Information Systems in the Criminal Justice System (IBIS).

The remainder of the expenditure will be charged to the Reserve and will not, therefore, add to the planned total of public expenditure.

DEFENCE

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Defence if he will list the items in the National Assets Register sold by his Department, its agencies and associated public bodies since 11 February 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104483]

Dr. Moonie: This information is currently not held in the format to link assets as shown in the National Asset Register with those assets subsequently declared as surplus to requirements and sold by the Disposal Sales Agency (DSA), and could be provided only at disproportionate cost.

Information on surplus sales of equipment and stores is contained in the DSA's 1998–99 Annual Report and Accounts held in the Library of the House. The 1999–2000 Annual Report and Accounts will be made available to the Library of the House before the summer Recess this year.

Information on the sale of Defence Estates Buildings and Lands is not held centrally and could be provided only at disproportionate cost.

Synthetic Aperture Radar

Mr. Hancock: To ask the Secretary of State for Defence what assessment he has made of the effectiveness of the ultra-wide band synthetic aperture radar programme; what has been the cost of the system to date; and if he will make a statement. [106158]

Dr. Moonie: I assume that the question refers to the Remote Minefield Detection System (REMIDS) Technology Demonstrator Programme, which is investigating the development of a sensor to detect minefields and mined areas for military purposes. It is using Ultra-Wide Band Synthetic Aperture Radar (UWB SAR) as a preferred technology.

Tests carried out in 1998 at short range from a ground vehicle proved the potential effectiveness of a UWB SAR in the detection role, and successfully detected plastic and metal targets representative of mine-like anti-tank ordnance. The equipment is currently in an early prototype stage and the tests did not represent a realistic environment. However, sufficient information has been generated to proceed with confidence with work on a more powerful airborne system.

Approximately £390,000 has been spent to date.

East Timor

Mr. Paul Marsden: To ask the Secretary of State for Defence what factors underlay the decision to deploy the Gurkha Regiment to East Timor; and if he will make a statement. [107851]

Mr. Spellar: We decided to participate in the operation in East Timor in support of the decisions of the international community and our long standing ally and friend Australia. The decision to deploy the Gurkhas to East Timor was taken principally because they were based in Brunei and therefore already acclimatised and able to deploy quickly. Moreover, some Gurkhas also speak Malay, which is closely related to the Indonesian language and was of considerable use during the operation. The deployment of Brunei based Gurkhas also minimised potential overstretch implications.

Departmental Fees

Mr. Matthew Taylor: To ask the Secretary of State for Defence which fees his Department, its agencies and associated public bodies collect; how much has been raised and will be raised from each of these fees from 1989–90 to 2004–05; and which of these fees count as negative expenditure. [107979]

Dr. Moonie: I refer the hon. Member to the answer my predecessor, my hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle), gave him on 24 January 2000, *Official Report*, column 63W.

Walk-on Equipment (Chinook)

Mr. Drew: To ask the Secretary of State for Defence if he will make a statement on the value of walk-on equipment. [108054]

Mr. Spellar *[holding answer 2 February 2000]:* I assume that the question relates to walk-on equipment which may be carried on the Chinook Mk2, such as binoculars, cameras and computers. The presence of such equipment would depend on the purpose of a particular flight and no general statement of value would be meaningful.

Mr. Drew: To ask the Secretary of State for Defence what recommendations in the Chinook Mk2 test were made on the use of in-flight UHF transmitters and walk-on equipment; and if they were written into the CIA release. [108053]

Mr. Spellar *[holding answer 2 February 2000]:* It was recommended that, because of the vulnerability of the automatic flight system to the Ultra High Frequency band, particular care should be taken when introducing UHF on-board transmitters to the Chinook as Special Trial Fits or walk-on equipment. The Controller Aircraft Release for the Chinook Mk2 in January 1994 stipulated that no carry-on-board equipment was cleared for use. No electronic equipment had been introduced to the aircraft by Special Trial Fit.

WRVS

Mr. Keetch: To ask the Secretary of State for Defence what discussions his Department has undertaken with the AWS and WRVS regarding the line management

accountability of WRVS employees; what advice he has received; what decisions have been taken; and if he will make a statement. [107840]

Mr. Spellar *[holding answer 2 February 2000]:* The Ministry of Defence is currently engaged with the Womens' Royal Voluntary Service (WRVS) in negotiating the renewal of their contractual relationship. The WRVS, like the Service Sound and Vision Corporation, the Navy, Army and Air Force Institute and the Soldiers, Sailors, Airmen and Families Association (Forces Help), is a charitable-based organisation working in partnership with the Services. WRVS employees, working with the Army are line managed and appraised annually by their National Director and the Commanding Officer of the Unit to which they are assigned. The WRVS maintains a regular dialogue with the Directorate of Personal Services (Army). This process ensures that the WRVS is apprised of developments in Welfare Policy and practices in the Army.

Welfare is a function of the Chain of Command within the Army. The Army Welfare Service (AWS) fulfils only one part, albeit an important part, of the overall delivery of welfare support within the Army. They are an in-house organisation providing specialist support and advice to Army individuals, their dependent families and the Chain of Command. Their activity is focused on the LAND Command component of the Army, although they can provide a point of contact for the Army based elsewhere. Where the AWS operate alongside the WRVS, they do so in partnership, each bringing particular and complementary skills to the overall welfare delivery. There is no direct line management relationship between the AWS and the WRVS.

Departmental Expenditure Limit

Ms Squire: To ask the Secretary of State for Defence what changes will be made to his Department's budget, departmental expenditure and Operating Cost limits for 1999–2000. [108701]

Mr. Hoon: The Government have decided that, subject to parliamentary approval of the necessary Supplementary Estimate for Class VI Vote 1 Defence for 1999–2000, the following changes should apply:

(a) The overall limit will increase by £584.282 million from £22,283.085 million to £22,867.367 million.

(b) The Ministry of Defence Departmental Expenditure Limit will be increased by £582.9 million from £22,280.341 million to £22,863.241 million.

(c) The Ministry of Defence Operating Cost Limit will be increased by £778.972 million from £15,918.341 million to £16,697.313 million.

This will cover the additional expenditure incurred by UK forces on operations in Kosovo and Bosnia during the current financial year which are estimated at just under £400 million and £112 million respectively. The figure also includes full take-up of the Ministry of Defence's entitlement to End Year Flexibility of £74 million.

The Supplementary Estimates will also provide for changes in the general pattern of expenditure, including adjustments between the Defence Procurement Agency's equipment programme and the operating costs programmes.

As the increase in the Defence Expenditure Limit will be met from the Reserve, which is part of the Government's overall spending plan, it will not add to the planned total of public expenditure in the current year.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Defence how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108409]

Dr. Moonie: The information requested cannot be provided as correspondence between MPs and the Department is treated in confidence unless the originating MP chooses to make such issues public.

Services Recruits

Mr. Spring: To ask the Secretary of State for Defence what percentage of recruits to the *(a)* Royal Navy and *(b)* armed forces passed the initial physical fitness tests in *(a)* 1997–98 and *(b)* 1998–99. [107965]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

TREASURY

Health Spending

2. **Mr. Bradshaw:** To ask the Chancellor of the Exchequer by how much spending on health has increased since 1 May 1997; and by what proportion of GDP health spending will increase by 2002. [106882]

Mr. Andrew Smith: Since we took office the Government have increased spending on the NHS by 10.4 per cent. in real terms. We estimate that by 2002 health spending will be around 7 per cent. of GDP.

Interest Rates

14. **Mr. Robathan:** To ask the Chancellor of the Exchequer what assessment he has made of the prospects for convergence between United Kingdom and European interest rates in the medium term. [106898]

Mr. Andrew Smith: Our policy is as set out in the Chancellor's October 1997 statement, including five economic tests which will have to be met before any decision to join can be taken.

28. **Mr. Beith:** To ask the Chancellor of the Exchequer what account he has taken of the impact of the level of interest rates on the economy of the north east of England in deciding the level of public expenditure in the region. [106912]

Miss Melanie Johnson: The north east of England, along with the rest of the United Kingdom, is benefiting from the long-term action we have taken to create a platform of economic stability and secure high and stable levels of growth and employment.

Pesticides Tax

15. **Mr. Stephen O'Brien:** To ask the Chancellor of the Exchequer how much revenue he estimates he will raise from his proposed tax on the use of pesticides. [106899]

Mr. Timms: On 1 February, the Government welcomed the voluntary proposals on reducing the environmental impacts of pesticide use brought forward by the British Agrochemical Association and announced that, subject to further detailed discussions on these proposals, the Chancellor will not proceed with the introduction of a pesticides tax in the Budget.

Stamp Duty

16. **Mr. Brady:** To ask the Chancellor of the Exchequer what estimate he has made of the number of people who will pay extra stamp duty in 2000–01 as a result of the 1999 Budget. [106900]

Miss Melanie Johnson: About 95,000 transactions will be affected as a result of the 1999 Budget measures on stamp duty on land and property.

VAT (Building and Maintenance)

17. **Mr. Hoyle:** To ask the Chancellor of the Exchequer what representations he has received on the rate of VAT levied on building, renovation and maintenance work. [106901]

Dawn Primarolo: Treasury Ministers have received a number of letters about the rate of VAT on building, renovation and maintenance work.

34. **Mr. Pike:** To ask the Chancellor of the Exchequer what discussions he has had with the building industry on VAT on house repairs, renovation and extension work. [106920]

Dawn Primarolo: None.

Football Clubs

18. **Mr. Bob Russell:** To ask the Chancellor of the Exchequer if he will introduce a tax redistribution arrangement based on turnover for professional football clubs. [106902]

Dawn Primarolo: I refer the hon. Member to the answer I gave on 16 December 1999, *Official Report*, column 297W.

Single Currency

19. **Dr. Julian Lewis:** To ask the Chancellor of the Exchequer what recent discussions he has had with the Secretary of State for Foreign and Commonwealth Affairs on future British membership of the single European currency. [106903]

Miss Melanie Johnson: The Chancellor of the Exchequer regularly discusses the Government's economic policy with Cabinet colleagues. The Government's position on the single currency remains as set by my right hon. Friend the Chancellor of the Exchequer in his statement to the House of Commons on 27 October 1997, *Official Report*, columns 583–88.

Exchange Rate

20. **Mr. Geraint Davies:** To ask the Chancellor of the Exchequer what assessment he has made of the impact of the value of sterling on trends in manufacturing output in the past 12 months. [106904]

Miss Melanie Johnson: There is strong evidence to suggest that manufacturers on the whole are coping well with the strength of sterling. Manufacturing output rose by 1.1 per cent. in the three months to November, compared to the previous three months, while export volumes have risen significantly through 1999.

Pensioners

21. **Mr. Blizzard:** To ask the Chancellor of the Exchequer how much additional expenditure has been directed exclusively to pensioners since May 1997. [106905]

Mr. Andrew Smith: From May 1997 until the financial year 2001–02, the Government have made available an additional £4 billion in real terms exclusively for pensioners. We have introduced the Minimum Income Guarantee which will be uprated by earnings growth through the remainder of this Parliament and Winter Fuel Payments of £100 per year per pensioner household. This year, we will introduce free TV licences for pensioners aged 75 and over and pensioners will receive free access to National museums in England where there are currently charges. The Government's Transport Bill contains proposals to guarantee pensioners at least half-price fares on buses in return for passes costing no more than five pounds.

NHS (Hypothecated Funding)

22. **Dr. Tony Wright:** To ask the Chancellor of the Exchequer what assessment he has made of the benefits of applying hypothecated funding to the NHS. [106906]

Mr. Andrew Smith: The Chancellor announced in his Pre-Budget Report that there was a strong, ongoing health case for year-on-year real terms increases in the price of cigarettes to support the Government's objectives to reduce smoking and tackle cancer and coronary heart disease, and that any additional revenue raised from real increases in tobacco duties would in future be spent on improved healthcare.

Savings Tax (EU Directive)

23. **Mr. Swayne:** To ask the Chancellor of the Exchequer if there are any circumstances in which it would be his policy to agree to the European Commission's Draft directive on the Taxation of Savings. [106907]

Dawn Primarolo: The Government have made clear that there can be no agreement to any draft directive on the taxation of savings as long as it risks damaging European Union financial markets.

IR35

24. **Mr. Jim Cunningham:** To ask the Chancellor of the Exchequer if he will make a statement on the progress he is making in the introduction of IR35 changes. [106908]

Dawn Primarolo: The proposed legislation will take effect from this April. It will ensure that workers in service companies pay tax and NICs on a basis which is fair in comparison with other employees.

Debt Relief

25. **Mr. Browne:** To ask the Chancellor of the Exchequer if he will make a statement on the summit he held on 21 December with the churches and charities on debt relief for the world's poorest countries. [106909]

Miss Melanie Johnson: The Chancellor and Secretary of State for International Development met with representatives of religious faiths and non-governmental organisations at 11 Downing Street on 21 December to discuss the latest progress under the enhanced Heavily Indebted Poor Countries Initiative and to share views on how to move the campaign for debt relief forward.

The Chancellor also reported that the UK would be providing 100 per cent. relief on the debts owed by the Heavily Indebted Poor Countries to the UK's Export Credit Guarantee Department.

Manufacturing

26. **Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer if he will make an assessment of the impact which United Kingdom interest rates have had on economic activity in the manufacturing industry of the United Kingdom in the past 12 months. [106910]

Miss Melanie Johnson: Manufacturing output rose 1.1 per cent. in the three months to November compared to the previous three months, and has been on an upward trend since spring last year. Performance has been much better than expected.

Departmental Expenditure Targets

27. **Mr. David Heath:** To ask the Chancellor of the Exchequer what plans he has to change the individual departmental expenditure limits targets for the second and third years of the comprehensive spending review period. [106911]

Mr. Andrew Smith: The Government's plans for departmental expenditure limits for 2000–01 and 2001–02 are set out in "Modern Public Services for Britain: Investing in Reform" (Cm 40411).

Taxation

29. **Mr. Syms:** To ask the Chancellor of the Exchequer how much extra tax will be paid in the four years from May 1997 as a result of the three Budgets since July 1997. [106913]

32. **Mr. Bercow:** To ask the Chancellor of the Exchequer what estimate he has made of the extra tax that will be paid in the period up to May 2002 as a result of his Budget measures since May 1997. [106918]

Dawn Primarolo: The effects of the last three Budgets on Government tax revenues and expenditure were published in table 2.2 of the July 1997 Financial Statement and Budget Report, and table 1.3 of the March 1998 and March 1999 Financial Statement and Budget Reports.

Road Fuel Duty

30. **Mr. Fabricant:** To ask the Chancellor of the Exchequer what plans he has to discuss the levels of road fuel duty on diesel with finance ministers of other EU member states; and if he will make a statement. [106915]

Mr. Timms: None.

Scotland

31. **Mr. Jim Murphy:** To ask the Chancellor of the Exchequer if he will make a statement on the impact in Scotland of the working families tax credit and the minimum income guarantee. [106916]

Dawn Primarolo: It is estimated that in 2000–01, the first full year of the Working Families Tax Credit, about 130,000 families in Scotland will be in receipt of the credit. Currently a family with someone in full-time work and with one child has a minimum income guarantee of £200 a week.

Economic Growth (South-East)

33. **Mr. White:** To ask the Chancellor of the Exchequer what assessment he has made of the prospects for economic growth in the south-east. [106919]

Miss Melanie Johnson: The Government's latest economic forecast for the UK economy was published on 9 November 1999 as part of the Pre-Budget Report. The South East, along with the rest of the United Kingdom, is expected to continue to benefit from the long-term action we have taken to lock in economic stability and secure high and stable levels of growth and employment.

Income Tax

Mr. Stunell: To ask the Chancellor of the Exchequer if he will list the expected change in after-tax income by earners who earn *(a)* 50 per cent., *(b)* 75 per cent., *(c)* 150 per cent., *(d)* 200 per cent. and *(e)* 300 per cent. of median incomes as a result of the 1p reduction in income tax to be implemented in April. [106886]

Dawn Primarolo: A great many factors can affect an individual's after-tax income—and this Government have introduced measures designed to boost take-home pay and increase the net incomes of families with children. The cut in the basic rate is one of those measures. Families with children will on average be £740 per year better off as a result of the last two budgets.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer, pursuant to his answer of 24 January 2000, *Official Report*, column 113W, (1) on what is his estimate of the number of people whose taxable incomes will exceed £100,000 per year in *(a)* 2000–01, *(b)* 2001–02 and *(c)* 2002–03; [107799]

(2) on what is his estimate of the numbers of people who had taxable incomes of over £100,000 in each year from 1979–80 to 1999–2000; and if he will estimate for each year from 1990–91 onwards the additional revenue which would have accrued from a basic income tax rate of 50% on taxable income over £100,000 per year. [107800]

Dawn Primarolo: The number of people with taxable incomes over £100,000 is estimated to be around 204,000 in 2000–01, 227,000 in 2001–02 and 243,000 in 2002–03.

These estimates are based on the 1997–98 Survey of Personal incomes and are consistent with the November 1999 Pre-Budget Report forecast.

I regret that it would be possible to provide reliable estimates for the number of taxpayers with taxable incomes above £100,000 and the tax yield from charging a rate of 50 per cent. for taxable incomes above £100,000 only at disproportionate cost.

However, the number of people with total incomes above £100,000 are set out in the table (for years between 1979–80 and 1999–2000).

Financial year	*Number of taxpayers*[1] *with total income above £100,000*	*Numbers based on survey of personal incomes*
1979–80	2,000	1979–80
1980–81	4,000	1980–81
1981–82	5,000	1981–82
1982–83	7,000	1982–83
1983–84	8,000	1983–84
1984–85	10,000	1984–85
1985–86	17,000	1985–86
1986–87	25,000	1986–87
1987–88	33,000	1987–88
1988–89	55,000	1988–89
1989–90	78,000	1989–90
1990–91	81,000	1990–91
1991–92	104,000	1991–92
1992–93	95,000	1992–93
1993–94	103,000	1993–94
1994–95	118,000	1994–95
1995–96	126,000	1995–96
1996–97	154,000	1996–97
1997–98	186,000	1997–98
1998–99	207,000	1997–98
1999–2000	227,000	1997–98

[1] Prior to 1990–91 most married couples were counted as one taxpayer

Unemployment (East Midlands)

Mr. Sawford: To ask the Chancellor of the Exchequer if he will make a statement on the impact of his economic policies on levels of unemployment in the east midlands. [106893]

Mr. Andrew Smith: In the East Midlands region, as in the rest of the UK, we have created a sound platform of economic stability that will help us attain our objective of stable levels of growth and employment. Since the general election, employment in the East Midlands is up, unemployment is down, long-term unemployment is down by two-thirds and youth unemployment by three-quarters.

Construction Industry

Mr. Gibb: To ask the Chancellor of the Exchequer what assessment he has made of the effect the new Construction Industry Scheme arrangements will have on the construction plant hire industry. [104892]

Dawn Primarolo: The purpose of the new Construction Industry Scheme, which took effect on 1 August 1999, is to tackle tax fraud and evasion across the industry as a whole. The Inland Revenue are continuing to consult with representative bodies about areas of the scheme which are causing difficulties.

Mr. Gibb: To ask the Chancellor of the Exchequer what recent discussions he has had with the Construction Plant Hire Association. [104893]

Dawn Primarolo: The Inland Revenue are continuing to consult with representative bodies about the new scheme and the areas of difficulty which have been brought to their attention. They are considering all the points which have been made to them.

Transport Spending

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if any real terms increases in spending on public transport and the road network that result from real terms increases in revenues from fuel duties will be in addition to the planned increases in real terms spending on transport that were announced in the Comprehensive Spending Review. [107980]

Mr. Andrew Smith: Yes, within the total of managed expenditure determined by the Comprehensive Spending Review.

Comprehensive Spending Review

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer (1) if any real terms spending on the NHS that results from real terms increases in revenues from tobacco will be in addition to the planned increases in real terms spending on the NHS that were announced in the Comprehensive Spending Review; [107982]

(2) if spending on public transport and the road network during the period of the second Comprehensive Spending Review, excluding any increases in spending that result from real terms increases in revenues from fuel duties, will not be cut in real terms. [107981]

Mr. Andrew Smith: I refer the hon. Member to the answers I gave him on 20 January 2000, *Official Report*, column 569W.

Climate Change Levy

Mr. Sheerman: To ask the Chancellor of the Exchequer what help is being given to those wood fibre particleboard and wood fibreboard producers who will be adversely affected by the climate change levy. [107938]

Mr. Timms: Sites in these sectors which are covered by the Integrated Pollution Prevention Control Directive, as defined by reference to Part A of the Pollution Prevention and Control Regulations, will be eligible for an 80 per cent. discount from the levy if they sign up to a negotiated agreement to improve energy efficiency that meets the Government's criteria.

More generally, all firms in these sectors will benefit from the other modifications to the design of the climate change levy announced by the Chancellor in the Pre-Budget Report, including the lower overall rates of the levy; the exemptions for electricity generated from 'new' forms of renewable energy and 'good quality' combined heat and power plants; and the trebling of support for energy efficiency measures under the levy package.

ECOFIN Council

Mr. Hood: To ask the Chancellor of the Exchequer what was the outcome of the ECOFIN Council held in Brussels on 31 January; and if he will make a statement. [108322]

Miss Melanie Johnson: The Chancellor of the Exchequer attended the Economic and Finance Council of Ministers.

The Portuguese Presidency presented their work programme. The main emphasis will be on preparation for the Special European Council at Lisbon, which will set a new agenda for economic policy reform. Other key themes of the Presidency are continuing work on economic policy co-ordination, including the Broad Economic Policy Guidelines, promoting the single market, particularly in financial services, improving financial management, and tackling money laundering.

The Presidency also undertook to continue work on the tax package. The Chancellor emphasised the importance of continuing to take measures that genuinely combat harmful tax competition, through the work of the Code of Conduct Group, as work is taken forward on the conclusions of the Helsinki European Council, which established the very clear principle that all citizens resident in the EU should pay the tax due on all their savings income.

As part of Stage III of EMU, member states are obliged to submit stability (for the Outs) and convergence (for the Ins) programmes annually, as updates to their original programmes submitted in March 1999. The deadline was end December 1999, and the programmes are now being examined by ECOFIN Ministers over three meetings. The programmes for Sweden, Greece, Finland, Ireland and the Netherlands were discussed and agreed.

Bank Accounts

Mr. Hilary Benn: To ask the Chancellor of the Exchequer what is his estimate of the percentage of adults who have bank accounts. [108213]

Miss Melanie Johnson: Various surveys indicate that the percentage of adults who have either a current account or a savings account is in the range 91 to 94 per cent.

Euro

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what studies his Department has carried out to quantify *(a)* the trade and competition effects of the United Kingdom entering the euro and *(b)* the impact of the euro on trade and competition in the Euro Zone. [108374]

Miss Melanie Johnson: The Government have set out five economic tests which define whether an economic case can be made for membership of EMU. The Chancellor of the Exchequer has said we will make another assessment of the five economic tests early in the next Parliament.

Employment Statistics

Mr. Field: To ask the Chancellor of the Exchequer what proportion of working age people were in employment in the spring quarter of *(a)* 1998 and *(b)* 1999. [108355]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Frank Field, dated 3 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on proportions of working age people in employment.

Estimates from the Labour Force Survey (LFS), the main source of labour market data on individuals, give the proportion of working age people in employment for spring 1998 as 73.4 per cent, and for spring 1999 as 73.9 per cent. These estimates are seasonally adjusted and are taken from Table 2a of the ONS *Labour Force Survey Quarterly Supplement Vol. 6*, which is held in the House of Commons Library.

Employment rates express the total of working age in employment as a percentage of all of working age. Working age is defined as men aged 16–64 and women aged 16–59.

People aged 16 or over are classed as in employment by the LFS if they have done at least one hour of paid work (as an employee or self-employed) in the week prior to their LFS interview or if they have a job that they are temporarily away from. People who do unpaid work in a family business and people on Government-supported training and employment programmes are also included according to the International Labour Organisation convention.

Mr. Field: To ask the Chancellor of the Exchequer (1) what proportion of working-age people lived in a household where no adult worked in *(a)* 1998 and *(b)* 1999; [108354]

(2) what proportion of children aged under 16 years lived in workless households in 1998 and 1999. [108351]

Miss Melanie Johnson: The information falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Frank Field, dated 3 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary questions on working age people in workless households and children aged under 16 in workless households.

In August 1998 the ONS introduced Labour Force Survey (LFS) databases especially designed for analyses of labour market data on households. Workless households in the LFS are defined as households with no-one in employment. People aged 16 or over are classed as in employment by the LFS if they have done at least one hour of paid work (as an employee or self-employed) in the week prior to their LFS interview or if they have a job that they are temporarily away from. People who do unpaid work in a family business and people on Government-supported training and employment programmes are also included according to the International Labour Organisation convention.

The estimates below have been restricted to working-age households, which are defined as households including at least one person of working age, i.e. a man aged 16 to 64 and a woman aged 16 to 59.

For spring 1998, the estimate of the proportion of working-age people living in workless households was 13.0 per cent. For spring 1999 it was 12.6 per cent. For spring 1998, the estimate of the proportion of children aged under 16 living in workless households was 18.2 per cent. In spring 1999 it was 17.6 per cent. Both sets of figures were published in an article in the January 2000 issue of *Labour Market Trends* (pp 25 - 34) which is held in the House of Commons Library.

Life Expectancy

Mr. Field: To ask the Chancellor of the Exchequer what is the healthy life expectancy of people aged 65 years. [108356]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Frank Field, dated 3 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on the healthy life expectancy of people aged 65 years.

Healthy life expectancy combines mortality and morbidity into a single index. Using the General Household Survey question on self-reported general health, ONS has calculated that in England in 1995[1] a woman aged 65 could expect to live a further 13.2 years in good or fairly good health, and a man aged 65 could expect to live a further 11.4 years in good or fairly good health. This compares with total life expectancy figures at age 65 of 18.4 and 14.8 years for women and men respectively.

The full set of results from this analysis and the methodology used will be published in the ONS journal, *Health Statistics Quarterly*, later this year.

[1] Using data for 1994–96.

Conceptions

Mr. Field: To ask the Chancellor of the Exchequer what was the rate of conceptions to women aged under 18 years of age per 1,000 women aged 15 to 17 years of age in 1998. [108353]

Miss Melanie Johnson: The information falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Frank Field, dated 3 February 2000:

As Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question on the rate of conceptions to women aged under 18 years in 1998.

Figures for 1998 are not yet available. The conception rates for women aged under 18 in England and Wales for 1990–1997 are shown in the table:

Year	*Conceptions to women under 18 per 1,000 women aged 15–17*
1990	47.7
1991	44.6
1992	43.6
1993	42.5
1994	42.0
1995	42.0
1996	46.4
1997	45.9

Amusement Machine Licensing Duty

Mr. Crausby: To ask the Chancellor of the Exchequer how much has been received in revenue from Amusement Machine Licensing Duty in each of the last five years. [108312]

Mr. Timms: The figures for receipts in the last five calendar years from Amusement Machine Licence Duty are as follows.

£000

Year	*Receipts*
1995	113,014
1996	129,719
1997	132,943
1998	142,127
1999	162,157

Fiscal Policy

Mr. Cohen: To ask the Chancellor of the Exchequer if he will make reducing inequality a central feature of his fiscal policy. [106894]

Dawn Primarolo: The Government are committed to building a fairer and more inclusive society in which everyone can contribute to and benefit from economic prosperity. In the Pre-Budget Report, the Chancellor set out the long-term ambition for the next decade to halve child poverty as a step on the way to abolishing child poverty within a generation. Measures in the last two Budgets will lift around 800,000 children out of poverty.

Pensioners should also share fairly in the nation's increasing prosperity. The Pre-Budget Report announced Winter Allowance for every pensioner household for the rest of the Parliament, free TV licence for older pensioners who are most likely to be poor, and will uprate minimum income guarantee in line with earnings for the rest of the Parliament.

Oath of Allegiance

Mr. Field: To ask the Chancellor of the Exchequer how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108412]

Mr. Timms: Correspondence between MPs and Departments is treated in confidence and is not a matter of public record.

Knitted Goods Sales

Mr. Tredinnick: To ask the Chancellor of the Exchequer if he will make a statement on the timetable for the publication of the Office for National Statistics 1998 figures for manufacturers' sales of hosiery and other knitted goods to the public. [106914]

Miss Melanie Johnson: Detailed product data from the 1998 quarterly Products of the European Community (PRODCOM) survey of manufacturers' sales of knitted and crocheted articles were published on 28 September 1999.

Provisional results of the 1998 Annual Business Inquiry (ABI) will be published on 11 February 2000. This News Release will contain values for turnover, purchases and gross value added for the textile and textile products industry. More detailed industry results, including those for the manufacture of knitted and crocheted articles, will be published around August 2000.

Contingencies Fund (Kosovo)

Mr. Dalyell: To ask the Chancellor of the Exchequer what drawings have been made from the Contingencies Fund in relation to events in Kosovo in the past 12 months. [106896]

Mr. Andrew Smith: No advances from the Contingency Fund have been made to Departments involved in the peacekeeping, humanitarian and refugee programmes for Kosovo in the last 12 months. There was though in June an allocation from the Reserve for £10 million additional humanitarian assistance, and the Spring Supplementary Estimates which will be the subject of separate written answers providing a further £536 million for Kosovo-related spending from the Reserve.

VAT (Energy-saving Materials)

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what studies the Treasury has undertaken on the *(a)* cost and *(b)* financial, social, economic and legal effects of reducing VAT on energy-saving materials and technologies. [108302]

Dawn Primarolo: Customs carried out just such a review in 1997. They published "Helping the Less Well-off Save Energy, The Scope for a Reduced Rate of VAT" in November 1997, a copy of which is available from the Library of the House. It can also be seen on the Customs and Excise website at:

http://www.hmce.gov.uk/bus/vat/green.htm

We introduced a 5 per cent. VAT rate for grant funded installations of energy-saving materials as a direct result of this report.

Customs and Excise

Mrs. Lawrence: To ask the Chancellor of the Exchequer what changes are proposed to HM Customs and Excise departmental expenditure limit and running costs limit for 1999–2000. [108698]

Dawn Primarolo: There are currently no plans to change the overall departmental expenditure limit of HM Customs and Excise. However, subject to Parliamentary approval of the necessary Supplementary Estimate for Class XVI, Vote 3 (HM Customs and Excise: administration), the running costs limit will be increased by £9,001,000 from £792,115,000 to £801,116,000. The increase is required to cover the effect of accounting classification changes on the department's IT current expenditure.

The increase will be entirely offset by a reduction in capital provision. It will not therefore add to either the departmental expenditure limit or the planned total of public expenditure.

Inland Revenue

Mrs. Lawrence: To ask the Chancellor of the Exchequer what changes are proposed to the Inland Revenue's departmental expenditure limit and running costs limit for 1999–2000. [108697]

Dawn Primarolo: Subject to parliamentary approval of the Supplementary Estimate for Class XVI, Vote 4 the Inland Revenue Departmental Expenditure Limit for 1999–2000 will be increased by £10,053,000 from £2,168,461,000 to £2,178,514,000. The Inland Revenue running cost limit will also be increased by £5,663,000 from £2,168,840,000 to £2,174,503,000.

The increase is mainly due to the transfer of £5,610,000 running costs and £4,390,000 capital from the Department of Trade and Industry, Class 9, Vote 1 for the provision of payroll support to new employers.

The increase will be offset by transfers or charged to the DEL reserve and will not add therefore to the planned total of public expenditure.

Public Sector Pensions

Mr. Willetts: To ask the Chancellor of the Exchequer how many employees *(a)* opted-out of or *(b)* did not take the option to join contributory public sector pension schemes in the period 1988 to 1994 inclusive. [108002]

Mr. Andrew Smith: Complete data are not held centrally and could be collected only at disproportionate cost. In the review of mis-selling of personal pensions it was estimated that around 300,000 employees may have opted out of the main public service pension schemes in this period. This figure excluded the Local Government Pension Scheme and the schemes for police and fire brigades which are administered on a decentralised basis by local authorities.

Mr. Willetts: To ask the Chancellor of the Exchequer (1) how many employees were reinstated to non-contributory public sector pension schemes in the financial years 1996–97 to 1998–99 inclusive; [107999]

(2) how many employees were reinstated to contributory public sector pension schemes in the financial years 1996–97 to 1998–99 inclusive. [108003]

Mr. Andrew Smith: Complete data are not held centrally and could be collected only at disproportionate cost. The numbers for the main public service schemes excluding those administered on a decentralised basis by local authorities are shown in the table. Information is not available on pension schemes in the wider public sector. The Armed Forces Pension Scheme is the only non-contributory public service pension scheme. Very few reinstatements were completed prior to 1997–98.

Mis-selling review—number of reinstatements into public service pensions schemes

	1997–98[1]	*1998–99*
Non-contributory scheme	—	—
Armed Forces	2	8
Contributory schemes	—	—
Teachers	1,626	4,078
National Health Service	3,290	22,448
Northern Ireland Teachers, NHS etc.	290	801
Civil Service[2]	16	66
Scottish Teachers and NHS	757	1,832
Total	5,981	29,233

[1] Includes small number of reinstatements made in 1996–97

[2] Employee contributions to the PCSPS are refundable in certain circumstances.

Mr. Willetts: To ask the Chancellor of the Exchequer how many employees *(a)* opted-out of or *(b)* did not take up the option to join non-contributory public sector pension schemes in the period 1988 to 1994 inclusive. [107998]

Mr. Andrew Smith: The Armed Forces Pension Scheme is the only non-contributory public service pension scheme. Entry to the scheme is automatic on employment. 83 employees opted out of the scheme in the period 1988 to 1994.

Press Releases

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer how many press releases his Department issued from 1995 to 1999. [108183]

Dawn Primarolo: I refer the hon. Member to the answer I gave him on 2 February 2000, *Official Report*, column 636W.

EDUCATION AND EMPLOYMENT

Child Care

Mr. Robathan: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of planned Ofsted inspections of child minders on the provision of child minding services. [105988]

Ms Hodge: Transferring the responsibility for child minding and day care regulation to the new and distinct Early Years Directorate in Ofsted will enable the best of the present regulatory system for child care to be brought together with that for nursery education inspections. This will help create greater coherence and integration and will lead to improvements in the quality of child care and early years education services. The new Directorate will deliver its services through a national and regional structure supported by a local presence.

Establishing new national standards will ensure consistency across the country. The present system has led to widely varying interpretations; a national framework delivered at a local level will ensure greater clarity and consistency for providers, including child minders. In addition, local authorities will continue to provide training, guidance and advice to child minders and prospective child minders to encourage them to meet the relevant standards for registration.

Parents will have access to open information from Ofsted reports and this will enable them to make better informed choices. This will ensure that parents have greater trust and confidence in the quality of the child care services available locally.

Correspondence

Mr. Beith: To ask the Secretary of State for Education and Employment when he will reply to the letter from the right hon. Member for Berwick-upon-Tweed dated 12 October 1999, relating to a constituent living in Shilbottle, Northumberland, on the subject of a student loan. [107286]

Mr. Blunkett: A reply was sent on 1 February 2000. I am sorry for the delay in replying to the right hon. Member.

Seed Challenge Capital (Essex)

Mr. Pickles: To ask the Secretary of State for Education and Employment what is the total allocation of Seed Challenge Capital for schools within Essex County Council in the next financial year; and how many schools within Essex County Council are eligible to bid for funds under the scheme. [107758]

Jacqui Smith: The total allocation of Seed Challenge Capital for schools within Essex County Council in the next financial year is £650,909. All maintained schools are eligible to bid for funds under the scheme. The next financial year, 2000–01, is a pilot year for Seed Challenge. If it is successful in building partnerships and raising additional funding, we will consider expanding the scheme in future years.

Computers

Mr. Burstow: To ask the Secretary of State for Education and Employment on how many occasions in each of the past five years computer systems in his Department have been illegally accessed by computer hackers *(a)* within and *(b)* outside his Department. [106223]

Mr. Wills: There have been no successful attempts to gain illegal access to DfEE systems in the past five years from either within or outside my Department.

Degree Courses

Mr. Steinberg: To ask the Secretary of State for Education and Employment how many students enrolled for degree courses in each year since 1995. [108009]

Mr. Wicks: The available information is given in the table. 1997 entrant numbers may have been inflated because entrants who might otherwise have taken a gap year decided not to as they were influenced by the knowledge that fees would be introduced with effect from 1998. Comparable data for 1999–2000 will be published by the Higher Education Statistics Agency in April.

Entrants to first degree courses in higher education institutions in the UK [1]

Year of entry	*Entrants*
1995	348,211
1996	349,130
1997	358,560
1998	350,321

[1] Full-time and part-time courses, excluding the Open University and HE students in FE colleges

UCAS figures covering full-time and sandwich undergraduate courses only, show that the number of UK domiciled applicants accepted for entry increased by 1.6 per cent. between autumn 1998 and autumn 1999.

Foreign Seamen

Mrs. Dunwoody: To ask the Secretary of State for Education and Employment how many foreign seamen have received work permits in the last 12 months. [108022]

Ms Hodge: No foreign seamen have received work permits during the last 12 months.

Playing Fields

Mr. MacShane: To ask the Secretary of State for Education and Employment how many inner-city schools have access to playing fields for sport. [108134]

Jacqui Smith: The Department does not collect this information.

Graduates

Mr. Steinberg: To ask the Secretary of State for Education and Employment what percentage of graduates in the UK gained full-time employment within two years of graduating in each year since 1995. [108008]

Mr. Wicks: Information on the destinations of graduates is collected annually by the Higher Education Statistics Agency (HESA), and shows the employment position of students six months after graduation. This information is given in the table.

Recent research undertaken by the Institute for Employment Research which tracked the longer term career paths of graduates was published in "Moving On—Graduate Careers Three Years after Graduation" and showed that approximately 90 per cent. of students graduating in July 1995 were in employment in December 1998.

Destinations of first degree graduates from higher education institutions in the United Kingdom six months after graduation

	1995		1996		1997		1998	
	Number	Percentage[1]	Number	Percentage[1]	Number	Percentage[1]	Number	Percentage[1]
Full-time employment	78,940	44.5	93,561	49.2	97,163	50.2	99,982	51.0
Part-time employment	8,099	4.6	8,297	4.4	8,167	4.2	8,317	4.2
Further training	36,848	20.8	37,612	19.8	36,858	19.1	37,338	19.1
Unemployed	15,194	8.6	14,381	7.6	12,354	6.4	10,440	5.3
Other[2]	38,443	21.7	36,405	19.1	38,928	20.1	39,833	20.3
Total number of graduates with known destination	177,524	100.0	190,256	100.0	193,470	100.0	195,910	100.0

[1] Constituent parts may not sum to total because of rounding
[2] Includes overseas students returning overseas and graduates not available for employment

Montserrat

Dr. Tonge: To ask the Secretary of State for Education and Employment what discussions he has had with the British Council regarding the higher education awards to students from Montserrat studying in the United Kingdom. [108139]

Mr. Wicks: Officials from my Department meet from time to time with the British Council, who administer the Montserrat Emergency Award Scheme, to discuss the scheme's effectiveness, guidance on eligibility criteria, numbers of Montserrat students involved and the associated funding required. The scheme began in 1997, following volcanic activity on Montserrat, and provides students with bursaries to help meet the costs of their higher education tuition in England and Wales. My Department is providing £1.322 million to support 198 students in the current financial year.

Class Sizes

Mr. Ashdown: To ask the Secretary of State for Education and Employment how many *(a)* primary school and *(b)* secondary school pupils are estimated to be in classes of 30 or more pupils for each year from 1990–91 to 2000–01; and if he will make a statement. [107790]

Ms Estelle Morris: The available information is shown in the table.

Information on class sizes in January is currently being collected for the year 1999–2000 and provisional estimates will be published in a Statistical First Release in April 2000. Figures for the year 2000–01 will not be collected until the next Annual census exercise is undertaken in January 2001.

Number of pupils in maintained primary and secondary schools in classes of size 30 or more taught by one teacher—1991 to 1999—position as at January—England

	Classes of 30 or more	All classes
Primary		
1999	1,827,600	4,051,806
1998	1,927,842	4,054,801
1997	1,842,141	4,025,162
1996	1,750,781	3,966,235
1995	1,625,305	3,908,390
1994	1,519,753	3,813,285
1993	1,412,153	3,719,076
1992	1,320,492	3,625,346
1991	1,306,768	3,577,523
Secondary		
1999	571,634	2,890,610
1998	519,363	2,845,146
1997	461,780	2,808,509
1996	437,576	2,766,832
1995	399,990	2,735,880
1994	387,807	2,666,538
1993	355,731	2,572,728
1992	328,578	2,509,381
1991	308,747	2,466,025

Mr. Ashdown: To ask the Secretary of State for Education and Employment if he will publish the available information on *(a)* primary and *(b)* secondary school class sizes in Somerset for each of the years 1995–96 to 1999–2000. [107791]

Ms Estelle Morris: A summary of class size information in maintained Primary and Secondary schools in the Somerset local education authority area for

the academic years 1995–96 to 1998–99 is shown in the tables. Similar information about classes in Somerset for the academic year 1999–2000 is currently being collected and will be available from September.

Number of classes and pupils taught by one teacher in maintained primary schools in the Somerset local education authority area—1996 to 1999—position as at January—England

Size of class	*1999*	*1998*	*1997*	*1996*
1–20				
Number of classes	113	129	134	137
Number of pupils	1,716	2,018	2,156	2,120
21–30				
Number of classes	793	759	787	786
Number of pupils	21,221	20,223	21,004	20,818
31 to 35				
Number of classes	412	417	385	396
Number of pupils	13,431	13,574	12,443	12,840
36 to 40				
Number of classes	53	45	45	21
Number of pupils	1,941	1,651	1,653	768
41 and over				
Number of classes	0	2	0	1
Number of pupils	0	83	0	41
All classes				
Number of classes	1,371	1,352	1,351	1,341
Number of pupils	38,309	37,549	37,256	36,587

Number of classes and pupils taught by one teacher in maintained secondary schools in the Somerset local education authority area Position as at January—England

Size of class	*1999*	*1998*	*1997*	*1996*
1–20				
Number of classes	313	297	366	352
Number of pupils	4,431	4,296	5,324	5,128
21–30				
Number of classes	731	737	718	712
Number of pupils	19,172	19,230	18,722	18,572
31–35				
Number of classes	150	136	118	110
Number of pupils	4,855	4,340	3,803	3,504
36–40				
Number of classes	3	4	1	2
Number of pupils	108	145	37	74
41 and over				
Number of classes	0	0	0	1
Number of pupils	0	0	0	41
All classes				
Number of classes	1,197	1,174	1,203	1,177
Number of pupils	28,566	28,011	27,886	27,319

Mr. Ashdown: To ask the Secretary of State for Education and Employment if he will estimate the number of pupils in *(a)* primary school classes and *(b)* secondary school classes with over 30 pupils for each English county from 1991–92 to 1999–2000; and what percentage these numbers represent of the total (i) primary and (ii) secondary schools population for each such county. [107792]

Ms Estelle Morris: The available information is shown in the tables, copies of which have been placed in the Library.

Information on classes as taught in England in January 2000 is currently being collected and provisional national figures will be published in a Statistical First Release in April.

Teacher Competencies

Mrs. May: To ask the Secretary of State for Education and Employment, pursuant to his answer of 28 January 2000, *Official Report*, columns 386–87W, on teacher competencies, *(a)* how the proposed standards for teachers wishing to cross the proposed new performance threshold will be determined and *(b)* when the Hay McBer report will be considered. [108423]

Ms Estelle Morris: The standards for the performance threshold will be determined by the Secretary of State in the light of comments from School Teachers' Review Body consultees. A draft was proposed in the technical consultation document on pay and performance management, published in February 1999. It is being further developed in the light of responses received during the consultation on the technical consultation document and in the light of research by Hay McBer into the characteristics of effective teaching. Recommendations about the performance threshold standards were an early output of that research.

DfEE expects to receive the final report from Hay McBer on the characteristics of effective teaching at the end of February 2000. The full report will look at the characteristics of effective teaching at different stages of the profession, including post-induction and Advanced Skills Teacher. DfEE will want to consider, with the profession, how this framework might be used to support teachers' continuing professional development.

Standard Spending Assessments

Mr. Ashdown: To ask the Secretary of State for Education and Employment what is his estimate of *(a)* primary school per pupil standard spending assessments and *(b)* secondary school per pupil standard spending assessments for each English county for each of the years 1990–91 to 2000–01 in real terms using 1998–99 prices; and if in each case he will rank these from highest to lowest per pupil expenditure. [107787]

Ms Estelle Morris: I will place tables in the Library that give the figures requested for the 34 Upper Tier Authorities[1] based on the final Standard Spending Assessment allocations for 1990–91 to 2000–01. These have not been adjusted for any changes in local authority function over the years and may not be directly comparable due to the effects of local government reorganisation.

[1] Upper Tier Authority is a DETR term used to define county/shire councils.

Mr. Ashdown: To ask the Secretary of State for Education and Employment (1) what plans he has to review the levels of *(a)* primary school and *(b)* secondary school standard spending assessments across English counties; and if he will make a statement; [107788]

(2) if he will make a statement on his assessment of whether funding of *(a)* primary and *(b)* secondary schools in Somerset on the basis of standard spending assessments is presently fair and equitable in relation to such funding levels across the rest of English education authorities. [107793]

Ms Estelle Morris: The Government are well aware that there is widespread concern about the fairness of the current formula for funding local authorities. The Government announced in November 1998 a review in partnership with local government to look for a way of distributing revenue support grant which is simpler, more stable, more robust and fairer than the present arrangements for Standard Spending Assessments. The Government will be issuing a Green Paper on options for change by the Summer.

School Funding (Somerset)

Mr. Ashdown: To ask the Secretary of State for Education and Employment how many bids have been received from schools in Somerset since 1 May 1997 for all centrally allocated spending, classified as *(a)* capital funding, *(b)* Standards Fund funding and *(c)* other funding; how many of such bids have been (i) successful and (ii) unsuccessful; and if he will make a statement. [107789]

Ms Estelle Morris: Centrally allocated funds, including the Standards Fund and funding for capital work, are usually distributed on a formula basis or as a result of bids from Local Education Authorities, not via bids from individual maintained schools. Non-maintained special schools can bid directly for capital grant, but there are no such schools in Somerset. Until March 1999 grant maintained schools bid to the Funding Agency for Schools (FAS) for capital grants on a rolling programme. Between May 1997 and March 1999, 13 bids from grant maintained schools located in Somerset and Bath and North East Somerset were successful. The FAS maintained no record of the number of unsuccessful bids. Schools in Somerset have also led two successful bids for setting up Education Action Zones.

Teacher Redundancies

Mr. Maclean: To ask the Secretary of State for Education and Employment how many teacher redundancies in maintained schools there were *(a)* during the academic year 1999–2000 and *(b)* in the previous five academic years. [108314]

Ms Estelle Morris: The number of teacher premature retirements on the grounds of redundancy[1] from the maintained nursery, primary, secondary and special sector in England and Wales by financial year[2] is in the table:

Year	*Number*
1994–95	2,400
1995–96	3,300
1996–97	2,900
1997–98	2,300

[1] Data on teachers taking severance on the grounds of redundancy are not held centrally.

[2] Data for 1998–99 and 1999–2000 are not available.

Educational Achievement

Mr. Field: To ask the Secretary of State for Education and Employment what proportion of the working-age population had a qualification in *(a)* 1998 and *(b)* 1999. [108350]

Mr. Wicks: The proportion of the working age population in the United Kingdom to have any qualification, as measured by the Labour Force Survey, was 82.1 per cent. in 1998 and 82.9 per cent. in 1999.

HOME DEPARTMENT

Immigration

Ms Oona King: To ask the Secretary of State for the Home Department what is his estimate of the number of children *(a)* from the Indian sub-continent and *(b)* from the rest of the world wrongly refused settlement by his Department on the basis of not being related as claimed, who are now able to prove their relationship through DNA testing. [107293]

Mrs. Roche: I regret that there is no reliable way of assessing the numbers of such children, who were refused entry clearance in good faith on the evidence available at the time.

Mr. Rouea Gargan

Mr. Sanders: To ask the Secretary of State for the Home Department if he will conduct an investigation into his Department's loss of Mr. Rouea Gargan's passport, ref. G1008833. [107053]

Mrs. Roche: I am very sorry that Mr. Gargan's passport appears to have been lost. Several searches have been conducted by the Integrated Casework Directorate (ICD) in an effort to locate Mr. Gargan's passport and documents. The ICD will continue to search for them and if they are recovered in the short term, his passport will be endorsed and returned to him. The issue of compensation in connection with his replacement documents will be addressed as soon as possible.

In the meantime, Mr. Gargan has now been issued with a letter facilitating his readmission to the United Kingdom.

Mr. Sanders: To ask the Secretary of State for the Home Department when he will reply to the correspondence of 18 August 1999 and 22 November 1999 from the hon. Member for Torbay regarding Mr. Rouea Gargan, a constituent; and if he will make a statement. [107055]

Mrs. Roche: I wrote to the hon. Member today. I am sorry for the delay.

Credit Ratings

Mr. Pickles: To ask the Secretary of State for the Home Department if the credit rating of companies seeking to tender for services provided by his Department is checked before the contract is awarded. [107742]

Mr. Straw: In assessing a company's capability for providing services to the Department over the period of a contract, its financial status and background will be checked using information which will include latest

audited accounts and other relevant published details such as credit and debt rating. These checks are undertaken on contracts where early termination would place a financial and operational risk on the Department.

Mr. Pickles: To ask the Secretary of State for the Home Department how often the credit rating of companies supplying services to his Department is checked. [107748]

Mr. Straw: Once a contract has been let, the Department will carry out checks only if it has reason to believe that any of its contractors may be in financial difficulty.

Freedom of Information

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what estimate he has made of the proportion of freedom of information requests for information which will be turned down because of the cost; and if he will make a statement. [108085]

Mr. Mike O'Brien: Under the Freedom of Information Bill, a fee may be charged by a public authority, in accordance with regulations made by the Secretary of State. The regulations will set an 'appropriate limit', whereby if the cost of complying with the request exceeds that limit they would be exempt from that obligation under clause 11 of the Bill. These regulations are currently being prepared and it is intended that they will be circulated in draft as soon as possible. However, without pre-empting the regulations the Government's view have been that the 'appropriate limit' should be the same as the £500 threshold for disproportionate costs which currently applies to parliamentary questions. It is not possible to make accurate projections of the number of requests that will fall outside this limit at this stage. However, I am confident that the percentage of cases where the exemption is claimed and the applicant refused will be very small.

It is, of course, possible that this threshold would be exceeded on occasions where, for example, an application required a significant amount of work on the part of the authority in drawing the information together. In such circumstances, the authority would still be required to consider the disclosure of the information, under clause 13 of the Bill, if to do so would be in the public interest. Therefore, even if the 'appropriate limit' is exceeded, it is still possible, because of the nature of the information, that it will be disclosed.

Wormwood Scrubs

Mr. Simon Hughes: To ask the Secretary of State for the Home Department when he will make an announcement on the future of HMP Wormwood Scrubs; and if he will make a statement. [108080]

Mr. Straw: Following the publication of the Chief Inspector of Prisons report on Wormwood Scrubs in June I asked him to undertake a six month follow-up inspection to check on progress. The Chief Inspector is expected to commence this follow-up inspection shortly. I will make an announcement after I have received the Chief Inspector's report and given due consideration to his recommendations.

War Crimes

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many people residing in the UK have been investigated for war crimes; and if he will make a statement. [108082]

Mr. Charles Clarke: 376 individuals were investigated by the former War Crimes Unit at New Scotland Yard after the introduction of the War Crimes Act 1991. In addition, one person (Konrad Kalejs) temporarily present in the country was investigated by the Metropolitan police earlier this year. I am not aware of any other such investigations.

Electoral Register

Mr. Greenway: To ask the Secretary of State for the Home Department when he plans to introduce the provisions of the Representation of the People Bill relating to the rolling electoral register. [107918]

Mr. Mike O'Brien: I would like to bring this change into force in time for the next annual registration canvass in the autumn, together with those relating to the sale of the register and other registration changes. But the timetable will depend on the progress of the Representation of the People Bill through Parliament; agreement on the content of the subsequent regulations and their precise drafting; and parliamentary approval of those regulations under the affirmative resolution procedures.

British Citizenship Applications

Mr. Beggs: To ask the Secretary of State for the Home Department what is the current waiting time for case workers to commence to process applications for British citizenship. [108108]

Mrs. Roche: The average waiting time for applications decided in December 1999 was 19 months.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for the Home Department how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the Oath of Allegiance. [108408]

Mr. Straw: Correspondence between Members and Departments is treated in confidence unless the Member concerned chooses to make such issues public. I am therefore unable to provide the information requested.

Immigration and Asylum

Mr. Hope: To ask the Secretary of State for the Home Department what progress he has made on consultation with regard to implementation of the provisions of the Immigration and Asylum Act 1999 relating to *(a)* civil penalty, *(b)* flexibility and passenger information, *(c)* facilities to be provided by port operators and *(d)* charging for additional immigration services. [108705]

Mrs. Roche: Constructive and detailed discussions are proceeding with representative organisations. As part of that process, consultation papers relating to each of these provisions have been circulated to those representatives and others in the industry. I have placed copies of the documents in the Library.

Police Officer Numbers

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what plans he has to place the announcement of twice-yearly police officer number figures for England and Wales on a regular timescale; if the latest figures are available; and if he will make a statement. [108081]

Mr. Charles Clarke: There are no plans to announce changes to police numbers within a specific timescale. The figures are published as soon as all police forces have submitted the relevant information and it has been validated. Police numbers as at 30 September 1999 will be issued shortly.

Mr. Ashdown: To ask the Secretary of State for the Home Department how many extra police officers there will be in Somerset in each of the next three years as a result of his recent statement of intent to increase national police officer numbers by 5,000; and if he will make a statement. [107796]

Mr. Charles Clarke: We are currently assessing the bids which all forces have made under the recruitment scheme of the Crime Fighting Fund to determine whether they meet the criteria laid down in the bidding guidelines which were issued to forces and a copy placed in the Library on 2 December 1999. My right hon. Friend the Home Secretary will be announcing the results shortly.

Mr. Ashdown: To ask the Secretary of State for the Home Department what is his estimate of the *(a)* establishment and *(b)* actual available officer numbers for (i) each English police force and (ii) each Avon and Somerset divisional force for the latest period for which statistics are available; and if he will make a statement. [107841]

Mr. Charles Clarke: It is for chief constables to determine the number of officers in each force, within the resources available. The latest available information on the number of officers in each English police force is set out in the table.

Figures showing the authorised strength and actual strength of the eight territorial divisions in the Avon and Somerset Constabulary are are also shown. This information has been provided by the chief constable.

Police numbers—England for 31 March 1999

Force	*Strength as at 31 March 1999* [1]
Avon and Somerset	2,999.3
Bedfordshire	1,041.3
Cambridgeshire	1,274.4
Cheshire	2,070.6
City of London	778.1
Cleveland	1,415.6
Cumbria	1,126
Derbyshire	1,758.6
Devon and Cornwall	2,887
Dorset	1,279.1
Durham	1,567.9
Essex	2.890.5
Gloucestershire	1,104.1
Greater Manchester	6,809.9
Hampshire	3,473.4
Hertfordshire	1,723.7
Humberside	1,974.4
Kent	3,200.8
Lancashire	3,244.8
Leicestershire	1,993.2
Lincolnshire	1,139.6
Merseyside	4,211
Metropolitan Police	26,073.1
Norfolk	1,381.4
Northamptonshire	1,137.5
Northumbria	3,840.2
North Yorkshire	1,336.5
Nottinghamshire	2,224.6
South Yorkshire	3,168
Staffordshire	2,237.6
Suffolk	1,190,2
Surrey	1,661.9
Sussex	2,846.8
Thames Valley	3,748.1
Warwickshire	907.7
West Mercia	2,024.7
West Midlands	7,320.8
West Yorkshire	4,982
Wiltshire	1,151

[1] Full-time equivalents

Avon and Somerset Constabulary—police numbers by divisions as at 30 September 1999

Force division	*Authorised strength*	*Actual strength for 30 September 1999*
Central Bristol	348	341
South Bristol	243	238
North Bristol	247	245
South Gloucestershire	253	254
Bath and North East Somerset	209	209
East Somerset	238	239
West Somerset	282	280
North Somerset	197	196

Mr. Fraser: To ask the Secretary of State for the Home Department what estimate he has made of the total number of police officers in England and Wales on 31 January. [108292]

Mr. Charles Clarke: Information on police numbers is collected twice a year (March and September). Police strength figures as at 31 March 1999 were 126,096; figures as at 30 September will be published shortly.

Police Officers (Sick Leave)

Mr. Ashdown: To ask the Secretary of State for the Home Department how many police officers are on long-term sick leave in *(a)* each English police force and *(b)* each Avon and Somerset divisional force for the latest period for which such statistics are available; if he will restate these figures to show them as a proportion of total establishment officer strength in each case; and if he will make a statement. [107842]

Mr. Charles Clarke: Information about the number of police officers on long-term sick leave is not held centrally. The table shows: the total number of police days lost in 1998–99 due to long-term sick leave for all forces in England and Wales; and the percentage of working days in that year lost as a result of long-term sick leave.

The same information is not held centrally for each division of Avon and Somerset Constabulary.

Police days lost due to long-term sick leave—1998–99

	Average police strength	*Total working days assuming 228 per officer based on average strength*	*Police days lost due to long-term sick leave*	*Percentage of working days lost to long-term sick leave*
Avon and Somerset	3,012	686,736	15,813	2.3
Bedfordshire	1,041	237,407	9,563	3.6
Cambridgeshire	1,295	295,260	9,117	3.1
Cheshire	2,111	481,308	16,958	3.6
City of London	790	180,120	6,021	3.4
Cleveland	1,471	335,388	10,703	3.3
Cumbria	1,160	264,480	5,726	2.2
Derbyshire	1,777	405,224	13,268	3.3
Devon and Cornwall	2,946	671,592	17,236	2.6
Dorset	1,303	297,084	7,055	2.4
Durham	1,552	353,856	8,871	2.5
Dyfed-Powys	1,044	238,032	5,950	2.5
Essex	2,936	669,408	21,124	3.2
Gloucestershire	1,113	253,764	7,721	3.1
Greater Manchester	6,913	1,576,164	64,372	4.1
Gwent	1,250	285,000	9,300	3.3
Hampshire	3,470	791,160	19,763	2.5
Hertfordshire	1,752	399,456	9,312	2.4
Humberside	2,021	460,788	8,609	1.9
Kent	3,269	745,332	18,668	2.6
Lancashire	3,331	759,468	22,601	3.1
Leicestershire	2,037	464,436	12,626	2.8
Lincolnshire	1,171	266,988	8,140	3.1
Merseyside	4,373	996,930	42,234	4.4
Metropolitan police	26,566	6,057,048	188,602	3.2
Norfolk	1,426	325,128	7,654	2.4
North Wales	1,416	322,848	9,561	3
North Yorkshire	1,360	310,080	9,761	3.2
Northamptonshire	1,167	266,094	6,261	2.4
Northumbria	3,854	878,598	32,218	3.7
Nottinghamshire	2,248	512,544	20,725	4.1
South Wales	2,989	681,492	33,385	4.9
South Yorkshire	3,165	721,506	18,966	2.6
Staffordshire	2,279	519,498	20,291	4
Suffolk	1,195	272,460	5,688	2.1
Surrey	1,680	383,136	9,496	2.5
Sussex	2,962	675,336	16,794	2.6
Thames Valley	3,822	871,491	33,478	3.9
Warwickshire	925	210,786	7,066	3.4
West Mercia	2,033	463,524	9,273	2
West Midlands	7,250	1,653,000	55,721	3.3
West Yorkshire	5,053	1,152,084	36,821	3.2
Wiltshire	1,169	266,532	5,612	2.3
England and Wales Total	125,695	28,658,567	897,125	3.2

Young Offenders (Avon and Somerset)

Mr. Ashdown: To ask the Secretary of State for the Home Department what his estimate is of the number of young offenders within the Avon and Somerset area who have committed *(a)* five offences or more, *(b)* 10 offences or more, *(c)* 20 offences or more and *(d)* 50 offences or more; and if he will make a statement. [107844]

Mr. Charles Clarke: The exact information requested is not held centrally. However, information is available on the number of recordable offences for which a 1998 sample of persistent young offenders had been convicted.

This indicates that a total of 173 individual persistent young offenders were sentenced on one or more occasions during 1998 following apprehension by the Avon and Somerset police. Of these 33 had been sentenced for a total of between five and nine recordable offences, 64 had been sentenced for between 10 and 19 recordable offences, 65 had been sentenced for between 20 and 49 recordable offences, and 10 had been sentenced for 50 or more recordable offences. The remaining individual had been sentenced for four recordable offences.

We define persistent young offenders as having at least three previous convictions and being apprehended for a further offence within three years of their most recent previous sentence.

Avon and Somerset Police

Mr. Ashdown: To ask the Secretary of State for the Home Department how many police officers in the Avon and Somerset force are *(a)* allocated to policing within the Bristol area and *(b)* on standby for policing within the Bristol area; and if he will make a statement. [107843]

Mr. Charles Clarke: I understand from the Chief Constable that three territorial divisions police the Bristol area. At the end of January, there were 831 police officers in these divisions.

Police officers are not held on standby for policing a particular division. Avon and Somerset Constabulary's resources are managed to provide flexibility of response to major incidents, whether planned or spontaneous. A number of specialist units are also available to provide specialised operational policing capabilities on a forcewide basis.

Mr. Ashdown: To ask the Secretary of State for the Home Department how many *(a)* civilians and *(b)* special constables have been employed by the Avon and Somerset Police for each of the last five years. [107845]

Mr. Charles Clarke: The strength of the civilians and special constables employed by Avon and Somerset Constabulary for each of the last five years is recorded in the table:

Year [1]	*Civilians* [2]	*Special Constables*
1995	1,204	651
1996	1,213	688
1997	1,438	759
1998	1,393	621
1999	1,424	547

[1] As at 31 March
[2] The civilian figures are full time equivalents, and do not include traffic wardens
Source:
Research, Development and Statistics Directorate, Home Office

Police Calls

Mr. Ashdown: To ask the Secretary of State for the Home Department if he will estimate the number of *(a)* calls and *(b)* completed call cards for each English police force for the latest available year; and if he will give the ratio of police officers to calls and call cards for each force. [107798]

Mr. Charles Clarke: Data are not collected in the form requested. Information held by Her Majesty's Inspectorate of Constabulary for the year 1998–99 in respect of all calls to the police for services requiring further action by the police is given in the table:

Forces	*Police strength* [1]	*Total calls for service* [2]	*Calls for service per 100 police officers*
Avon and Somerset	2,999	403,579	13,456
Bedfordshire	1,041	142,369	13,673
Cambridgeshire	1,283	214,617	16,729
Cheshire	2,071	271,785	13,126
City of London	798	38,134	4,778
Cleveland	1,430	213,864	14,957
Cumbria	1,133	208,378	18,400
Derbyshire	1,761	273,251	15,519
Devon and Cornwall	2,924	488,432	16,704
Dorset	1,292	160,122	12,393
Durham	1,541	191,538	12,427
Dyfed-Powys	1,014	126,536	12,475
Essex	2,844	372,538	13,099
Gloucestershire	1,048	200,547	19,145
Greater Manchester	6,754	1,186,696	17,569
Gwent	1,252	193,197	15,435
Hampshire	3,488	536,129	15,371
Hertfordshire	1,734	324,260	18,702
Humberside	1,998	402,262	20,135
Kent	3,208	393,175	12,257
Lancashire	3,245	641,498	19,770
Leicestershire	1,988	277,683	13,967
Lincolnshire	1,140	135,623	11,901
Merseyside	4,214	514,127	12,201
Metropolitan Police	24,447	3,336,173	13,646
Norfolk	1,401	179,319	12,799
North Wales	1,415	161,879	11,440
North Yorkshire	1,352	225,125	16,653
Northamptonshire	1,166	179,783	15,425
Northumbria	3,840	601,251	15,657
Nottinghamshire	2,283	350,989	15,377
South Wales	2,981	544,026	18,247
South Yorkshire	3,168	423,145	13,357
Staffordshire	2,265	386,913	17,084
Suffolk	1,189	134,051	11,276
Surrey	1,635	202,727	12,398
Sussex	2,718	515,537	18,970
Thames Valley	3,649	479,065	13,127
Warwickshire	916	118,666	12,949
West Mercia	2,005	373,206	18,614
West Midlands	7,182	840,539	11,704
West Yorkshire	5,022	693,661	13,813
Wiltshire	1,186	185,292	15,623
Provincial Total	97,570	14,505,514	14,867
England and Wales Total	122,018	17,841,687	14,622

[1] Figures as 31 March 1999 are used for performance indicator purposes. This is total strength excluding operational officers on secondment and assigned to protection duties.
[2] Defined as any request for assistance that requires any further action, not necessarily immediately.

Police Overtime

Mr. Ashdown: To ask the Secretary of State for the Home Department what is his estimate of the number of hours of *(a)* paid and *(b)* unpaid overtime by police officers for each of the last five years, broken down by each English police force. [107797]

Mr. Charles Clarke: Information is not held centrally on the number of hours of paid and unpaid overtime worked by police officers, and cannot be obtained without incurring disproportionate cost.

Exotic Animals

Mr. Baker: To ask the Secretary of State for the Home Department (1) what plans he has to introduce tighter controls to limit the sale of exotic animals; and if he will make a statement; [108179]

(2) what his policy is in respect of the animal welfare implications of the sale of reptiles in DIY stores; and if he will make a statement. [108178]

Mr. Mike O'Brien: Our policy is to ensure that law is in place to safeguard the welfare of animals offered for sale as pets. This applies as much to reptiles in do-it-yourself stores, as it does to animals sold through other outlets. We intend that the law should be effectively enforced.

We believe that the Pet Animals Act 1951 (as amended), together with the Protection of Animals Act 1911 (as amended), meet that objective. Although there is

no plan to introduce tighter controls at present, we will keep the situation under review to ensure the law is able to address the issues.

Under the 1951 Act, persons in the business of selling pet animals must be licensed by local authorities. The licence conditions have to cover the suitability and cleanliness of the animals' accommodation, feeding arrangements, and protection from disease and fire. The local authority may inspect licensed premises at all reasonable times, and a breach of licence conditions may result in a fine of £500 and/or three months imprisonment for the offender, as well as his or her disqualification from keeping a pet shop in future.

Under the 1911 Act, it is an offence, punishable by a fine of up to £5,000 and/or six months imprisonment, to cause unnecessary suffering to any domestic or captive animal, and this includes animals kept as stock by persons trading in pets, both before and after their sale.

In addition, some species of reptile may be lawfully kept, after purchase from a pet supplier, only by someone suitably licensed under the Dangerous Wild Animals Act 1976. Others may be threatened species controlled under the Convention on the Trade in Endangered Species (CITES), under which welfare requirements must be satisfied before the animals concerned are allowed to enter the country. There is control over their subsequent movements.

Burns Inquiry

Mr. Baker: To ask the Secretary of State for the Home Department for what reasons he rejected the proposal to appoint *(a)* AJF Webster, *(b)* Piran White, *(c)* Donald Broom, *(d)* Stephen Harris and *(e)* Baroness Young to the Burns Inquiry into hunting; and if he will make a statement. [108181]

Mr. Mike O'Brien: It would be invidious to give details of the merits of any person not appointed to the Committee of Inquiry into Hunting.

Mr. Baker: To ask the Secretary of State for the Home Department what assessment he made of the personal views of the members appointed to serve on the Burns Inquiry; and if he will make a statement. [108227]

Mr. Mike O'Brien: I set out any association which each member of the Inquiry Team has had with hunting in the reply I gave to my hon. Friend the Member for Norwich, North (Dr. Gibson) on 1 February 2000, *Official Report,* columns 504–06W.

My right hon. Friend the Home Secretary is satisfied that any personal and private views, one way or the other, will not prevent any of them from providing an informative view on the issues before the Committee.

Animal Experiments

Mr. Baker: To ask the Secretary of State for the Home Department what plans he has to meet the target set in the EU 5th Environmental Action Programme of halving the number of animals used in experiments by 2000; and if he will make a statement. [108180]

Mr. Mike O'Brien: The 5th Environment Action Programme did not set a baseline against which progress could be monitored. Nor did it set a plan for implementing the proposal. Most member states did not produce accurate statistics in 1993. Fundamental questions, such as whether it was a country-by-country or a Europe wide target, were not addressed. There is no mechanism for a year-on-year reduction.

A European conference was held in April 1997 to discuss the 50 per cent. target. The United Kingdom was represented by Home Office officials, a member of the Animal Procedures Committee, and interest groups. It was generally agreed that the 50 per cent. target was unrealistic, unhelpful and over-simplistic. The reduction target was recognised as ignoring the importance of refining experiments to minimise suffering. It was suggested that specific types of animal use (for example, the use of primates and aspects of regulatory testing) should be targeted.

Neither Directive 86/609/European Economic Community, nor the Animals (Scientific Procedures) Act 1986, make provision for controlling the overall number of procedures. The Act requires that project licences be granted only if the benefits have been weighed against the costs and the purpose of the work cannot be achieved by other means. We cannot dictate how many applications for new project licences will be submitted, nor how many proposed programmes will satisfy the requirements of the Act, particularly the cost/benefit assessment. We are, however, ensuring that animals are used in scientific procedures only where this is fully justified and that the overall numbers of animals used is minimised as far as possible. We are also pressing for advances in the 3Rs of reduction, refinement and replacement.

Violent Offences

Mr. Fraser: To ask the Secretary of State for the Home Department what measures he is taking to reduce the number of violent offences committed in England and Wales. [108287]

Mr. Charles Clarke: Under the Crime and Disorder Act 1998, 375 local partnerships have been established in every area across the country to develop local crime reduction strategies to address local demands. Over time these will provide a measure of crime more relevant to people's everyday experience. The Crime Reduction Strategy, launched by the Government last November, sets out how we are working with partnerships and the steps we are taking to reduce crime. The Government have a range of measures and initiatives to deal with violent crime in particular. They include the following:

We have asked police and local authorities to set targets from April 2000 to reduce violent crime under the regime of Best Value performance indicators;

Tougher sentences are now in place including automatic life sentences for those convicted for the second time of serious violent or sexual offences (legislation passed under the last Government);

New sex offender orders to protect children and the public (introduced December 1998) and new powers for the court to order extended supervision of sex offenders for up to ten years following their release from prison;

New resources to tackle domestic violence including £6 million from the crime reduction programme;

New targeted policing projects to test out the best way of tackling racial violence (four London boroughs) and alcohol related assaults (Cardiff);

A ban on private ownership of all handguns was introduced within months of the general election;

The Youth Justice and Criminal Evidence Act 1999 includes new measures to help vulnerable witnesses such as rape victims (eg banning their cross-examination by a defendant). One of the reasons for the increase in sexual offences is the greater likelihood that victims will report the offence because of improved handling by the police;

In the new Crime Bill we are looking to expand the use of electronic monitoring of dangerous and violent offenders;

We are consulting on measures to deal with dangerous people with severe personality disorder including an indefinite sentence to ensure the public are protected from those who pose the greatest risk;

We are also investing £226 million in offending behaviour programmes in prison including sex offender treatment programmes to reduce the likelihood of reoffending on release; and

Closed Circuit Television (CCTV) contributes to a safer environment which can reduce levels of violence and disorder. Part of the Government's £400 million evidence based Crime Reduction Programme includes £150 million for CCTV schemes. 180 schemes were announced on Monday 17 January.

Crime Fighting Fund

Mr. Fraser: To ask the Secretary of State for the Home Department how many applications to the Crime Fighting Fund for police recruits have been received. [108290]

Mr. Charles Clarke: All 43 police forces in England and Wales have submitted applications for funding for police recruits under the Crime Fighting Fund. My right hon. Friend the Home Secretary will be announcing the results shortly.

Asylum Applications

Mr. Fraser: To ask the Secretary of State for the Home Department what is the current size of the backlog of asylum applications. [108289]

Mrs. Roche: The current estimate for the backlog of asylum claims which were awaiting an initial decision at 31 December 1999 was 102,870.

Mr. Fraser: To ask the Secretary of State for the Home Department what measures he is taking to reduce the backlog of asylum applications. [108288]

Mrs. Roche: A dedicated team has been set up to deal with pre-July 1993 applications and those between July 1993 and December 1995, in accordance with the criteria set out in the White Paper. We have nearly cleared the backlog of pre-1993 cases and expect to clear the backlog of 1993–95 cases by the summer of this year at the latest.

We have developed new processes to speed up the consideration of asylum applications and recruited numerous additional decision makers to process both new applications and those in the backlog dating from 1996 onwards. Output of asylum decisions has recently increased to record levels.

HEALTH

Cystic Fibrosis

Mr. Robertson: To ask the Secretary of State for Health what plans he has to provide free prescriptions to sufferers of cystic fibrosis; and if he will make a statement. [103651]

Ms Stuart: We reviewed the prescription charging arrangements as part of the Comprehensive Spending Review and concluded that the present arrangements should remain for the rest of this Parliament.

Aricept

Mr. Wyatt: To ask the Secretary of State for Health what assessment he has made of the NHS's prescribing policies in relation to Aricept of *(a)* West Kent Health Authority, *(b)* Thames Gateway NHS Trust and *(c)* general practitioners in the Sittingbourne and Sheppey constituency. [106050]

Ms Stuart: Information about local policies on the treatment of Alzheimer's disease is not routinely collected and assessed centrally, but I understand that West Kent Health Authority is funding the prescribing of Aricept by consultants to patients with uncomplicated Alzheimer's disease. In developing its policy, the health authority took into account the evidence on clinical and cost effectiveness of Aricept, and did not consider it sufficiently convincing to support more widespread prescribing.

Aricept and other pharmaceutical treatment for Alzheimer's disease will be reviewed by the National Institute for Clinical Excellence as part of its first work programme. This work is expected to be completed by December 2000.

Influenza Immunisation

Mr. Pollard: To ask the Secretary of State for Health what plans he has for health professionals and ancillary staff to be offered influenza immunisation at no cost to themselves from this year onwards. [106133]

Yvette Cooper: Influenza immunisation is not routinely recommended for healthcare workers. Last year, as an exception in view of possible staffing problems should flu occur at the time of the long millennium break, National Health Service trusts were advised that they could include immunising healthcare staff as part of their winter planning. United Kingdom Health Ministers are advised on immunisation policy by the Joint Committee on Vaccination and Immunisation (JCVI). The JCVI reviews its recommendations, including immunisation of healthcare workers, annually.

False Teeth

Mr. Gordon Prentice: To ask the Secretary of State for Health what percentage of the population of *(a)* Pendle and *(b)* England had an entire set of false teeth by the age of (i) 40 years, (ii) 50 years, (iii) 60 years and (iv) 70 years *(a)* in 1990 and *(b)* for the latest year for which figures are available. [107616]

Mr. Denham: The Adult Dental Health Survey is a detailed survey carried out every 10 years into the nation's dental health. First release results for the 1998 survey are given for the percentages of the population with no natural teeth by age group for Northern England and England. Also shown are the equivalent percentages of the 1988 survey. Data for Pendle are not available.

Table 1: Percentage of population with no natural teeth by age group, 1988 and 1998

Percentage

Age group	Northern England 1988	Northern England 1998	England 1988	England 1998
16–24	—	—	—	—
25–34	2	1	1	—
35–44	4	—	3	1
45–54	22	6	15	5
55–64	53	25	35	18
65–74	74	44	56	34
75 and over	90	59	80	56

Source:
Adult Dental Health Survey

Further information for 1988 is contained in the detailed report of the Adult Dental Health Survey 1988, published by HMSO, a copy of which is available in the Library. Chapter 15 gives information on: the time since loss of natural teeth, Table 15.1; and age of current upper and lower dentures, Table 15.4. The detailed ADHS report for 1998 is due to be published in March this year.

Therapeutic Medicines

Mrs. Spelman: To ask the Secretary of State for Health (1) if he will assess the benefits of the prescribing, supply and administration of therapeutic medicines by suitably trained optometrists; [107996]

(2) if he will take steps to enable registered optometrists to prescribe, supply and administer therapeutic medicines. [108097]

Mr. Hutton: Optometrists may already administer a limited number of therapeutic medicines in an emergency; for example, by treating conjunctivitis with anti-biotics. The final report of the Review of Prescribing, Supply and Administration of Medicines recommended that arrangements be made to consider applications from organisations seeking authority to prescribe on behalf of specified groups of health professionals, which could include optometrists. We are carefully considering how best to take forward the report's recommendations in the light of all the views expressed.

Crown Review

Mrs. Spelman: To ask the Secretary of State for Health (1) if he intends to implement all the recommendations of the Crown Review at the same time; [107994]

(2) when he will implement the recommendations of the Crown Review on the prescribing, supply and administration of therapeutic medicines by non-medical clinicians. [107995]

Ms Stuart: We are carefully considering how best to take forward the report's many recommendations in the light of all the views expressed.

Cardiac Operations

Dr. Tonge: To ask the Secretary of State for Health what estimate of the increased workload on *(a)* haemotology, *(b)* blood transfusion and *(c)* clinical chemistry services he has made arising from his target for cardiac operations. [107458]

Mr. Denham *[holding answer 1 February 2000]:* £50 million has been allocated to deliver the additional revascularisation procedures announced by my right hon. Friend the Secretary of State on 18 October. This includes £30 million revenue over two years to meet the staffing costs associated with this extra clinical activity. The detailed application of these funds is currently being determined.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Health how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108400]

Mr. Hutton: Correspondence between hon. Members and Departments is treated in confidence unless the originating hon. Member chooses to make such issues public.

WALES

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Wales how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108413]

Mr. Paul Murphy: Correspondence between Members of Parliament and Departments is treated in confidence unless the originating MP chooses to make such issues public.

National Minimum Wage

Mr. Barry Jones: To ask the Secretary of State for Wales what his estimate is of the number of *(a)* males and *(b)* females benefiting from the minimum wage in Wales; and if he will make a statement. [107418]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Tim Holt to Mr. Barry Jones, dated 3 February 2000:

As the Director of the Office for National Statistics (ONS), I have been asked to reply to your parliamentary question regarding the number of males and females who have benefited from the national minimum wage in Wales.

Definitive estimates on the number of people that have benefited from the national minimum wage are not yet available. Currently available estimates for assessing the effect take data from both the New Earnings Survey and the Labour Force Survey and adjust them for known limitations in each. However, the latest adjusted estimates are based on data for the spring (March-May) 1999 Labour Force Survey and this period spans the introduction date for the national minimum wage legislation. As a result, the adjusted estimates may be giving a misleading picture of the effect of the minimum wage legislation since employees might legitimately have been earning below the minimum wage rates in March 1999.

The currently available estimates were published in an ONS First Release on 14 October and show that the number of people earning below the minimum wage rates fell significantly between 1998 and 1999. A copy of this first release is available in the House of Commons Library.

SOCIAL SECURITY

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Social Security how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the Oath of Allegiance. [108411]

Mr. Rooker: Correspondence between Members of the House and this Department is treated as confidential.

Income Support

Mr. Field: To ask the Secretary of State for Social Security how many adults aged under 60 years were receiving *(a)* income support and *(b)* jobseeker's allowance for two years or more in (i) May 1998 and (ii) May 1999. [108358]

Mr. Bayley: The information is in the tables.

Income support claimants aged less than 60, with duration of two years or more in May 1998 and May 1999

Year	*Number of claimants*
May 1998	1,364,000
May 1999	1,330,000

Notes:

1. Based on claimants aged less than 60 years.
2. Figures are based on claimants with a current claim of two years or more duration.
3. Figures have been rounded to the nearest thousand.
4. 5 per cent. sample, therefore subject to sampling error.

Source:

Income Support Statistics Quarterly Enquiries, May 1998 and May 1999

Jobseeker's allowance claimants aged less than 60, with duration of two years or more in May 1998 and May 1999

Year	*Number of claimants*
May 1998	213,000
May 1999	182,000

Notes:

1. Based on claimants aged less than 60 years.
2. Figures are based on claimants with a current claim of two years or more duration.
3. Figures have been rounded to the nearest thousand.
4. 5 per cent. sample, therefore subject to sampling error.
5. Figures exclude cases which may sign for national insurance credits only.

Source:

Jobseeker's Allowance Statistics Quarterly Enquiries, May 1998 and May 1999

Low Incomes

Mr. Field: To ask the Secretary of State for Social Security what proportion of children aged under 16 years lived in households with incomes that remained *(a)* below 70 per cent. of average households income and *(b)* below 60 per cent. of median household income in at least three out of four years between 1995 and 1998. [108352]

Mr. Bayley: Estimates from the British Household Panel Survey suggest that between 1994 and 1997, the latest years for which information is available, 26 per cent. of dependant children lived in households with income below 70 per cent. of median income, and 17 per cent. lived in households with income below 60 per cent. of median income, in at least three years out of four.

Notes:

1. The British Household Panel Survey (BHPS) is based on interviews of a sample of households, and estimates may be subject to sampling error.
2. The BHPS is a longitudinal survey, tracking the same households over time, and estimates may be subject to attrition bias if particular households are more likely to leave the survey.
3. Dependant children are those aged under 16, and those 16–18 in full time education, in 1994.
4. The technical paper accompanying "Opportunity for all: Tackling poverty and social exclusion" [Cm 4445] provided an estimate of 28 per cent. of children living in households below 70 per cent. of average income for the period 1991–94. This should have read below 70 per cent. of median income. The weighting regime employed here differs slightly from that used in the estimates quoted in "Opportunity for all".

Mr. Field: To ask the Secretary of State for Social Security what proportion of working-age people had incomes that remained *(a)* below 70 per cent. of half average income and *(b)* below 60 per cent. of median income in at least three out of four years between 1995 and 1998. [108348]

Mr. Bayley: Estimates from the British Household Panel Survey suggest that between 1994 and 1997, the latest years for which information is available, 13 per cent. of working age people lived in households with income below 70 per cent. of median income, and 8 per cent. lived in households with income below 60 per cent. of median income, in at least three years out of four.

Notes:

1. The British Household Panel Survey (BHPS) is based on interviews of a sample of households, and estimates may be subject to sampling error.
2. The BHPS is a longitudinal survey, tracking the same households over time, and estimates may be subject to attrition bias if particular households are more likely to leave the survey.
3. The technical paper accompanying "Opportunity for all: Tackling poverty and social exclusion" [Cm 4445] provided estimates of 13 per cent. of working age people living in households below" 70 per cent. of half average income" for the period 1991–94. This should have read below 70 per cent. of median income. The weighting regime employed here differs slightly from that used in the estimates quoted in "Opportunity for all".

Non-state Pensions

Mr. Field: To ask the Secretary of State for Social Security what was the total monetary value of non-state pensions contributions in 1998. [108344]

Mr. Rooker: The total monetary value of non-state pensions contributions (employer, employee and self-employed) in 1998 is estimated at £62.0 billion.

Source:

Office for National Statistics, MQ5 publications.

Mr. Field: To ask the Secretary of State for Social Security what percentage of *(a)* employees and *(b)* the self-employed had a non-state pension in 1998. [108343]

Mr. Rooker: The percentages for 1997–98, the most recent available, are estimated at 61 per cent. for employees and 50 per cent. for the self-employed.

Source:

Family Resources Survey 1997–98.

Mr. Field: To ask the Secretary of State for Social Security what proportion of working age people have contributed to a non-state pension in at least three years out of the four between 1995 and 1998. [108345]

Mr. Rooker: 48 per cent. of working age people are estimated to have paid contributions into a non-state scheme during the period 1994 to 1997, the latest available. The figure is based on people aged from 20 years to State pension age.

Source:

British Household Panel Survey.

Benefits (Pensioners)

Mr. Heppell: To ask the Secretary of State for Social Security what measures he is taking to encourage pensioners to take up their entitlement to state benefits. [106888]

Mr. Rooker: We are committed to taking action to find more effective ways of encouraging eligible pensioners to claim their entitlement to the minimum income guarantee. We will announce details of a national programme shortly.

Minimum Income Guarantee

Ms Perham: To ask the Secretary of State for Social Security by how much he plans to raise the minimum income guarantee for the poorest pensioners this year. [106917]

Mr. Rooker: From this April, the minimum income guarantee will be increased in line with earnings, providing a single pensioner with at least £78.45 a week and pensioner couples with £121.95.

Ms Walley: To ask the Secretary of State for Social Security if he will establish an awareness campaign to ensure the take up of the minimum income guarantee by eligible pensioners in North Staffordshire. [108006]

Mr. Rooker: We are committed to taking action to find more effective ways of encouraging eligible pensioners to claim their entitlement to the minimum income guarantee. We will announce details of a national programme shortly.

State Pension

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the cost and amount of state second pension payable on retirement in *(a)* 2005, *(b)* 2010, *(c)* 2015, *(d)* 2025, and *(e)* 2047 on the assumption that the accruals rate for band one is set at *(a)* 80 per cent., *(b)* 70 per cent., *(c)* 60 per cent. or *(d)* 50 per cent. in year one of the State Second Pension and reduced to 40 per cent. in (i) nine years, (ii) 10 years and (iii) 15 years. [106851]

Mr. Rooker *[holding answer 26 January 2000]:* The information is in the tables.

Table 1 shows the extra cost of the various options specified in the years requested the costs for State Second Pension based on the proposals contained in the Child Support, Pensions and Social Security Bill.

Table 1: Costs of State Second Pension with different accrual rate options
1999–2000 prices

£ billion

	Percentage	*2005*	*2010*	*2015*	*2025*	*2047*
Pension expenditure costs						
Accrual rate for years 2002–09	80	0.1	1.0	2.0	3.7	5.8
	70	0.1	0.7	1.5	2.8	4.4
	60	0.1	0.5	1.0	1.9	2.9
	50	0.0	0.2	0.5	1.0	1.4
Accrual rate for years 2002–10	80	0.1	1.0	2.1	4.1	6.5
	70	0.1	0.7	1.5	3.1	4.9
	60	0.1	0.5	1.0	2.0	3.3
	50	0.0	0.2	0.5	1.0	1.6
Accrual rate for years 2002–15	80	0.1	1.0	2.2	5.6	10.2
	70	0.1	0.7	1.7	4.2	7.6
	60	0.1	0.5	1.1	2.8	5.1
	50	0.0	0.2	0.6	1.4	2.5
Rebate costs						
Accrual rate for years 2002–09	80	3.2	5.5	0.0	0.0	0.0
	70	2.4	4.1	0.0	0.0	0.0
	60	1.6	2.7	0.0	0.0	0.0
	50	0.8	1.4	0.0	0.0	0.0
Accrual rate for years 2002–10	80	3.2	5.5	0.0	0.0	0.0
	70	2.4	4.1	0.0	0.0	0.0
	60	1.6	2.7	0.0	0.0	0.0
	50	0.8	1.4	0.0	0.0	0.0
Accrual rate for years 2002–15	80	3.2	5.5	6.6	0.0	0.0
	70	2.4	4.1	4.9	0.0	0.0
	60	1.6	2.7	3.3	0.0	0.0
	50	0.8	1.4	1.6	0.0	0.0

Notes:

1. The figures are in £ billion and have been rounded to the nearest 0.1 billion.
2. The figures are gross figures. Offsetting Income-Related Benefits would reduce the pension expenditure costs by around 30 per cent. There would be no offset against the increased rebate costs.
3. The figures have been supplied by Government Actuary's Department.

Table 2 shows the weekly amount of SERPS and State Second Pension in payment at retirement for the years requested based on the accrual options specified in the question. The figures are given in 1999–2000 earnings terms and rounded to the nearest whole pound. The figures are shown net of any basic state retirement pension.

Table 2: Weekly amount of SERPS and State Second Pension payable based on different accrual rate options in 1999–2000 earnings terms

£ at 1999–2000 earnings terms

	Accrual rate (%)	*2005*	*2010*	*2015*	*2025*	*2047*
Current proposals	40	28	30	32	37	51
Accrual rate for 2002–09	80	34	42	43	45	59
	70	32	39	40	43	57
	60	31	36	38	41	55
	50	29	33	35	39	53
Accrual rate for 2002–10	80	34	42	44	46	60
	70	32	39	41	44	58
	60	31	36	38	41	56
	50	29	33	35	39	53
Accrual rate for 2002–15	80	34	42	50	52	65
	70	32	39	45	48	62
	60	31	36	41	44	58
	50	29	33	37	40	55

Notes:

1. Figures are in 1999–2000 earnings terms, ie expressed at a constant level of prices and real earnings. This makes it easier to compare the figures across different years of retirement.
2. All estimated State Second Pension payments include SERPS payments on SERPS accrued before 2002 and are rounded to the nearest whole pound. The State Second Pension is assumed to be introduced in 2002.
3. All calculations are based on a full working life of 49 years. Earnings at the lower earnings threshold (£9,500 a year) have been assumed in every year of the working life.

Maternity Pay

Ms Kelly: To ask the Secretary of State for Social Security what estimate he has made of the cost of extending maternity pay, paid at 90 per cent. of earnings to *(a)* 18 weeks, *(b)* 26 weeks, *(c)* 39 weeks and *(d)* 52 weeks. [107403]

Mr. Bayley: The information is in the table.

The additional full year cost in 2000–01 of extending statutory maternity pay (SMP) beyond six weeks at 90 per cent. of earnings

£ million

Option	*Cost increase*
Extension of this rate to 18 weeks	560
Extension of this rate to 26 weeks	1,080
Extension of this rate to 39 weeks	1,920
Extension of this rate to 52 weeks	2,750

Note:

These costs are the overall costs based on the Government Actuary's Department projection of the average number of people on SMP during 2000–01 at any one time of 100,000, and assume 100 per cent. take-up.

SCOTLAND

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Scotland how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108398]

Dr. Reid: In accordance with convention, correspondence received by Departments from hon. Members is treated in confidence.

CABINET OFFICE

Regulation

Mrs. Curtis-Thomas: To ask the Minister for the Cabinet Office which Minister within each Government Department has been tasked with overseeing regulation reform. [107003]

Mr. Stringer: The Prime Minister has asked each of the key regulatory Departments to appoint a Minister for Regulatory Reform to oversee a programme of measures to reduce regulatory burdens. The Ministers for Regulatory Reform are:

HM Treasury—Paymaster General (Dawn Primarolo MP)

Department of Trade and Industry—Minister of State (Patricia Hewitt MP)

Department of the Environment, Transport and the Regions—Parliamentary Under-Secretary of State (Lord Whitty)

Department of Health—Parliamentary Under-Secretary of State (Gisela Stuart MP)

Home Office—Parliamentary Under-Secretary of State (Mike O'Brien MP)

Ministry of Agriculture, Fisheries and Food—Minister of State (the right hon. Joyce Quin MP), and

Department for Education and Employment—Parliamentary Under-Secretary of State (Margaret Hodge MP).

Mrs. Curtis-Thomas: To ask the Minister for the Cabinet Office what meetings she has had with the Fair Regulation Campaign; what was discussed; what decisions were taken; and what plans she has for future meetings. [107005]

Mr. Stringer: My right hon. Friend the Member for Copeland (Dr. Cunningham), the former Minister for the Cabinet Office, met the Fair Regulation Campaign in July 1999 to discuss their objectives for improving regulatory impact assessments by Government Departments and the

EU. On Friday 28 January, the Minister for the Cabinet Office was due to follow up with the Fair Regulation Campaign their round of discussions with Government Departments and parallel work in Brussels on reducing regulatory burdens. The Minister for the Cabinet Office, my right hon. Friend the Member for Redcar (Marjorie Mowlam) welcomed the Campaign's offer of assistance and asked them to work alongside the Government to make improvements to the regulatory systems. There are no plans at present for a further meeting.

British-Irish Council

Mr. Bercow: To ask the Minister for the Cabinet Office, pursuant to her answer of 12 January 2000, *Official Report*, columns 200–01W, if she will list those categories of matter to be discussed by the British-Irish Council under the remit, Approaches to EU Issues. [108281]

Marjorie Mowlam: The Belfast Agreement recognised "Approaches to EU affairs" as being one of the topics which the British Irish Council could consider.

The summit meeting of the Council in December 1999 confirmed a general list of subjects which the Council could consider. It also identified as initial priorities the environment, drugs, social inclusion, transport and the knowledge economy. No discussion took place on which EU issues might, in future, be the subject of work within the framework of the Council.

Oath of Allegiance

Mr. Field: To ask the Minister for the Cabinet Office how many letters she has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108407]

Marjorie Mowlam: In accordance with convention, correspondence received by Departments from hon. Members is treated in confidence.

PRESIDENT OF THE COUNCIL

Millennium Bug

Mr. Maclean: To ask the President of the Council what reports she has received on the extent of damage done to the economies and businesses of those countries which took few or no precautions to deal with the millennium bug. [107509]

Mr. Battle: I have been asked to reply.

Each country and business had different levels of vulnerability to damage from failures of computerised systems. Many of the countries which are erroneously assumed to have done little benefited from the work of countries like the UK which started earlier.

We have received no reports of serious failures in key infrastructure sectors across the globe, although there have been multiple minor failures in systems. Failures which have come to light so far have been fixed quickly and have not materially affected business as usual.

Mr. Maclean: To ask the President of the Council if she will estimate the total cost to *(a)* the Government and *(b)* private industry of the steps taken to guard against the millennium bug. [107507]

Mrs. Beckett: Central Government Departments and agencies spent an estimated £380 million on tackling the millennium bug in their own systems.

It is impossible to say how much it cost private industry to deal with the millennium bug. Many of the cost figures quoted so far have been conjured out of the air—nobody knows for certain how much has been spent by private industry in the United Kingdom, or indeed any other country.

Departmental Expenditure Limit

Ms Perham: To ask the President of the Council what proposals she has to amend the Privy Council Office Departmental Expenditure Limit and running costs limit for 1999–2000. [108490]

Mrs. Beckett: Subject to Parliamentary approval of the necessary supplementary estimate for Class XVII, Vote 5, the Privy Council Office Departmental Expenditure Limit for 1999–2000 will be increased by £109,000 from £2,166,000 to £2,275,000 and the running costs limit will be increased by £109,000 from £2,206,000 to £2,315,000. The increase is the effect of transfers from Cabinet Office Class XVII, Vote 1, £89,000 in respect of expenditure as a result of the Privy Council Office move to new premises, and from Scottish Executive Vote 6, £10,000, and Northern Ireland Executive Programme II DFP, £10,000 in respect of purchases for the Library of the Judicial Committee, Privy Council, following devolution.

The increase will be offset by transfers from the Cabinet Office, the Scottish Executive and the Northern Ireland Executive programme and will not therefore add to the planned total of public expenditure.

AGRICULTURE, FISHERIES AND FOOD

Regional Development Agencies

Dr. Kumar: To ask the Minister of Agriculture, Fisheries and Food what action he has taken to ensure that each of the regional development agencies includes agriculture in its development programme. [108378]

Ms Beverley Hughes: I have been asked to reply.

Section 4 of the Regional Development Agencies Act 1998 charged the RDAs specifically with furthering economic development, investment and employment in rural areas. Subsequent guidance issued by the Government to the RDAs required them to take account of the key role of agriculture in the preparation of their Regional Strategies.

The RDAs' Strategies, which have been broadly welcomed by the Government, include a range of proposals for diversifying the agricultural and rural economies. We are now awaiting the RDAs' detailed Action Plans for implementing their Strategies and we will pay close attention to their priorities for addressing agricultural and rural issues.

Day-old Chicks

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food what health checks are carried out on day-old chicks imported into the UK from *(a)* within and *(b)* outside the EU. [98591]

Ms Quin: In accordance with European law:

(a) day-old chicks originating in another member state of the EU imported into Great Britain are subject to random post-import documentary, identity and physical veterinary checks at the place of destination, in Great Britain;

(b) day-old chicks originating in a third country may be imported into Great Britain only through an approved Border Inspection Post, where the day-old chicks are subject to documentary and identity checks and, in most cases, to a physical examination.

Poultry Imports

Mr. Robertson: To ask the Minister of Agriculture, Fisheries and Food what rules govern the importing of dead poultry into the United Kingdom; and if he will make a statement. [102220]

Ms Quin *[holding answer 13 December 1999]:* Poultry carcases may be imported only in accordance with a licence issued under the Importation of Animal Products and Poultry Products Order 1980. The conditions laid down in such licences are designed to protect animal health in Great Britain and vary according to the country of origin and the purposes for which the carcases are imported.

French Beef Ban (Soap)

Mr. Chaytor: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the implications for the British soap and detergent industry of the French ban on British beef derivatives. [103649]

Ms Quin *[holding answer 21 December 1999]:* There is no reason why the French ban on Date Based Export Scheme beef should affect the British soap and detergent industry. European Union BSE-related rules, which have been in place since March 1996, currently prevent the export of cosmetic soap made from tallow produced from bovine animals slaughtered in the UK. UK manufacturers may use imported and non-bovine tallow to produce cosmetic soap for export. No BSE-related restrictions apply to exports of non-cosmetic soap and detergent.

Farming Subsidies

Mr. Flynn: To ask the Minister of Agriculture, Fisheries and Food how many farmers receive total annual subsidies of more than *(a)* £1,000, *(b)* £5,000, *(c)* £10,000, *(d)* £20,000 and *(e)* £25,000. [103664]

Ms Quin *[holding answer 21 December 1999]:* Figures for the number of farmers receiving annual subsidies are unavailable. However figures held by MAFF for the number of UK agricultural holdings which received payments under the Schemes covered by the Integrated Administration and Control System (IACS)[1] in the 1997–98 EAGGF year are as follows:

Figures for the EAGGF[2] year 16 October 1997 to 15 October 1998—number of holdings receiving subsidies under IACS schemes

Financial bonds	*England*	*Scotland*	*Wales*	*Northern Ireland*
£1,000+[3]	[4]—	[4]—	[4]—	[4]—
£5,000+	158,285	23,794	19,457	28,634
£10,000+	36,530	8,891	2,846	4,697
£20,000+	19,817	5,356	777	1,358
£30,000+[3]	12,689	3,299	262	488

[1] The Arable Area Payments, Beef Special Premium, Suckler Cow Premium and Sheep Annual Premium Schemes and Hill Livestock Compensatory Allowances.

[2] Payments are for the European Agriculture Guidance and Guarantee Fund year 16 October 1997–15 October 1998.

[3] The figures for the number of agricultural holdings receiving annual subsidies of over £1,000 and £25,000 are not available without incurring disproportionate costs to provide the information requested.

[4] Unavailable.

Milk

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food how long the intervention milk price equivalent has been set in euros rather than ecu; what assessment he has made of the effect of the decline of the euro against the pound on UK milk support prices for each 1 per cent. fall in the euro; and if he will estimate the differential in UK milk prices if the IMPE had continued to be set in ecu. [105479]

Ms Quin: The Intervention Milk Price Equivalent (IMPE) is a derived value for the price of the milk which goes into the manufacture of intervention products in the dairy sector. It has no formal basis either in the CAP regime or in UK law and is used only as a commercial negotiating mechanism between milk sellers and purchasers. The Government make no calculation, therefore, of its value. For each 1 per cent. decline in the euro against sterling, EU milk support prices in the UK also fall by 1 per cent.

Pig Sector

Mr. Cawsey: To ask the Minister of Agriculture, Fisheries and Food what assistance the Government have given the pig sector since 1 January 1999; and what further assistance his Department plans to give. [105434]

Ms Quin *[holding answer 17 January 2000]:* The pig sector was eligible for marketing grants under the Agriculture Development Scheme 1999. The scheme closed for applications on 30 November 1999 and successful applications were announced recently. Pig industry projects benefited significantly from the scheme, receiving over 35 per cent. of the total grants made. £3 million of marketing/promotional money was also earmarked exclusively for the pig sector. Discussions with the industry have resulted in the Government part funding a £4.6 million industry-led welfare-linked promotion campaign. This will begin in February and continue through to October.

The "verification officer" appointed by my right hon. Friend the Minister, will continue his work with industry bodies to identify cases where product is being sold at retail or catering level which misleads the consumer into believing it contains pork of British origin when in fact it is imported. He will also continue to check progress on the commitment given some time ago by major retailers that all their own label fresh pork and certain processed products such as bacon would come from stall and tether and Meat and Bone Meal free production systems. Meetings between Ministers and retailers and caterers on all these issues have taken place. The Minister has also written to public authorities encouraging them to purchase their pork supplies to British standards.

EU Flax Regime

Sir Peter Emery: To ask the Minister of Agriculture, Fisheries and Food what action he will take to ensure that UK farmers, producing short fibre flax, are not discriminated against under the EU flax regime proposals for processing aid. [105611]

Ms Quin: The Commission proposals to bring reform to the flax and hemp sector are broadly welcome, particularly on budgetary grounds.

However, some aspects of the proposals discriminate against UK production and in the negotiating process we shall seek to ensure a more equitable outcome.

GM Maize

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food if he will specify the official procedures to which the GM AgrEvo T25 Maize, covered by Commission Decision 98/293/EC dated 22 April 1998, *(a)* was subjected and *(b)* will be subjected for the purpose of assessing its safety for (i) human and (ii) animal consumption. [107266]

Ms Quin *[holding answer 27 January 2000]:* The application to market AgrEvo's T25 GM maize was submitted to France in accordance with procedures in Directive 90/220/EEC. The application was subsequently assessed by all Member States, including the UK.

In the UK the application was assessed by the Advisory Committee on Releases to the Environment and the Advisory Committee on Novel Foods and Processes. The marketing consent permitting importation and cultivation in the EU for use as food and feed ingredients was issued by France in August 1998.

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food when he received a copy of the notification under Article 5 of Regulation (EC) No. 258/97 of AgrEvo T25 modified maize; and if he will place a copy of the notification in the Library. [107541]

Ms Quin *[holding answer 28 January 2000]:* Ingredients derived from AgrEvo T25 modified maize were approved for food use in the UK in February 1997 following a full safety assessment by the Advisory Committee on Novel Foods and Processes (ACNFP). Details of the Committee's assessment can be found in its 1996 Annual Report, a copy of which is in the Library of the House.

The notification, by AgrEvo under Article 5 of Regulation (EC) No. 258/97, containing the ACNFP's assessment report, was transmitted to all Member States on 6 February 1998. No one objected to the notification.

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food if he will place in the Library a copy of the report of the Advisory Committee on Novel Foods and Processes submitted to the European Commission under Article 5 of Regulation (EC) No. 258/97 in respect of AgrEvo's T25 genetically modified maize. [107784]

Ms Quin *[holding answer 31 January 2000]:* The Advisory Committee on Novel Foods and Processes' report on food ingredients derived from AgrEvo's T25 genetically modified maize is contained in their 1996 annual report, a copy of which is in the Library of the House.

Genetically Modified Organisms

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food if he will list the notifications of which he has received copies from the EC under Article 5 of Regulation (EC) No. 258/97 since 1 January 1999. [107783]

Ms Quin *[holding answer 31 January 2000]:* Since 1 January 1999 three notifications under Article 5 of Regulation (EC) No. 258/97 have been received. These relate to the placing on the market of processed oil from the following three varieties of genetically modified oilseed rape:

1. Falcon GS 40/90—AgrEvo
2. Male sterile MS8, fertility restorer RF3, all conventional crosses from these and the hybrid combination (MS8xRF3)—Plant Genetic Systems
3. Liberator L62—AgrEvo.

These notifications are based on an assessment by the German competent authority.

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food what specific scientific factors he or his advisers apply in determining whether a particular food or food ingredient contains or consists of genetically modified organisms, for the purposes of Regulation (EC) No. 258/97 or otherwise. [107837]

Ms Quin *[holding answer 31 January 2000]:* For the purposes of Regulation (EC) No. 258/97 food or food ingredients containing or consisting of genetically modified organisms (GMOs) refers to products where

GMOs, as defined in article 2(2) of Directive 90/220/EEC, are present. In this definition, an organism is a biological entity capable of replication or of transferring genetic material.

Tallow (Support Fuel)

Mr. John Cryer: To ask the Minister of Agriculture, Fisheries and Food how much tallow produced as a by-product of rendering under the over-30 month scheme contracts is used as support fuel. [107932]

Ms Quin: As at 31 December 1999 some 86,165 tonnes of tallow produced from the rendering of animals under the over-30-month scheme had been burnt in rendering plants as replacement fuel.

Organic Farming

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food what is the total *(a)* number and *(b)* value of grants made under the organic farming scheme since its introduction. [107561]

Mr. Morley: Since the introduction of the Organic Farming Scheme in April 1999, 693 applications have been approved with a grant value of £7.9 million for the current financial year and a forecast value of £9.4 million for the remaining years of the Scheme. A further 483 grant applications are being processed.

Tom Lang's Craft Butchers, Ashburton

Mr. Steen: To ask the Minister of Agriculture, Fisheries and Food if he will grant a square stamp licence to Henry Lang of Tom Lang's Craft Butchers and Abattoir in Ashburton for a throughput of 50 units per week. [106057]

Ms Quin *[holding answer 31 January 2000]:* This abattoir is licensed as a low throughput slaughterhouse, which allows a maximum throughput of 20 livestock units per week. It has sought licensing as a full throughput slaughterhouse to allow a higher weekly throughput, but recently contacted MAFF officials and advised them that it no longer wishes to seek this status. The abattoir is instead pursuing, in close consultation with MAFF officials, an option under the Fresh Meat (Hygiene and Inspection) Regulations 1995 (as amended) which allows low throughput slaughterhouses to deal with up to 30 livestock units per week, provided certain conditions are met.

HOUSE OF COMMONS

Departmental Expenditure Limit

Mr. Michael J. Foster: To ask the President of the Council what proposals she has to amend the House of Commons Departmental Expenditure Limit for 1999–2000. [108471]

Mrs. Beckett: Subject to Parliamentary approval of the necessary Supplementary Estimate for Class XVIII, Vote 4 (House of Commons: Members Salaries etc) the House of Commons Departmental Expenditure Limit for 1999–200 will be increased by £3,311,000 from £273,236,000. The increase is the net effect of increases in financial assistance to Opposition parties and other current expenditure.

The increase will be a charge on the DEL Reserve and will not therefore add to the planned total of public expenditure.

Second Chamber

Mr. Gordon Prentice: To ask the President of the Council if she will place in the Library the instructions and terms of reference of the contract placed with PricewaterhouseCoopers to advise on persons suitable for membership of the second chamber. [107620]

Mrs. Beckett: PricewaterhouseCoopers Executive Search and Selection have not been employed to advise on persons suitable for membership of the second chamber. They have been employed to assist in the recruitment of the Chairman and three independent members of the House of Lords Appointments Commission.

The invitation to tender document sent to PricewaterhouseCoopers by the Cabinet Office included relevant passages from the White paper 'Modernising Parliament Reforming the House of Lords', a draft remit of the Appointments Commission and a draft job and person specification. PricewaterhouseCoopers used this document as the starting point of their work.

I have placed a copy of the 'invitation to tender' document and the standard terms and conditions of the Cabinet Office in the Library.

LORD CHANCELLOR'S DEPARTMENT

Crown Courts

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department in relation to criminal cases that can be tried either way in the magistrates or Crown courts, if he will say, for each of the last three years *(a)* how many cases in which the defendant elected for trial in the Crown court resulted in a plea of guilty at the Crown court, *(b)* in relation to the cases, identified at (a), how many defendants were on legal aid, *(c)* what was (i) the total, (ii) the highest and (iii) the medium cost to the legal aid budget of the cases identified at (b), and *(d)* what he estimates the cost to the legal aid system would have been, for the statistics identified at (c), if the cases identified at *(a)* had been tried on a guilty plea in the magistrates court. [107846]

Mr. Lock: The information required is not held centrally by the Department and could, therefore, be supplied only at disproportionate cost.

Oath of Allegiance

Mr. Field: To ask the Parliamentary Secretary, Lord Chancellor's Department how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108399]

Mr. Lock: Information in respect of correspondence between hon. Members and Departments is treated in confidence unless the originating hon. Member chooses to make this public. It is not therefore possible to provide the information requested.

Departmental Expenditure Limit

Mr. Ben Chapman: To ask the Parliamentary Secretary, Lord Chancellor's Department what proposals he has to amend the Lord Chancellor's Department's departmental expenditure limit and running costs limit for 1999–2000. [108980]

Mr. Lock: Subject to Parliamentary approval of the necessary Supplementary Estimate for Class V, Votes 1, 2 and 3 the Lord Chancellor's Department Departmental Expenditure Limit for 1999–2000 will be increased by £26,934,000 from £2,421,244,000 to £2,448,178,000. The increase is the net effect of a transfer for £505,000 from the Department of Social Security relating to the costs of recruiting and re-appointing panel members for Unified Appeals Tribunals; a transfer from the Reserve for £25,000,000 in respect of the additional legal aid costs following implementation of the Narey reforms; a transfer to the Home Office for £200,000 in respect of a contribution towards the costs of the IBIS (Integrating Business and Information Systems) Criminal Justice System Unit; and take up of End Year Flexibility entitlement in the sum of £1,629,000.

The running cost limit for Lord Chancellor's Department Class V, Vote 1 will be increased by £23,167,000 from £502,203,000 to £525,370,000. The increase is in respect of a £380,000 transfer from the Department of Social Security relating to costs in respect of recruiting and re-appointing panel members for the Unified Appeals Tribunals; a £200,000 transfer to the Home Office in respect of a contribution towards the cost of the IBIS Unit; an increase of £695,000 to meet additional costs of the ARAMIS PFI project, an increase of £19,550,000 following reclassification of expenditure as a result of the impact of the changes in ESA 95; and an increase of £2,742,000 following a transfer from other current expenditure to meet the additional costs in respect of Asylum and Immigration.

The running cost limit for Northern Ireland Court Service, Class V, Vote 2 will be increased by £679,000 from £29,960,000 to £30,636,000. The increase is as a result of take up of End Year Flexibility entitlement.

The running cost limit for Public Records Office, Class V, Vote 3 will be increased by £2,908,000 from £25,842,000 to £28,750,000. This increase is as a result of a £900,000 increase funded by a grant from the Heritage Lottery Fund, in respect of a project to microfilm World War One Soldier's documents; a £200,000 increase relating to expenditure on wholesale publishing and book purchases, which is funded by additional wider market receipts generated by retail sales; a £950,000 increase in respect of End Year Flexibility entitlement; a £2,558,000 increase to meet additional costs in respect of Capital Charges on the Civil Estate, and a £1,700,000 reduction following virement into capital expenditure relating to developments in online services.

The increases will be offset by a transfer from the Department of Social Security Departmental Expenditure Limit, a grant from the Heritage Lottery Fund, and charges on the DEL Reserve and will not therefore add to the planned total of public expenditure.

CULTURE, MEDIA AND SPORT

Broadcasting Act 1996

Mr. Cawsey: To ask the Secretary of State for Culture, Media and Sport when he will publish proposals for reform of the Broadcasting Act; and if he will make a statement. [108981]

Mr. Chris Smith: My right hon. Friend the Secretary of State for Trade and Industry and I propose to publish a White Paper later this year setting out the Government's proposals for reform of the framework of communications legislation. This will include proposals for changing both the Telecommunications and Broadcasting Acts as a basis for legislation when parliamentary time allows. The White Paper will accordingly be broad in its scope, covering both infrastructure and content issues. It will draw on responses to the options for reform of the broadcasting and telecommunications framework set out in the Government's June 1999 statement "Regulating Communications: The Way Ahead" and will take full account of emerging conclusions from the current review of the European Union regulatory framework for communications. The work will be taken forward by a joint DTI/DCMS team to ensure a coherent and consistent approach to the regulation of the converging communications industries.

Consultants

Mr. Don Foster: To ask the Secretary of State for Culture, Media and Sport how much his Department's agencies and non-departmental public bodies have spent on external consultants and advisers since May 1997. [102075]

Mr. Chris Smith *[holding answer 13 December 1999]:* The table provides the latest available information provided by my Department's agencies and non-departmental public bodies. It includes expenditure (for example, professional fees) connected with lottery projects.

	£
Arts Council	5,678,000
British Film Institute	1,027,000
British Library	5,682,264
British Museum	15,733,000
British Tourist Authority	1,164,658
Broadcasting Standards Commission	20,101
CABE	10,575
Crafts Council	141,754
English Tourist Council	334,000
Film Council	47,825
Geffrye Museum	435,587
English Heritage	2,226,329
Historic Royal Palaces	1,727,000
Horniman Museum	1,478,394
Imperial War Museum	3,857,000
Library and Information Commission	305,622
Millennium Commission	11,932,000
Museum of London	621,117

	£
Museum of Science and Industry in Manchester	810,625
Museums and Galleries Commission	577,907
National Film and TV School	670,831
National Gallery	153,000
National Heritage Memorial Fund/Heritage Lottery Fund	2,590,288
National Lottery Charities Board	1,300,000
National Lottery Commission	567,000
National Maritime Museum	1,406,000
National Museum of Science and Industry	11,124,285
National Museums and Galleries on Merseyside	290,288
National Portrait Gallery	2,853,305
Natural History Museum	197,968
Public Lending Right	124,198
Royal Armouries	403,667
Royal Commission on Historical Manuscripts	15,600
Royal Fine Art Commission	34,163
Royal Parks Agency	1,711,528
Sir John Soane's Museum	30,950
Sport England	1,281,000
Tate Gallery	2,775,396
UK Sport	565,000
Victoria and Albert Museum	521,267
Wallace Collection	2,163,000

Asset Sales

Mr. Matthew Taylor: To ask the Secretary of State for Culture, Media and Sport if he will list the items in the National Asset Register sold by his Department, its agencies and associated public bodies since 1 March 1999, stating in each case the amount of money realised; if he will estimate the total amount raised from such sales to date; and if he will make a statement. [104501]

Mr. Chris Smith: The Department itself has realised £6,000 from the sale of printers and servers since March 1999 and its agency, the Royal Parks Agency, has sold a building and computer equipment which generated proceeds of £120,281. The information available for the Department's associated public bodies is as listed by asset category which is in the format shown in the National Asset Register. The total proceeds from asset sales by associated public bodies amounts to £1,624,670.

Associated Public Bodies

(i) Arts Council of England
Equipment, fixtures and fittings—proceeds £4,000
Vehicles—proceeds £13,000

(ii) British Library
Motor vehicles—proceeds £2,150

(iii) British Tourist Authority
Motor vehicles—proceeds £23,000
Fixtures and fittings—proceeds £5,000

(iv) Crafts Council
Furniture, fittings and equipment—proceeds £242

(v) English Heritage
Land and buildings—proceeds £241,500
Equipment—proceeds £7,000

(vi) Independent Television Commission
Vehicles—proceeds £13,355

(vii) Science Museum
Plant and machinery—proceeds £12,000
Fixtures and fittings—proceeds £2,000

(viii) Sianel Pedwar Cymru (S4C)
Plant and equipment—proceeds £1,500

(ix) Sport England
Equipment and vehicles—proceeds £14,000

(x) Tate Gallery
Land and buildings—proceeds £1,200,000

(xi) Victoria and Albert Museum
Equipment—proceeds £85,923.

Departmental Consultation

Dr. Tony Wright: To ask the Secretary of State for Culture, Media and Sport if he will list the public consultation exercises on policy matters carried out by his Department and its agencies in each of the last five years; who was consulted and by what means; how responses were analysed; how and in what form the results were transmitted to those responsible for the consultation; how the results of the consultation were published; and what analysis has been carried out of the extent and nature of policy changes resulting from the consultation. [106304]

Mr. Chris Smith: Public consultation is a routine element of policy formulation in the Department and its sponsored bodies. We do not, however, keep a central systematic record of the many and various consultation exercises we have conducted. This information requested by my hon. Friend could therefore be assembled only at disproportionate cost.

Premier League

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport when he last met the Chairman of the Premier League; where the meeting took place; and what subjects were discussed. [106555]

Kate Hoey: My right hon. Friend the Secretary of State last met the Chairman of the FA Premier League on 16 September 1999 at the Department for Culture, Media and Sport. I was also present at that meeting, at which a range of football issues were discussed.

Wembley Monitoring Committee

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport on what dates the Wembley Monitoring Committee has met; if he will list those present at each meeting; and if he will publish the minutes of the meetings. [106556]

Kate Hoey: The dates and attendees at meetings of the National Stadium Monitoring Committee meetings are as listed. The minutes of these meetings cover the views of representatives of non-governmental organisations who took part in those meetings on the understanding that discussions were in confidence, and it would not, therefore, be appropriate for them to be published.

17 February 1999

Secretary of State for Culture, Media and Sport

Minister for Sport, Tony Banks MP

James Purnell, No. 10 Policy Unit

Simon Broadley, DCMS

Graham Bond, DCMS
Chris Carr, DCMS
Andy Burnham, DCMS Special Adviser
Derek Casey, Sport England
Ian Fytche, Sport England
Ralph Ward, Government Office for London
Ken Bates, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Nic Coward, Football Association

20 May 1999

Secretary of State for Culture, Media and Sport
Minister for Sport, Tony Banks MP
Simon Broadley, DCMS
Colin Jones, DCMS
Chris Carr, DCMS
Derek Casey, Sport England
Ian Fytche, Sport England
John Sienkiewicz, Government Office for London
Ken Bates, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Nic Coward, Football Association
Sir Alan Cockshaw, English Partnerships

15 July 1999

Secretary of State for Culture, Media and Sport
Minister for Sport, Tony Banks MP
Philippa Drew, DCMS
Harry Reeves, DCMS
Colin Jones, DCMS
Graham Bond, DCMS
Philip Townsend, DCMS
Chris Carr, DCMS
Andy Burnham, DCMS Special Adviser
Derek Casey, Sport England
Ian Fytche, Sport England
John Sienkiewicz, Government Office for London
Ken Bates, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Louise Green, Wembley National Stadium Limited
Gary Hunt, Wembley National Stadium Limited
Hugh Thomas, World Design Team
Nic Coward, Football Association
Sir Alan Cockshaw, English partnerships
Paula Hay-Plumb, English Partnerships
Tony Winterbottom, English Partnerships
Sir Nigel Mobbs, Wembley Task Force.

Wembley Stadium

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport what advice he has received from the Commission for Architecture and the Built Environment concerning the design of the new Wembley Stadium. [107135]

Kate Hoey *[holding answer 27 January 2000]:* The Commission for Architecture and the Built Environment (CABE) forwarded to the Secretary of State a copy of its letter of 16 December to Lord Foster of Thames Bank. This letter strongly supported the design which would meet the primary function of a football stadium, and noted how it could be converted for an athletics event but that it was essential that this provision should not compromise the stadium when used for football. CABE further stressed the importance of the work of the Wembley Task Force in ensuring the surrounding area provides a fitting environment.

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport (1) on what date the Ellerbe Beckett report into Wembley Stadium was first received by his Department; [107136]

(2) on what date the Ellerbe Beckett report into Wembley Stadium was first made available to *(a)* Sport England, *(b)* UK Athletics, *(c)* the British Olympic Association and *(d)* Wembley National Stadium Ltd. [107137]

Kate Hoey *[holding answer 27 January 2000]:* We received the DLA: Ellerbe Beckett report on Monday 29 November 1999.

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer to the hon. Member for Brent, North (Mr. Gardiner) of 18 January 2000, *Official Report*, column 384W, on Wembley Stadium, if he will list the interested parties with which his Department held discussions; on what date those discussions were held; and if he will make a statement. [107182]

Kate Hoey *[holding answer 27 January 2000]:* Between the statement in the House by my right hon. Friend the Secretary of State on 1 December 1999, *Official Report*, columns 305-06 and the announcement on 22 December, discussions were held with Sport England, UK Sport, UK Athletics, the British Olympic Association, Wembley National Stadium Ltd. and the Football Association.

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport, pursuant to his oral statement of 1 December 1999, *Official Report*, column 306, which bodies advised him that it seemed unlikely that Wembley could provide an appropriate venue for the World Athletics Championships. [107299]

Kate Hoey *[holding answer 28 January 2000]:* The conclusions were drawn from the Ellerbe Beckett report. While Wembley National Stadium Ltd. subsequently addressed many of the issues outlined in a statement on 1 December 1999, the proposed solution was not the ideal for athletics as it required substantial investment without a lasting athletics legacy and would not have been suitable as the centrepiece for any future Olympic bid.

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer to the hon. Member for Brent, North (Mr. Gardiner) of 25 January 2000, *Official Report*, column 163W, when (i) he and (ii) ministers in his Department first discussed the ideal focal point for the new Wembley Stadium in athletics mode with *(a)* Sport England, *(b)* Wembley National Stadium Ltd and *(c)* UK Athletics. [107838]

Kate Hoey *[holding answer 31 January 2000]:* Stadium Australia, which I understand has minimum C60 sightlines based on a focal point on the outside edge of the outside line around the whole track, has set the

current benchmark for quality of sightlines required for the Olympics. This was acknowledged by the Wembley design team at the recent Culture, Media and Sport Select Committee inquiry into Wembley. We were assured throughout the project that the new Wembley would be capable of being upgraded for Olympics. However, it became clear once we had seen the detailed proposals for Olympic configuration in early October last year, that Wembley did not meet this benchmark and brought into question the possibility of Wembley being the centrepiece of a future Olympic bid.

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer to the hon. Member for Brent, North (Mr. Gardiner) of 25 January 2000, *Official Report*, column 163W, what assessment he has made of the extent to which the standards for the focal point and sight lines in the new Wembley Stadium with 80,000 seats in athletics mode are matched or exceeded by the other stadia in Europe with capacities in excess of 75,000. [107839]

Kate Hoey *[holding answer 31 January 2000]:* My Department has made no specific assessment of the Wembley proposals against other stadia in Europe. In respect of the Wembley proposals we were concerned to ensure that we did not rule out the possibility of a future Olympic bid. The report from Ellerbe Beckett along with evidence from the BOA and my officials who attended the Wembley National Stadium Ltd. mock up of the proposed seating, confirmed the inadequacy of the sightlines in 80,000 athletics mode.

National Lottery

Siobhain McDonagh: To ask the Secretary of State for Culture, Media and Sport how many grant applications to the National Lottery have been received from organisations within the Mitcham and Morden constituency; and how many have been successful. [107946]

Kate Hoey: The following table shows the number of applications and awards for each of the National Lottery distributing bodies to organisations in the Mitcham and Morden constituency, based on information provided by the National Lottery distributing bodies. The figure for applications received includes applications that have not yet been processed.

Distributing body	*Number of applications received*	*Number of awards made*
Arts Council of England	6	4
Heritage Lottery Fund	6	1
Film Council	0	0
Millennium Commission	Not known	2
National Lottery Charities Board	115	27
New Opportunities Fund	1	0
Sport England	4	1
UK Sport	0	0

Sport England

Mr. Faber: To ask the Secretary of State for Culture, Media and Sport, pursuant to the answer to the hon. Member for Brent, North (Mr. Gardiner), of 24 January 2000, *Official Report*, column 87W, on what date the Football Association proposed that £20 million be returned to Sport England; what form this proposal took; and where the proposal was made. [107296]

Kate Hoey *[holding answer 28 January 2000]:* An informal proposal was made by David Richards, Chairman of the FA Premier League on 16 December 1999 in the margins of a meeting at No. 10 to discuss the proposed Football Foundation. This was relayed to my right hon. Friend the Secretary of State by DCMS officials and followed up by more formal discussions between my Department and the Football Association. These concluded with the meeting between my right hon. Friend the Secretary of State and Mr. Ken Bates on 22 December 1999 at which it was agreed that £20 million would be returned over the next five years, with best endeavours to repay the money more quickly if possible. The precise details of the repayment are matters for Sport England and the Football Association.

Irish Culture

Mr. McDonnell: To ask the Secretary of State for Culture, Media and Sport what action his Department is taking to promote Irish *(a)* culture, *(b)* arts and *(c)* sports in Britain. [107587]

Mr. Chris Smith: It is my Department's job to promote all cultural and sporting activities in the UK. Irish culture is just one of the many diverse cultures that are promoted by, for example, the Arts Council of England and the Regional Arts Boards. My Department is also in close touch with its counterpart in Dublin on a number of issues. Gaelic games such as football, hurling and camogie are all recognised by Sport England and are eligible for lottery funding. Recently St. Albans' Irish Association received a grant of £51,617 towards improving their facilities to benefit Gaelic football.

Playing Fields

Mr. MacShane: To ask the Secretary of State for Culture, Media and Sport what recent discussions he has had with the Department for Education and Employment about increasing the provision of sports playing fields available to schools. [108132]

Kate Hoey: My right hon. Friend and I are in regular contact with ministerial colleagues in the Department for Education and Employment on a wide range of issues of mutual interest including the important issue of increasing the provision of playing fields available to schools.

Athletics

Mr. Tony Lloyd: To ask the Secretary of State for Culture, Media and Sport what representations he has received on the level of public subsidy required if Britain hosts the International Amateur Athletics Federation World Championships in 2005. [108073]

Kate Hoey: The Chief Executive of Manchester City Council has written to my officials enclosing a copy of a paper written by a firm of Canadian consultants dated 23 January 2000, which suggests that the net event costs of staging the World Athletics Championships would be

in the region of £15 million. UK Athletics have in principle agreement from Sport England of £15 million Lottery funding towards event costs for the 2005 World Athletics Championships and this is the figure included in the UK Athletics outline bid submitted to the International Amateur Athletics Federation on 31 January 2000.

Mr. Tony Lloyd: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the necessary additional spending required by his Department in order for Britain to host the International Amateur Athletics Federation World Championship in 2005. [108074]

Kate Hoey: Following the decision to remove athletics from Wembley, my Department is now co-ordinating urgent work between the Government Office for London, Sport England, UK Sport, UK Athletics and the British Olympic Association on further developing the bid for the 2005 World Athletics Championships which takes account of a possible future Olympic bid, including the level of public or Lottery funding that may be required.

World Class Programme

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport if he will make a statement about funding the World Class Programme from National Lottery funds. [107967]

Kate Hoey: To date approximately £90 million of National Lottery funds has been committed by Sport England and UK Sport to over 40 sporting activities, helping over 2,200 elite athletes under the World Class Programme.

School Sports

Mr. Spring: To ask the Secretary of State for Culture, Media and Sport how many schools in the Government's action zones have received National Lottery funds to develop sporting opportunities. [107969]

Kate Hoey: Five schools located within the recently announced Sport Action Zones have received National Lottery awards from Sport England. The details are as follows:

School	*Local authority*	*Amount awarded (£)*	*Scheme*
Newquay Tretherras School	Restormel	136,073	Artificial hockey pitch
Fowey Community School	Restormel	1,190,339	Sport and leisure complex
Callington School and Community College	Caradon	75,000	Phase 11 of college sports facilities project
Liskeard School and Community College	Caradon	259,624	Artificial hockey pitch
Cape Cornwall Community	Penwith	578,473	Sports hall and car park

A further six schools located in areas where Sport Action Zones have been set up have also received awards. However, in these areas the boundaries of the Zones have not been finalised and some of those schools may not be in the eventually designated Zone. Details are as follows:

School	*Local authority*	*Amount awarded (£)*	*Scheme*
Rossington High School Boat Club	Doncaster	18,640	Purchase of boats
Thomas Rotherham College	Rotherham	491,941	Construction of new sports hall
St. Bernard's RC School	Rotherham	13,800	All weather cricket pitch and practice nets
Small Heath GM School	Birmingham	1,605,083	All weather playing surfaces
Arthur Terry School	Birmingham	732,965	Sports hall refurbishment
Baverstock Grant Maintained School	Birmingham	14,124	Table tennis development project to include disabled people

FOREIGN AND COMMONWEALTH AFFAIRS

Lebanon

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent talks he has had with the Israeli Government concerning the withdrawal of Israeli troops from South Lebanon. [108065]

Mr. Hain: We have regular high-level contact with the Israeli Government. We discuss all aspects of the peace process. The Government support the implementation of UNSCR 425. There is now a real prospect of Israeli withdrawal from South Lebanon. It is the responsibility of all those involved to ensure that any Israeli withdrawal is orderly and carried out within a framework that ensures stability.

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made concerning the welfare of the Christian population of South Lebanon in the event of an Israeli withdrawal from the region. [108064]

Mr. Hain: Stability will be crucial to ensuring that the rights of all communities in Lebanon are safeguarded. It is the responsibility of all those involved to ensure that any Israeli withdrawal from South Lebanon is orderly and carried out within a framework which ensures stability.

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his international colleagues concerning *(a)* the withdrawal of Syrian troops from Lebanon and *(b)* the protection of a Christian enclave until that has occurred. [108063]

Mr. Hain: I discuss the Middle East Peace Process regularly with EU and other colleagues. The Government support United Nations Security Council Resolutions 520 and 425. We look forward to the Lebanese Government's

full exercise of its authority throughout the country. We monitor the human rights situation in Lebanon, as in the rest of the Middle East and elsewhere.

Egypt

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has held with the Egyptian Government regarding the political representation of Christians. [108062]

Mr. Hain: When my right hon. Friend the Foreign Secretary visited Cairo in January this year, he met the Sheikh of Al Azar and Bishop Daniel as well as members of the Government, including the President. Interfaith issues were part of the discussions.

Congo

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans the UK has to provide troops to a peacekeeping force in the Democratic Republic of Congo. [108058]

Mr. Hain: The UK is providing six military liaison officers to the UN Mission in the Democratic Republic of Congo (MONUC). The Security Council is considering the Secretary General's recommendations for a large UN observer force to monitor the ceasefire. We are ready, in principle, to support this force and are keeping under review what more we may be able to provide.

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what notifications from the Joint Military Committee and MONUC of breaches of the Lusaka ceasefire in the Democratic Republic of Congo since its signing he has received; and how many of these ceasefire breaches involved Zimbabwean troops. [108057]

Mr. Hain: Since the signing of the Lusaka Agreement there have been allegations of ceasefire violations by both sides in the conflict in the Democratic Republic of Congo. We strongly condemn all such violations.

We continue to urge the parties to report any ceasefire violations to the Joint Military Committee, which is mandated under the Lusaka Agreement to monitor compliance and resolve disputes.

At the open meeting of the Security Council on DRC in New York last week all parties reaffirmed their support for Lusaka and its principles and their commitment to its implementation.

Iran

Mr. McCabe: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 20 January 2000, *Official Report*, column 580W, what sources of information, other than Iranian press reports, concerning the affiliations and roles of Globad Mansour-Beigi, Reza Molai and Ali-Hosseini, he has evaluated. [107954]

Mr. Hain: The Iranian media reports referred to in my previous answer described the three people killed in the Mujaheddin-e-Khalq Organisation's attack on the town of Ilam as civilians. Whatever their affiliation, this was an act of terrorism, which I strongly condemn.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Iranian Government on the position of women in Iran in relation to the report by the UN Rapporteur on Human Rights. [108148]

Mr. Hain: We and our EU partners regularly raise with the Iranian authorities our concerns over a number of their human rights policies, including the situation of women in Iran. The EU sponsored UN General Assembly Resolution on human rights in Iran, adopted on 17 December, called for further action by the Iranian Government to ensure the full and equal enjoyment by women of their human rights.

The Special Rapporteur's report of September 1999 expressed concern over certain women's rights issues and also highlighted a number of improvements. He particularly welcomed the efforts of the Iranian President and other senior figures in the executive to press for a change in attitude towards women and women's issues. He also welcomed the greater participation of Iranian women in politics and higher education.

Pakistan

Mr. Maclean: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on persecution of Christians in Pakistan in each of the last 12 months; and if he will make a statement. [107948]

Mr. Hain: We have received a number of reports about the position of Christians in Pakistan and have raised our concerns with the Pakistani authorities. Our High Commission in Islamabad maintains a regular dialogue with Christian and human rights groups and the Pakistani authorities on this issue. Since the coup on 12 October 1999, General Musharraf has promised Pakistan's minorities that their rights would be respected and that they would be treated as equal citizens. We shall continue to monitor the situation closely and raise our concerns.

Sudan

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to his Egyptian counterpart on the Inter-Governmental Authority on Development peace initiative for Sudan. [108129]

Mr. Hain: My right hon. Friend the Foreign Secretary has discussed the Sudan with his Egyptian counterpart on a number of occasions, most recently in Cairo on 20 January. Our objective is to see a comprehensive negotiated settlement in the interests of all Sudanese. We continue to support the IGAD initiative as the best vehicle for actioning this.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received concerning the displacement of Nuer from the area surrounding the oil fields in Southern Sudan. [108145]

Mr. Hain: We are aware of reports of displacement of people in Upper Nile to places such as Bentiu and Yirol as a result of factional fighting. We expect to see further reports on this issue from a Canadian study which we understand may be published in the near future.

Taiwan

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with the Government of Taiwan on the economic consequences of the earthquake that took place last year in Taiwan. [108173]

Mr. Battle: None. The British Trade and Cultural Office in Taipei reports regularly on economic developments. The economic consequences of last September's earthquake have been comprehensively covered in the course of that reporting.

The human cost of the earthquake was severe and tragic. The United Kingdom joined many other members of the international community in contributing to the relief effort.

Economic dislocation proved to be less grave than the Taiwan authorities initially feared. Considering the magnitude of the tremor, infrastructural damage to industrial premises was relatively light, the bulk of lost industrial output being caused by disruption in power supplies. Economic indicators show that Taiwan's economic performance has now returned to at or near its pre-September level.

Departmental Expenditure Limit

Mr. Blizzard: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals there are to amend his Department's expenditure and running costs limit for 1999–2000. [108810]

Mr. Hain: Subject to Parliamentary approval of the necessary Supplementary Estimate for Class VII Vote 1 the Foreign and Commonwealth Office Departmental Expenditure limit for 1999–2000 will be increased by £5,157,000 from £1,171,240,000 to £1,176,397,000 and the running cost limit has been decreased by £32,614,000 from £530,968,000 to £498,354,000. The increase is the net effect of:

(i) a decrease of £5,326,000 in respect of an adjustment for Overseas Price Movements;

(ii) a decrease in the running cost limit of £1,011,000, in respect of the cash limit breach for financial year 1998–99;

(iii) an increase of £2,000,000 in both capital expenditure and appropriations in-aid for FCO Estates Rationalisation;

(iv) a net decrease in the running costs limit of £5,238,000 and an increase in capital of £5,238,000, in respect of reclassification of certain items of current and capital expenditure in line with FCO's Resource Accounting policies;

(v) a transfer of £600,000 from the Home Office (Class 4, Vote 1), in respect of certain overseas drugs assistance programmes;

(vi) a transfer of £56,000 to the Home Office (Class IV, Vote 2), in respect of the Human Rights Project Fund;

(vii) a transfer of £100,000 from the Ministry of Defence (Class VI, Vote 1), in respect of their contribution to the grant-in-aid to the Atlantic Council of the UK;

(viii) a transfer of £750,000 to the Cabinet Office (Class XVII, Vote 2) for capital expenditure;

(ix) an increase in both running cost limit and in appropriations-in-aid of £25,000, in respect of Sales into Wider Markets;

(x) an increase in running cost receipts of £24,675,000 and an increase in running cost expenditure of £500,000, in respect of increased receipts from other Government Departments;

(xi) The Supplementary Estimate is also sought for additional provision of £40,070,000 on Section B for UK contributions to United Nations Missions in the former Yugoslavia (includes) UN Interim Administration Mission in Kosovo) and the former Soviet Union, United Nations Special Commission on Iraq, United Nations Iraq-Kuwait Observer Mission, United Nations Mission for the Referendum on Western Sahara, United Nations Police Mission in Haiti, United Nations Mission in East Timor, United Nations Observer Mission in Angola, United Nations Peacekeeping Operation in Central African Republic, United Nations Observer Mission in Sierra Leone, United Nations Observer Mission in the Democratic Republic of Congo, the United Nations International Criminal Tribunals for Yugoslavia and Rwanda, the Organisation for Security and Co-operation in Europe, the European Community Monitoring Mission and Western European Union Police Mission in Albania. This is partially offset by an increase of £4,800,000 in appropriations-in-aid in respect of non-baseline peacekeeping;

(xii) The Supplementary Estimate is also required to note an increase of £505,000 in Section D, in respect of an adjustment for Overseas Price Movements for the British Council.

The increase will be offset by a transfer from another Departmental Expenditure Limit (DfID) and a charge on the DEL Reserve and will not therefore add to the planned total of public expenditure.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for Foreign and Commonwealth Affairs how many letters he has received since 1 May 1997 on *(a)* constituency matters and *(b)* other matters of Government policy from each of those Members of the House who have not taken the oath of allegiance. [108401]

Mr. Robin Cook: Correspondence between hon. Members and Departments is treated in confidence unless the originating Member chooses to make such issues public. I am therefore unable to provide the information requested.

Written Answers to Questions

Friday 4 February 2000

PRIME MINISTER

Departmental Expenditure Limit

Mr. Illsley: To ask the Prime Minister what proposals he has to change the Cabinet Office Security and Intelligence Services Vote departmental expenditure limit for 1999–2000. [109085]

The Prime Minister: Subject to parliamentary approval of the necessary Supplementary Estimate, the departmental expenditure limit for Class XVII, Vote 2 will be increased by £26,030,000 from £742,947,000 to £768,977,000 and the gross running cost limit will be increased by £30,468,000 from £380,067,000 to £410,535,000.

The change is to effect transfers of £2,500,000 to the Ministry of Defence (Class VI, Vote 1) and £750,000 from the Foreign and Commonwealth Office (Class II, Vote 1), the take up of running costs end year flexibility of £3,698,000 as announced by the Chief Secretary to the Treasury on 27 July 1999, *Official Report*, column 393W. It also provides for an increase in the departmental expenditure limit of £24,175,000 for services bought from the Foreign and Commonwealth Office and the reclassification of £10,280,000 from capital to other current expenditure and of £1,790,000 from annual managed expenditure to departmental expenditure limit.

There will be an increase in Appropriations in Aid of £5,651,000 and a net increase in other current expenditure of £4,942,000.

The increases in provision will be offset by transfers or increased receipts, or charged to the Reserve, and will not, therefore, add to the planned total of public expenditure.

HOUSE OF COMMONS

Accommodation

Mr. Forth: To ask the Chairman of the Accommodation and Works Committee if he will list each unit of accommodation in the House indicating the persons to whom it is allocated. [108330]

Sir Sydney Chapman: I regret that the information requested is held on the parliamentary space audit database, and could be produced only at disproportionate cost. If my right hon. Friend has a particular query he wishes to raise, he should refer it to the Serjeant at Arms.

DEFENCE

Gulf War

Mr. Malins: To ask the Secretary of State for Defence (1) what arrangements for the award of war pensions and other forms of compensation apply to *(a)* military personnel and *(b)* British civilians (i) contracted and (ii) seconded to the forces who served in the war theatre during the Gulf conflict; [107279]

(2) if he will compensate British civilians seconded or contracted to the forces in the war theatre during the Gulf conflict who have subsequently become ill as a result of their secondment. [107282]

Mr. Spellar: For Armed Forces personnel, there are two schemes to compensate for death or injury caused by Service: the War Pension Scheme (WPS) administered by the DSS and the Armed Forces Pension Scheme (AFPS) administered by MOD. When both Departments accept that the death or injury is attributable to service, benefits are payable from both schemes. In addition to pension arrangements, compensation is also payable from the MOD if it can be proved that an individual's death or injury was caused by negligence by the Department. This compensation system is applied to injuries or death in wartime, but the Department is not required to pay common law compensation if the injury or death occurred where the claimant was actively engaging the enemy. Individuals injured or killed in this scenario receive benefits from the WPS and the AFPS.

In regard to civilians, civil servants are covered by the Principal Civil Service Pension Scheme (PCSPS). This provides for the payment of death and injury benefits to those who are killed or sustain injuries attributable to their duties. Civilians who are employees of contractors do not participate in the PCSPS (or the AFPS or WPS), but would be entitled to common law compensation where the Department was liable. MOD civil servants are also entitled to seek common law compensation from their employer.

Mr. Malins: To ask the Secretary of State for Defence how many British civilians *(a)* seconded and *(b)* contracted to Her Majesty's forces in the war theatre during the Gulf conflict were subsequently tested for (i) depleted uranium and (b) other uranium; and with what results. [107281]

Mr. Spellar: My Department's policy on testing Gulf veterans was published in "Testing for the presence of depleted uranium in UK veterans of the Gulf conflict: The Current Position" dated 19 March 1999, a copy of which is in the Library of the House. Under this policy, as at 31 January 2000, my Department had arranged for one civilian veteran's urine to be tested at two laboratories. The results from one laboratory using neutron activation methods showed that the uranium-235 concentration was less than 0.0053 micrograms per litre (µg/l) of urine. The concentration of natural uranium was less than 0.73 µg/l and that the concentration of depleted uranium (uranium -235 content of about 0.2 per cent.) was less than 2.6 µg/l. This result represented the limits of detection by the method used. If uranium was present it was below these concentrations. The second laboratory's results using a different method (Laser Phosphorimetry)

were that total uranium concentration was 0.0052 (+/– 0.00076) µg/l. Both sets of test results show that uranium, in any form, is not a contributory factor to the patient's ill-health.

Mr. Malins: To ask the Secretary of State for Defence how many British civilians *(a)* seconded and *(b)* contracted to Her Majesty's forces in the war theatre during the Gulf conflict have subsequently suffered from *(a)* post-traumatic stress disorder, *(b)* nephrotic syndrome and *(c)* other kidney or renal problems. [107283]

Mr. Spellar: My Department has no mechanisms in place for routinely monitoring the health of its civilian employees, ex-employees, contractors' employees or foreign nationals. However, civilians who provided direct support to British Forces in theatre during the Gulf conflict can be referred by their GP for examination at the MOD's Medical Assessment Programme (MAP). As at 27 January 2000, 63 civilians who went to the Gulf had been seen by MAP physicians. Of these: two were diagnosed with post-traumatic stress disorder; one had nephrotic syndrome; and none were diagnosed with kidney or renal problems, other than nephrotic syndrome.

Mr. Malins: To ask the Secretary of State for Defence what is his estimate of the number of British civilians seconded or contracted to Her Majesty's Forces in the war theatre during the Gulf conflict who were exposed to uranium. [107303]

Mr. Spellar *[holding answer 1 February 2000]:* We have no such estimate.

Nuclear Weapons

Ms Drown: To ask the Secretary of State for Defence (1) what steps he is taking to inform Parliament of *(a)* the amount spent on nuclear weapons research and *(b)* plans for research or work on future nuclear weapons systems; [107597]

(2) what plans the Government have to fund further work or research on the Trident warhead and its individual components; and at what cost; [107736]

(3) what *(a)* work and *(b)* research the Government are funding on future nuclear weapons systems and on the components of such systems; and at what cost. [107737]

Mr. Hoon: Supporting Essay 5 of the Strategic Defence Review White Paper (Cm 3999) provided details of the costs of the nuclear warhead programme in 1997–98. Direct Trident Warhead Related Expenditure is expected to continue at around £120 million per annum (at 1998–99 prices) for the life of the system, of which some £70 million is in support of Research, Development and Capability Maintenance activities. Although research is aimed at stewardship of the Trident warhead, it also ensures the maintenance of a minimum capability to design and produce a successor should this prove necessary.

Exercise Winter Training

Mr. Blunt: To ask the Secretary of State for Defence if he will list the number of individual places available on Exercise Winter Training in *(a)* 1997–98, *(b)* 1998–99 and 1999–2000. [107411]

Mr. Spellar: The information requested is as follows:

Year	*Number of places available*
1997–98	1,620
1998–99	1,620
1999–2000	1,080

RAF Pilots

Mr. Duncan Smith: To ask the Secretary of State for Defence how many hours' flying time pilots completed in the RAF in each of the last five years, excluding operational flying. [107245]

Mr. Spellar *[holding answer 27 January 2000]:* Trained RAF pilots completed the following flying hours:

Years	*Hours* [1]	*Hours* [2]	*Total hours*
1995	164,686	20,012	184,698
1996	198,892	15,154	214,046
1997	191,194	12,468	203,662
1998	186,746	14,702	201,448
1999	159,801	24,670	184,471

[1] Excluding operational flying
[2] Operational only

Charter of Fundamental Rights

Mr. Bercow: To ask the Secretary of State for Defence what assessment he has made of the impact of the Charter of Fundamental Rights on employment practice within the armed forces; what representations he has made on the issue; and if he will make a statement. [106374]

Mr. Spellar: None as yet. The Government see no reason for the Charter to add to existing rights and obligations, nor is there any agreement that it should so do.

DERA

Mr. Blunt: To ask the Secretary of State for Defence if his plans for the defence budget assume a receipt arising from the sale of all or part of the Defence Estimate and Research Agency. [107413]

Mr. Hoon *[holding answer 1 February 2000]:* For outline planning purposes, we have assumed that a Public Private Partnership (PPP) for the Defence Evaluation and Research Agency will generate a receipt for the Exchequer and that an element of this will form a credit to the defence budget. The size of any receipt will depend on the PPP option chosen and no final decision on this has yet been made.

HOME DEPARTMENT

Commission for Racial Equality

Jean Corston: To ask the Secretary of State for the Home Department who he is appointing as the new Chair of the Commission for Racial Equality. [109086]

Mr. Straw: I am very glad to announce that I have today appointed Gurbux Singh as Chair of the Commission for Racial Equality.

Gurbux Singh is currently the Chief Executive of the London Borough of Haringey and a member of my Race Relations Forum. The appointment is for four years initially.

Crime Fighting Fund

Mr. Hope: To ask the Secretary of State for the Home Department when he will announce the results of the bids which police forces in England and Wales have made for money from the Crime Fighting Fund to fund the recruitment of police officers. [109087]

Mr. Straw: I am currently considering the bids which forces have made. I will be announcing the results next week.

Religious Discrimination

Maria Eagle: To ask the Secretary of State for the Home Department if he will make a statement on the progress of the University of Derby's research project into religious discrimination, which he commissioned in April 1999. [109088]

Mr. Straw: The interim report of the University of Derby's research project into religious discrimination was published on 31 January. Copies are available in the Library or from the research project's web-site at: www.multifaithnet.org.

The interim report is useful in beginning to develop a better understanding of the complex issues around religious discrimination. We hope it will inform the debate in advance of the publication of the research project's full findings, due this autumn.

It is important to remember that this is an interim report only (based on a literature review and consultation with relevant organisations): it does not yet include any information from the research project's own data collection, which is continuing. The final report will inform the development of policy in this important and sensitive area.

Animal Experiments

Mr. Wyatt: To ask the Secretary of State for the Home Department if he will list the sources of primates used for research in *(a)* 1997 and *(b)* 1998. [108144]

Mr. Mike O'Brien: In 1997, the overseas sources of primates were Mauritius, Philippines, China, Israel and Switzerland.

In 1998, the overseas sources were Mauritius, Philippines, China, Israel, Kenya, South Africa and the United States of America.

The vast majority of these imports, for both years were for Cynomolgus Macaques, the main source being Mauritius. Very few were bred in the United Kingdom.

A small number of Marmosets were imported from overseas sources as these, and other New World primates, were bred mainly at designated establishments in the United Kingdom.

Senator Pinochet

Mr. Mackinlay: To ask the Secretary of State for the Home Department (1) if he will place in the Library Fenella Tayler's letter of 5 November 1999 to Michael Caplan, acting for Senator Pinochet; [108463]

(2) what were the contents of Fenella Tayler's letter of 26 November 1999 on behalf of the Home Office to Michael Caplan, acting for Senator Pinochet. [108459]

Mr. Straw: I have placed in the Library copies of the correspondence relating to the medical report which has been disclosed in the application brought by Amnesty International and other human rights groups for permission to bring judicial review proceedings against the Secretary of State.

Mr. Mackinlay: To ask the Secretary of State for the Home Department (1) for what reasons the Director of Public Prosecutions was not consulted under Article 7 of the UN Convention on Torture about his decision to abandon the extradition proceedings against Senator Pinochet consequent on the medical examination; and what representations he has received from the Director of Public Prosecutions on this matter; [108637]

(2) if the medical report on Senator Pinochet has been tendered under Article 7 of the UN Convention on Torture for examination by the *(a)* DPP and *(b)* Solicitor-General; and if he will make a statement; [108598]

(3) on which date and by what instrument the *(a)* DPP and *(b)* Solicitor-General indicated their approval, in accordance with Article 7 of the United Nation's Convention on Torture, of the Home Secretary's decision on the abandonment of the extradition proceedings against Senator Pinochet consequent on his medical examination. [108460]

Mr. Straw: Article 7(1) of the Convention states that:

"The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in Article 4 is found shall in the cases contemplated in Article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution".

I have not yet taken a decision on whether to bring the extradition proceedings against Senator Pinochet to an end.

As I indicated in the reply I gave to my hon. Friend the Member for Islington, North (Mr. Corbyn) on 20 January 2000, *Official Report*, column 560W, a copy of the medical report on Senator Pinochet was forwarded to the Solicitor-General and Director of Public Prosecutions on 11 January.

Mr. Mackinlay: To ask the Secretary of State for the Home Department for what purpose Fenella Tayler *(a)* wrote to and *(b)* telephoned Michael Caplan, acting for Senator Pinochet, on 11 November 1999, concerning

a request that the report of doctors who had examined Senator Pinochet be brought to the attention of Spain, France, Belgium and Switzerland; and what was (i) his response and (ii) the date of his response. [108461]

Mr. Straw: I have placed Mrs. Tayler's letter of 11 January to Mr. Caplan (to which I assume the Question refers) and his reply of 11 January, clarified by a further letter of 13 January, along with related correspondence, in the Library. As Mrs. Tayler's letter explains, Senator Pinochet's solicitors were asked to agree urgently that the report of the doctors should be disclosed to the four states with an outstanding extradition application relating to Senator Pinochet. Senator Pinochet's solicitors replied on the same day, refusing the request.

Mr. Mackinlay: To ask the Secretary of State for the Home Department for what reason Fenella Tayler's letter of 5 November 1999 to Senator Pinochet's lawyers offered to keep confidential the report of the doctors who were to examine the Senator. [108458]

Mr. Straw: Assurances of confidentiality were given because it appeared to me (i) that Senator Pinochet had a right, subject to any overriding public interest, to have personal information about his health kept confidential, (ii) because I wished to have authoritative advice about Senator Pinochet's state of health and I was conscious that he had no obligation to submit to a medical examination, and (iii) that it was appropriate to ask Senator Pinochet for his consent only for the purpose for which I needed the information, namely to equip myself to perform my own functions and to enable the Director of Public Prosecutions and the Solicitor-General to perform theirs.

Mr. Mackinlay: To ask the Secretary of State for the Home Department which *(a)* Chilean and *(b)* British doctor was nominated by Senator Pinochet's lawyers to witness the consideration of the doctors' report on Senator Pinochet, by the DPP or Solicitor-General; when this meeting was held; and if he will make a statement. [108462]

Mr. Straw: No such nomination or meeting has taken place. Two doctors nominated by Senator Pinochet's legal representatives did observe the medical examination on Senator Pinochet conducted at my request.

Overstayers

Mr. Mudie: To ask the Secretary of State for the Home Department how many people with visitors' visas overstayed where the country of origin was *(a)* Pakistan and *(b)* India, in each year since May 1997. [108502]

Mrs. Roche: Comprehensive information on the numbers of persons originating from Pakistan and India who have overstayed their leave in the United Kingdom, having originally entered on visit visas, is not available. The available information, which relates to the numbers of those nationals issued with notice of intention to deport on the grounds that they have overstayed, is shown in the following table. Central records do not show how many of those persons had obtained a visit visa.

Nationals of Pakistan and India issued with notice of intention to deport as overstayers, May 1997 to November 1998.

Nationality	*May to December 1997*	*January to November 1998* [1]
Pakistan	340	400
India	220	210

[1] Figures are provisional. Data for December 1998 onwards are not yet available.

Note:

All figures are rounded to the nearest ten.

Correspondence

Sir John Stanley: To ask the Secretary of State for the Home Department when he will reply to the letter dated 15 October 1999 that he received from the right hon. Member for Tonbridge and Malling enclosing correspondence from Mr. D. C. Johnson. [108647]

Mrs. Roche: I wrote to the right hon. Member on 3 February.

City Status

Mr. David Stewart: To ask the Secretary of State for the Home Department if he will make a statement on progress in the award of city status. [108455]

Mr. Mike O'Brien: Her Majesty the Queen has said that she intends to mark the Millennium by a grant of city status. A competition was announced in May 1999 with a closing date of 1 September. Thirty-nine applications have been received from towns in the United Kingdom; each application is being considered on its individual merits. No date has yet been set for the announcement of the result.

Ad Hop Scheme

Mr. Gibb: To ask the Secretary of State for the Home Department how many people came to Britain on the Ad Hop scheme in *(a)* 1998 and *(b)* 1999. [107950]

Mrs. Roche: The Ad Hop scheme is not known to the Immigration and Nationality Directorate. If the hon. Member is referring to the Seasonal Agricultural Workers' Scheme, the annual quota of participants is 10,000. HOPS(GB), one of the approved operators, was allocated 3,517 work cards in 1998 and 1999.

SOCIAL SECURITY

New Deal (Lone Parents)

Mr. Willetts: To ask the Secretary of State for Social Security how many lone parents, under the New Deal for Lone Parents, have *(a)* been issued with initial invitation letters, *(b)* booked initial interviews with personal advisers, *(c)* attended initial interviews, *(d)* agreed to participate in the programme, *(e)* been referred to Employment Service programmes or other training, *(f)* obtained jobs following participation and *(g)* have increased their hours of work following participation. [108001]

Angela Eagle: The information is in the table.

	Results for the National Programme (October 1998-November 1999)	*Prototype phases 1 and 2 (July 1997-October 1998)*
Initial invitation letters issued	443,710	50,612
Initial interviews booked	[1]134,948	30,826
Initial interviews attended	112,570	23,300
Number agreeing to participate	100,500	20,191
Number entering education/training	10,630	2,476
Jobs obtained (Number of these obtained by part-time workers increasing their hours)	32,710 (1,230)	5,429 (842)

[1] This figure is taken from internal management information and so has not been validated in the same way as other figures for the National Programme.

Mr. Willetts: To ask the Secretary of State for Social Security how much has been spent on the New Deal for Lone Parents *(a)* since the original pilot schemes were established and *(b)* since its full implementation. [108000]

Angela Eagle: The cost of implementing the New Deal for Lone Parents (NDLP) prototype phase 1 areas was £7.9 million. The cost of implementing the national programme has been £47.6 million, broken down as £0.311 million 1997–98, £22.3 million in 1998–99 and £25 million in 1999–2000 (up to the end of December 1999).

Both sums include the cost of project management, the development and provision of IT support, publicity, the cost of evaluation and the costs of NDLP Innovative Pilots.

As such it is not possible to equate these with the impact of adviser time spent in helping lone parents into work. The independent evaluation of the NDLP prototype phase is due to be published at the end of this month and will include a full cost/benefit analysis. Similarly, the national programme is being evaluated separately and will also include a cost/benefit analysis. This is due for publication in spring 2002.

Low Income and Bad Health

Mr. Kirkwood: To ask the Secretary of State for Social Security what steps he proposes to take to further investigate the link between low income and chronic bad health highlighted in DSS Research Report No. 95; and if he will make a statement. [108116]

Mr. Bayley: DSS Research Report 95 was a baseline report from the Earnings Top-up (ETU) evaluation. This provided results of the first surveys of low-paid workers, medium-term unemployed people and employers conducted in 1996, before the introduction of ETU. Forthcoming reports from the ETU evaluation will also include analysis of self-reported health and disability.

Much research commissioned by the Department gathers information on self-reported health and disability for low income groups. In addition to the ETU evaluation, the Programme of Research into Low Income Families (PRILIF) and the Survey of Families with Children gathers information on health for families with children. The Jobseeker's Allowance Evaluation has information on the relationship between unemployment-related benefit receipt and poor health. The ONE evaluation will collect information on self-reported health and disability among clients of working age, and the impact of this on their ability to work. The Department also commissions research on clients receiving disability benefits.

We know that low income and poor health are often linked, and that they can act together to exclude many people from the benefits of a prospering nation. We are determined to overcome these problems. That is why we set out our plans to improve health and reduce the health gap in the White Paper "Saving Lives: Our Healthier Nation" (Cm 4386) and the accompanying "Reducing Health Inequalities: An action report" in July 1999, as well as in our strategy for tackling poverty and social exclusion, "Opportunity for all" (September 1999, Cm 4445).

Montserrat Evacuees (Relocation)

Dr. Tonge: To ask the Secretary of State for Social Security (1) what special arrangements exist for people from Montserrat relocating in the United Kingdom; [108136]

(2) if he will make a statement on the application of the habitual residence test to evacuees from Montserrat. [108138]

Mr. Bayley: Special rules were introduced in 1996 to give people coming from Montserrat, after 1 November 1995 because of the volcanic crisis, immediate access to the main safety net benefits: income-based Jobseeker's Allowance, Income Support, Housing Benefit, and Council Tax Benefit. These rules effectively exempt people coming from Montserrat from the habitual residence test.

While no special arrangements for access to the Social Fund were made by Montserrations, existing guidance and directions already made provision for community care grants to be considered for families who are experiencing exceptional pressures. However, in 1998 a bulletin was issued to all staff amplifying the circumstances in which grants could be considered: examples specifically included instances where a disaster has resulted in the evacuation to the United Kingdom.

Benefit Fraud

Mr. Peter Bottomley: To ask the Secretary of State for Social Security what the subsidies were in each of the past 10 years to *(a)* Worthing Borough Council, *(b)* Arun District Council and *(c)* all English local housing authorities combined for investigation and detection of housing benefit and council tax fraud; and if he will make a statement. [108186]

Angela Eagle: Local authorities are paid an administration subsidy that helps meet the general cost of administering the Housing Benefit and Council Tax Benefit schemes. Specific financial incentives for investigating and

detecting fraud were first introduced in April 1993 in the form of the weekly benefits savings scheme. Details of payments made under that scheme are set out in table 1.

The criteria for making claims under this scheme were tightened in 1998 following concerns expressed by the National Audit Office and the Public Accounts Committee that some councils had previously overclaimed. The scheme has been further amended from 1999–2000 onwards to provide additional incentives to local authorities who successfully prosecute fraudsters and who adopt the Verification Framework. I have also set out in table 2 the amounts of subsidy paid in respect of the Verification Framework, introduced in 1998–99, which puts checks in place to stop fraud getting into the benefit system.

Table 3 details the challenge fund scheme, which ran from 1996–97 to 1998–99, and encouraged councils to bid for funding for innovative anti-fraud initiatives.

Weekly Benefit Savings (WBS) incentive scheme—rewards councils for detecting fraud

£

Financial year	*1993–94*	*1994–95*	*1995–96*	*1996–97*	*1997–98*	*1998–99*[1]
Total for Arun District Council	4,849	113,101	214,848	391,780	233,146	56,615
Total for Worthing Borough Council	9,597	60,160	59,326	138,023	271,586	148,497
Total for all English local authorities	5,545,296	16,799,643	26,668,908	38,309,208	55,115,791	2,600,893

[1] This is the last full year for which data are available

Verification Framework—prevents fraud getting into the system, first introduced in 1998–99

Financial year	*1998–99 (£)*
Total for Arun District Council	54,043
Total for Worthing Borough Council	58,384
Total for all English local authorities	5,688,517

Challenge funding—three year scheme where Councils could submit bids for innovative anti-fraud initiatives

£

Financial year	*1996–97*	*1997–98*	*1998–99*
Total for Arun District Council	18,000	43,000	35,000
Total for Worthing Borough Council	29,167	0	0
Total for all English local authorities	6,084,618	11,965,577	7,015,880

State Second Pension

Angela Smith: To ask the Secretary of State for Social Security when he will announce the outcome of the consultation on the structure of National Insurance Rebates for the State Second Pension. [109171]

Mr. Rooker: Following consultation we have decided that the structure of National Insurance Rebates for the State Second Pension will be as follows:

all rebates for contracting-out into a personal pension, including a personal pension based stakeholder pension, will be calculated to reflect the enhanced three part accrual rate in the State Second Pension;

rebates will continue to be calculated as they are now for all occupational pension schemes, which will not be required to change their benefits;

employees in all contracted-out pension arrangements on low pay (up to £9,500) will get a top-up from the State Second Pension; and

the top-up should be extended to employees on moderate earnings (up to £21,600) in contracted-out occupational pension schemes.

These arrangements achieve the Government's objective of providing extra help for low and moderate earners in private pension schemes. They do so without causing any disruption to employers who provide occupational pension schemes. And the enhanced rebate will give a direct boost to saving in personal stakeholder schemes.

Winter Fuel Payments

Mr. Webb: To ask the Secretary of State for Social Security when Mrs. Anderson (NI Number KP 84 76 11 B) will receive her winter fuel payment for 1999–2000. [108636]

Mr. Bayley: I have written privately to Mrs. Anderson and the matter has now been resolved.

SOLICITOR-GENERAL

Investors in People

Mr. Geraint Davies: To ask the Solicitor-General what is the total amount paid by the Treasury Solicitor to *(a)* Investors in People and *(b)* independent consultants in connection with the Treasury Solicitor's achievement of the Investors in People standard. [108040]

The Solicitor-General: No monies were paid to IiP UK, but £4,891.29 was paid to FOCUS Central London (Training and Enterprise Council) for the final assessment.

A total of £24,115.62 has been paid to independent consultants over the three and a half years that the Agency was working towards IiP. £7,535 of this was reimbursed by the Training and Enterprise Council during 1997 and 1998.

The major contribution to the achievement of IiP was the effort put in by the staff of the Treasury Solicitor's Department.

Paddington Disaster Inquiry

Mr. Salter: To ask the Solicitor-General (1) if evidence presented to Lord Cullen's Inquiry into the Paddington disaster will be submissible as evidence in any subsequent criminal prosecution; [108127]

(2) if persons presenting evidence to Lord Cullen's Inquiry into the Paddington disaster will be immune from any subsequent criminal prosecution. [108126]

The Solicitor-General: No person has been given immunity from prosecution in connection with the Paddington disaster. Witnesses to the inquiry have been given an undertaking authorised by the Attorney General,

to the effect that evidence, written statements and documents produced by them to the inquiry will not be used in evidence against them in any criminal proceedings, except in limited circumstances. This will not, however, prevent a prosecution based on material other than that provided to the Inquiry. The undertaking was provided because it was certain that without it potential witnesses would be inhibited from providing Lord Cullen with full assistance. It was important that everything reasonably possible was done to enable the inquiry to begin its work immediately and to ensure that it would be fully effective, so that it can establish and publish the truth about the circumstances which led to the tragic rail crash.

AGRICULTURE, FISHERIES AND FOOD

Rural Development

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his oral statement to the House of 7 December 1999, *Official Report*, columns 701–02, whether his plans for expenditure under the EU rural development regulation are subject to the outcome of the current consultation by the Scottish Executive on modulation. [107803]

Mr. Morley: The full England Rural Development Plan, which was submitted to the European Commission on 1 February, describes in detail the expenditure proposals outlined by my right hon. Friend the Minister on 7 December 1999, *Official Report*, columns 701–02. It includes an explanation of the proposed sources of funding including receipts from modulation and Government match-funding for those receipts. Key sections of the plan are available on the MAFF website and, once printed, a copy will be placed in the Library of the House.

BSE

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food if he will list the registered markets for the collection of over-30-month scheme cattle in East Anglia. [107753]

Ms Quin: Within East Anglia there are two markets at Norwich and Colchester registered with the Intervention Board for the live collection of over-30-month scheme cattle. The number of markets, and indeed abattoirs, in the region reflects the traditional patterns of marketing cull cows from the area and the predominantly arable nature of farming within the region.

Mr. Pickles: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 24 January 2000, *Official Report*, column 9W, on BSE, in determining whether a company has a satisfactory and long-standing contractual relationship under the OTMS, what examination is made of the annual published accounts of the company concerned. [107757]

Ms Quin: The Intervention Board closely monitors the performance of the abattoirs with whom it contracts to provide over-30-month scheme services. This includes daily supervision of operations and verification checks of the companies' performance on the specified scheme work including their duties as a payment centre. I can confirm that, where the Board already had an established and satisfactory working relationship with an abattoir, no reference was made to those companies' published accounts in evaluating their tenders. For new suppliers, or in any case of doubt, it is the Board's policy to seek information on the financial standing of a company before entering into a contract.

Research Contracts

Dr. Harris: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 6 December 1999, *Official Report*, column 349W, on departmental research contracts, if he will place a copy of the standard research contract in use by his Department in the Library. [107100]

Ms Quin *[holding answer 1 February 2000]:* A copy of the Department's current standard research contract has been placed in the Libraries of both Houses.

Departmental Expenditure Limit

Mr. Purchase: To ask the Minister of Agriculture, Fisheries and Food what changes are proposed to the departmental expenditure limit and running costs limit for his Department for 1999–2000. [108812]

Mr. Nick Brown: The Ministry of Agriculture, Fisheries and Food's Departmental Expenditure Limit (DEL) will be increased by £17,576,000 from £1,225,308,000 to £1,242,884,000. The increase is the net effect of:

(i) an Intervention Board running cost and capital End-Year Flexibility take-up of £747,000 and £157,000 respectively,

(ii) a transfer of £93,000 to the Department of Environment, Transport and the Regions (DETR),

(iii) a transfer of £46,000 from the Scottish Executive Rural Affairs Department (SERAD),

(iv) a transfer of £8,000 from the Department of Agriculture for Northern Ireland (DANI),

(v) a transfer of £138,000 from the Department of Health (DoH).

(vi) a transfer of £107,000 the Department of Environment, Transport and the Regions (DETR),

(vii) transfers of £1,491,000 from DoH, £497,000 from SERAD, £260,000 from the National Assembly for Wales Agriculture Department (NAWAD and, £249,000 from DANI, for the cost of the BSE Inquiry,

(viii) an increase of £5,500,000 in capital for the Rural Development scheme,

(ix) an increase of £6,500,000 in running costs to cover a shortfall in the income of the Meat Hygiene Service,

(x) an increase of £2,790,000 as the DEL element of additional funds for the Organic Aid scheme,

(xi) an increase of £79,000 provision and £134,000 receipts under the Phare Twinning scheme,

(xii) increase in provision and receipts of £15,162,000 in additional VAT recoveries,

(xiv) increase in provision of £1,103,000 and £1,869,000 in receipts under the Wider Markets initiative.

Also the Voted element of the DEL will be increased by £3,691,000 to reflect a matching reduction in the non-Voted element. And the Gross Running Costs limit for the Intervention Board will be increased by £747,000, and for MAFF by £6,720,000.

The increase will be offset by transfers or charged to the reserve and will not therefore add to the planned total of public expenditure.

Farming (Berkshire)

Mrs. May: To ask the Minister of Agriculture, Fisheries and Food how many dairy farms there were in Berkshire in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [108421]

Ms Quin: The data are not available in the precise form requested but, from the June Agricultural Census, the number of holdings in Berkshire with one or more dairy cows was as follows:

Year	*Number*
1996	85
1997	78
1998	80
1999	73

Potato Industry

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will list the dates of those meetings he has had with representatives of the United Kingdom potato industry since he became Minister, indicating which individuals and groups he met. [107240]

Mr. Nick Brown *[holding answer 27 January 2000]:* My right hon. Friend the Minister of State has responsibility for the potato industry. She met the Director General of the UK Potato Processors' Association on 13 January. Representative organisations and individual members of the potato industry are in frequent contact with officials and have a good working relationship with the Department.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what steps he has taken to promote the UK potato industry abroad. [107241]

Mr. Nick Brown *[holding answer 27 January 2000]:* The Department sponsors the British Potato Council (BPC) and works closely with it and producers to promote exports via trade fairs and other events both here and abroad. One of the core functions of the BPC is to promote the British potato industry abroad as exports offer a significant opportunity for market growth. Details of the BPC's activities and achievements since it came into being in July 1997 are set out in the Council's annual report.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the current level of *(a)* domestic production, *(b)* imports and *(c)* exports of (1) Adora, (2) Ailsa, (3) Ambo, (4) Anna, (5) Arran Banner, (6) Arran Comet, (7) Arran Pilot, (8) Atlantic, (9) Ausonia, (10) Avalanche, (11) Avondale, (12) Balmoral, (13) Barna, (14) Bimonda, (15) Bintje, (16) Brodick, (17) Brodie, (18) Buchan, (19) Cara, (20) Carlingford, (21) Charlotte, (22) Cultra, (23) Desiree, (24) Duke of York, (25) Epicure, (26) Erntestolz, (27) Estima, (28) Fianna, (29) Foremost, (30) Golden Wonder, (31) Hermes, (32) Home Guard, (33) Kennebec, (34) Kerr's Pink, (35) Kestrel, (36) King Edward, (37) Kingston, (38) Lady Rosetta, (39) Majestic, (40) Marfona, (41) Mariana, (42) Maris Bard, (43) Maris Peer, (44) Maris Piper, (45) Mondial, (46) Morene, (47) Nadine, (48) Navan, (49) Nicola, (50) Nieta, (51) Panda, (52) Penta, (53) Pentland Crown, (54) Pentland Dell, (55) Pentland Hawk, (56) Pentland Javelin, (57) Pentland Squire, (58) Premiere, (59) Record, (60) Red Cara, (61) Red Pontiac, (62) Remarka, (63) Robinta, (64) Rocket, (65) Romano, (66) Rooster, (67) Sante, (68) Saturna, (69) Saxon, (70) Shepody, (71) Sierra, (72) Slaney, (73) Spunta, (74) Stroma, (75) Ulster Sceptre, (76) Valor, (77) Wilja, (78) Winston and (79) Yukon Gold potato varieties. [107242]

Mr. Nick Brown *[holding answer 27 January 2000]:* The latest potato statistics available for the United Kingdom are provisional figures for 1999 when the level of *(a)* domestic production was 7,100,000 tonnes; *(b)* imports (excluding processed and seed) were 256,000 tonnes and *(c)* exports (excluding processed and seed) were 175,000 tonnes. Statistics are not collected to the level of detail requested but the British Potato Council's publication "Potato Statistics in Great Britain 1993–97" gives planting figures for some of the varieties mentioned by the hon. Member.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food which representatives from his Ministry will attend the European Potato Industry Conference in Rome on 27 to 28 January. [107243]

Mr. Nick Brown *[holding answer 27 January 2000]:* There will be no representatives from my Ministry at the forthcoming European Potato Industry Conference.

Climate Change Levy

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had and with which bodies about the climate change levy. [107235]

Mr. Nick Brown *[holding answer 27 January 2000]:* Since my right hon. Friend the Chancellor of the Exchequer announced in last year's Budget that the Government intend to introduce a climate change levy, I have met with a large number of bodies and individual companies representing the food, drink and agricultural industries. The climate change levy was raised at several of these meetings. Most of these organisations have also put their concerns to Ministers at the Treasury and the Department of the Environment, Transport and the Regions (DETR) to ensure that the interests of the food, drink and agricultural industries can be taken fully into account during the detailed design of the levy.

Correspondence

Mr. Beith: To ask the Minister of Agriculture, Fisheries and Food when he will reply to the letter from the right hon. Member for Berwick-upon-Tweed dated 9 November, relating to a constituent from North Bellshill, Belford, concerning area aid for farmers. [107289]

Mr. Nick Brown: A reply to the letter from the right hon. Member for Berwick-upon-Tweed was sent on 27 January 2000.

Mr. Beith: To ask the Minister of Agriculture, Fisheries and Food when he will reply to a letter from the right hon. Member for Berwick-upon-Tweed, dated 27 September 1999, relating to the qualifications of veterinary surgeons. [107287]

Mr. Nick Brown: A reply to the letter from the right hon. Member for Berwick-upon-Tweed was sent on 27 January 2000.

Pig Farmers

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what representations he has made to the European Commission for compensation for the public health related costs imposed on pig farmers following the BSE crisis. [107234]

Mr. Nick Brown *[holding answer 27 January 2000]:* I and my officials have had a number of discussions with the European Commission on the current difficulties being faced by UK pig producers. My most recent discussions were with Agriculture Commissioner Fischler in the margins of the Agriculture Council on Monday 24 January and then on Tuesday 1 February in London.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Rural Transport Policy

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions how many officials within his Department are directly employed in developing rural transport policy; and what proportion this figure represents of the total number of people employed by his Department. [105280]

Mr. Hill: A large number of officials throughout my Department and the Government offices are responsible for rural transport policy as part of the developing integrated transport strategy and rural White Paper process. In addition, the Countryside Agency administers some transport grants on our behalf, offers advice and is involved in working with the Department on rural transport pilots.

"The Urban Renaissance"

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made in London on the proposals of the Urban Task Force's report "The Urban Renaissance". [107354]

Ms Beverley Hughes: There are more than a hundred wide-ranging and forward-thinking recommendations in the Urban Task Force report. The Government have welcomed the report as an important contribution to the urban renaissance debate and are considering its recommendations in detail in drawing up the White Paper on urban policy, due to be published later this year. The Mayor may also wish to consider the report when producing the Spatial Development and other strategies set out in the GLA Act 1999 and generally, as the London boroughs are already doing.

In the meantime, it is important to keep up the momentum and many of the report's recommendations are already being taken forward. We have already set up nine pilot home zones, including two in London, at Five Roads in Ealing and in the Holmewood area of Lambeth. In addition, pilot urban regeneration companies have been published, although as yet there are none in London.

Issues relating to the management of land supply are being covered in revisions to Planning Policy Guidance notes 3, 11 and 12 that apply throughout the country. The recommendations for streamlining of the Compulsory Purchase Order process are to be covered in the review which is currently taking place, while similar work on planning obligations is also under way. These will all be of direct significance to the capital.

In London, the new Mayor and Assembly are charged with preparing a spatial planning framework (the Spatial Development Strategy) that is consistent with other Mayoral strategies for transport, economic regeneration and the environment. This provides an opportunity to provide a more effective and integrated strategic framework for delivering urban renaissance in the capital.

Draft guidance has recently been issued on Strategic Planning in London which stresses the importance the Secretary of State attaches to the SDS promoting urban renaissance through good urban design and improvement of the public realm. New arrangements for consultation on strategic applications will mean that the Mayor can ensure SDS principles are delivered on the ground.

The Government have just published a report, jointly with the London Planning Advisory Committee (LPAC), on how to achieve more sustainable patterns of residential quality by using a design-led approach ("Sustainable Residential Quality: Exploring the Housing potential of Large Sites: LPAC January 2000"). Copies of this report have been forwarded to every London borough.

In addition to the responsibility for drawing up the Transport Strategy for the capital to which the boroughs will have regard in producing their Local Transport Plans, the Mayor has also been given the powers to introduce road user (congestion) charging and workplace parking levies and to use the revenue generated in support of the Transport Strategy. With the agreement of the Mayor, the London boroughs may also introduce such measures.

Rail Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will publish the cost benefit analysis of *(a)* ATP and *(b)* other alternative systems of train protection presently available. [107860]

Mr. Hill: The cost benefit analysis of Automatic Train Protection (ATP) will depend on a number of factors including the precise system chosen, the timing of its introduction, and the level of safety risk which it addresses. A British rail report on ATP including estimates of costs and benefits was placed in the Library of the House in July 1994, but those estimates would need to be recalculated in the light of specific proposals.

A regulatory impact assessment for the Railway Safety Regulations 1999, including a cost benefit assessment of the Train Protection and Warning System (TPWS), was placed in the Library of each House when the Regulations were laid on 10 August 1999. Following the tragic accident at Ladbroke Grove, we asked Sir David Davies to make an assessment of train protection systems and we expect his report shortly. We will also look to the Health and Safety Commission for advice before any further decisions on train protection are taken.

Rail Passengers (Delays)

Mr. Steinberg: To ask the Secretary of State for the Environment, Transport and the Regions how much compensation was paid to rail passengers for delays under passenger charters in each of the last five years. [108440]

Mr. Hill: Passenger's Charter payment records are maintained separately by each of the 25 franchised passenger train operators. This information is not held centrally.

HEALTH

Hip Replacement Revisions

Mr. Dalyell: To ask the Secretary of State for Health how many revision total hip replacement operations in the National Health Service were performed in *(a)* 1995, *(b)* 1996, *(c)* 1997, *(d)* 1998 and *(e)* from January to June 1999 expressed as a percentage of total hip operations. [101206]

Mr. Denham: The information for England is set out in the table. This is routinely presented in financial years rather than calendar years.

Year	*Revision operations as a percentage of all hip replacements*
1999–2000 Q1	[1]9.4
1998–99 Q3	[1]9.6
1998–99 Q2	[1]10.1
1998–99 Q1	[1]10.5
1997–98	[1]9.8
1996–97	9.8
1995–96	9.4

[1] Data for 1999–2000, 1998–99 and 1997–98 are provisional. No adjustments have been made for coverage and the figures are not directly comparable with earlier years.

Notes:

1. Data for 1995–96 and 1996–97 are grossed for coverage (but not for unknown/invalid clinical data). Information for Quarter 4 of 1998–99 is not yet available.
2. OPCS4R codes W37-W39, W46-W48, excluding emergency admissions and episodes with a primary diagnosis of ICD 10 codes S72.0, S72.1 and S72.2.

Heart Transplants

Mr. O'Hara: To ask the Secretary of State for Health if he will make a statement on the Government's policy on heart transplants for patients over 60 years. [103957]

Mr. Denham: There is no specific policy on heart transplants for patients over 60. Every patient should be assessed according to his or her individual needs, and there should be no bar to transplantation other than a clear medical contraindication.

Nursing Vacancies

Mrs. Virginia Bottomley: To ask the Secretary of State for Health if he will list those health authorities which have nursing vacancies in excess of 300. [107065]

Mr. Denham: The available information is given in the table.

Vacancies (nursing and midwifery staff) in health authorities with over 300 posts vacant at 31 March 1999

Whole-time equivalents

Health Authority	*Total vacancies* [1]	*Percentage* [2]	*3 month vacancies* [3]	*Percentage* [2]
Camden and Islington	780	11.1	390	5.5
North Essex	330	5.2	—	—
East London and City	700	12.9	500	9.1
Kensington, Chelsea and Westminster	560	8.3	—	—
Birmingham	590	5.3	330	3.0
Merton, Sutton and Wandsworth	560	9.7	—	—
Manchester	370	5.8	—	—
West Kent	300	5.3	—	—
West Surrey	350	8.2	—	—
Oxfordshire	360	7.7	—	—
Avon	310	5.2	—	—
Lambeth, Southwark and Lewisham	810	11.4	—	—

[1] Posts that Trusts were actively trying to fill at 31 March 1999.
[2] Vacancies as a percentage of total posts (staff in post plus vacancies.)
[3] Posts that had been vacant for three months or more at 31 March 1999.

Note:
Figures are rounded to the nearest 10.

Source:
Department of Health Recruitment, Retention and Vacancies Survey 1999

Thyroid Disorder

Mr. Maclean: To ask the Secretary of State for Health what methods are used by health authorities to test for thyroid disorder; and what plans he has to prescribe a standard test. [107488]

Mr. Denham: There are a number of thyroid disorders and diseases. The results of initial testing may indicate further tests are needed to diagnose the patient's condition.

The initial thyroid function tests have improved greatly in recent years as a result of medical research, and

up-to-date tests are available in National Health Service laboratories. The most common are the measurement of serum thyroid stimulating hormone, and free thyroxine (T4). Others commonly used include isotope uptake studies, thyroid antibody assays, ultrasound scans and needle biopsies. All NHS laboratories participate in quality assurance schemes.

The Department has no plans to issue guidance in this area.

Rural Ambulance Services

Mr. Maclean: To ask the Secretary of State for Health what plans he has to increase resources to rural ambulance services in *(a)* Cumbria and *(b)* elsewhere. [107486]

Ms Stuart: Since 1997, an extra £15 million has been included in the general allocation to health authorities to support implementation of the new ambulance service targets across England; those allocations are weighted to take account of rurality. Furthermore, we have carried out research recently to support ambulance services in delivering the national targets in both urban and rural areas such as Cumbria.

Mr. Maclean: To ask the Secretary of State for Health what plans he has to improve the *(a)* effectiveness and *(b)* response times for ambulance services in sparsely populated rural counties. [107490]

Ms Stuart: We recognise the practical constraints on ambulance services that have to cope with extremes of geography. In emergency situations the effectiveness of ambulance services is largely dependent on speed of response and the clinical training of their crews. The new response time targets will benefit rural areas as they are based on clinical need rather than geography. However rural services will need to develop alternative approaches to achieving the response times for people with immediately life-threatening conditions including paramedics using fast response vehicles, co-responder programmes (using the fire service and police) and community first responder schemes (local trained volunteers). We have commissioned research on the cost effectiveness of these alternative responses to help local health economies, including those in rural areas, plan specific service improvements.

Radiological Facilities

Mr. Norman: To ask the Secretary of State for Health how many acute hospitals in the NHS do not have full radiological facilities, including scanning equipment, on site. [107415]

Ms Stuart: Information on radiological facilities, including scanning equipment, on individual acute hospital sites is not collected centrally. However, information on the number of imaging and radiodiagnostic examinations or tests undertaken in National Health Service trusts is available and is published annually in "Imaging and radiodiagnostics, England". The latest data are for 1998–99 and have been placed in the Library.

Neurology Treatment

Mr. Bob Russell: To ask the Secretary of State for Health, pursuant to his answer of 24 January 2000, *Official Report*, column 100W, on waiting times, for how many weeks in excess of 26 weeks each of the 36 patients referred to are waiting to see the neurology consultant. [108093]

Mr. Denham: The information requested is not collected.

Drug Rehabilitation

Mr. Ashdown: To ask the Secretary of State for Health how many drug detoxification and rehabilitation centres there are in each English county; and if he will make a statement. [107795]

Yvette Cooper *[holding answer 3 February 2000]:* The information requested is not available centrally. However, agencies offering a range of specialist services for drug misusers are listed in the directory "Drug Problems: where to get help", published in 1998 by the Standing Conference On Drug Abuse (SCODA). I will arrange for copies to be placed in the Library.

Nurse Training

Mr. Ennis: To ask the Secretary of State for Health how many single parents are in training to become nurses. [107647]

Mr. Denham *[holding answer 3 February 2000]:* The information requested is not held centrally. Of the 23,410 students currently paid a National Health Service Bursary by the NHS Student Grants Unit (SGU), 1,006 (4.3 per cent.) are in receipt of the single parent addition. Older students (those aged 26 years and over), who are also single parents, may opt to receive the older students' allowance rather than the single parent addition, as this may be more favourable.

Mr. Ennis: To ask the Secretary of State for Health how many students are currently completing an access to nursing course; and how many of those students are single parents. [107648]

Mr. Denham *[holding answer 3 February 2000]:* The number of students undertaking an access to nursing course in 1997–98 was 1,038.

No information is held on whether students are single parents.

Source:

Quality Assurance Agency for Higher Education, 'Key Statistics' 1999.

Obesity

Mr. Spring: To ask the Secretary of State for Health what plans he has to reduce the levels of obesity in England. [107966]

Yvette Cooper *[holding answer 3 February 2000]:* We have made heart disease, stroke and cancer key areas of action in our health strategy, "Saving Lives: Our Healthier Nation". The White Paper indicates the significance of physical activity, nutrition and healthy weight management in reducing the risks of heart disease and stroke and some cancers.

Obesity results from an excess of energy intake over energy expenditure. Therefore, we have spent over £700,000 on healthy eating campaigns aimed at the general population in this financial year. We have also

spent £9 million over the last three years on "Active for Life" to promote the health benefits of physically active lifestyles. Furthermore, in 1999 we funded the BBC's campaign "Fighting Fat, Fighting Fit" and financed the Faculty of Public Health Medicine's guidance "Tackling Obesity" aimed at primary care health promotion practitioners. The role of obesity in the development of heart disease will also be addressed in the forthcoming National Service Framework on coronary heart disease.

We are now considering further options for improving dietary habits, including increasing the consumption of fruit and vegetables.

Correspondence

Mr. Arbuthnot: To ask the Secretary of State for Health when he will reply to the letter of 23 September 1999 from the right hon. Member for North-East Hampshire regarding a constituent, Mrs. Horton. [108229]

Yvette Cooper: I replied to the right hon. Member on 31 January.

Dentistry

Jackie Ballard: To ask the Secretary of State for Health, pursuant to his answer to the hon. Member for Pendle (Mr. Prentice) of 24 January 2000, *Official Report*, column 107W, on dentistry, what is the latest date by which he expects to publish the NHS dental strategy. [108639]

Mr. Hutton: The Government's strategy for modernising National Health Service dentistry in England will be published when it is complete and fully reflects all our proposals. We expect this to be soon.

Beta-interferon

Sir Brian Mawhinney: To ask the Secretary of State for Health if he will list those trusts and primary care groups which do not routinely pay for patients suffering from multiple sclerosis to receive Beta-interferon when that is the drug recommended by the patients' physicians. [108449]

Ms Stuart: Information about local policies on the treatment of multiple sclerosis is not available centrally. Any such policies should be agreed by the health authorities, primary care groups, trusts and clinicians concerned, and should provide for individual cases to be considered on their merits in the light of the evidence available on different forms of treatment.

We have asked the National Institute for Clinical Excellence (NICE) to conduct an authoritative appraisal of the evidence on Beta-interferon, as part of its first work programme. NICE guidance is expected to be issued to the National Health Service by August 2000.

LORD CHANCELLOR'S DEPARTMENT

Research Contracts

Dr. Harris: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his answer of 6 December 1999, *Official Report*, column 398W, on departmental research contracts, if he will place a copy of the standard research contract in use by his Department in the Library. [107102]

Jane Kennedy *[holding answer 1 February 2000]:* The standard form of contract currently used, by the Lord Chancellor's Department, for the commissioning of research has been placed in the Library. It should be noted that while all the Department's research contracts are based upon this format each individual contract is tailored to suit the research being commissioned.

TREASURY

Debt Relief (Sudan)

Dr. Tonge: To ask the Chancellor of the Exchequer what steps he is taken to link debt relief and the resolution of conflict in Sudan. [108135]

Mr. Timms: To qualify for debt relief under the Heavily Indebted Poor Countries Initiative, countries must face an unsustainable debt burden beyond traditional debt-relief mechanisms and must establish a track record of reform and sound policies through IMF- and World Bank-supported programmes.

Last year the IMF Board, with UK supporting, agreed to lift the declaration of non-cooperation with Sudan: the first step in the process for the country to get back on track in its relations with the International Financial Institutions. The IMF though stressed that economic development was not possible without peace and urged the authorities to work towards finding a solution. A further review of the country's record under the IMF Staff Managed Programme will take place later this year.

Dr. Tonge: To ask the Chancellor of the Exchequer what recent discussions he has had with G7 countries on Sudan's debt problem. [108147]

Mr. Timms: To qualify for debt relief under the Heavily Indebted Poor Countries Initiative, countries must face an unsustainable debt burden beyond traditional debt-relief mechanisms and must establish a track record of reform and sound policies through IMF and World Bank-supported programmes.

Last year the IMF Board agreed, with UK supporting, to lift the declaration of non-cooperation with Sudan: the first step in the process for the country to get back on track in its relations with the IMF. The next stage in the process will be a further review later this year when the country's record will be assessed with a view to terminating the suspension of Sudan's voting rights.

Gold Reserves

Sir Geoffrey Johnson Smith: To ask the Chancellor of the Exchequer what was *(a)* the price at which the Bank of England sold gold from the reserves in the past 12 months, *(b)* the total amount of these sales proceeds which was invested in the purchase of euros and *(c)* the price at which the euros were purchased. [108293]

Mr. Bercow: To ask the Chancellor of the Exchequer what the sterling value was of each of the sales of gold from the reserves at the time of sale in the last 12 months; and if he will list *(a)* the amount of euros purchased with the resulting funds and *(b)* the dates of purchase. [108446]

Miss Melanie Johnson: I refer the hon. Members to the answers I gave the hon. Members for Rochford and Southend, East (Sir T. Taylor) and for Louth and Horncastle (Sir P. Tapsell) on 13 December 1999, *Official Report*, column 76W.

Haulage Industry

Dr. Kumar: To ask the Chancellor of the Exchequer (1) if he will commission research on the impact of the provisions of the 1999 Budget on the haulage industry; [108452]

(2) what representations he has received from representatives of the haulage industry *(a)* nationally and *(b)* in the North-East region, regarding his forthcoming Budget; [108454]

(3) what assessment he has made of the impact of the changes in vehicle excise duty introduced in his 1999 Budget on the haulage industry; [108456]

(4) what assessment he has made of the impact of the recent changes in the price of diesel fuel on the haulage industry. [108457]

Mr. Timms: Since the last Budget, the Government have been working closely with representatives of the haulage industry and unions through the Road Haulage Forum to assess the competitiveness of the UK haulage industry. The forum has conducted research in a wide range of areas, and will continue to monitor the many factors affecting the competitive position of UK hauliers, including their spending costs and total tax burden. I have attended two meetings of the Forum since July and met members of it on other occasions.

In addition to our discussions in the Road Haulage Forum, we have received a number of representations from the haulage industry and other interested parties across the UK. These will all be given careful consideration in the context of the Chancellor's Budget judgment.

TRADE AND INDUSTRY

Parliamentary Questions

Mr. Oaten: To ask the Secretary of State for Trade and Industry how many questions to his Department tabled for ordinary written answer during Session 1998–99 were answered *(a)* within two weeks of tabling, *(b)* within one month of tabling, *(c)* within three months of tabling and *(d)* after three months of tabling. [106492]

Mr. Byers: The information is as follows:

Answered	*Number*
Within 2 weeks	1,302
Within 1 month	53
Within 3 months	1
After 3 months	0
Total	1,356

Mr. Oaten: To ask the Secretary of State for Trade and Industry how many questions to his Department were tabled for written answer during session 1998–99; and how many of these he replied to *(a)* by means of a letter placed in the Library rather than by substantive answer in the *Official Report*, *(b)* by stating that a substantive answer could not be given due to information not being held centrally and *(c)* by stating that a substantive answer could not be given due to disproportionate cost. [106487]

Mr. Byers: The information can be provided only at disproportionate cost.

Mr. Oaten: To ask the Secretary of State for Trade and Industry how many questions to his Department tabled for written answer on a named day during Session 1998–99 were answered *(a)* on or before a named day, *(b)* within one week of a named day, *(c)* within one month of a named day, *(d)* within three months of a named day and *(e)* after three months of a named day. [106481]

Mr. Byers: The information is as follows:

Answered	*Number*
On day	409
Within 1 week	483
Within 1 month	122
Within 3 months	9
After 3 months	0
Total	1,023

Credit Ratings

Mr. Pickles: To ask the Secretary of State for Trade and Industry if the credit rating of companies seeking to tender for services provided by his Department is checked before the contract is awarded. [107745]

Dr. Howells: Procedure in DTI, as recommended in the Department's Procurement Manual and based on HM Treasury procurement guidance, is that financial appraisal of potential suppliers is undertaken where (a) contracts have a value of up to £10,000 and are critical, novel or contentious; (b) contracts have a value of £10,000 or more. Qualified accountants are required to report on a company's published accounts where contract values exceed £95,000.

Mr. Pickles: To ask the Secretary of State for Trade and Industry how often the credit rating of companies supplying services to his Department is checked. [107750]

Dr. Howells: Procedure in DTI, as recommended in the Department's Procurement Manual and based on HM Treasury procurement guidance, is that financial appraisal of suppliers is undertaken pre-award where contract values are £10,000 or more, or are otherwise critical, novel or contentious. Where contract duration is more than one year, checks on financial viability may be undertaken at regular intervals.

Climate Change Levy

Mr. Sheerman: To ask the Secretary of State for Trade and Industry what impact the climate change levy will have on the profitability and competitiveness of the wood particleboard and wood fibreboard industry. [107939]

Ms Hewitt: The Government's goal remains to design and implement the levy in a way which safeguards competitiveness while maximising its environmental

benefits. The wood particleboard and fibreboard industry, together with other sectors, will benefit from the proposals announced by my right hon. Friend the Chancellor of the Exchequer in his 9 November 1999 Pre-Budget Report, including: the lower overall rates of the levy; the exemptions for electricity generated from new forms of renewable energy and good quality combined heat and power plants; and the trebling of support for energy efficiency measures under the levy package.

In addition, those wood particleboard and fibreboard industry sites that are covered by the Integrated Pollution Prevention Control Directive, as defined by reference to Part A of the Pollution Prevention and Control Regulation, will be eligible for an 80 per cent. discount from the levy if they sign up to a negotiated agreement to improve energy efficiency or deliver emissions reductions that meet the Government's criteria.

Research Contracts

Dr. Harris: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 8 December 1999, *Official Report*, column 572W, what restrictions were placed on contractors carrying out research projects funded by his Department in 1999 in respect of them discussing their findings with journalists *(a)* before and *(b)* after publication. [108190]

Ms Hewitt: The Department's standard terms and conditions of contract for services, placed in the Library of the House as indicated in my answer of 2 February 2000, *Official Report*, column 604W, require a contractor to obtain consent in writing prior to communicating information obtained in the course of work performed under the contract. Where this contract term applies, it would cover discussion of findings with journalists both before and after publication. Where this Department funds research projects as grants rather than service contracts, a similar clause would be applied but only for the purpose of protecting confidential information. In such a case the written consent of the Department and all parties to the project would be required before release. In any event, as I indicated in my earlier answer, the Department actively encourages the publication of results from the research it has funded.

Dr. Harris: To ask the Secretary of State for Trade and Industry what restrictions have been placed on contractors carrying out research contracts funded by grants from the Research Councils during 1999 in respect of them discussing their findings with journalists *(a)* before and *(b)* after publication; and if he will place a copy of the standard research contract for each Research Council in the Library. [108188]

Ms Hewitt: Each Research Council has its own terms and conditions that cover the actions of people and institutions in receipt of Research Council funds. None of them includes restrictions on discussing research findings with journalists either before or after publication. One of them, the Biotechnology and Biosciences Research Council (BBSRC), does request that grantholders notify them in advance of any media releases that refer to BBSRC funded research, so that they can, themselves, respond efficiently to any subsequent media inquiries. All Research Councils actively encourage grantholders to publish their research. They also advise them on the need to protect Intellectual Property Rights (IPR) and not to jeopardise its future exploitation. However, the management of IPR generated by grantholders, and any resulting restrictions on discussions with journalists, are a matter for the institution in which the research is conducted and not the Research Councils. Copies of each Research Council's research grant terms and conditions will be placed in the Library of the House shortly.

Metric Measurement Conversion

Mr. Keetch: To ask the Secretary of State for Trade and Industry what financial assistance his Department makes available to small businesses to convert equipment from imperial to metric measurement; and if he will make a statement. [108625]

Dr. Howells: None.

Metrication has been under way in stages since 1965, with long lead-in times at each stage. In accordance with normal practice the Government do not generally provide financial assistance to business to meet the cost of legislative changes. These are taken into account by way of the Regulatory Impact Assessments when policy and lead-in times are formulated.

Export Licence Applications

Mr. Chope: To ask the Secretary of State for Trade and Industry how much official time was spent considering export licence application 6078 between the date of its submission and the date of its refusal. [108476]

Dr. Howells: The time spent on each export licence application varies according to a number of factors on which the assessment of the application is based. No record is kept within the Export Control Organisation of the amount of time afforded to each individual application. Export licence application 6078 was received on 21 September 1999 and refused on 24 January 2000.

Mr. Chope: To ask the Secretary of State for Trade and Industry what was the average length of time during the past 12 months between submission of applications for licences to export goods to Iran and decisions on those applications. [108478]

Dr. Howells: I refer the hon. Member to the answer I gave the hon. Member for Portsmouth, South (Mr. Hancock) on 11 February 1999, *Official Report*, column 404W.

Textile and Clothing Industry

Mr. Nicholas Winterton: To ask the Secretary of State for Trade and Industry what has been the annual growth or decline of the United Kingdom textile and clothing industry in each of the last 10 years. [108691]

Dr. Howells: The information for the last 10 years is available in the following table:

Manufacture of textiles and textile products

Year	*Index of production 1995 = 100*	*Year-on-year percentage change*
1989	112.9	–2.8
1990	111.8	–1.0
1991	101.0	0.9
1993	101.3	–0.6
1994	103.6	2.3

Manufacture of textiles and textile products

Year	*Index of production 1995 = 100*	*Year-on-year percentage change*
1995	100.0	–3.5
1996	99.6	–0.4
1997	96.4	–3.2
1998	89.1	–7.6

Note:

Comprises Standard Industrial Classification Subsection DB—Manufacture of textiles and wearing apparel; dressing and dyeing of fur.

Source:

Office for National Statistics: Monthly Digest of Statistics, table 7.1.

Mr. Nicholas Winterton: To ask the Secretary of State for Trade and Industry (1) what steps his Department has taken to ensure that the public sector supports the United Kingdom clothing and textile industry and to make such support easily accessible; [108658]

(2) what assistance his Department gives to aid the development of the United Kingdom textile and clothing industry. [108663]

Mr. Alan Johnson: DTI provides a wide range of support to the UK's textile and clothing industry. The Department's Textile, Clothing and Footwear Unit is currently funding about 25 individual projects addressing aspects of the industry's competitiveness covering areas such as supply chain development, education and training, technical innovation, design and marketing.

Other public bodies provide support for the industry in areas such as assistance for capital investment, vocational training, export promotion and research and development.

Mr. Nicholas Winterton: To ask the Secretary of State for Trade and Industry what assessment he has made of the effect of Government policies on the long-term performance and profitability of the United Kingdom textile and clothing industry since May 1997; and if he will make a statement. [108662]

Mr. Alan Johnson: The Government's first priority on coming to office was to secure long-term economic stability and put an end to the damaging cycle of boom and bust. The Government understand the concerns of businesses, including the textile and clothing sectors trading with Europe, about the pound. But short-term fixes would be the biggest threat of all to industry, creating the illusion of temporary relief followed by the reality of long-term damage.

Mr. Nicholas Winterton: To ask the Secretary of State for Trade and Industry what the output was of the United Kingdom textile and clothing industry as a proportion of gross domestic product during 1998–99. [108657]

Mr. Alan Johnson: Value added of the UK textile and clothing industry represented 0.9 per cent. of Gross Domestic Product in 1998, the latest whole year for which data are available.

Note:

Comprises Standard Industrial Classification Subsection DB—Manufacture of textiles and wearing apparel; dressing and dyeing of fur.

Source:

Office for National Statistics—derived from United Kingdom National Accounts 1999 ("The Blue Book"), Table 2.3.

Cash Machines (Surcharges)

Mr. Chidgey: To ask the Secretary of State for Trade and Industry (1) what changes to the Link network charging structure require approval by the Office of Fair Trading; [108445]

(2) if he will use his powers under the Restrictive Trade Practices Act 1976 to prevent banks introducing surcharges for cash machine withdrawals. [108444]

Dr. Howells: I understand that the current LINK agreement is not registerable under the Restrictive Trade Practices Act 1976.

From 1 March, any changes to the current LINK agreement will fall to be considered by the Director General of Fair Trading under the prohibitions of the Competition Act 1998.

Mr. Chidgey: To ask the Secretary of State for Trade and Industry what representations he has received from the members of the Link network regarding the possible introduction of surcharges for cash machine withdrawals. [108443]

Dr. Howells: My Department has received representations on this subject from Barclays Bank, the Co-operative Bank, and the Nationwide Building Society.

CULTURE, MEDIA AND SPORT

National Lottery Commission

Mr. Burgon: To ask the Secretary of State for Culture, Media and Sport what plans he has to alter the directions he has made to the National Lottery Commission under section 11 of the National Lottery etc. Act 1993, as amended. [109170]

Mr. Chris Smith: I have removed the limit on the number of rollovers for any game forming part of the National Lottery from the National Lottery Commission's current directions. The Commission has a statutory duty to protect the interests of players, and has been directed not to license any game that encourages excessive participation—this direction remains in force. The Commission will determine on a game-by-game basis whether there should be limits on the maximum number of rollovers—and, if so, what the limits should be—in the light of these duties.

I have placed copies of the revised directions in the Libraries of the House.

Millennium Dome

Mr. Fearn: To ask the Secretary of State for Culture, Media and Sport what discussions his Department has had with the New Millennium Experience Company about ticket sales for the Millennium Dome for the first three months of 2000. [104896]

Janet Anderson: The Shareholder (The Lord Falconer of Thoroton), on behalf of the Government, of the New Millennium Experience Company has regular discussions with NMEC's Chairman and Chief Executive on all matters concerning the Millennium Experience at the Dome, including ticket sales. Lord Falconer is supported in his role as shareholder by the Department for Culture, Media and Sport Millennium Unit, who have also been

involved in these discussions. I understand it is NMEC's intention to release details of ticket sales for the first month of 2000 very soon.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport (1) if he will list the criteria which determine how bonuses for executives of the Millennium Dome are calculated, indicating the extent to which such bonuses vary according to the performance of those individuals from 31 December 1999 onwards; [104531]

(2) if the operation of the opening ceremony of the Dome will be a material factor in determining whether the Chief Executive and Managing Director of the Millennium Dome qualify for maximum bonus payments. [104524]

Janet Anderson *[holding answer 13 January 2000]:* The remuneration policy for the executive directors of NMEC's Board, including the Chief Executive and the Managing Director, are set out in the company's published Annual Reports and Accounts, as are their actual remuneration details for the year to which each set of Accounts refers. Performance bonuses are payable at the end of the individual's contract. No entitlement to the payment of the bonus accrues during the course of the contract. The quantum of any such bonus paid are matters for the Board of NMEC. The Board will take account of all aspects of the performance of the individuals concerned.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 21 December 1999, *Official Report*, column 557W, what is the total number of free tickets provided to Dome sponsors. [104602]

Janet Anderson *[holding answer 13 January 2000]:* There are no free tickets to sponsors. Tickets available to sponsors are part of the sponsorship contractual terms and are an integral part of the benefits sponsors receive in recognition of their financial support for the project. These arrangements are standard for sponsorships of major events. The number of tickets available to sponsors under these arrangements vary according to the level of contribution made by each sponsor. Since they are part and parcel of the sponsorship contract, details are commercially confidential under the confidentiality clauses applicable to both parties. Tickets available to sponsors under the terms of their contractual arrangements do not count towards NMEC's ticket sales and reservations numbers which stand at over one million to date.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport what is his policy in respect of *(a)* the insertion of and *(b)* the activation of penalty clauses into contracts relating to (i) the construction and (ii) the operation of the Millennium Dome; if contracts have been issued without penalty clauses being so inserted; how many penalty clauses have been activated; how much has been levied in penalties under such clauses; and if he will make a statement. [104530]

Janet Anderson *[holding answer 13 January 2000]:* All contractual arrangements for the construction and operation of the Dome are the responsibility of the New Millennium Experience Company. As regards construction contracts, NMEC has followed best industry practice throughout and in all cases has included performance, breach of contract and termination provisions. In order to ensure achievement of immovable target dates, NMEC has worked with its contractors to create an environment which has ensured that all key targets were met. As a result none of the construction contracts have been terminated on breach of contract grounds and all issues of performance were resolved through constructive negotiation in a spirit of teamwork. The operation of the Dome is an in-house responsibility and NMEC directly employs the host staff. Contracts with suppliers of goods and services including security, waste management and catering all follow industry best practice and include performance, breach of contract and termination provisions.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what plans he has to increase visitor numbers at the Dome. [104436]

Janet Anderson *[holding answer 13 January 2000]:* The New Millennium Experience Company is responsible for all aspects of the Dome's operation including visitor numbers. The Government are confident that NMEC will increase visitor numbers as the year moves on. The winter months are always the most difficult for those visitor attractions which remain open through the year and the first months of operation at the Dome were always going to be a challenge both in respect of the industry's normal trends and because inevitable teething problems would need to be addressed.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport if he will publish the contracts between NMEC and the sponsors of the Dome. [104431]

Janet Anderson *[holding answer 13 January 2000]:* The contracts between NMEC and sponsors of the Millennium Experience are subject to confidentiality clauses applicable to both parties. This is normal practice in commercial operations. The Government have, however, placed in the House Libraries on 17 December 1998, NMEC's "Outline Approach to Official Sponsors of the Dome" and on 14 December 1999, NMEC's pamphlet "Sponsor Identity and Branding Related to Zones". NMEC must operate in a commercial way if it is to deliver its objectives for the Millennium Experience and if it is to compete successfully both in the visitor attraction market, and in the event sponsorship market. Its ability to do so will be compromised if every detail of all its operations and all its contractual terms with suppliers and sponsors are published. In order to meet its public accountability responsibilities, NMEC has made available, and will continue to make available when requested, commercially confidential information, to the Culture, Media and Sport Committee of the House. The Government are satisfied that the NMEC's approach in these matters is acceptable given the commercial nature of its operation.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport how many guests invited to the Dome for new year's eve did not receive their tickets before 31 December. [104433]

Janet Anderson *[holding answer 13 January 2000]:* Over 8,000 of the 10,000 or so guests at the Dome Opening Celebration received their tickets before 31 December. Of the 2,000 or so who did not, arrangements were made for them to pick up their tickets either at Charlton or Stratford rail stations depending on

where they had been advised to go beforehand. Every effort was made to contact, before 31 December, those whose tickets could not be despatched in time. The Shareholder, the Lord Falconer of Thoroton, the NMEC Chief Executive and the Metropolitan police have apologised for the inconvenience caused to guests who experienced delays at Stratford in particular, although the process on the night of picking up tickets was not, of itself, a material cause of delays. The event itself, in terms of the numbers attending, the arrangements for the safety of all guests, and the programme of spectacular entertainment, presented NMEC, the police and the transport operators with unprecedented logistical and security requirements. There were clearly some problems with timely ticket issues for all guests and with arrangements at Stratford in particular—and all guests who came via that satellite have been offered a free visit to the Dome on a day of their choosing. Despite those problems, the majority of people who attended on the night had a thoroughly enjoyable evening entertained by some truly spectacular performances.

New Millennium Experience Company

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on bonus payments to the Chief Executive and the senior team of the New Millennium Experience Company. [105037]

Janet Anderson *[holding answer 17 January 2000]:* The remuneration policy for the executive directors of NMEC's Board, including the Chief Executive and the Managing Director, are set out in the company's published Annual Reports and Accounts, as are their actual remuneration details for the year to which each set of Accounts refers. Performance bonuses are payable at the end of the individual's contract. No entitlement to the payment of the bonus accrues during the course of the contract. The quantum of any such bonus paid are matters for the Board of NMEC. The Board will take account of all aspects of the performance of the individuals concerned.

Mr. Hoyle: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the future of the Chief Executive of the New Millennium Experience Company. [105038]

Janet Anderson *[holding answer 17 January 2000]:* Once the Chief Executive of NMEC has completed her contract with that company her future is entirely a matter for her. Since taking up her post at NMEC in January 1997 she has, with her team, delivered some remarkable achievements on a particularly complex and unique project.

Wembley Stadium

Mr. Wyatt: To ask the Secretary of State for Culture, Media and Sport (1) if he will place in the Library *(a)* Sport England's and *(b)* his Department's minutes of the meetings held between Sport England, the Chairman of Wembley National Stadium Ltd. and the former Minister for Sport, the hon. Member for West Ham (Mr. Banks); [106632]

(2) if his Department has copies of all the minutes or reports taken by Sport England of the meetings involving the CEO of Sport England, the Chairman of Wembley National Stadium Ltd. and the former Minister for Sport, the hon. Member for West Ham (Mr. Banks); [106633]

(3) which officials from Sport England accompanied the CEO to meetings concerning the new Wembley Stadium, between the former Minister for Sport, the hon. Member for West Ham (Mr. Banks), and the Chairman of Wembley National Stadium Ltd.; [106634]

(4) how many meetings were held between the then Minister for Sport, the Chairman of Wembley National Stadium Ltd. and the CEO of Sport England between May 1997 and July 1999 to discuss the new Wembley Stadium. [106635]

Kate Hoey *[holding answer 24 January 2000]:* The former Minister for Sport, my hon. Friend the Member for West Ham (Mr. Banks), had a total of 12 meetings involving either the Chief Executive of Sport England or the Chairman of Wembley National Stadium Limited between May 1997 and July 1999. The dates and details of those attending are as listed. My Department does not hold copies of Sport England's notes, the publication of which is a matter for them to consider, but maintains its own internal notes of such meetings. In respect of my Department's minutes of these meetings, representatives of non-governmental organisations took part in those meetings on the understanding that discussions were in confidence, and I do not, therefore, consider it appropriate that they should be published.

21 May 1997—Meeting

Minister for Sport—Tony Banks MP

Joanne Buggins—Private Secretary to the Minister

Simon Broadley—DCMS

Colin Jones—DCMS

Andrew Marre—DCMS

Derek Casey—Chief Executive, Sport England

Sir Rodney Walker—Chairman, Sport England

2 March 1998—Meeting

Minister for Sport—Tony Banks MP

Fiona Wood—Assistant Private Secretary to the Minister

Simon Broadley—DCMS

Sir Rodney Walker—Chairman, Sport England

Derek Casey—Chief Executive, Sport England

23 June 1998—Lunch

Minister for Sport—Tony Banks MP

Ken Bates—Chairman, Wembley National Stadium Limited

23 July 1998—Meeting

Minister for Sport—Tony Banks MP

Sandie Green—Private Secretary to the Minister

Graham Bond—DCMS

Graham Newsome—DCMS

Colin Jones—DCMS

Derek Casey—Chief Executive, Sport England

Ian Fytche—Sport England

25 September 1998—Meeting
Minister for Sport—Tony Banks MP
Graham Bond—DCMS
Derek Casey—Chief Executive, Sport England
Ken Bates—Chairman, Wembley National Stadium Limited
Lord Harris—Chairman, English National Stadium Trust

12 January 1999—Meeting
Minister for Sport—Tony Banks MP
Nicky Hughes—Private Secretary to the Minister
FA Executive (inc. Ken Bates)

17 February 1999—NS Monitoring Committee
Secretary of State
Minister for Sport—Tony Banks MP
James Purnell, No. 10 Policy Unit
Simon Broadley, DCMS
Graham Bond, DCMS
Chris Carr, DCMS
Andy Burnham, DCMS Special Adviser
Derek Casey, Sport England
Ian Fytche, Sport England
Ralph Ward, Government Office for London
Ken Bats, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Nic Coward, Football Association

16 April 1999—Meeting
Minister for Sport—Tony Banks MP
Graham Bond—DCMS
Barry Gardiner MP
Gary Morgan—Research Assistant to Mr. Gardiner
Derek Casey—Chief Executive, Sport England

20 May 1999—NS Monitoring Committee
Secretary of State
Minister for Sport—Tony Banks MP
Simon Broadley, DCMS
Colin Jones, DCMS
Chris Carr, DCMS
Derek Casey, Sport England
Ian Fytche, Sport England
John Sienkiewicz, Government Office for London
Ken Bates, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Nic Coward, Football Association
Sir Alan Cockshaw, English Partnerships

29 June 1999—Meeting
Minister for Sport—Tony Banks MP
Nicky Hughes—Private Secretary to the Minister for Sport
Simon Broadley—DCMS
Colin Jones—DCMS
Derek Casey—Chief Executive, Sport England
Ian Fytche—Sport England

2 July 1999—Dinner
Secretary of State
Minister for Sport—Tony Banks MP
Nicky Hughes—Private Secretary to the Minister
Andy Burnham—DCMS Special Adviser
Trevor Brooking—Chairman, Sport England
Des Wilson—Vice Chairman, Sport England
Derek Casey—Chief Executive, Sport England

15 July 1999—NS Monitoring Committee
Secretary of State
Minister for Sport, Tony Banks MP
Philippa Drew, DCMS
Harry Reeves, DCMS
Colin Jones, DCMS
Graham Bond, DCMS
Philip Townsend, DCMS
Chris Carr, DCMS
Andy Burnham, DCMS Special Adviser
Derek Casey, Sport England
Ian Fytche, Sport England
John Sienkiewicz, Government Office for London
Ken Bates, Wembley National Stadium Limited
Bob Stubbs, Wembley National Stadium Limited
Louise Green, Wembley National Stadium Limited
Gary Hunt, Wembley National Stadium Limited
Hugh Thomas, World Design Team
Nic Coward, Football Association
Sir Alan Cockshaw, English Partnerships
Paula Hay-Plumb, English Partnerships
Tony Winterbottom, English Partnerships
Sir Nigel Mobbs, Wembley Task Force.

Playing Fields

Mr. MacShane: To ask the Secretary of State for Culture, Media and Sport what funds are available from *(a)* sports foundations sponsored by his Department and *(b)* the National Lottery to support travel by schoolchildren to playing fields for the purpose of participating in team sports. [108131]

Kate Hoey: The travel costs to playing fields for schoolchildren is eligible for support under the National Lottery Awards for All programme provided the travel is undertaken outside of school hours and is part of an overall project for which funding is being sought. This programme provides lottery grants of up to £5,000 to support short-term revenue as well as capital schemes. To date, Sport England has made around 2,000 awards totalling £4.8 million under the Programme, although it is not possible to say how much of this relates specifically to travel costs.

The Sportsmatch scheme, which is funded by my Department through Sport England, encourages business sponsors to invest in grass roots sport by matching their investment pound for pound up to £50,000 for eligible projects. Since its introduction eight years ago more than £20 million of Sportsmatch funding has been awarded in 72 sports, the majority supporting youth development programmes. Many of these involve the provision of coaching to youngsters, with a proportion of the funding allocated to transportation from home or school to playing fields and other facilities, although no details are available of the specific sums spent on travel.

NORTHERN IRELAND

Saville Inquiry

Mr. William Ross: To ask the Secretary of State for Northern Ireland, pursuant to his answer of

24 January 2000, *Official Report*, column 8W, on the Saville inquiry, how much of the sums expended after 31 October 1999 were spent under each of the principal sub-headings. [107401]

Mr. Ingram: The sums expended by the Saville Inquiry between 1 November 1999 and 31 December 1999 (the most recent date for which information is available) break down as follows under the main sub-headings:

	Total (£)
Salaries	187,893.71
Travel and Subsistence	24,731.22
Accommodation	264,551.82
Payments to barristers and solicitors	1,600,130.84
IT/Communication Costs	39,163.50
Miscellaneous, including general Office Expenditure	47,461.94
Total	2,163,933.03

Mr. William Ross: To ask the Secretary of State for Northern Ireland what is the hourly rate paid to *(a)* solicitors and *(b)* barristers acting for the families of those persons killed by the Army in Londonderry on 30 January 1972; by what procedures these sums were negotiated and agreed; when they were agreed; how often they are paid; under which estimates budget subheadings provision for these sums falls; and what were the total sums paid to (i) solicitors and (ii) barristers up to 31 December 1999. [107387]

Mr. Ingram: Interim arrangements for the payment of solicitors and barristers acting for the families of those killed on 30 January 1972 have applied since 29 October 1999. The interim rates are as follows—solicitors receive £114 per hour, unqualified personnel £57 per hour, Senior Counsel receive £200 per hour and Junior Counsel £100 per hour. The interim arrangements provide for senior counsel to be paid at the rate of £1,500 per day and Junior Counsel £750 per day. In addition they will be able to claim up to two hours preparatory work per day during the hearing. The Tribunal plans to submit these fees for determination to the Senior Costs Judge later this year, and again when the Tribunal's final report is submitted to the Secretary of State. These arrangements were agreed after consultation between the Inquiry and the Northern Ireland Office. Junior Counsel have challenged these interim arrangements on the grounds that they are entitled to receive two-thirds, not one half, of their senior's rate and are seeking leave to have the matter judicially reviewed.

Payment of these sums is covered by the 1999–2000 Main Supply Estimates and provision falls under the Northern Ireland Office Class XV, Vote 1 within Line K Bloody Sunday (Saville) Inquiry Subhead 2 Other Current Expenditure. Sums are paid monthly after receipt of an invoice. It is not possible to provide a figure for monies paid to solicitors and barristers separately, nor to give a figure for payments for their professional services, separately from their other expenses. The total amount paid out to cover both fees and other expenses up to 31 December 1999 is £7,698,820.

Barristers

Mr. McNamara: To ask the Secretary of State for Northern Ireland what correspondence he has exchanged over the past three years with the Lord Chancellor concerning appointments to the Inner Bar of Northern Ireland; and if he will place correspondence in the Library. [107828]

Mr. Ingram: This question relates to a matter currently before the High Court in Northern Ireland. It would be inappropriate, therefore, to offer comment or to place correspondence in the Library as requested.

Decommissioning

Mr. Fabricant: To ask the Secretary of State for Northern Ireland when he will place the full copy of the report of the International Body on Decommissioning in the Library. [108597]

Mr. Mandelson: In my Statement to the House on 3 February 2000, *Official Report*, columns 1311–12, I gave a full account of the report.

If a further report is presented, the two reports will be published together.

EDUCATION AND EMPLOYMENT

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for Education and Employment how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the new year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104496]

Mr. Wills: The information requested is not held centrally or collected in the form requested. It could be provided only at disproportionate cost. Individual line managers are responsible for budgets and for processing/authorising overtime payments. Any overtime payments for the new year period will not be separately identifiable. In addition, any payments will not yet have been submitted/processed.

Parliamentary Questions

Mr. Oaten: To ask the Secretary of State for Education and Employment how many questions to his Department were tabled for written answer during session 1998–99; and how many of these he replied to *(a)* by means of a letter placed in the Library rather than by substantive answer in the *Official Report*, *(b)* by stating that a substantive answer could not be given due to information not being held centrally and *(c)* by stating that a substantive answer could not be given due to disproportionate cost. [106486]

Mr. Wills: During the Parliamentary session 1998–99, 2,154 PQs were tabled to the Department for written answer.

We do not maintain statistical records breaking down the nature of replies given in the manner requested. This could be provided only at disproportionate cost.

Mr. Oaten: To ask the Secretary of State for Education and Employment how many questions to his Department tabled for ordinary written answer during Session 1998–99 were answered *(a)* within two weeks of tabling, *(b)* within one month of tabling, *(c)* within three months of tabling and *(d)* after three months of tabling. [106490]

Mr. Wills: We do not record this information in precisely the manner requested, but I am able to provide the following information:

During the Parliamentary session 1998–99, 1,189 PQs were tabled to the Department for ordinary written answer. Of these 1,141 PQs (96 per cent.) were answered within two weeks of tabling, 42 PQs (3 per cent.) were answered between two weeks and four weeks of tabling, and six PQs (1 per cent.) were answered between four weeks and three months of tabling. No PQs were answered more than three months after tabling.

Mr. Oaten: To ask the Secretary of State for Education and Employment how many questions to his Department tabled for written answer on a named day during the session 1998–99 were answered *(a)* on or before a named day, *(b)* by within one week of a named day, *(c)* within one month of a named day, *(d)* within three months of a named day and *(e)* after three months of a named day. [106479]

Mr. Wills: We do not record this information in precisely the manner requested, but I am able to provide the following information:

During the Parliamentary session 1998–99, 965 PQs were tabled to the Department for answer on a named day. Of these 714 PQs (74 per cent.) were answered on the named day; 192 PQs (20 per cent.) were answered within one week of the named day; 50 PQs (5 per cent.) were answered between one week and four weeks of the named day; and nine PQs (1 per cent.) were answered between four weeks and three months of the named day. No PQs were answered more than three months after the named day.

Ministerial Speeches

Mr. Maclean: To ask the Secretary of State for Education and Employment what is the total cost to his Department of the publication of his speeches since 1997. [107436]

Mr. Wills: All Departmental speeches are made available on request and free of charge. Since 1997, the Secretary of State for Education and Employment has delivered over 200 speeches, a number of which have been made available on the DfEE's internet site. We estimate that the cost of publication is £24,000.

Research Contracts

Dr. Harris: To ask the Secretary of State for Education and Employment, pursuant to his answer of 10 January 2000, *Official Report*, columns 39–40W, what restrictions were placed on contractors carrying out research projects funded by his Department in 1999 in respect of them discussing their findings with journalists *(a)* before and *(b)* after publication. [108201]

Mr. Wills: The Department's research contracts place no restrictions on contractors discussing their findings with journalists before or after publication. DfEE research contracts include standard Confidentiality clauses designed to protect any third party confidentiality and to ensure the Department is kept informed of any advertising or promotional material involving its research findings.

Sure Start

Mr. Field: To ask the Secretary of State for Education and Employment, pursuant to his answer of 28 January, *Official Report*, column 386W on Sure Start, what are the local Sure Start Programme areas in the parliamentary constituencies of *(a)* Birkenhead, *(b)* Wirral South, *(c)* Wirral West and *(d)* Wallasey. [108349]

Yvette Cooper: There is one local Sure Start programme currently being developed in the Wirral. It is in north Birkenhead and cuts across the wards of Bidston and Birkenhead. This area falls within the parliamentary constituency of Birkenhead. There are no Sure Start programmes in the parliamentary constituencies of Wirral South, Wirral West, and Wallasey.

School Inspections

Mr. Hilary Benn: To ask the Secretary of State for Education and Employment, (1) pursuant to his answer of 31 January 2000, *Official Report*, column 421W, on school inspections, if he will place in the Library a copy of the analysis of the Ofsted/Audit Commission questionnaire replies from schools in Leeds, broken down by primary and secondary sectors; [108694]

(2) pursuant to his answer of 31 January 2000, *Official Report*, column 421W, on school inspections, if he will place in the Library a copy of the summary analysis of schools' views for each local education authority inspected by Ofsted to date. [108695]

Ms Estelle Morris: This is a matter for Her Majesty's Chief Inspector of Schools, Chris Woodhead. I have asked him to write to my hon. Friend and to place a copy of his letter in the Libraries.

CABINET OFFICE

Anti-drugs Strategy

Mr. Illsley: To ask the Minister for the Cabinet Office what progress is being made in increasing the numbers of problem drug misusers in treatment. [109169]

Marjorie Mowlam: The Government have allocated an additional £200 million over three years to provide treatment for drug misusers. We are beginning to see the effect of this investment in expansion of treatment services in prisons, the development of arrest referral schemes and the expansion of community-based drug treatment services.

One of the barriers to faster expansion is the shortage of suitably skilled staff and I have recently announced a major new recruitment campaign for drug workers, to begin in March. This campaign will be jointly funded by the Department of Health and the Home Office and we aim to recruit up to 300 new drug workers. We hope to attract people from a wide range of backgrounds, and we are ensuring that training will be available to enable the new drug workers to begin work as quickly as possible.

FOREIGN AND COMMONWEALTH AFFAIRS

Staff Bonuses

Mr. Matthew Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs how much his Department, its agencies and associated public bodies spent in total on extra bonuses above usual payments for staff working over the new year period; what were the *(a)* maximum and *(b)* minimum bonuses paid; how many people received the (i) maximum and (ii) minimum payments; and if he will make a statement. [104489]

Mr. Hain: Some Foreign and Commonwealth Office staff were required to work over the Millennium to monitor international Millennium related development, provide consular, press and communications services and to check FCO IT and other systems worldwide.

To compensate staff for working over the period, bank holiday overtime rates payable in the United Kingdom were increased by 50 per cent. Shift disturbance allowance and on-call allowances were also enhanced. Staff in grades not normally eligible for overtime payments received a special payment of £27.50 per hour worked. About 130 staff will receive these various payments.

Staff employed in the non-departmental public bodies for which the FCO is responsible received comparable treatment.

FCO staff serving overseas do not qualify for overtime or shift allowance payments. They received no additional payments.

It is not possible to provide full cost details, since individual line managers are responsible for authorising overtime payments from their budgets and the payments are still being processed.

I should like to pay tribute to the efforts of all FCO staff to ensure that the Department's business was carried on as normal and that the coverage of developments abroad over the period went smoothly and efficiently.

European Commission

Mr. Norman: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to respond formally to the Commission's Consultation Document, "Reforming the Commission". [107361]

Mr. Vaz: I refer the hon. Gentleman to the answer given by my right hon. Friend the Prime Minister on 31 January 2000, *Official Report*, column 408W.

INTERNATIONAL DEVELOPMENT

Montserrat

Dr. Tonge: To ask the Secretary of State for International Development what discussions she has had with the Montserrat Government concerning the return of residents to exclusion zones. [108146]

Clare Short: Island residents are not permitted in the Exclusion Zone by order of the Governor, under his Emergency Powers. The Governor takes regular advice from scientists and the Volcano Executive Group. Following the last scientific assessment (December 1999) there is no immediate prospect of residents being allowed to return to live in the excluded areas.

Dr. Tonge: To ask the Secretary of State for International Development (1) what reports she has received of the long-term health risks to residents in Montserrat in areas affected by volcanic ash containing high percentages of cristobalite; [108141]

(2) what reports she has received on the effect on the health of residents of ash deposits in Montserrat. [108142]

Clare Short: My Department has commissioned and received a number of reports from a Consultant Occupational Physician at the University of Cambridge. These include a report of research carried out on respiratory function and asthma in children (April 1998), one describing the health hazards of volcanic ash in areas south of the Belham Valley (July 1999), and health risk annexes to Scientific and Hazard Assessment reports received over the last two years, the latest in December 1999.

Future reports will include (i) the outcomes of two toxicological studies on the long-term effects of exposure to volcanic ash (ii) conclusions on the respiratory health of Montserratians on island and (iii) estimates of the long-term effects and health risks associated with cristobalite in volcanic ash.

Dr. Tonge: To ask the Secretary of State for International Development what health checks have been provided for Montserratians in (i) Montserrat and (ii) the UK following their exposure to ash. [108140]

Clare Short: We organised health checks for all Montserratians evacuated to the UK under the HMG sponsored evacuation arrangements. Follow-up checks are under consideration. The Government of Montserrat's Environmental Health Department regularly monitor ash levels both on the ground and in the air. In addition, we have agreed in principle to fund a study by the Institute of Occupational Medicine on the respiratory health and exposure to volcanic dust of Montserratian residents.

Dr. Tonge: To ask the Secretary of State for International Development what recent reports she has received of activity levels of the Saufoiere Hills volcano in Montserrat. [108143]

Clare Short: We receive weekly reports from the Montserrat Volcano Observatory. The volcano's new dome began to grow in November 1999 and now has an estimated volume of 16 million cubic metres. The rate of growth is similar to that associated with the 1997 eruption. Resumed magma ascent reinforces the need for sustained and vigilant monitoring. The December 1999 Scientific and Hazards Assessment Report concluded there are no immediate risks outside the Exclusion Zone.

Oath of Allegiance

Mr. Field: To ask the Secretary of State for International Development how many letters she has received since 1 May 1997 on *(a)* constituency matters

and *(b)* other matters of Government policy from each of those Members of the House who have not taken the Oath of Allegiance. [108405]

Clare Short: This information cannot be provided on the basis that correspondence between MPs and Departments is treated in confidence unless the originating MP chooses to make such issues public.

Charities

Mr. Streeter: To ask the Secretary of State for International Development what percentage of the aid budget was channelled through charities with an annual turnover of less than £1 million in each of the last three years. [106438]

Clare Short: We provided a total of £167 million through 233 UK charities in the financial year 1996–97, a total of £172 million through 223 UK charities in 1997–98, and a total of £182 million through 209 UK charities in 1998–99.

Full details of DFID's expenditure appear in "Statistics on International Development", a copy of which is in the Library of the House.

Information on disbursement to charities with an annual turnover of less than £1 million is not held centrally.

Chechnya

Mr. Cohen: To ask the Secretary of State for International Development what assistance her Department is providing to Chechnyan refugees; and if she will make a statement. [108640]

Clare Short: We have so far contributed £500,000 to the International Committee of the Red Cross (ICRC) appeal for the North Caucasus, and $1,450,000 (£893,000) to the UN Inter Agency Appeal for internally displaced people in the North Caucasus, split between the World Food Programme ($1,000,000), the United Nations Children's Fund ($250,000), the World Health Organisation ($100,000) and the UN Office for the Co-ordination of Humanitarian Affairs ($100,000). The UK has also contributed through our share of the 2.2 million euro donated by the EU (Primarily to UNHCR (1 million euro) and ICRC (1 million euro)). We are monitoring the humanitarian situation closely.

GM Crops

Dr. Kumar: To ask the Secretary of State for International Development what projects her Department has supported which involved the growing of genetically modified crops. [108391]

Clare Short: A list of the projects and a briefing on the approach of my Department to genetically modified crops have been sent to my hon. Friend and placed in the Library.

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Printed indexes to Hansard

The volume index is one of three printed indexes to Commons Hansard produced from the House of Commons Library's Parliamentary On-Line Indexing Service (POLIS). It contains references to material in the bound volumes of Hansard. The other indexes produced are:

- The fortnightly index to Hansard. This covers the same date range as the volume index but references are to the column numbering in the daily parts and weekly edition of Hansard.
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- The names of all Members contributing to the Parliamentary business recorded in Hansard.
- The names of some types of Parliamentary business whenever they occur in Hansard. These are 'Ministerial statements', 'Business statements', 'Opposition days' and 'Estimates days'.

ARRANGEMENT

- All headings are in one word-by-word alphabetical sequence, with Members' contribution entries distinguished from other entries by italics.
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- 'St', when abbreviated for Saint, is filed as 'Saint'.
- Numbers are filed as if spelt out, e.g. '10 Downing Street' as if 'Ten Downing Street'.

HEADINGS

Choice of headings

- *Specificity*—Entries summarise the overall content of a debate or question as specifically as the various POLIS thesauruses allow. For example, Education, Higher education, Universities or the name of a particular university is used depending on the breadth of the item.
- *Name headings*—Specific entries are included for the names of people, places, institutions, organisations, committees, programmes, initiatives, publications and legislation when these constitute the overall subject of an item.
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- *Subject headings*—Subject headings are assumed to refer to the whole of England, Great Britain or the United Kingdom unless otherwise stated.
- *Scotland, Northern Ireland and Wales*—Material relating to the whole of Scotland, Northern Ireland and Wales is indexed under these headings.
- *Places within the UK*—Material about specific towns, areas and institutions is entered under the name of the specific town, area or institution.
- *Foreign countries*—Most material relating to foreign countries is collected under the name of that country. Some additional material may be found under the names of—groups of countries, areas within countries, geographical features, place names associated with particular issues, politicians and heads of state, international bodies, and institutions and companies operating in those countries.
- *EC/EU material*—General material about the European Communities and European institutions as bodies is entered under 'European Communities' and 'EC institutions'. Organisational material about specific communities and institutions is entered under the name of the body, for example 'European Coal and Steel Community' or 'European Parliament'. Material about what the Communities and institutions are doing or propose to do is entered under various subject headings beginning 'EC' such as 'EC environmental policy'.

Parliamentary material and business

- *Material about Parliament*—This is indexed under 'Parliament', the names of the two Houses, the 'Palace of Westminster' and parts of the Parliamentary estate (such as 'Portcullis House').
- *Committees*—Material about committees is indexed under 'Committees', types of committee (such as 'Select committees') and the names of individual committees (such as 'Home Affairs Select Committee').
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- *Legislation*—Entries for Parliamentary proceedings on bills and statutory instruments are entered under their titles. Where the lead word of the bill or statutory instrument does not provide a full or clear indication of the subject there are additional subject entries when the bill or instrument is debated. For example, debates on the 'Child Support Pensions and Social Security Bill' have entries under 'Pensions' and 'Social security benefits' as well as under the title of the Bill.
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- *Speaker and Chair*—Contributions by the Speaker and deputies are brought together under the heading 'Speaker and deputies'. Contributions from the chair during Committees of the Whole House are brought together under 'Chairman of Committee of the Whole House'. Significant rulings and statements (as opposed to routine comments) are indicated by the sub-heading 'Rulings and statements' in both cases.

Guidance on headings

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- *Concept thesaurus*—A copy of the subject thesaurus to POLIS, listing the concept entries used in the index, is available on the Parliamentary website. A hard copy is available from the Head of the POLIS Unit, House of Commons Library, 1 Derby Gate, London, SW1A 2DG (020 7219 6456).

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- References to debates, but not questions, are accompanied by the date of the item.
- There are separate sequences in Hansard for the material taken on the floor of the House, Westminster Hall sittings and written questions:
  - References consisting of a number by itself indicate material taken on the floor of the House.
  - References ending in 'wh' indicate Westminster Hall sittings.
  - References ending in 'w' indicate written questions.
- References under all headings except the names of Members contributing to Parliamentary business and the titles of legislation are listed in one numerical sequence irrespective of whether the material is taken on the floor of the House, is discussed at a Westminster Hall sitting or is a written question.
- References under the names of Members contributing to Parliamentary business and the titles of legislation are listed in numerical sequence under the following headings:
  - *Debates etc.* (which includes interventions and points of order as well as significant contributions to debates);
  - *Sittings in Westminster Hall* (covering all debates held as part of the Westminster Hall sittings); and
  - *Questions* (which includes written, oral and private notice questions).

ABBREVIATIONS

The following abbreviations are used in connection with the progress of bills:

- 1R=First reading
- 2R=Second reading
- Com=Committee stage
- Rep=Report stage
- 3R=Third reading
- res=resolution
- amendt(s)=amendment(s)
- *=matter taken formally without debate or division.

Parliamentary background

- The Parliamentary website at http://www.parliament.uk contains a range of information about Parliament and the full text of some Parliamentary papers and proceedings including Hansard.
- Information on current Parliamentary business is provided in the House of Commons Information Office *Weekly Information Bulletin*, available on the website and from The Stationery Office (020 7873 8499).
- Further information on Parliamentary proceedings and procedures is available from the House of Commons Information Office (020 7219 4272).

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